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(FORMED BY THE Rt Hon. THERESA MAY, MP, JULY 2016)

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6 February 2017
Mr Speaker: I wish to make a short statement to the House.

A fortnight ago, the House of Commons Commission endorsed a proposition upon which I confess that I am myself very keen—having, indeed, originally suggested it myself—that a wider range of less senior procedural Clerks should have an opportunity to sit at the Table alongside more experienced colleagues to familiarise themselves with Chamber practice and procedure. At the same time, the Commission endorsed a proposition from the Clerk of the House, reflecting the overwhelming view of his colleagues, that Clerks should no longer wear wigs at the Table in the Chamber. They will also cease to wear court dress, but they will continue to wear gowns, so as to be distinguishable as experts in parliamentary procedure—not lawyers, and certainly not Members. Details are in a letter from the Clerk of the House to the Chair of the Procedure Committee, which is available on the Committee’s website and in the Vote Office.

Colleagues will be pleased to learn that this change will in the longer term save money. It will, I believe, be welcomed by those Clerks who serve or look forward to serving at the Table, and it will moreover, in my view—which I recognise may not be universally shared—convey to the public a marginally less stuffy and forbidding image of this Chamber at work. The new regime will start soon after we return from the short February recess.

Oral Answers to Questions

EDUCATION

Mr Speaker: I call Karen Buck. Not here. Well, one person who is here—I can see that very clearly, to my great satisfaction—is the right hon. Member for Mid Sussex (Sir Nicholas Soames).

The Secretary of State was asked—

Education Funding: West Sussex

2. Sir Nicholas Soames (Mid Sussex) (Con): What her plans are for education funding in West Sussex.

The Secretary of State for Education (Justine Greening): We are replacing the historical postcode lottery in school funding with a proper, transparent national funding formula that is fair whereby funding will be allocated to schools based on the needs of pupils. Compared with the alternative of the current postcode-lottery approach, the fairer funding proposals on which we are consulting would mean a £14.6 million annual increase in funding to local West Sussex schools.

Sir Nicholas Soames: I am sorry, Mr Speaker; you caught me without my wig.

Almost all the 286 schools in West Sussex find their budgets under extreme strain, so they welcome these new developments, but as West Sussex is already one of the lowest funded of all the shire counties, will my right hon. Friend look very carefully in particular at the budgets of small rural schools, which find themselves unfortunately and unfavourably treated?

Justine Greening: Of course, my right hon. Friend will be aware that we are in the second phase of the consultation on the introduction of the national funding formula. This is a once-in-a-generation opportunity to finally reach a settlement on fair funding that really works. I know that he and many other colleagues will have their views about how they want the formula to work, and he is right to raise them.
Several hon. Members rose—

Mr Speaker: Order. I listened carefully to the response from the Secretary of State, who has not broadened the matter, and therefore the question appertains exclusively to West Sussex.

Christian Matheson (City of Chester) (Lab) rose—

Mr Speaker: Order. The hon. Gentleman’s Chester constituency is a considerable distance from West Sussex, but if, and only if, his question focuses exclusively upon West Sussex—

Christian Matheson: Almost exclusively, Mr Speaker?

Mr Speaker: No, exclusively. Get in there, man.

Christian Matheson: West Sussex’s education funding has increased by 1.9%—I am very pleased to hear that—but other areas close to West Sussex will have received cuts of up to 1.3%, so why is West Sussex being treated so much more generously?

Mr Speaker: The hon. Gentleman is a very fine man, but I am not sure that he would triumph if he appeared on “Just a Minute”.

Justine Greening: I recognise that the funding formula means that schools will receive different settlements from the ones that they have had in the past. We are trying to ensure that every single child, wherever they are growing up in England, gets the same amount of funding, but that there is then a top-up in relation to additional needs, such as in respect of deprivation, which has been based on out-of-date data up until now; or indeed additional funding for low prior attainment.

Sir Desmond Swayne (New Forest West) (Con): Will the impact of the new formula in West Sussex disproportionately disadvantage rural primary schools in the way that it will elsewhere?

Justine Greening: The introduction of the formula leads to different effects in different parts of the country. Obviously, we are putting in place a fair funding formula, but it has to work for all schools. We are having the second phase of the consultation to try to ensure that we get this right. We have particularly focused on helping small rural schools by relating an element of the formula to sparsity. There is also a lump-sum element. I am interested to hear all colleagues’ views in the consultation.

Angela Rayner (Ashton-under-Lyne) (Lab): The Secretary of State’s answers so far will give no comfort to schools in West Sussex, which will have had an 8% reduction by 2019, or anywhere else that is facing real-terms funding cuts. Does she stand by her party’s manifesto pledge that every school in Britain, including every school in West Sussex, will receive a real-terms spending increase per pupil during this Parliament?

Justine Greening: As ever, the hon. Lady is not clear about whether she even supports the concept of fair funding. I would have thought that all MPs would want to see all children getting fair schools funding across the board. A record amount of money is going into our schools budget and we have protected the core schools budget in real terms. There is record funding, but it is important that we ensure, through the fair funding formula, that it is distributed fairly.

National Funding Formula: Devon

4. Mr Ben Bradshaw (Exeter) (Lab): What representations has she received on the effect of the proposed funding formula on schools in Devon; and if she will make a statement.

The Minister for School Standards (Mr Nick Gibb): We received 6,000 responses to the first stage of the consultation on the national funding formula, which sets out the principles and factors to be used in the formula. We continue to receive representations on the second stage of the consultation, which closes on 22 March. Our proposals for funding reform will mean that schools will, for the first time, receive a consistent and fair share of the schools budget, addressing the anachronistic unfair funding system that has been in place since 2005.

Mr Bradshaw: Exeter schools already suffer a double whammy—they are in one of the lowest funded counties in England, and they have to subsidise the high cost of providing school transport and keeping open small rural schools—yet the new funding formula will actually make them worse off. How will the Minister explain that to my constituents and to the schools themselves?

Mr Gibb: In Devon, as a result of the new funding formula and on the basis of the figures for 2016-17, school funding would rise from £377.2 million to £378.7 million, an increase of 0.4%. In the right hon. Gentleman’s Exeter constituency, there will be no overall change in the level of funding, although there will of course be changes between schools. Whenever we introduce a new national formula and illustrate it on the basis of the current year’s figures—in this case, 2016-17—some schools will inevitably gain and others will lose. Overall, 54% of schools across the country will gain under the new national funding formula.

Sir Hugo Swire (East Devon) (Con): If these proposals are adopted, the historically underfunded constituency of East Devon will have 15 primary schools that gain while 20 lose out, and all our secondary schools will lose out. That is clearly neither fair nor acceptable. Will the Secretary of State agree to meet me and other Devon MPs so that we can make our point yet again?

Mr Gibb: I am very happy to meet my right hon. Friend. I think that the Secretary of State has already met Devon MPs to discuss this matter, but I am sure that she will do so again.

I understand the concerns of my right hon. Friend. The Member for East Devon (Sir Hugo Swire). There is a small fall in overall funding in his constituency, although 40% of schools in East Devon will see a rise in income on the basis of the new formula. The new funding formula attaches a higher value to deprivation than Devon’s local formula, so schools in Devon with a low proportion of pupils from a disadvantaged background or with low prior attainment do less well under the
national formula. I am sure that my right hon. Friend will continue to make representations through the consultation, which closes on 22 March.

Several hon. Members rose—

Mr Speaker: Order. By his earlier reference to the situation “across the country”, the Minister extended the question beyond Devon, allowing other would-be contributors to ask a question.

Tracy Brabin (Batley and Spen) (Lab): The head of one of my local academy trusts tells me that his school will lose more than 2.5% of its overall budget as a result of the national funding formula alone. That figure is higher than the 1.5% cap promised by the Government. Does the Minister share the trust’s view that the cuts will have the biggest impact on deprived and vulnerable children? If so, what are the Government doing?

Mr Gibb: No, I am afraid that the hon. Lady is wrong. We aggregated all the local funding formulae across the 150 local authorities and looked at the level of deprivation. We are allocating 9.5% of the national funding formula to deprivation, which is broadly in line with the existing position. We have also increased the amount in the funding formula that goes to children who are falling behind. I would have thought that the hon. Lady, representing the constituency that she does, would support a fairer funding system that helps those particular children.

19. [908604] Neil Parish (Tiverton and Honiton) (Con): Further to the question asked by my right hon. Friend the Member for East Devon (Sir Hugo Swire), Devon’s small rural schools and the long distances that our pupils have to travel mean that we need more funding. While I welcome fairer funding, we are starting a long way behind.

Mr Gibb: I accept my hon. Friend’s comments. Schools in his constituency will gain about £300,000 of funding overall—a 0.6% increase. On the basis of illustrative figures for 2016-17, 70.6% of schools in his constituency will actually gain funding, compared with 29% that will lose a small amount.

20. [908605] Vicky Foxcroft (Lewisham, Deptford) (Lab): By 2020, the national funding formula will lead to a loss of £339 for every primary pupil and £477 for every secondary pupil. In my constituency, the figures are even higher, with primary schools losing £558 per pupil and secondary schools losing £717 per pupil. How can the Minister justify that when the child poverty level in my constituency is 36%?

Mr Gibb: Because the hon. Lady’s constituency will remain one of the highest-funded areas of the country. She is right that the per pupil funding rate in Lewisham, Deptford will fall from £5,708 to £5,550 as a result of the national funding formula, but that is still one of the highest in the country. The prosperity of London as a whole has increased over the past 10 years, with the proportion of children on free school meals falling from 27% to 18%, but it still has some of the highest levels of deprivation. That is why, under the new national funding formula, London’s funding remains 30% higher than the national average.

Peter Heaton-Jones (North Devon) (Con): I welcome the principle of the new national funding formula, but one third of schools in North Devon look set to lose funding under the indicative figures. Will the Minister continue to listen carefully to our representations? Will he also confirm whether the indicative figures are just that and that they could be subject to some revision?

Mr Gibb: Yes, of course. The consultation is genuine and has been extended for two weeks until 22 March so that we can hear representations from my hon. Friend, from other Members and from members of the public.

Angela Rayner (Ashton-under-Lyne) (Lab): Will the Minister confirm last week’s report that the Secretary of State handed back to the Treasury £384 million that was earmarked for school improvement? Does he agree with the estimate of London Councils that it would take £335 million to ensure that no school loses out under the new funding formula?

Mr Gibb: The hon. Lady should know how negotiations with the Treasury work. We negotiated a good agreement with the Treasury and have protected core school funding in real terms. We are spending £40 billion a year on school funding—a record high figure—and that is set to rise, as pupil numbers rise over the next two years, to £42 billion by 2019-20. The figure that she refers to is about the cost of academisation. That proposal continues, but we are not targeting the same timetable that was agreed in the previous White Paper.

Kevin Foster (Torbay) (Con): The Minister will be aware that Torbay’s schools benefit overall from the proposals, yet the grammar schools that serve a large swathe of south Devon do not. I thank him for his courtesy in recently meeting the heads of those schools. Will he update me on when we are likely to receive a detailed response to the points we raised?

Mr Gibb: As I said at the meeting, which I enjoyed very much, schools in my hon. Friend’s constituency will gain £1.2 million of extra funding under the new national funding formula, which amounts to an increase of 2.4%. The funding of 78% of schools in his constituency will increase as a result of the formula. I listened carefully to the representations that he and headteachers in his constituency made, and I will respond to him shortly.

Liz Kendall (Leicester West) (Lab): The Minister said earlier that it will be schools with fewer deprived pupils and better prior attainment that are likely to lose out under his proposals, but in my constituency that is simply wrong. The nine schools that will have their funding cut are in the most deprived parts of the city where, on average, children start school 20 months behind where they should be in their development. Something has gone very badly wrong with his plans. Will he look again and explain to me and the teachers in my constituency why the kids who need help the most are going to lose out?
Mr Gibb: The hon. Lady will have looked at the consultation document and seen that a very high proportion of the national funding formula is allocated on the basis of disadvantage—it is based on pupils’ low prior attainment and things such as English as an additional language. The difference is that we are basing the national funding formula on today’s data, not the data as they were in 2005. As my right hon. Friend the Secretary of State has said, we have a once-in-a-generation opportunity to put in place something that the Labour party neglected to do: a fair national funding formula that is based on a clear set of factors and principles, and on up-to-date data.

Nusrat Ghani (Wealden) (Con): In East Sussex, funding per pupil is £193 lower than the national average. What more can be done for my schools in Wealden, which are both small and rural?

Mr Gibb: We have ensured that sparsity is an important factor in the national funding formula and we are increasing funding for the sparsity element from £15 million to £27 million across the system. East Sussex sees an increase in its funding overall and my hon. Friend should welcome this much fairer system. It is fairer to schools in East Sussex and right across the country.

21. [908606] Diana Johnson (Kingston upon Hull North) (Lab): Hull is the 19th most deprived area of the country. In November, when I asked the Secretary of State about the £13 million projected cut to Hull’s school budgets by 2020, she denied it. The figures have now been crunched, and actually it is a £13.2 million reduction in budgets by 2020. What should I say to the heads of the schools in my constituency?

Mr Gibb: I suggest that the hon. Lady tells schools in Hull that, because of the way in which the new national funding formula addresses historical anachronisms and because of our focus on tackling deprivation, Hull’s school funding under the formula rises from £157 million to £161.7 million, which is an increase of some 3%. In her constituency of Kingston upon Hull North, funding rises by £1.4 million, with 83% of her schools seeing an increase in funding on the basis of 2016-17 figures.

National Funding Formula: Hampshire

5. Mr Ranil Jayawardena (North East Hampshire) (Con): What assessment has she made of the effect of the proposed national funding formula on schools in Hampshire.

Mr Jayawardena: I thank the Secretary of State for those figures, which are most welcome—indeed, the county council leader said that to me the other day—but living costs are also high in Hampshire, especially in North East Hampshire. Will she consider tweaking the formula so that it includes a cost-neutral cost of living allowance, given that the average house price in my patch is £375,000, but house prices just over the border, where there is a London allowance, are £50,000 cheaper?

Justine Greening: I am sure my hon. Friend will want to make those points as part of the consultation that is under way, but as he will be aware, our formula looks at area cost adjustments that take into account variations in not only the general labour market but specifically the teaching labour markets. Such an approach is designed to compensate schools that face higher wage costs. We have a measure that is based on salaries, which we think is the best way, but as I said, this is a consultation and I am sure he will want to put the point he makes into it.

Mr Speaker: It is quite a long way over the border to Liverpool, Wavertree, but there we go. I call Luciana Berger.

Luciana Berger (Liverpool, Wavertree) (Lab/Co-op): During these questions, we seem to be dealing with some “alternative facts”. According to the details I have in front of me, Liverpool schools are set to lose £3.6 million. I visited a primary school in Picton in my constituency—Picton is one of the most deprived wards in the country—that is going to lose more than 10% of its budget; we are talking about more than £100,000 for some of the most deprived children in this country. Can the Government please explain to Labour Members, and to the whole House, exactly what is going on and why they seem to be presenting something very different from what our schools are having to contend with in reality?

Justine Greening: I think it is because we are using accurate data. We end up in a straightforward place. First, do we believe that our children should be funded fairly during their time in school, wherever in the country they are growing up? Secondly, do we believe that deprivation funding should be based on up-to-date data? If the Labour party wants an approach that is unfair and based on out-of-date data, I will be happy to see its submissions to the consultation.

National Funding Formula

6. Geoffrey Clifton-Brown (The Cotswolds) (Con): What progress her Department is making on the proposed national funding formula for schools.

The Minister for School Standards (Mr Nick Gibb): Our proposals for funding reform mean that schools and local authority areas would, for the first time, receive a consistent and fair share of the schools budget, so that they can give every child the opportunity to reach their full potential. The consultation on the second stage runs until 22 March. In Gloucestershire, funding would rise from £331.5 million to £334 million because of the national funding formula, on the basis of the 2016-17 figures, which is a rise of 0.8%.
Geoffrey Clifton-Brown: My right hon. Friend is well aware that Gloucestershire has suffered for years under the current system; there is a 61% disparity between the top-funded and the bottom-funded primary schools. Will he look carefully at the unfair proposals he has brought forward in the funding formula, because they double-count items such as deprivation, low attainment and English as a first language, and it is not fair on rural schools?

Mr Gibb: I have listened very carefully to the representations my hon. Friend makes, both today and in the various meetings we have held. The Government’s proposals for funding reform seek to balance carefully the differing needs of rural and urban schools. Schools in the historically lowest-funded areas would gain, on average, about 3.6% under the national funding formula; 676 small and remote rural schools would also benefit from sparsity funding for the first time; and, nationally, small rural schools, as a group, would gain 1.3% on average, with primary schools in sparse areas gaining some 5.3% on average. In his constituency, 64% of the schools would gain funding under the proposals, based on applying the formula to the current year’s figures.

Melanie Onn (Great Grimsby) (Lab): Under the new funding proposals, Ormiston South Parade academy in my constituency will see a 2.8% reduction in its budget, yet The Times reported last week that Ormiston Academies Trust is seeking to hire a public relations agency for up to £900,000 to deal with reputational management. Does the Minister think that parents will consider that a good use of Government funding or that that money should be spent on the school?

Mr Gibb: Academies face much greater financial scrutiny than local authority schools. They have to produce annual audited accounts, whereas local authority schools do not, and the Education Funding Agency scrutinises closely, on a quarterly basis, the funding and expenditure of academies and multi-academy trusts.

Mr Gibb: The new funding formula is designed to ensure that funding is properly matched to need. It uses up-to-date data so that children who face entrenched barriers to their education receive the teaching and support that they need. I recognise that my hon. Friend will be disappointed by the impact of the proposals, on the basis of illustrative figures for the 2016-17 year for schools in Southend. As he knows, we are conducting a full consultation on the formula’s details, and I know he will continue to make his views known through that process.

Angela Rayner (Ashton-under-Lyne) (Lab): To return to the point made by my hon. Friend the Member for Great Grimsby (Melanie Onn) about funding for academies, what will the Minister do to help schools such as the Whitehaven academy in Cumbria, which has been left with a crumbling building after his Government axed its capital funding, and where the teachers are now prevented from photocopying to save money? Will the Government help the pupils and parents who need support?

Mr Gibb: It is nice to hear from the hon. Lady for the third time. We are spending record amounts on capital: £23 billion has been allocated for capital spending over this spending review period. We created 600,000 more school places in the previous Parliament, and we are committed to creating another 600,000 in this Parliament. We are spending £40 billion a year on revenue funding for schools—a record amount that over the next two years will rise, as pupil numbers rise, to £42 billion. None of that would be possible if we relied on the Labour party to oversee the economy. We have a strong economy and we are rescuing it from the fiasco of the previous Labour Government.

Social Mobility

7. Michelle Donelan (Chippenham) (Con): What steps her Department is taking to improve social mobility through education.

[908592]

11. Ben Howlett (Bath) (Con): What steps her Department is taking to improve social mobility through education.

[908596]

The Secretary of State for Education (Justine Greening): We want to see an education system that works for everyone and that drives social mobility by breaking the link between a person’s background and where they get to in life. We are delivering more good school places; strengthening the teaching profession; investing in and improving careers education; transforming technical education and apprenticeships; opening up access to universities; and focusing effort on areas of the country with the greatest challenges and the fewest opportunities, through opportunity areas.

Michelle Donelan: Currently, the pupil premium is a very limited measure—for instance, children who are young carers are not recognised. In addition, it stops at 16, despite some form of education being compulsory until 18. Will the Minister therefore consider a review of the pupil premium to achieve true social mobility?

Justine Greening: The pupil premium is worth £2.5 billion this year, and it is helping to level the playing field for 2 million disadvantaged children, including many young carers and children with mental health problems. We are also looking at the Children’s Commissioner’s recent report and, indeed, our own DFE research on the lives of young carers in England, as part of the cross-Government carers strategy that is being reviewed and developed. On the point about age, the national funding formula for 16 to 19-year-olds provides extra funding for disadvantaged students—around £540 million this year.

Ben Howlett: I welcomed the Government’s “Schools that work for everyone” Green Paper—probably as much as the Secretary of State enjoyed reading my lengthy response to it. It showed the Government’s
commitment to ensuring that all pupils have the best chance of accessing a good education. When will the draft be published?

**Justine Greening:** I very much appreciated my hon. Friend’s submission to that consultation. We received several thousand submissions, which we are now going through. We will respond in the spring.

**Lucy Powell** (Manchester Central) (Lab/Co-op): I noticed that the Secretary of State did not mention grammar schools in her answers to the previous questions about social mobility. Is that perhaps because in seven out of 10 grammar schools, all the free-school-meals children could fit in one classroom? Sir William Borlase’s grammar school, which I understand is set to be the first to open a new school, has just three children on free school meals. Does she think that reflects true social mobility? Are those numbers acceptable, and if not, what is she doing about it?

**Justine Greening:** We have been clear that we want to see existing grammars take more free-school-meals and disadvantaged children. The right way to go about it is for the existing grammars to take these children. When I answer these questions, I would not quite say that there is no progress. We have been clear on our social mobility agenda, and we are doing a lot of work on this.

**Rosie Cooper** (West Lancashire) (Lab): If the Department for Education is as committed to social mobility through education as it claims, will the Secretary of State explain why cuts to the early years funding formula and to local authorities have actually weakened outstanding early years education, which is the foundation of social mobility?

**Justine Greening:** Record levels of funding are going into early years. We are now extending the 15 hours of free childcare to 30. It is simply wrong to characterise this Government as doing anything other than pumping record amounts of money into both early years and indeed the school system.

**School Funding: Rural Areas**

8. **Daniel Kawczynski** (Shrewsbury and Atcham) (Con): What progress the Government are making on ensuring that school funding is fairly distributed in rural areas.

16. **Maria Caulfield** (Lewes) (Con): What support the Government plan to provide for small rural schools as a result of the proposed national funding formula.

**The Minister for School Standards** (Mr Nick Gibb): Under the proposed formula, small rural schools will gain an average of 1.3% in funding, on the basis of the illustrative figures. We have also confirmed that the national funding formula will include a sparsity factor. That will particularly target funding on small and remote schools, which we know play an important role in our local communities. On average, small schools serving such communities would gain 3.3%, and small primary schools 5.3%.

**Daniel Kawczynski:** I thank the Minister for that answer. Under these proposals, some Shrewsbury schools will benefit and others will lose. Overall as a country, we still see the extraordinary situation in which, on average, Shropshire pupils can get as little as half that of inner-city children. How can he justify parts of the United Kingdom continuing to get almost double what we get in Shropshire?

**Mr Gibb:** In Shropshire as a whole, school funding rises from £151.7 million to £153.2 million as a result of the national funding formula based on the illustrative figures. That is a rise of some 0.9%. In my hon. Friend’s constituency, schools as a group will see an additional £100,000 of funding.

**Maria Caulfield:** Given that small rural schools in East Sussex are set to lose funding under the fairer funding formula, will the Minister review the need for those maintained schools to pay the apprenticeship levy, which adds to their costs, especially as fewer than half of the stand-alone academies pay that levy?

**Mr Gibb:** The apprenticeship levy is an important policy, as my hon. Friend will know. It is designed to ensure that we have the skills that are needed for our economy. The levy can be used to fund training and professional development in schools, and we will provide schools with detailed information on how the levy will work for them and how they can make the most of available apprenticeships.

**Fiona Mactaggart** (Slough) (Lab): Does the help in funding for rural schools not represent the opposite of addressing the need that I raised in a recent debate—disappointingly, the Minister did not even mention it when summing up the debate—for areas that have a high influx of additional pupils during the school year? I estimate that next year something like 600 school places in Slough will get zero funding, because, despite his talking about up-to-date deprivation numbers, he is not working his funding formula on up-to-date pupil numbers.

**Mr Gibb:** The formula does contain an element for growth. We also responded to the representations on mobility made by the right hon. Lady’s colleague, the right hon. Member for East Ham (Stephen Timms). When pupils join a school part way through the year, that will be factored in. I would have expected her to welcome both those changes to the funding formula.

**Mike Kane** (Wythenshawe and Sale East) (Lab): The hon. Member for Shrewsbury and Atcham (Daniel Kawczynski) had hastily to delete a tweet this week that showed that the national debt had exploded on this Government’s watch. Therefore, the sparsity formula, which was to save rural schools everywhere, has become the paucity formula. Should the Minister not tell the House that the key issue facing schools up to 2020 is the £3 billion-worth of cuts coming down the line for every school in the country?

**Mr Gibb:** Funding is increasing to £42 billion by the end of this spending review period. We are increasing the amount allocated for sparsity from £15 million under the current formula to £27 million. The hon. Gentleman talks about debt, but, since 2010, we have had to face the problem of tackling the historic budget deficit inherited from the last Labour Government because of their poor stewardship of the public finances. Tackling
that debt and that deficit has enabled us to have a strong economy with growing employment and greater opportunities for young people when they leave school.

Apprenticeships

9. Rishi Sunak (Richmond (Yorks)) (Con): What steps the Government are taking to encourage more 16 to 18-year-olds to take up apprenticeships. [908594]

The Minister for Apprenticeships and Skills (Robert Halfon): My hon. Friend will be pleased to know that, in 2015-16, 131,400 under-19 apprentices climbed up the ladder of opportunity to get the skills and jobs that they need for the future. We are investing millions in supporting employers and providers to employ apprentices. We also have the Get In Go Far campaign, which is working incredibly well, and we are investing £90 million in careers guidance, including in the Careers and Enterprise Company.

Rishi Sunak: I thank my right hon. Friend for that statement of progress. Does he agree that a UCAS system for apprenticeships could improve the status of apprenticeships, make it easier for businesses and students to connect with each other, and end the classroom divide between those applying to university and those applying for technical education?

Robert Halfon: I thank my hon. Friend for his work on the UCAS issue. He is absolutely right. We are looking very hard at this, and we announced it in our industrial strategy. We want to ensure that we give technical education students and apprentices clear information with a platform similar to UCAS. We are looking at how we can ensure that it works to help to address the skills deficit and to help the socially disadvantaged.

Nic Dakin (Scunthorpe) (Lab): Is it not time to place a duty on schools to allow colleges and other providers of post-16 education, including apprenticeships, access to pupils so that those pupils are fully aware of the options available to them?

Robert Halfon: As so often, the hon. Gentleman is absolutely right. I recently visited degree apprentices at Gateshead College whose own school refused them a visit in order to talk about apprenticeships, skills and technical education. We are doing a lot of work to ensure that careers guidance in schools properly reflects the options available. We have introduced legislation and we are looking to do more to ensure that students are offered skills and apprenticeships.

Dame Angela Watkinson (Hornchurch and Upminster) (Con): Would my right hon. Friend join me in congratulating Havering College of Further and Higher Education on its excellent five-week railway skills course from which 85% of students are moving on to apprenticeships in an area where there is a great skills shortage? Would he agree that a five-week course is an ideal way of encouraging less academic students to remain in education?

Robert Halfon: I am delighted to see my hon. Friend in her place. Not only do I offer my huge congratulations to Havering College; I would be pleased to visit with my hon. Friend.

Gordon Marsden (Blackpool South) (Lab): The Minister quoted the statistics for 2015-16, but the proportion of apprenticeships for under 19-year-olds, compared with those for older apprentices, was basically stagnant at just 26% compared with 25.2% the previous year: only one in four of all apprenticeships. The latest stats—for the first quarter—show that numbers for 16 to 18-year-olds are getting worse, with 58,190 compared with 63,200 the previous year, which is a drop of 8%. With the head of engineering training provider JTL saying that Government funding changes could cut its apprenticeships for 16 to 18-year-old by two thirds, and thousands of youngsters blocked from getting apprenticeships by being on the treadmill of GCSE English and maths resits that only one in four of them passes, where is the Government’s beef for 16 to 18-year-olds, instead of motherhood and apple pie?

Robert Halfon: I am amazed by the hon. Gentleman’s question. He often does not see the apprentice wood for the apprentice trees. We now have the highest number of apprenticeships on record in our island’s history at 899,000, with more than 780,000 apprenticeship starts since May 2015. We are investing millions in ensuring that employers and providers hire apprentices. We have a record to be proud of.

Mr Speaker: We need to speed up.

Student Immigration

10. Alan Brown (Kilmarnock and Loudoun) (SNP): What discussions she has had with the Home Secretary on the Government’s student immigration policy. [908595]

The Minister for Universities, Science, Research and Innovation (Joseph Johnson): Department for Education officials meet regularly with their counterparts from the Home Office to discuss a range of issues including student immigration policy. Let me be clear that the Government value the contribution that international students make to the UK’s excellent higher education sector, both economically and culturally. That is why we have no plans to limit the number of genuine international students who can come here to study.

Alan Brown: If the Government really value international students, I suggest they reappraise the need for a post-study work visa, which would allow students to come here, integrate into communities and bring value to their campuses and communities. When will the Government revisit that?

Joseph Johnson: The UK has an excellent post-study work offer. Students can switch into a number of other visa routes to take up work after their studies. About 6,000 switched to a tier 2 skilled worker visa in 2015, and there is no cap on the number who may make that switch.
Alex Chalk (Cheltenham) (Con): Higher education is one of the United Kingdom’s greatest exports, and the Government are promoting it brilliantly. Do the Government think that, as we move forward post-Brexit, we should look to take student numbers outside the immigration figures?

Joseph Johnson: The key thing is that, whether or not they are in those figures, there is no limit on the number of international students who can come here to study. The UK is the best place in the world to get a higher education, and we are delighted that, for the last six years, over 170,000 international students have come to study in the UK.

24. [908609] Gavin Newlands (Paisley and Renfrewshire North) (SNP): Recent UCAS figures show that the number of EU students applying to Scottish universities has already fallen by 5%. The University of the West of Scotland has a new global reach strategy that aims to grow the number of international students attending UWS. Will the Minister explain to the university what it should do to achieve that goal despite the Brexit barriers the Government are putting in its way?

Joseph Johnson: The UK is immensely successful at attracting international students. We are second in the world in terms of our market share, behind only the United States. We continue to extend a warm welcome, and we wish that more international students would come.

Carol Monaghan (Glasgow North West) (SNP): Scottish universities, of course, were not included in the post-study work pilot. The Scottish Parliament’s Europe committee has today published a report calling for Scotland to have a differing immigration system; this is the third parliamentary report calling for that. Will the Minister now urge the Home Secretary to listen and include Scottish institutions in the post-study work scheme?

Joseph Johnson: Scottish institutions are successful in attracting international students, and they are also successful in seeing those students switch into post-study work. It is important to note that the number switching into work after study is increasing: it was at 6,000 last year—up from 5,000 the year before and 4,000 the year before that.

Carol Monaghan: Being considered an international student post-Brexit will affect whether EU students choose to come to the UK, and that will have a major impact on university funding. What discussion has the Minister had with the Home Secretary on the immigration status of EU students post-Brexit?

Joseph Johnson: These questions will be considered in the context of the broader discussions relating to our withdrawal from the European Union.

Education Provision: Northamptonshire

12. Mr Philip Hollobone (Kettering) (Con): What recent assessment she has made of the adequacy of education provision in Northamptonshire; and what steps she plans to take to improve that provision.

The Minister for School Standards (Mr Nick Gibb): We are concerned that the quality of education in too many Northamptonshire schools is not good enough, especially for disadvantaged pupils. We are using new powers to tackle inadequate schools and to move them into strong multi-academy trusts. We are also working with the local authority, teaching schools and academy trusts to ensure that schools are receiving appropriate support to help them to improve.

Mr Hollobone: Educational attainment in Northamptonshire, sadly, is still below the national average. What is the single most important thing the local education authority should be doing to raise standards?

Mr Gibb: I pay tribute to my hon. Friend for his work in seeking to raise standards in Northamptonshire schools. In October, together with hon. Friends representing Northamptonshire constituencies, we met the director of children’s services at Northamptonshire County Council to discuss academic standards in Northamptonshire schools. That included discussions about standards in phonics, which I would say is the single most important issue; key stage 2 SATs in reading and maths; GCSE results; and the EBacc. I have taken a close interest in the schools in my hon. Friend’s county, and we are meeting again in April to assess progress.

Mr Peter Bone (Wellingborough) (Con): Unfortunately, the Minister is absolutely right. Sir Christopher Hatton school in my constituency is outstanding, but we have two inadequate schools—Rushden and the Wrenn—and the Minister will shortly meet me and the chief executive of the Hatton Academies Trust. Does he agree that local academy trusts also have an important role to play in solving the problem with Northamptonshire’s education?

Mr Gibb: Yes, I do agree with my hon. Friend. Collaboration between schools, particularly in local multi-academy trusts, is one of the most effective ways of ensuring that we spread best practice and that schools in a multi-academy trust help one another to raise aspirations and the standard of academic education our children receive.

Pupils from Disadvantaged Backgrounds

13. Justin Tomlinson (North Swindon) (Con): What steps the Government are taking to increase educational opportunity for pupils from disadvantaged backgrounds.

The Minister for Vulnerable Children and Families (Edward Timpson): As my right hon. Friend the Secretary of State told the House in December, increasing education opportunity for disadvantaged pupils underpins our commitment to make sure our country works for everyone. Through the pupil premium, worth £2.5 billion this year, we are narrowing the gap between disadvantaged pupils and their peers. In 2016-17, over £8.8 million of this funding was allocated to schools in Swindon.

Justin Tomlinson: It was a great pleasure to welcome the School Standards Minister to Swindon Academy—a school with a predominantly deprived catchment area, a high proportion of children on free school meals, and, crucially, surplus places. Its decision to introduce a
grammar scheme in conjunction with Marlborough College has given every student, regardless of background, an opportunity to opt into an academically rigorous curriculum. Will the Minister share this best practice?

Edward Timpson: My right hon. Friend the Minister for School Standards just reminded me of how impressed he was on that visit by the steps that that school is taking to provide its pupils with a rigorous academic curriculum. By trusting school leaders like those in Swindon, we are enabling them to use their unparalleled knowledge of their pupils to create new, tailor-made ways of ensuring that every child can academically succeed.

17. [908602] Steve McCabe (Birmingham, Selly Oak) (Lab): With regard to disadvantage, the Government are about to close Baverstock Academy in my constituency. They will not say what that costs or where the pupils will go, and will not explain the inaccurate travel and future demand data. The Secretary of State will not even respond to my request for a meeting, although I am told she has got time for a photo op elsewhere in Birmingham, where she will not be meeting Baverstock parents. Are you at all surprised, Mr Speaker, that when it comes to disadvantage my constituents have one word for Government education policy—betrayal?

Edward Timpson: As the hon. Gentleman will know, Baverstock Academy went into special measures in September 2014. The Department intervened swiftly to challenge the academy’s senior leadership team, and monitored attainment and progress closely. Throughout 2016, the regional schools commissioner sought a new sponsor for the school, but in November 2016 the Ofsted inspector confirmed that the school remains in special measures. The hon. Gentleman is right to continue to be worried about the schools in his constituency: so are we, and we will continue to do what we can to make sure that we turn this around.

Several hon. Members rose—

Mr Speaker: One last question—the voice of Luton North, Mr Kelvin Hopkins.

Sixth-form Education

14. Kelvin Hopkins (Luton North) (Lab): What comparative assessment she has made of the sixth-form education system in England and education systems in other countries.

The Minister for Apprenticeships and Skills (Robert Halfon): Education and training in England are widely respected, but we are determined to make further improvements to make sure that 16 to 19-year-olds are ready for the demands of the workplace. We are reforming academic and technical education for over-16s, and we are learning from the best of international systems.

Kelvin Hopkins: Why are sixth-formers in England funded to receive only half the tuition time and support provided to sixth-formers in Shanghai, Singapore and other leading education systems?

Robert Halfon: I am proud that we have equalised funding between sixth-form colleges and further education colleges, and that we have protected the base rate of spending for FE students and will be spending £7 billion this year on further education. We have funding pressures, as the hon. Gentleman knows, but we are doing everything we can to invest in our skills and education.

Topical Questions

T1. [908576] Mrs Sheryll Murray (South East Cornwall) (Con): If she will make a statement on her departmental responsibilities.

The Secretary of State for Education (Justine Greening): The recent release of school performance statistics confirmed that the hard work of teachers and pupils across the country is leading to higher standards in our schools. Last month I announced a further six opportunity areas aimed at tackling the challenges for young people from early years right through to the world of work. When I announced the first lot of opportunity areas in October, I also made it clear that building a country for everyone means better options for the more than half of our young people who do not choose to go to university. That is why technical education is at the heart of the industrial strategy that the Government published last month. We are determined to create a gold-standard technical route so that the young people who choose to pursue it can get the skills that we, and our economy, need to succeed.

Mrs Murray: I welcome the Government’s commitment to apprenticeships. Lantoom Quarry in my constituency is a leading provider of high-quality apprenticeships leading to permanent full-time employment in many cases. Will my right hon. Friend assure me that aligning further education and training policy with the needs of employers remains a priority?

Justine Greening: I can give my hon. Friend that assurance. Indeed, putting the needs of employers first is at the heart of our apprenticeships reforms. That includes introducing employer-designed standards that test whether an apprentice has the skills, the behaviours and the knowledge that employers need.

Mrs Emma Lewell-Buck (South Shields) (Lab): This Government allowed two local authorities rated “good” for children’s services to be granted exemptions from statutory guidance, even extending these exemptions when there was no evidence of improvement. Ofsted has since rated them both “inadequate”, finding that for too long children have been left at risk and are suffering harm. Despite growing evidence of the dangers of these opt-out practices, the Secretary of State is determined to push through massive deregulation in the Children and Social Work Bill, which will allow local authorities to opt out of not just guidance but vast swathes of primary and secondary child protection legislation. Why does she think it is okay to experiment with the lives of vulnerable children?

The Minister for Vulnerable Children and Families (Edward Timpson): We had a healthy debate about the power to innovate in Committee, but I am afraid the hon. Lady still fails to grasp what we are trying to
achieve. Local authorities and social workers tell us that when well-intentioned legislation prevents them from doing what is best for young people, they want to be able to try new ways to ensure that the outcomes for children improve. That is why a whole raft of organisations, including the Children’s Society, have told us that they welcome the Government’s commitment to innovation in children’s social care and support the intention to allow local authorities to test new ways of working in a time-limited, safe, transparent and well-evaluated way. I would have thought the hon. Lady would welcome that, rather than trying to concoct difficult arguments about the way forward that we want to take with the Bill. It is wrong, and she should follow the path that the profession wants to take.

T3. [908578] Marcus Fysh (Yeovil) (Con): I welcome the recent proposal to re-weight the schools national funding formula, which goes some way towards redressing the historical injustice of underfunding in rural schools in Somerset. Although some of the schools in my constituency, such as Barwick and Buckland, are set to receive about 20% more in two years’ time, other rural primary schools such as Winsham seem to have been treated very differently.

The Minister for School Standards (Mr Nick Gibb): I would, of course, be delighted to meet my hon. Friend to discuss school funding in Yeovil. Indeed, so efficient are our offices that that meeting is already in the diary for 27 February. I should remind him that in his constituency, school funding rises by some £2.8 million under the new national funding formula, and that 94% of the schools in his constituency will see a rise in funding.

T5. [908580] Jess Phillips (Birmingham, Yardley) (Lab): In my constituency, 85% of children who attend an independent nursery do not have access to a qualified early years teacher. The proportion of our children in that situation is one of the highest in England, and it means that they are 10% less likely to be at the expected standards of early development by the age of five. The Minister has said that she wants to increase social mobility, so what effort is she making to do that in Birmingham, Yardley?

The Parliamentary Under-Secretary of State for Education (Caroline Dinenage): The hon. Lady is absolutely right to point out that our early years workforce is one of our greatest assets. We will shortly be releasing a workforce strategy, which will outline how we want to improve what already exists. We need to help employers to attract, to retain and to develop their staff to deliver the very highest quality of early years provision.

Mr Speaker: Short questions and short answers, please.

T4. [908579] Jeremy Quin (Horsham) (Con): As part of the fair funding consultation, will the Secretary of State consider establishing a minimum level of funding per school?

Justine Greening: We have had representations from some low-funded authorities about whether their schools need a de minimis level of funding in circumstances in which few of their pupils bring with them additional needs funding. We are looking at that and all the other concerns that right hon. and hon. Members have raised during the consultation process, which is why it is an extended one of 14 weeks.

T6. [908581] Lucy Powell (Manchester Central) (Lab/Co-op): Following investigations by the Manchester Evening News, two very serious allegations of financial mismanagement have come to light in two multi-academy trusts that operate in my constituency. One is £4.5 million in debt. In the other, lots of money has gone missing. The Minister for School Standards said earlier that the EFA does a good job of holding multi-academy trusts to account, but what more can be done to make sure that that money is recouped and those people are held to account?

Justine Greening: It is important that we have strong governance for multi-academy trusts, as the hon. Lady points out. I would also say that we need equally strong governance for local authority-maintained schools.

T7. [908582] Bob Blackman (Harrow East) (Con): My right hon. Friend will be well aware that Harrow is the most multiracial borough in the country. Can she explain to the people of Harrow why every secondary school bar one and every primary school in my borough will see a reduction in expenditure under her plans?

Mr Gibb: My hon. Friend will know that 22% of the schools in his borough will see an increase in funding, and per-pupil funding on average in Harrow remains high, at £4,792 per pupil. That is higher than in many local authority areas around the country.

Mr Speaker: Of topical length, please, Mr Greg Mulholland.

Greg Mulholland (Leeds North West) (LD): Leeds is reviewing its support for transport to school for pupils with special educational needs and disabilities, and there is a risk that people over-16 may not get such funding. Will the Government commit to ensuring that all children in such a situation in the country get the funding they need for transport to school?

Edward Timpson: The hon. Gentleman will know that during the past few years we have been implementing the new special educational needs system. It is embedding well in many parts of the country, but there are still areas that we want to look at to make sure that every child is benefiting from the changes. I am happy to look at the issue that he raises and to meet him if he so wishes, so that we can try to make some progress.

T8. [908583] Stephen Metcalfe (South Basildon and East Thurrock) (Con): Following the focus provided by the recently launched industrial strategy, will my right hon. Friend tell the House what steps the Government are taking to ensure that every child gets the kind of STEM—science, technology, engineering and maths—education that they will need in the future to access the undoubted opportunities that will exist?

Justine Greening: We have not only focused on maths and English, but we have in particular made sure that girls in school are taking STEM subjects like never before. That is absolutely vital if we are to have the skills
that British businesses need to help us to be successful in the future. I am delighted to say that A-level maths is now the most successful A-level, but we want that progress to continue and to have more STEM graduates in future years.

**Chi Onwurah** (Newcastle upon Tyne Central) (Lab): Adult education can transform lives, address our skills gap and address technology change, yet the number of adult learners has fallen off a cliff and the industrial strategy does not even mention it. Can the Secretary of State have a word about that?

The Minister for Apprenticeships and Skills (Robert Halfon): The hon. Lady will be pleased to know that by 2020 we will be spending more on the adult education budget than at any time in our island’s history. We are investing in skills, with millions of pounds for the national colleges and the institutes of technology; we are investing in apprenticeships, with 377,000 over-19s in apprenticeships in the past year; and we are investing in adult education—that is exactly what we are doing.

**Mr Gibb**: I share my hon. Friend’s view about the primacy of education and to social justice. That is why ensuring that children are taught to read using the method of systematic synthetic phonics—evidence from this country and around the world shows that it works—has been at the heart of our education reforms. As a result, the proportion of six-year-olds reaching the expected standard in the phonics check has risen from 58% in 2012 to 81% in 2016.

**Karin Smyth** (Bristol South) (Lab): What does the Secretary of State say to my constituent Catherine Foster, who received funding in April 2015 for a health and social care diploma with a provider that has now gone into administration? She has no access to her portfolio and no qualification, but a mountain of debt. Will the Secretary of State look into this case and meet Catherine and thousands of other students in this situation?

**Robert Halfon**: I thank the hon. Lady for her question. I am very happy to meet her. I know that the Skills Funding Agency is doing everything possible to make sure that anyone affected by such issues has alternative education provision. I have asked the SFA to offer every possible assistance as well.

**Justine Greening**: My hon. Friend is absolutely right to highlight the importance of this information. We are currently finalising the details of the technical and applied qualifications that will count in 2019 performance tables, and we will publish the list as soon as possible.

**Dame Rosie Winterton** (Doncaster Central) (Lab): Is the Secretary of State aware that the university technical college bid in Doncaster is vital to improving skills and increasing apprenticeships? Will she, without delay, give the college the go-ahead, or meet the local chamber of commerce and local authority to explain the delay?

**Justine Greening**: I have had a chance to look around a number of UTCs during my time in this role, and many of them are producing an outstanding education that is very different from the education the young people who go to them might otherwise have had. I am well aware that Doncaster wants a response in relation to its UTC application—I very much welcome the backing that the right hon. Lady has given it—and we will confirm the decision shortly.

**Chris Green** (Bolton West) (Con): Too many people leave school without achieving the results they need, but is my right hon. Friend aware of the incredible work done by the British Army at the Pirbright and Catterick training camps in getting people who join those establishments without the necessary grades up to the right grade, and will he undertake to find out what can be learned from those places?

**Mr Gibb**: I thank my hon. Friend for bringing the work of the Army training camps at Catterick and Pirbright to the attention of the House. The Army has a strong track record of delivering high-quality education and training. I would be delighted to discuss these issues further with him.

**Lilian Greenwood** (Nottingham South) (Lab): Sir Michael Wilshaw recently urged the Government to tackle the comparatively low standards in many northern and Midlands secondary schools, and Nottingham’s education improvement board has identified teacher recruitment and retention as its No. 1 priority. How can the Secretary of State honestly believe that cutting the funding of UTCs is not even mentioned? Can the Secretary of State honestly believe that cutting the funding of UTCs and increasing the gap and address technology change, yet the number of adult learners has fallen off a cliff and the industrial strategy does not even mention it. Can the Secretary of State have a word about that?

**Justine Greening**: Yes, the hon. Lady will be pleased to know that as it is very important for schools in Taunton Deane to be aware of them when advising year 9 pupils about which GCSEs to select?

**Chi Onwurah** (Newcastle upon Tyne Central) (Lab): When the performance tables for 2019 will be released, the Secretary of State provide me with an update on this situation?

**Justine Greening**: I am very happy to meet her. I know that the Skills Funding Agency is doing everything possible to make sure that anyone affected by such issues has alternative education provision. I have asked the SFA to offer every possible assistance as well.
Informal European Council

3.36 pm

The Prime Minister (Mrs Theresa May): Before I turn to the European Council, I am sure the whole House will want to join me in sending our congratulations to Her Majesty the Queen as she marks her sapphire jubilee today. It is testimony to Her Majesty’s selfless devotion to the nation that she is marking becoming our first monarch to reign for sixty-five years not with any special celebration, but instead by getting on with the job to which she has dedicated her life. On behalf of the whole country, I am proud to offer Her Majesty our humble thanks for a lifetime of extraordinary service. Long may she continue to reign over us all.

Turning to last week’s informal European Council in Malta, Britain is leaving the European Union but we are not leaving Europe, and a global Britain that stands tall in the world will be a Britain that remains a good friend and ally to all our European partners. So at this summit we showed how Britain will continue to play a leading role in Europe long after we have left the EU, in particular through our contribution to the challenge of managing mass migration; through our special relationship with America; and through the new and equal partnership that we want to build between the EU and an independent, self-governing, global Britain. Let me take each point in turn.

First, on migration, the discussion focused on the route from Libya across the central Mediterranean. As I have argued, we need a comprehensive and co-ordinated approach, and that is exactly what the Council agreed. That includes working hard in support of an inclusive political settlement to stabilise Libya, which will help not only to tackle migration flows, but to counter terrorism. It means working to reduce the pull factors that encourage people to risk their lives and building the capacity of the Libyans to return migrants to their own shores, treat them with dignity and help them return home. It means looking beyond Libya and moving further upstream, including by urgently implementing the EU’s external investment plan to help create more opportunities in migrants’ home countries and by helping genuine refugees to claim asylum in the first safe country they reach. It also means better distinguishing between economic migrants and refugees, swiftly returning those who have no right to remain and thereby sending out a deterrence message to others thinking of embarking on perilous journeys. The Council agreed action in all those areas.

Britain is already playing a leading role in the region and at the summit I announced further steps, including additional support for the Libyan coastguard and more than £30 million of new aid for the most vulnerable refugees across Greece, the Balkans, Egypt, Tunisia, Morocco, Algeria, Sudan and Libya. Britain is also setting up an £8 million special protection fund to keep men, women and children in the Mediterranean region safe from trafficking, sexual violence and labour exploitation as part of our commitment to tackle modern slavery. The Council agreed with my call that we should do everything possible to deter this horrific crime, including by introducing tough penalties for those who trade in human misery and by working together to secure the necessary evidence for prosecutions that can put these criminals behind bars, where they belong.

Turning to America, I opened a discussion on engaging the new Administration, and I was able to relay the conversation I had with President Trump at the White House about the important history of co-operation between the United States and the countries of Europe. In particular, I confirmed that the President had declared his 100% commitment to NATO as the cornerstone of our security in the west. I also made it clear, however, that every country needed to share the burden and play its full part, meeting the NATO target of spending 2% on defence. It is only by investing properly in our defence that we can ensure we are properly equipped to keep our people safe.

I was also able to relay my discussions with President Trump on the importance of maintaining the sanctions regime on Russia in response to its actions in Ukraine, and I very much welcome the strong words last week from the new US ambassador to the United Nations, Nikki Haley, in confirming America’s continued support for these sanctions.

Of course, there are some areas where we disagree with the approach of the new Administration, and we should be clear about those disagreements and about the values that underpin our response to the global challenges we face. I also argued at the Council, however, that we should engage patiently and constructively with America as a friend and ally—an ally that has helped to guarantee the longest period of peace that Europe has ever known. For we should be clear that the alternative of division and confrontation would only embolden those who would do us harm, wherever they may be.

Finally turning to Brexit, European leaders welcomed the clarity of the objectives we set out for the negotiation ahead. They warmly welcomed our ambition to build a new partnership between Britain and the EU that is in the interests of both sides. They also welcomed the recognition that we in Britain want to see a strong and successful EU, because that is in our interests and the interests of the whole world.

On the issue of acquired rights, the general view was that we should reach an agreement that applied equally to the other 27 member states and the UK, which is why we think a unilateral decision from the UK is not the right way forward. As I have said before, however, EU citizens living in the UK make a vital contribution to our economy and our society, and without them we would be poorer and our public services weaker. We will therefore make securing a reciprocal agreement that will guarantee their status a priority as soon as the negotiations begin, and I want to see this agreed as soon as possible, because that is in everyone’s interests.

Our European partners now want to get on with the negotiations. So do I, and so does this House, which last week voted by a majority of 384 in support of the Government triggering article 50. There are, of course, further stages for the Bill in Committee and in the other place, and it is right that this process should be completed properly, but the message is clear to all: this House has spoken, and now is not the time to obstruct the democratically expressed wishes of the British people. It is time to get on with leaving the EU and building an independent, self-governing, global Britain. I commend this statement to the House.
3.42 pm

Jeremy Corbyn (Islington North) (Lab): I thank the Prime Minister for her statement and for advance sight of it, and I echo her sentiments towards Her Majesty. I wish her Majesty well at this auspicious time in her life and thank her for her service.

The Prime Minister has used this curiously named “informal” EU summit to press the EU’s NATO members to fulfil their defence expenditure requirements. The last Labour Government consistently spent over 2% on defence. The Tory Government’s cuts since 2010 have demoralised our armed forces, cut spending by 11% in the last Parliament and reduced the size of the Army from 82,000 to 77,000. As well as making these cuts, they have changed the way the 2% spending is calculated. Given that she is lecturing other countries, will she tell the House why her Government changed the accounting rules to include aspects of expenditure not previously included? The Defence Committee in 2015 noted that the Government were only meeting the 2% figure by including areas, such as pensions, not previously included. It went on to say that “this ‘redefinition’ of defence expenditure undermines, to some extent, the credibility of the Government’s assertion that the 2% figure represents a...increase”.

To add to the disarray, this weekend, The Sunday Times uncovered a series of equipment failures and bungled procurement deals, including apparently ordering light tanks that are too big to fit in the aircraft that are supposed to be transporting them. This really does cast some doubt on the Government’s competence in this area, so perhaps it is not such a good idea to go lecturing other countries on defence spending and procurement.

Labour has long been concerned about poor planning and short-sightedness by the Ministry of Defence and long delays in delivering projects. The extent to which the MOD appears to have lost control of some of its biggest equipment projects is worrying, and it would be nice to know what action the Prime Minister is taking on this matter.

Earlier today, the Prime Minister had a meeting with the Israeli Prime Minister, Benjamin Netanyahu. Did she make it clear to him that, as is often mentioned in this House and by the Prime Minister herself, there is continued opposition by the British Government to the illegal settlements being built in the Occupied Palestinian Territories?

Labour has been unequivocal about the fact that it is within this Government’s gift to guarantee the rights of EU citizens to remain in this country. There is no need to wait for negotiations to begin; the Government could do it now. This is not a question about Brexit; it is a question about human rights, democracy and decency towards people who have lived and worked in this country. Many families have had children born here, and I think we must guarantee their rights. Many of those people have been left in limbo, and are very deeply concerned and stressed. Did the Prime Minister discuss this issue with her European counterparts, and will she today provide those people with the clarity and assurances that they both need and, I believe, deserve?

We are clear that we accept the mandate of the British people to leave the European Union, but we will not accept this Government turning this country into a bargain basement tax haven on the shores of Europe.

Finally, we welcome the additional £30 million that the Government have committed to the refugee crisis across Europe. Last week at Prime Minister’s Question Time, the Prime Minister said that the UK had resettled 10,000 refugees from Syria. According to the House of Commons Library, we have resettled less than half that figure—4,414. There is an ongoing and grave human tragedy that has resulted in more than 5,000 people drowning in the Mediterranean last year and 254 already this year, and we are only at the beginning of February.

I believe that we should also note the phenomenal commitment of the Government and people of Greece to the huge number of refugees in their country, and the difficulties they are having in supporting them. What conversations did she have with her Greek counterpart on this important matter? I also say to the Prime Minister that, even post-Brexit, this is an issue that will affect every country in Europe. It is the biggest humanitarian crisis that we have ever faced in the world, and we will need to co-ordinate as a continent to address this issue with all the humanity and resources that our collective values determine should be deployed towards it.

The Prime Minister: The right hon. Gentleman opened his remarks by referring to what I think he called the “curiously named” informal Council. It is the convention that at every new presidency—there are two new presidencies each year—the presidency holds an informal Council in which people are able to talk about a number of issues looking ahead to the formalities of the Council. There we are; that is what happens; and that is what we were doing in Valletta.

The right hon. Gentleman referred to my meeting earlier today with Prime Minister Netanyahu, and I have to say that this was not a subject for discussion at the European Union Council last week. However, I have made the UK Government’s position on settlements clear, and I continued to do that today.

The right hon. Gentleman raised the issue of UK nationals. As he said, it is absolutely right that we value the contribution that EU citizens are making here in the United Kingdom—our contribution to our communities, our economy, our society, and, as I have said, to our public services—but I think it is also right that we ensure that the rights of UK citizens living in other European states are maintained. It is clear from the conversations that I have had with a number of European leaders about this issue that they think that it should be dealt with in the round as a matter of reciprocity, but, as was made plain by, for example, the conversations that I had with Prime Minister Rajoy of Spain, we are all very clear about the fact that we want to give reassurance to people as early as possible in the negotiations.

The right hon. Gentleman talked about the issue of refugees, and about people drowning in the Mediterranean. Of course the loss of life that we have seen has been terrible, as is the continuing loss of life that we are seeing despite the best efforts of the United Kingdom: the Royal Navy and Border Force have been there, acting with others to protect and rescue people. That is why it is so important that we stop people making that perilous journey in the first place and risking their lives, and that is why the work that we discussed at the EU Council in Valletta on Friday is so important.

The right hon. Gentleman asked about our relationship with Greece. We continue to support Greece: we have a number of experts providing support on the ground,
giving the Greeks real help with the task of dealing with the refugees. I made a commitment that we would want to continue to co-operate with our European partners on this issue after leaving the European Union, because it is indeed not confined to the European Union; it affects us as a whole, throughout Europe.

The right hon. Gentleman made a number of comments about defence. Indeed, he devoted a fair amount of his response to the whole question of defence. At one point, he said that the fact that we were spending 2% on defence cast doubt on the competence of the UK Government in matters relating to it. I think this is the same right hon. Gentleman who said that he wanted to send out our nuclear submarines without any missiles on them. You couldn’t make it up.

Mr Kenneth Clarke (Rushcliffe) (Con): I think that, for most states, the main business of the Council was yet another attempt to tackle the problem of mass migration from the middle east and north Africa, which is destabilising the politics of every European country. Will my right hon. Friend confirm—in fact, I think she just has—that, as Prime Minister, she will play as active a part as she did when she was Home Secretary in working with the other European Union countries to tackle the problem? Otherwise we shall have a continuing problem of attempts to come to this country.

If we are going to start returning refugees to the coast of north Africa, may I ask whether any progress is being made in the efforts that my right hon. Friend was making when she was Home Secretary to find somewhere on the other side of the Mediterranean where Europeans can finance and organise reception centres and refugees and applicants can be processed in a civilised way, and where it can be ensured that only genuine asylum seekers are let into this country?

The Prime Minister: I can give my right hon. and learned Friend those reassurances. As he has said, this issue will continue to affect us, and to affect us all. It is not confined to the borders of the European Union. We will continue to co-operate with our European partners on this important matter while we remain in the EU and beyond.

Of course, as my right hon. and learned Friend indicated, one of the concerns about returning people to north Africa has related to the conditions to which they would be returned. That is why the EU has made efforts in Niger to establish some centres to try to ensure that people do not progress through to Libya and attempt to cross the Mediterranean, and it is also why we referred in the Council conclusions to our commitment to ensure that people do not progress through to Libya and it is also the reason we have made it clear that we will support that.

I thank the Prime Minister for giving me advance sight of her short statement about what was the first European Union informal summit since she published her White Paper on Brexit. It was also the first meeting since she met colleagues in the Joint Ministerial Committee of the British-Irish Council, and, of course, the first since her visit to Dublin.

As we have already established, the Prime Minister wants no hard borders on these islands; she wants the free movement of peoples on these islands and the safeguarding and boosting of trade on these islands, and we on these Benches wholeheartedly support these aims. But given the great importance that the Prime Minister gives in the White Paper to the Union of the United Kingdom and what we are told is a partnership of equals, she will surely have briefed her European colleagues while she was in Malta about the progress of negotiations with the other Governments on these islands. So did she confirm that she will work with the Scottish Government to secure continuing membership of the European Union single market? Did she tell her European colleagues that we value EU citizens living in our country, that their presence will be guaranteed, and that she is prepared to learn the lessons from Canada, from Australia and from Switzerland, where it is perfectly possible to have different immigration priorities and policies within a unitary state? Did the Prime Minister remind European colleagues that in Scotland we voted by 62% to remain in the European Union and that only one Member of Parliament representing a Scottish constituency voted for her Brexit legislation?

We are getting to a stage where warm words from the Government are not enough. It is the member state that is supposed to negotiate on all of our behalves within the European Union. Scotland did not warrant a single mention in the Prime Minister’s statement. She now has the opportunity to tell us: what Scottish priorities did she raise at the European summit? Did she raise any at all?

The Prime Minister: The right hon. Gentleman is right that I have confirmed our commitment to the common travel area; I have been discussing that with the Taoiseach, and officials continue to have discussions on the issue.

Of course, as my right hon. and learned Friend indicated, one of the concerns about returning people to north Africa has related to the conditions to which they would be returned. That is why the EU has made efforts in Niger to establish some centres to try to ensure that people do not progress through to Libya and attempt to cross the Mediterranean, and it is also why we referred in the Council conclusions to our commitment to the Italian initiative. The Italians have worked with the Government of National Accord in Libya to secure an agreement that they will do some work there, in particular to ensure that people can be returned to suitable conditions, and we will support that.

Angus Robertson (Moray) (SNP): May I begin by joining the Prime Minister and the Leader of the Labour party in extending to the Queen the best wishes of my right hon. and. hon. Friends on the occasion of her sapphire jubilee? We wish her a very pleasant day with her family, and many further jubilees to come.

The Prime Minister: The right hon. Gentleman is right that I have confirmed our commitment to the common travel area; I have been discussing that with the Taoiseach, and officials continue to have discussions on the issue.

The right hon. Gentleman referenced EU citizens; as I said in my statement and in response to the Leader of the Opposition, in the United Kingdom we all value the contribution that EU citizens have made to the United Kingdom—to our society, to our economy, to our public services. We want to be able to give them the reassurance at as early a stage as possible of their continuation. As the UK Government, of course we have a duty to consider UK citizens living in other EU states as well and, as I have said, it has been clear that there is good will on all sides in relation to this matter, but there is an expectation that this will be considered in the round and that we can look at EU citizens here and UK citizens in other member states.

The right hon. Gentleman also asked a number of questions about what I was putting forward to the European leaders of the 27. Of course, what I was putting forward was the views of the United Kingdom. It is the UK that will be negotiating; we listen, we take account of, and we incorporate views of Scotland, Northern Ireland and Wales, but when I am sitting there around the EU Council, I am doing so as the Prime Minister of the United Kingdom.
Sir William Cash (Stone) (Con): Did my right hon. Friend observe that after she had spoken to the 27 they were far more realistic, particularly with respect to the question of defence and NATO, than they had been beforehand, and in particular than in respect of Donald Tusk’s letter to the 27, which he sent them on 31 January?

The Prime Minister: My hon. Friend is absolutely right; there is a growing recognition among the member states of the European Union that within NATO it is important to meet the 2% commitment for expenditure on defence. I am pleased to say that a small number of other European member states have already reached that 2% level, but others are actively moving towards that 2%—most notably, perhaps, some of the Baltic states.

Hilary Benn (Leeds Central) (Lab): Last spring, in pointing out that we export more to Ireland than to China and almost twice as much to Belgium as to India, the Prime Minister said:

“It is not realistic to think we could just replace European trade with these new markets.”

Can she therefore give the House an assurance that in the negotiations she will seek to safeguard tariff and barrier-free access to European markets for British businesses, if necessary by remaining in the customs union if that is the only way to ensure this?

The Prime Minister: Nobody is talking about replacing European Union trade with trade around the rest of the world. What we are talking about is expanding our trade across the world so that we have a good trading relationship with the European Union but are also able to sign up to new trade agreements with other parts of the world. As the right hon. Gentleman knows, a number of countries are already talking to us about such potential trade agreements, and we will do what is necessary to ensure that we can expand trade around the world, including with the European Union.

John Redwood (Wokingham) (Con): Is the Prime Minister as shocked as I am that the EU, which is bound by treaty to the rule of law and human decency, is unable to offer a simple reassurance to all British citizens living on the continent that they will not face eviction?

The Prime Minister: I think that I am more hopeful than my right hon. Friend, in that I have every confidence that we will be able to address this issue as an early discussion within the negotiations. I would have liked to be able to address it outside the negotiations but, sadly, some member states did not wish to do that. However, I think that the goodwill is there to give that reassurance to EU citizens here and to UK citizens in Europe.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): On the customs union, the Prime Minister has said that she insists on being outside the common external tariff. If the UK, France and Ireland all have different tariffs on goods coming in from outside, how will she guarantee to have barrier-free goods passing between those different countries? A lot of people cannot see how we can be outside the common external tariff and have barrier-free trade. If it comes to that crunch, will she agree to go back into the customs union and be part of the common external tariff in order to have barrier-free trade?

The Prime Minister: The right hon. Lady is approaching this, as a number of others have done, as a binary issue between customs union membership and having a good trade agreement with the European Union. I do not see it as such. We want to be able to negotiate free trade agreements with other countries around the world, but our membership of parts of the customs union—this is not just a single in or out question—currently prevents us from doing those free trade agreements. I am confident that we can achieve the sort of free trade agreement with the European Union that is in our interest and that of the European Union and that gives us the ability to trade across borders that we want in the future.

Crispin Blunt (Reigate) (Con): In her statement, my right hon. Friend talked about the new and equal partnership that we wish to build between the EU and an independent, self-governing, global Britain. She also pointed out the importance of co-operation on issues such as migration from Libya. Were there any discussions on, and what contemplation is she giving to, Britain’s continuing de facto involvement in the common foreign and security policy and the common security and defence policy after Brexit?

The Prime Minister: I can reassure my hon. Friend that this is one of the issues we are looking at in relation to the negotiations that are coming up. In the speech that I made at Lancaster House two and a half weeks ago, I was very clear that we recognised the importance of the security and defence co-operation that we have with our European partners and that we wanted to continue that co-operation.

Tim Farron (Westmorland and Lonsdale) (LD): I thank the Prime Minister for giving me advance sight of her statement. I should also like to associate myself and my colleagues with her congratulations to Her Majesty the Queen on the occasion of her sapphire jubilee. During the Prime Minister’s brief walkabout with Angela Merkel—during which I assume she offered her a state visit—did she raise the issue of unaccompanied child refugees? Will she now confirm that the Government will not break the promise, made by the House nine months ago under the terms of the Dubs amendment, of a safe future for those children, and that the scheme will remain open and in use for the rest of this Parliament in order to offer safe haven to at least 3,000 unaccompanied child refugees?

The Prime Minister: I can reassure the hon. Gentleman that the Government are indeed putting into practice our commitment to give support to child refugees who have already made it across into Europe and to bring them to the UK. Many child refugees have already been brought to the UK under that scheme.

Several hon. Members rose—

Mr Speaker: Ah yes, the good doctor! I call Dr Julian Lewis.
Dr Julian Lewis (New Forest East) (Con): Thank you, Mr Speaker. Given that there can be no security for Europe without the intimate involvement of the United States of America, will my right hon. Friend please redouble her efforts to persuade our continental friends—and, indeed, our friends on the Opposition Benches—that, whatever they feel about an individual President’s personal qualities, the way to proceed has to be to reach out to him, to respect his office and to keep strengthening the alliance?

The Prime Minister: My right hon. Friend is right. One of the themes at the informal Council was the recognition of the role that America has played in supporting Europe’s defence and security and of the need to engage fully with the American Administration. That is what we are doing and what I encourage others to do.

Emma Reynolds (Wolverhampton North East) (Lab): I welcome what the Prime Minister said about the importance of maintaining the sanctions regime on Russia in response to its actions in Ukraine. Will she reassure the House that we will, where necessary, continue to agree such sanctions with our European partners once we leave the European Union?

The Prime Minister: I reassure the hon. Lady that as long as we are members of the European Union we will continue to encourage other member states to maintain the sanctions. There are several foreign policy areas, such as on the security of Europe, on which we will want to co-operate in future with our European Union partners. Once we are outside the EU, we will not have a vote around the table on the sanctions regime, but we will continue to make our views clear.

Michael Fabricant (Lichfield) (Con): Contrary to the rather negative comments from the Labour party, was my right hon. Friend yet again heartened by Germany? Over the weekend, German Finance Minister Wolfgang Schäuble said in Der Tagesspiegel that there is no question of the United Kingdom being punished for leaving the European Union and that London remains the heart of the global finance industry. What influence does my right hon. Friend think Germany will have over the negotiations?

Mr Speaker: I am greatly impressed by the range of the hon. Gentleman’s reading matter.

Michael Fabricant: Vielen Dank!

The Prime Minister: I was aware of Wolfgang Schäuble’s comments—although I cannot claim to have read that particular publication—and it was an important point. As we move forward towards the triggering of the negotiations, we are now seeing a genuine willingness on both sides to discuss the future EU-UK relationship—the new partnership that we want—and a recognition of the role that the UK plays in Europe. Of course, Germany will be one of the remaining 27 member states, but I look forward to having further conversations with our German counterparts on the importance that they place on the City of London and the UK’s trading relationship with Europe.

Mr Pat McFadden (Wolverhampton South East) (Lab): The Prime Minister has guaranteed Parliament a vote on the final deal between the UK and the EU. Will she confirm that that commitment applies both to the article 50 divorce negotiations and to the free trade agreement that she hopes to negotiate? What happens if Parliament says no to the terms of either deal?

The Prime Minister: We see the negotiations not as being separate but as going together. The arrangement that we aim to negotiate is a deal that will cover both the exit arrangements and the future free trade agreement that we will have the European Union. I have every confidence that we will be able to get a good deal agreed with the EU in relation to both those matters, including our future co-operation not just on trade but on other matters, and will be able to bring a good deal here for Parliament to vote on.

Sir Gerald Howarth (Aldershot) (Con): I must confess that I am still reeling from the novelty of the right hon. Member for Islington North (Jeremy Corbyn) advocating increased defence expenditure. I warmly welcome him to the clan—we will not tell the Stop the War coalition about his newfound enthusiasm.

The sooner we can give EU residents here the reassurance that they seek, the better. Will the Prime Minister tell us which of our EU partners are so reluctant to offer reciprocal rights to Her Majesty’s subjects who reside in their countries?

The Prime Minister: I think the whole House was somewhat surprised by the Leader of the Opposition’s contribution in relation to defence spending, but we will wait to see whether that is followed up by commitments in other debates.

On the question of EU nationals, I absolutely agree with my hon. Friend that it is important that we give that reassurance as early as possible. It is not a question of not offering reciprocal rights; it is that some member states did not want to negotiate part of what they saw as the fuller negotiations until article 50 has been triggered. It is article 50 that will trigger our ability to discuss the matter.

Mr Nigel Dodds (Belfast North) (DUP): May I associate my right hon. and hon. Friends with the Prime Minister’s warm words of congratulation to Her Majesty the Queen on the occasion of her sapphire jubilee?

Given this country’s enormous contribution to the defence of Europe and, indeed, the west generally, and given that we are one of the world’s biggest contributors to humanitarian and international aid, may I urge the Prime Minister to use every opportunity in discussions with our European friends and partners to reiterate the need for them also to step up to the plate on both those vital issues, which are just as important as some of the other issues that we are discussing?

The Prime Minister: The right hon. Gentleman is absolutely right, and I give the commitment that I will continue to express to my European colleagues the importance of their actually stepping up to the plate and spending the requisite amount of money on defence. It is important that Europe shows that commitment.
Mrs Cheryl Gillan (Chesham and Amersham) (Con): I welcome the Prime Minister’s statement on the informal Council. In particular, I welcome the £30 million-worth of new aid for refugees. With recent reports of children, in particular, returning to the Jungle camp area in Calais, did she have an opportunity to discuss it with her French counterpart? What more can be done to prevent children from returning to that area in the false hope of expecting to come to the UK?

The Prime Minister: My right hon. Friend raises an important issue, and today I asked the Home Office to look at the particular concern that people, including children, are now returning to the camps at Calais. Obviously, the action that will be taken within France is a matter for the French Government, who share the concern about the possibility of migrants returning to the camps at Calais. Obviously, the French Government have already acted in relation to that matter. We will continue to operate the schemes that we have been operating, working with the French Government, to ensure that those who have a right to be in the United Kingdom are able to come here.

Ms Tasmina Ahmed-Sheik (Ochil and South Perthshire) (SNP): What discussions did the Prime Minister have in Malta on trade deals? She will of course be aware that all Members of the European Parliament will be able to vote on the EU-Canada trade deal, but her Government have gone back on their promise to hold a debate on the Floor of the House. Given the prominence given to the comprehensive economic and trade agreement in her very brief Brexit White Paper as an example of what we can expect from future trade deals, why are the Government running so scared of parliamentary scrutiny? This Government are not about taking back control for the people of the whole country; they are about taking back control for themselves.

The Prime Minister: The CETA deal, as I understand it, will be discussed today in European Committee B, of which the hon. Lady is a member. She will therefore be able to contribute to that debate.

Sir Edward Leigh (Gainsborough) (Con): Further to the question asked by my hon. Friend the Member for Aldershot (Sir Gerald Howarth) on the issue of acquired rights, which countries are standing out against an immediate deal based on reciprocity before the start of Brexit negotiations? Do those countries include Germany?

The Prime Minister: As I said to my hon. Friend the Member for Aldershot (Sir Gerald Howarth), the issue is whether that should be part of the formal negotiations. It has been made clear that there are those who believe it should be part of the negotiations, and therefore we will be able to consider this issue with our European colleagues once article 50 has been triggered.

Mr Ben Bradshaw (Exeter) (Lab): What did the Prime Minister say to her fellow European leaders about her assessment of the Trump-Putin relationship, and specifically about Russian interference in western democracies, including our own?

The Prime Minister: Concern has been expressed both at this Council meeting and at others about the role that Russia is playing, in a number of ways, with its interference.

Emily Thornberry (Islington South and Finsbury) (Lab): By you?

The Prime Minister: Yes, Lady Nugee, by me. It is a matter of continuing concern and will remain a subject of discussion.

Geoffrey Clifton-Brown (The Cotswolds) (Con): Does my right hon. Friend think that, in her discussions with our 27 EU partners, we will be able to negotiate a reciprocal right for EU citizens living here and for British citizens living abroad sooner than the two-year limit set by article 50?

The Prime Minister: What I want to see is an agreement about the position of EU citizens and UK citizens at an early part of the negotiations, so that we can give them that reassurance up front and so that it will not be necessary to keep that agreement with the other 27 member states as part of the final deal. We need to have that up front at an early stage, so that we can give people the reassurance that they not only need but deserve.

Alex Salmond (Gordon) (SNP): On 15 July last year, the Prime Minister pledged that she would not trigger article 50 until she had an agreed “UK approach” backed by the devolved Administrations. Does she intend to keep her word?

The Prime Minister: I have been very clear: we are having a number of engagements with the various devolved Administrations, taking their issues into account. We are currently, as we agreed at the last Joint Ministerial Committee plenary session, intensifying the discussions with the Scottish Government on the issues raised in the Scottish White Paper. The decision to trigger article 50 is one that this House has been very clear should be taken. This House voted overwhelmingly on Second Reading that that should be the step we take, and we will be doing so on behalf of the UK.

Several hon. Members rose—

Mr Speaker: I call Sir Desmond Swayne. [Interruption.] He is a very good-natured fellow but he was chuntering at me at precisely the wrong moment. We will forgive him. I thought he was standing—

Sir Desmond Swayne (New Forest West) (Con): I was about to go to an appointment, Mr Speaker.

Mr Speaker: The right hon. Gentleman now has the opportunity of an appointment with the House. I would be astonished if he has no view to express—it would be a first!

Sir Desmond Swayne: Unsought though it is, I am delighted to have the opportunity to ask: has there been any discussion hitherto about the assets of the European Union to which we might have some claim after 40 years of being a major contributor?

The Prime Minister: I can assure my right hon. Friend that in looking at the future negotiations, we will be looking at every angle of the relationship with the European Union.
Keith Vaz (Leicester East) (Lab): May I welcome the £200 million that has been pledged for the Mediterranean crisis? As the right hon. Lady knows, 3,800 people have travelled from Libya to Italy since 1 January. I ask her to be very careful with regard to the Libyan coastguard, because there is strong evidence that it is working with people smugglers to allow these boats to leave Libyan waters. How much of that money will actually be used to counter the work of the criminal gangs?

The Prime Minister: The work we are doing with the Libyan coastguard is of course about training its people to be able to do the job that we all expect them to do and that many of them want to be able to do. Separately from that, we will be working to enhance our ability to work across borders and through international agreements, using things such as joint investigation teams, to ensure that we are catching these criminal gangs. We have put some extra effort into this. I think we have to put even more effort into it in the future.

Sir Julian Brazier (Canterbury) (Con): I welcome this statement and, in particular, my right hon. Friend’s comments about refugees. Does she agree that the work we are doing, both through our development budget and through our armed forces, to underpin the fragile states of Lebanon and Jordan is absolutely pivotal and is vastly more than is being done by the rest of Europe?

The Prime Minister: My hon. Friend makes a very important point about the support we have given. We took a very simple view that we can support more people who have fled from Syria by giving them humanitarian aid and support in the region than we can by bringing them to the UK. We will be bringing, and are bringing, vulnerable people—in particular, vulnerable Syrian refugees—here to the UK, but we continue to believe, as the second biggest bilateral donor to the region, that this is important as well. I continue to commend the work of Turkey, Lebanon and Jordan in the support that they are giving to the significant number of refugees they are supporting.

Ms Gisela Stuart (Birmingham, Edgbaston) (Lab): Given President Trump’s talk about renegotiating the Iran nuclear deal, did the Prime Minister have any opportunity to discuss, particularly with her French and German counterparts, how we would respond should the President pursue this rather foolish route?

The Prime Minister: We continue to believe that the Iran nuclear deal was an important step forward and an important contribution to stability in the region. We continue to support it.

Alberto Costa (South Leicestershire) (Con): I welcome the Prime Minister’s statement. Mr Speaker, you will know that the status of EU nationals affects not only some of my constituents but my family and friends personally. The Prime Minister has given me, this House and the country her personal guarantee that she will seek an early agreement on this issue. I am putting my entire trust in the Prime Minister to honour that promise. Getting an early agreement will, in my opinion, be a decisive mark of her negotiating skills and leadership qualities as our Prime Minister.

The Prime Minister: I have been very clear that Parliament will have a vote on the deal. This is a matter that is going to be discussed in some detail tomorrow, when the Secretary of State for Exiting the European Union will be able to set out in more detail than in response to a single question what the situation will be.
Robert Jenrick (Newark) (Con): Further to the question asked by the right hon. Member for Birmingham, Edgbaston (Ms Stuart), I am sure the Prime Minister shares my concern about Iran’s ballistic and cruise missile tests on 29 January. What discussions did she have with European partners about how we can work with the Trump Administration to preserve and, if anything, strengthen the Iranian nuclear deal?

The Prime Minister: My hon. Friend is right to raise concerns about the ballistic missile tests that took place. The overwhelming message that we took from the informal Council in relation to working with America on a number of issues, including not only Russia and Ukraine but Iran, was that it is important for us to engage directly with the American Administration on these matters and, obviously, make clear the positions that we hold in Europe.

Jonathan Edwards (Carmarthen East and Dinefwr) (PC): According to press reports, the Prime Minister’s master plan of being a post-Brexit bridge between Europe and the US was not well received. Does she really believe it is in the interests of the British state to be increasingly isolated from Europe and in the hands of a President who is taking the United States on a very dangerous journey?

The Prime Minister: I have made it clear in a number of my responses today that it is important that the United States and Europe work together and co-operate on the many challenges that we share.

Charlie Elphicke (Dover) (Con): Does my right hon. Friend not agree that, while it is welcome that the Calais Jungle was dismantled last autumn and that this country did the right thing by vulnerable children, it is very important that we work with the French to prevent the exploitation of children, target the traffickers, and, in order to ensure that the Jungle does not reappear this spring, take full action before the first tent is pitched?

The Prime Minister: My hon. Friend is absolutely right. With his particular constituency interest, he is very aware of the issues around migrants being in the camp at Calais and the pressure that that puts on Dover, particularly when people are trying to get through to the United Kingdom. We will make every effort to work with the French Government to ensure that we do not see a return to the sort of camps that we saw last year in Calais before they were cleared.

Kate Hoey (Vauxhall) (Lab): Is the Prime Minister disappointed that the mantra of nothing will be agreed until everything is agreed has been adopted as far as EU citizens in all our countries are concerned? Is it not possible for her to have an informal letter with the Prime Ministers of Spain and France to agree informally, as soon as it is technically possible after the start of article 50 negotiations, to bring in that reciprocity?

The Prime Minister: It is not the case that people are saying that, in this particular issue, it can only be agreed at the end of the deal when everything else is agreed. What they have said is that they do not believe that negotiations and discussions on it should not start until article 50 has triggered the formal negotiations. I have every expectation, from the good will that I have seen from others, that it will be possible to get an early agreement on this matter to give people the reassurance that they need.

Bill Wiggin (North Herefordshire) (Con): May I thank the Prime Minister on behalf of my constituents for raising the 2% defence spending issue, because it makes them safer? If the Greeks can do it, why can’t the rest?

The Prime Minister: My hon. Friend is absolutely right. The four member states who do it are the United Kingdom, Greece, Poland and Estonia. I am pleased to say that some of the rest are making every effort to do it as well, and are progressing well towards the 2% target.

Several hon. Members rose—

Mr Speaker: Order. I remember as a Back Bencher in Department of Trade and Industry questions that the hon. Member for Ilford South (Mike Gapes) had No. 1, and I rather irreverently called out, “Get in there, Gapes.” Now is his opportunity. I call Mr Mike Gapes.

Mike Gapes (Ilford South) (Lab/Co-op): Thank you, Mr Speaker. The Prime Minister has referred to her meeting with President Trump, but she has not mentioned her meeting with President Erdogan. Did she take the opportunity to inform other European Union leaders about those discussions, the 3 million Syrian refugees that Turkey is having to take and the support, or lack of it, that President Erdogan feels has come from the EU so far? Did she also discuss with them the customs union, of which Turkey is a member?

The Prime Minister: As we were discussing the issue of migration, I was able to make reference to the EU-Turkey deal—indeed, a number of references were made to it—which has seen the number of migrants moving from Turkey to Greece being reduced significantly. When I was in Turkey, I commended the Turkish Government for the support that they have given to the 3 million refugees who are in Turkey.

Ben Howlett (Bath) (Con): I warmly welcome this Government’s commitment regularly to come before this House to update Members on the progress of EU-UK negotiations. Does my right hon. Friend agree that the European Council statements are a perfect opportunity to update the House on the Prime Minister’s negotiations with EU national leaders after we trigger article 50?

The Prime Minister: The EU Council statements are given in response to business that is done at the EU Council. I can assure my hon. Friend that there will be every opportunity for Parliament to be kept informed as we go through this process. There have already been 70 debates or statements on this issue in Parliament and 30 reviews by different parliamentary Committees on different aspects of Brexit. I think I can say that not a day has gone by since the referendum that this issue has not been discussed in this House in some shape or form.
Alison Thewliss (Glasgow Central) (SNP): Annette Street Primary School in my constituency is wonderfully diverse, as many new Scots have made Glasgow their home. Saqib from Annette Street says:

“There are lots of children from Annette Street that are from Europe. We want to know if they will have to leave or not.”

Saying “as soon as possible” is not a good enough answer for Saqib, Prime Minister. When we will actually know whether these children will get to stay in Scotland?

The Prime Minister: I repeat the answer that I have given to others: I expect to be able to deal with this issue in relation to those who are from the European Union and living here in the United Kingdom at an early stage in the negotiations. There is good will on all sides to be able to address the issue when the negotiations have been triggered because everybody understands the concern that people have about their future.

Mr Andrew Turner (Isle of Wight) (Con): Might I ask the Prime Minister which are more important—Europeans in Britain or Brits in the EU?

The Prime Minister: It is not a question of which are more important. We recognise that there are people from European Union member states who have made their lives—for some, over a significant period of time—here in the United Kingdom. I also recognise that there are UK citizens who have made their lives in other European Union member states. I want all those people to be able to carry on living where they choose to live in the security of knowing that their future is determined and that the choice is up to them. I want to ensure that that opportunity and reassurance are given to all those people, and I hope and expect that we will be able to do that at an early stage of the negotiations.

Helen Goodman (Bishop Auckland) (Lab): The Prime Minister said that the other European Union member states welcomed the clarity of her objectives. Did she have any discussion with them about the realism of completing the substantive negotiations within 18 months?

The Prime Minister: I have every expectation—indeed, a number of comments have been made by others around Europe about the importance of ensuring this—that we can do this deal and complete these negotiations within the timescale set.

Heidi Allen (South Cambridgeshire) (Con): I can see that the Prime Minister is genuinely and sincerely disappointed not to have been able to reassure EU citizens ahead of the formal negotiations. In the light of the rapidly shifting landscape—for example, Trump’s divisive immigration policies and how that situation is making people in this country feel—if the deal with fellow nations is not done as early in the negotiation period as the Prime Minister would like, will she review it again and look at a unilateral agreement for those EU citizens?

The Prime Minister: I recognise the concern that my hon. Friend has shown for some considerable time on the position of EU citizens living here in the United Kingdom. I have every expectation, given the responses that I have had so far from other member states, that we will indeed be able to get that reassurance at an early stage. I want and intend to be able to reassure people from other EU member states who are living here in the United Kingdom, and I have every expectation that we will be able to get that reassurance at an early stage of the negotiations.

Stella Creasy (Walthamstow) (Lab/Co-op): In the Prime Minister’s Lancaster House speech, she put on her wish list an entirely new form of membership of the customs union: an associate membership. Did she raise the idea with the other members of the European Council this weekend, and quite what did they make of it?

The Prime Minister: What I actually did in my Lancaster House speech was to say that I had not come to a firm decision as to whether the future relationship should be an associate membership or some other sort of relationship with the customs union. I was clear that we need to be able to negotiate trade deals with other countries around the world.

Matt Warman (Boston and Skegness) (Con): My constituency contains proportionately more EU nationals than any other, and they say two things to me—that they deeply want their rights in this country to be reassured, and that they understand that it is vital that this country is the kind of country that also stands up for the interests of its citizens abroad. Does the Prime Minister agree that this is a test of national character and that although the politics may be hard, it is the only option we can reasonably pursue?

The Prime Minister: My hon. Friend is right. We should be clear that we have a duty to consider UK citizens who have chosen to make their life outside the UK and live in other European Union member states, as well as having a duty to consider EU citizens living here in the United Kingdom. That is why I expect that we will, at an early stage, be able to give reassurance to both.

Tom Brake (Carshalton and Wallington) (LD): With how many EU leaders at this Council or earlier Councils since 23 June did the Prime Minister discuss the UK staying in the single market post-Brexit?

The Prime Minister: What I have been clear about with all the European leaders I have spoken to is that what we want when we leave the European Union is a good free trade arrangement with the member states of the European Union, in the form of the European Union. That is what we want, and that is what we will be working for.

Owen Smith (Pontypridd) (Lab): The summit began with the German Chancellor admonishing the Prime Minister for the threat to undercut our European neighbours—the alternative economic model the Prime Minister talked about at Lancaster House. Could she confirm that she is still threatening to cut corporation tax in a race to the bottom, and could she tell us whether she is worried that the manner of the negotiations is damaging our reputation abroad?

The Prime Minister: What I set out in the Lancaster House speech were my 12 objectives for the negotiations. Within that was a new free trade agreement with the European Union and a belief that we have every opportunity and every possibility of getting the arrangement that we want for the future strength of the UK economy.
What I also said very clearly was that we would not be wanting to sign up to a bad deal for the UK. I think the UK public want to hear from their Prime Minister that we are not willing to sign up to a bad deal, and will make every effort and expect to get the best deal possible for the United Kingdom.

Tom Tugendhat (Tonbridge and Malling) (Con) rose—

Mr Speaker: Order. Was the hon. Member for Tonbridge and Malling present at the start of the statement?

Tom Tugendhat: Absolutely.

Mr Speaker: And he has remained throughout?

Tom Tugendhat: Absolutely, Mr Speaker.

Mr Speaker: Then he may speak.

Tom Tugendhat: Thank you, Mr Speaker.

Would my right hon. Friend confirm that the UK is absolutely at the heart of Europe in defence terms? Did she get agreement from partners at the European Council that our alliance with countries such as Denmark and Estonia very much demonstrates that we are far more influential in some of the other areas of European policy than is often recognised?

The Prime Minister: My hon. Friend makes a very important point. Of course, the role that the UK plays in the defence of Europe as a whole is recognised widely across Europe, and I have been very clear that we want to continue to co-operate on matters such as defence with our European allies once we have left the EU.

Roger Mullin (Kirkcaldy and Cowdenbeath) (SNP): The Prime Minister indicated that she speaks on behalf of the whole United Kingdom, which she will know is a differentiated Union, with Scotland having its own legal and education system. What issues, therefore, did she specifically raise in relation to Scotland’s requirements?

The Prime Minister: I hate to disappoint the hon. Gentleman, but the answer I will give him is the same answer that I gave earlier: when I go into the European Council, and when we go into these negotiations, the European Union will be negotiating with the UK, and the Government will be negotiating on behalf of the whole of the United Kingdom.

Mr David Hanson (Delyn) (Lab): The Prime Minister rightly mentioned people trafficking and sexual exploitation in her statement. Did she give any reassurances, or did she get any reassurances from her European partners, on the UK’s continued membership of the means of exchanging information, such as Europol?

The Prime Minister: As I think the right hon. Gentleman knows, that will be a matter, of course, for the negotiations, but as I said in my Lancaster House speech, one of the objectives that we will set is our continuing co-operation on justice and security matters.

Margaret Ferrier (Rutherglen and Hamilton West) (SNP): It has been reported that, at the EU Council meeting on Friday, Angela Merkel, among other leaders, was less than impressed with the Prime Minister’s threat to turn the UK into a tax haven. Can the Prime Minister outline exactly what her EU counterparts said to her regarding that and whether she intends to take that threat off the table?

The Prime Minister: As I said in response to an earlier question on this matter, what I have done is very clearly to set out—I think it is absolutely right, and this clarity has been welcomed by other European leaders—that we expect to get a good deal in our negotiations with the European Union, and that includes a good deal on a free trade agreement, and we will not be prepared to sign up to a bad deal.

Kevin Brennan (Cardiff West) (Lab): My constituents Mr and Mrs Regan came to see me on Saturday about their son, who has a Greek wife and who lives and works in the middle east. After Brexit, they plan to come and live in the UK. Will their daughter-in-law have to apply for a settlement visa? I said I could not answer that question and that I would ask someone who could, so could the Prime Minister answer it for me?

The Prime Minister: I take it from the hon. Gentleman’s question that he is talking about somebody who is currently living outside the United Kingdom. The arrangements in relation to the movement of EU citizens into the UK from elsewhere after Brexit are, of course, matters that the Home Office is currently looking at, and they will be subject to discussion by Parliament.

Carol Monaghan (Glasgow North West) (SNP): I welcome the Prime Minister’s statement on the importance of EU nationals, but does she understand the damage that is caused when we continue to use EU nationals, including those working in highly skilled areas and STEM—science, technology, engineering and maths—businesses, as bargaining chips in our negotiations?

The Prime Minister: We want to be able to provide reassurance to people who are EU citizens living here in the UK, and to provide that reassurance also to EU citizens living elsewhere in Europe. I remind the hon. Lady that during the Scottish independence referendum the First Minister told EU nationals that they would lose the right to stay here if the— [Interruption.]

Mr Speaker: Order. All this finger-wagging at the Prime Minister is rather unseemly. It does not constitute statesmanship of the highest order. The question has been asked, the Prime Minister is going to answer, and that answer must be heard with courtesy.

The Prime Minister: The First Minister said that they would lose the right to stay here if the EU did not allow an independent Scotland to rejoin, and of course the EU made it very clear that Scotland could not consider that it was going to get automatic membership of the European Union.

Christian Matheson (City of Chester) (Lab): Were there any discussions at the Council about reports of the likely appointment by President Trump of Mr Ted Malloch as his ambassador to the European Union?
Would such an appointment cause concern to the Prime Minister, since Mr Malloch has reportedly likened the European Union to the Soviet Union?

The Prime Minister: I have been very clear that it is in the interests of the UK to have a continuing strong European Union, and that is a point that I have made to the American Administration.

Alan Brown (Kilmarnock and Loudoun) (SNP): My wife is an EU national, and unlike the hon. Member for South Leicestershire (Alberto Costa), neither she nor I have any faith in this Government doing the right thing unless we see actions on the rights of EU nationals rather than so-called warm words. If the Prime Minister sees herself as a leader, why does she not confirm the rights of EU nationals? That would also send a positive message to UK citizens living in other EU countries rather than their having to be a bargaining chip.

The Prime Minister: I have been very clear about my intentions in relation to EU nationals living here in the United Kingdom, but it is only right and proper that the United Kingdom Government should also have a care for the UK citizens living in the European Union.

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): At the summit the Prime Minister announced support to allow up to 22,000 people to reunite with family members they have become separated from during their journey. Can she say a little more about what this means in practice and, in particular, whether it includes extra efforts towards reuniting refugees with family members in the United Kingdom?

The Prime Minister: For those who are in member states of the European Union, the Dublin regulations obviously allow for reuniting families under certain circumstances. That is something we have been actively working on. Over the past year or so, we have actively worked with the French Government to increase the speed at which we are able to reunite children with families here in the United Kingdom, and we continue to do so.

Gavin Newlands (Paisley and Renfrewshire North) (SNP): We are constantly told by Ministers at the Dispatch Box that they are maintaining close relationships with countries that have dubious human rights records, allowing us to speak to those regimes as only friends can. Can the Prime Minister therefore tell us, given our extra-special, super-duper relationship with the US, what particular home truths on Trump’s outrageous plans she delivered on our behalf?

The Prime Minister: I was very clear about the UK’s position on a whole range of issues that we wish to discuss with the United States Administration. It was the special relationship that enabled us very quickly to ensure that UK citizens were not covered by the ban and the Executive order that President Trump brought into place in relation to the movement of people from seven countries into the United States.

Richard Drax (South Dorset) (Con): May I entirely concur with my right hon. Friend’s comments so far as the Queen is concerned, and add my congratulations to Her Majesty? I wonder whether any EU leader said to my right hon. Friend during her meeting how envious they are of having such a wonderful Head of State.

The Prime Minister: I seriously say to my hon. Friend that I regularly hear comments from other leaders, not just in Europe but in other parts of the world, about how impressive Her Majesty the Queen is, about her dedication to this country, and about how lucky we are to have her as our Head of State.
Points of Order

4.44 pm

Emily Thornberry (Islington South and Finsbury) (Lab): On a point of order, Mr Speaker. First, is it in order for the Prime Minister to refer to a Member of this House not by her own name, but by the name of her husband? Secondly, for the record, I have never been a lady, and it will take a great deal more than being married to a knight of the realm to make me one.

The Prime Minister (Mrs Theresa May): Further to that point of order, Mr Speaker. I did not in any way intend to be disorderly in this House, and if the hon. Lady is concerned about the reference that I made to her, of course I will apologise for that. I have to say to her, though, that for the last 36 years I have been referred to by my husband’s name.

Mr Speaker: Order. No sedentary shrieking from the hon. Member for Rhondda (Chris Bryant) is required. I have the matter in hand. Two points, very simply: first of all, I thank the Prime Minister for what she has just said. Secondly, in so far as there is any uncertainty on this matter, let me dispel that uncertainty. I do so from my own knowledge and on the professional advice of the Clerk. We refer in this Chamber to Members by their constituencies or, if they have a title—for example, shadow Minister—by their title. To refer to them by another name is not the right thing to do. But the Prime Minister has said what she has said, and I thank her for that. We will leave this matter there.

Geoffrey Clifton-Brown (The Cotswolds) (Con): On a point of order, Mr Speaker. With great respect to your statement at the beginning of our proceedings, on behalf of the Commission, that the dress and composition of the Clerks sitting in this House should change forthwith after the recess, may I urge you to reconsider this and to consider whether the whole House ought to have an opportunity to address the matter before it is enacted?

Sir Gerald Howarth (Aldershot) (Con) rose—

Mr Speaker: First, I thank the hon. Gentleman and, indeed, the hon. Member for The Cotswolds not just for raising their concerns, which they are perfectly entitled to do, but for their courtesy in giving me advance notice of their intention to do so.

I say, with courtesy and on advice, to the hon. Member for Aldershot—that this is a matter that can properly be decided by the Speaker. I thought it proper to consult my colleagues on the House of Commons Commission, the strategic governing body of the House, and I must tell both hon. Gentlemen that the House of Commons Commission agreed without objection to the two changes: the extension of those who serve at the Table and the removal of wigs.

Beyond that, I would say to the hon. Member for Aldershot—I tease him a tad here—that my understanding from one who has considerable knowledge and expertise in these matters is that, although certainly during the past couple of hundred years it has been the norm for Clerks serving at the Table to wear wigs, if he goes back some several centuries, which is normally an enjoyable sport to the hon. Gentleman, he will find that in fact Clerks did not wear wigs.

The final point I make to the hon. Member for Aldershot is that it was not an executive order; it was a request from the Clerks themselves, to which I and the members of the House of Commons Commission agreed. People are entitled to their views about it, but the idea...
that this was something I dreamed up and sought to impose against the will of the Clerks is 100% wrong. The hon. Gentleman might give the Clerk of the House some credit. The Clerk is open to constructive reform, and he has been the champion of it in this case.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): On a point of order, Mr Speaker. Have you noted the deep concern expressed by Members from both sides of the House—the 170 who have signed early-day motion 890, and those who do not sign EDMs but have made their views known publicly during the past week—regarding offering the honour of a speech to both Houses of Parliament in Westminster Hall or, indeed, elsewhere in the Palace of Westminster? Will you tell us what approaches have been made to you, what discussions have taken place with the relevant authorities—the keyholders—for such an approach to go ahead, and whether there are any ways in which those of us who have deep concerns about President Trump’s comments can make that known to the responsible authorities?

Mr Speaker: I am grateful to the hon. Gentleman for his point of order. I will say this: an address by a foreign leader to both Houses of Parliament is not an automatic right; it is an earned honour. Moreover, there are many precedents for state visits to take place in our country that do not include an address to both Houses of Parliament. That is the first point.

The second point is that in relation to Westminster Hall, there are three keyholders—the Speaker of the House of Commons, the Lord Speaker of the House of the Lords and the Lord Great Chamberlain. Ordinarily, we are able to work by consensus, and the Hall would be used for a purpose, such as an address or another purpose, by agreement of the three keyholders.

I must say to the hon. Gentleman, to all who have signed his early-day motion and to others with strong views about this matter on either side of the argument that before the imposition of the migrant ban, I would myself have been strongly opposed to an address by President Trump in Westminster Hall, but after the imposition of the migrant ban by President Trump, I am even more strongly opposed to an address by President Trump in Westminster Hall.

So far as the Royal Gallery is concerned—again, I operate on advice—I perhaps do not have as strong a say in that matter. It is in a different part of the building, although customarily an invitation to a visiting leader to deliver an address there would be issued in the names of the two Speakers. I would not wish to issue an invitation to President Trump to speak in the Royal Gallery.

I conclude by saying to the hon. Gentleman that we value our relationship with the United States. If a state visit takes place, that is way beyond and above the pay grade of the Speaker. However, as far as this place is concerned, I feel very strongly that our opposition to racism and to sexism, and our support for equality before the law and an independent judiciary are hugely important considerations in the House of Commons.

Mr Dennis Skinner (Bolsover) (Lab): Further to that point of order, Mr Speaker. Two words: well done.

Mr Speaker: No, we should not have clapping in the Chamber, but sometimes it is easier to let it go than to make a huge fuss about it.
European Union (Notification of Withdrawal) Bill

[1STALLOCATEDDAY]

Considered in Committee

[MRS ELEANOR LAING in the Chair]

New Clause 3

PARLIAMENTARY OVERSIGHT OF NEGOTIATIONS

“Before issuing any notification under Article 50(2) of the Treaty on European Union the Prime Minister shall give an undertaking to—

(a) lay before each House of Parliament periodic reports, at intervals of no more than two months on the progress of the negotiations under Article 50 of the Treaty on European Union;
(b) lay before each House of Parliament as soon as reasonably practicable a copy in English of any document which the European Council or the European Commission has provided to the European Parliament or any committee of the European Parliament relating to the negotiations;
(c) make arrangements for Parliamentary scrutiny of confidential documents.”—[Matthew Pennycook.]

This new clause establishes powers through which the UK Parliament can scrutinise the UK Government throughout the negotiations.

Brought up, and read the First time.

4.57 pm

Matthew Pennycook (Greenwich and Woolwich) (Lab): I beg to move, That the clause be read a Second time.

The First Deputy Chairman of Ways and Means (Mrs Eleanor Laing): With this it will be convenient to discuss the following:

New clause 20—Financial services—reports—

“As from the day on which this Act comes into force the Secretary of State shall, at least once in every six months, lay before Parliament a report stating what, if any, steps are being taken by Her Majesty’s Government to defend and promote the access to European markets for the UK financial services sector.

This new clause would seek regular reports from Ministers about the consequences of withdrawal from the European Union.

New clause 22—Competition Policy—

“Following the exercise of the power in section 1, Her Majesty’s Government shall make an annual report to Parliament on its policy regarding state aid, government intervention in industry and fair competition arising from the withdrawal of the United Kingdom from European Union competition regulations.”

This new clause seeks the publication of an annual report from Her Majesty’s Government in respect of the competition policy consequences of withdrawal from the European Union.

New clause 29—Reporting to Parliament—

“Before exercising the power under section 1, the Prime Minister must undertake to report to Parliament each quarter on her progress in negotiations on Article 50(2) of the Treaty on European Union and Article 218(3) of the Treaty on the Functioning of the European Union.”

This new clause puts a requirement on the Prime Minister for quarterly reporting during the negotiating process.

New clause 51—Approval of White Paper on withdrawal from EU—

“(1) This Act comes into effect after each House of Parliament has approved by resolution the White Paper on withdrawal from the EU.

(2) The White Paper must, in particular, provide information on—

(a) the nature and extent of any tariffs that will or may be imposed on goods and services from the UK entering the EU and goods and services from the EU entering the UK;
(b) the terms of proposed trade agreements with the EU or EU Member States, and the expected timeframe for the negotiation and ratification of said trade agreements;
(c) the proposed status of rights guaranteed by the law of the European Union, including—
(i) labour rights,
(ii) health and safety at work,
(iii) the Working Time Directive,
(iv) consumer rights, and
(v) environmental standards;
(d) the proposed status of—
(i) EU citizens living in the UK and,
(ii) UK citizens living in the EU, after the UK has exited the EU;
(e) estimates as to the impact of the UK leaving the EU on—
(i) the balance of trade,
(ii) GDP, and
(iii) unemployment.”

New clause 56—Notification of withdrawal from the EEA—

“The Prime Minister may not give the notification under section 1 until such time as Parliament has determined whether the UK should also seek to withdraw from the European Economic Area in accordance with Article 127 of the EEA Agreement.”

This new clause would allow for proper parliamentary debate and scrutiny of the United Kingdom’s membership of the Single Market and whether the UK should remain as a member of the European Economic Area prior to the Prime Minister triggering Article 50.

New clause 111—European Police Office (Europol)—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty’s Government in respect of the United Kingdom’s participation in and engagement with the European Police Office (Europol).”

This new clause would seek a report from Her Majesty’s Government on the UK’s participation in and engagement with the European Police Office (Europol) following the UK’s withdrawal from the European Union.

New clause 112—European Chemicals Agency (ECHA)—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty’s Government in respect of the United Kingdom’s participation in and engagement with the European Chemicals Agency (ECHA).”

This new clause would seek a report from Her Majesty’s Government on the UK’s participation in and engagement with the European Chemicals Agency (ECHA) following the UK’s withdrawal from the European Union.

New clause 113—European Centre for Disease Prevention and Control (ECDC)—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty’s Government in respect of the United Kingdom’s participation in and engagement with the European Centre for Disease Prevention and Control (ECDC).”
This new clause would seek a report from Her Majesty’s Government on the UK’s participation in and engagement with the European Centre for Disease Prevention and Control (ECDC) following the UK’s withdrawal from the European Union.

New clause 114—Community Plant Variety Office (CPVO)—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty’s Government in respect of the United Kingdom’s participation in and engagement with the Community Plant Variety Office (CPVO).”

This new clause would seek a report from Her Majesty’s Government on the UK’s participation in and engagement with the Community Plant Variety Office (CPVO) following the UK’s withdrawal from the European Union.

New clause 115—European Medicines Agency (EMEA)—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty’s Government in respect of the European Medicines Agency (EMEA).”

This new clause would seek a report from Her Majesty’s Government on the UK’s participation in and engagement with the European Medicines Agency (EMEA) following the UK’s withdrawal from the European Union.

New clause 116—European Agency for Health and Safety at Work (EU-OSHA)—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty’s Government in respect of the European Agency for Health and Safety at Work (EU-OSHA).”

This new clause would seek a report from Her Majesty’s Government on the UK’s participation in and engagement with the European Agency for Health and Safety at Work (EU-OSHA) following the UK’s withdrawal from the European Union.

New clause 117—European Aviation Safety Agency (EASA)—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty’s Government in respect of the European Aviation Safety Agency (EASA).”

This new clause would seek a report from Her Majesty’s Government on the UK’s participation in and engagement with the European Aviation Safety Agency (EASA) following the UK’s withdrawal from the European Union.

New clause 118—European Centre for the Development of Vocational Training (Cedefop)—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty’s Government in respect of the European Centre for the Development of Vocational Training (Cedefop).”

This new clause would seek a report from Her Majesty’s Government on the UK’s participation in and engagement with the European Centre for the Development of Vocational Training (Cedefop) following the UK’s withdrawal from the European Union.

New clause 119—European Police College (Cepol)—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty’s Government in respect of the United Kingdom’s participation in and engagement with the European Police College (Cepol).”

This new clause would seek a report from Her Majesty’s Government on the UK’s participation in and engagement with the European Police College (Cepol) following the UK’s withdrawal from the European Union.

New clause 120—European Environment Agency (EEA)—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty’s Government in respect of the European Environment Agency (EEA).”

This new clause would seek a report from Her Majesty’s Government on the UK’s participation in and engagement with the European Environment Agency (EEA) following the UK’s withdrawal from the European Union.

New clause 121—European Food Safety Authority (EFSA)—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty’s Government in respect of the European Food Safety Authority (EFSA).”

This new clause would seek a report from Her Majesty’s Government on the UK’s participation in and engagement with the European Food Safety Authority (EFSA) following the UK’s withdrawal from the European Union.

New clause 122—European Investment Bank (EIB)—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty’s Government in respect of the European Investment Bank (EIB).”

This new clause would seek a report from Her Majesty’s Government on the UK’s participation in and engagement with the European Investment Bank (EIB) following the UK’s withdrawal from the European Union.

New clause 123—Eurojust—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty’s Government in respect of Eurojust.”

This new clause would seek a report from Her Majesty’s Government on the UK’s participation in and engagement with Eurojust following the UK’s withdrawal from the European Union.

New clause 124—European Maritime Safety Agency (EMSA)—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty’s Government in respect of the European Maritime Safety Agency (EMSA).”

This new clause would seek a report from Her Majesty’s Government on the UK’s participation in and engagement with the European Maritime Safety Agency (EMSA) following the UK’s withdrawal from the European Union.

New clause 125—European Monitoring Centre for Drugs and Drug Addiction (EMCDDA)—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty’s Government in respect of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA).”
This new clause would seek a report from Her Majesty’s Government on the UK’s participation in and engagement with the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) following the UK’s withdrawal from the European Union.

New clause 126—European Union Agency for Fundamental Rights (FRA)—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty’s Government in respect of the United Kingdom’s participation in and engagement with the European Union Agency for Fundamental Rights (FRA).”

This new clause would seek a report from Her Majesty’s Government on the UK’s participation in and engagement with the European Union Agency for Fundamental Rights (FRA) following the UK’s withdrawal from the European Union.

New clause 127—European Satellite Centre (EUSC)—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty’s Government in respect of the United Kingdom’s participation in and engagement with the European Satellite Centre (EUSC).”

This new clause would seek a report from Her Majesty’s Government on the UK’s participation in and engagement with the European Union Agency for Fundamental Rights (FRA) following the UK’s withdrawal from the European Union.

New clause 128—Protected designation of origin (PDO) scheme—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty’s Government in respect of the United Kingdom’s participation in and engagement with the protected designation of origin (PDO) scheme.”

This new clause would seek a report from Her Majesty’s Government on the UK’s participation in and engagement with the protected designation of origin (PDO) scheme following the UK’s withdrawal from the European Union.

New clause 129—Protected geographical indication (PGI) scheme—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty’s Government in respect of the United Kingdom’s participation in and engagement with the protected geographical indication (PGI) scheme.”

This new clause would seek a report from Her Majesty’s Government on the UK’s participation in and engagement with the protected geographical indication (PGI) scheme following the UK’s withdrawal from the European Union.

New clause 130—Traditional specialities guaranteed (TSG) scheme—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty’s Government in respect of the United Kingdom’s participation in and engagement with the traditional specialities guaranteed (TSG) scheme.”

This new clause would seek a report from Her Majesty’s Government on the UK’s participation in and engagement with the traditional specialities guaranteed (TSG) scheme following the UK’s withdrawal from the European Union.

New clause 134—Notification of withdrawal from the EEA—

“The Prime Minister may not give the notification at section (1) until such time as a Parliamentary vote has approved the withdrawal of the UK from the European Economic Area in accordance with Article 127 of the EEA Agreement.”

New clause 136—Approval of report on withdrawal from EU—

“(1) This Act comes into effect after each House of Parliament has approved by resolution the report on withdrawal from the EU.

(2) The report must, in particular, provide information on—

(a) EU citizens living in the UK and,

(b) UK citizens living in the EU, after the UK has exited the EU.”

New clause 151—Renewables—reports—

“As from the day on which this Act comes into force the Secretary of State shall, at least once in every six months, lay before Parliament a report stating what, if any, steps are being taken by Her Majesty’s Government to defend and promote the access to European markets for the UK renewables sector as a consequence of the exercise of the power in section 1.”

This new clause would seek regular reports from Ministers about the impact of withdrawing from the European Union on the UK renewables sector.

New clause 169—European Health Insurance Card (EHIC)—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty’s Government in respect of the United Kingdom’s participation in and engagement with the European Health Insurance Card (EHIC) scheme.”

This new clause would seek a report from Her Majesty’s Government on the UK’s participation in and engagement with the European Health Insurance Card (EHIC) scheme following the UK’s withdrawal from the European Union.

New clause 171—Erasmus+ Programme—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty’s Government in respect of the United Kingdom’s participation in and engagement with the Erasmus+ Programme.”

This new clause would seek a report from Her Majesty’s Government on the UK’s participation in and engagement with the Erasmus+ Programme following the UK’s withdrawal from the European Union.

New clause 173—European Research Area (ERA)—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty’s Government in respect of the United Kingdom’s participation in and engagement with the European Research Area (ERA).”

This new clause would seek a report from Her Majesty’s Government on the UK’s participation in and engagement with the European Research Area (ERA) following the UK’s withdrawal from the European Union.

New clause 176—Requirement to have regard to Motions passed by Parliament—

“In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must have regard to any motions passed by Parliament on the outcome of the negotiations associated with the notification of the UK’s intention to leave the European Union authorised by this Act”.    

This new clause would require Her Majesty’s Government to have regard to any motions passed by Parliament on the outcome of the negotiations associated with the notification of the UK’s intention to leave the European Union authorised by this Act.

New clause 177—European Arrest Warrant—report—

“Within 30 days of the coming into force of this Act the Secretary of State shall publish a report to both Houses of Parliament setting out the approach to be taken by Her Majesty’s Government in respect of the United Kingdom’s participation in and engagement with the European Arrest Warrant.”
This new clause would seek a report from Her Majesty’s Government on the UK’s participation in and engagement with the European Arrest Warrant following the UK’s withdrawal from the European Union.

New clause 8—EU and United Kingdom nationals—

“In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must resolve to guarantee the rights of residence of anyone who is lawfully resident in the United Kingdom on the day on which section 1 comes into force in accordance with or as consequence of any provision of a Treaty to which section 1 relates, and United Kingdom nationals living in the parts of the European Union that are not the United Kingdom before the European Council finalises their initial negotiating guidelines and directives.”

Amendment 83, in clause 1, page 1, line 2, leave out “the Prime Minister” and insert “Parliament”.

Amendment 45, page 1, line 3, at end insert—

“(1A) The Prime Minister may not notify under subsection (1) until she has confirmed that EU nationals living and working in the United Kingdom will be subject to the same citizenship rights as those in the UK after the UK leaves the EU.

Amendment 78, page 1, line 3, at end insert—

“(1A) The Prime Minister may not notify under subsection (1) until the Foreign Secretary has published a revised programme of work for the UK Permanent Representative to the European Union for the duration of the negotiating period, and laid a copy of the report before Parliament.”

Amendment 84, page 1, line 3, at end insert—

“(1A) The persons authorised to give notification under subsection (1) on behalf of Parliament are—

(a) The Speaker of the House of Commons, on behalf of the House of Commons, and
(b) the Lord Speaker, on behalf of the House of Lords.

(1B) Parliament may only give notification under subsection (1) if—

(a) both Houses of Parliament have passed resolutions approving notification; and
(b) votes in favour of notification have been passed by—

(i) the Scottish Parliament,
(ii) the National Assembly for Wales, and
(iii) the Northern Ireland Assembly.

(1C) A notification under subsection (1) must be given as soon as is practicable after the two Houses of Parliament have passed resolutions approving notification.”

Amendment 12, page 1, line 5, at end insert—

“(3) Before exercising the power under subsection (1), the Prime Minister must lay before both Houses of Parliament a White Paper on the UK Exiting the EU.”

Amendment 17, page 1, line 5, at end insert—

“(3) Before exercising power under subsection (1), the Prime Minister must give undertakings that all EU citizens exercising their Treaty rights in the UK who—

(a) were resident in the UK on 23 June 2016, and
(b) had been resident since at least 23 December 2015 be granted permanent residence in the UK.”

Amendment 36, page 1, line 5, at end insert—

“(3) Before the Prime Minister issues a notification under this section, Her Majesty’s Government has a duty to lay before both Houses of Parliament a White Paper setting out its approach to any transitional arrangements with the European Union following the expiry of the two-year period specified in Article 50(3) of the Treaty on European Union.”

This amendment would require the Government to set out, prior to triggering Article 50, a detailed plan for a transitional arrangement with the EU covering the period between the end of the two-year Article 50 negotiation period and the coming into force of a final Treaty on the UK’s new relationship with the EU.

Amendment 44, page 1, line 5, at end insert—

“(3) Before exercising the power under subsection (1), the Prime Minister must lay a report before Parliament on the Government’s proposed negotiation package, including detailed and specific information on—

(a) the proposed terms of the UK’s access to the Single Market (if any) or the negotiating mandate thereof;
(b) the nature and extent of any tariffs that will or may be imposed on goods and services from the UK entering the EU and goods and services from the EU entering the UK or the negotiating mandate thereof;
(c) the terms of proposed trade agreements with the EU or EU Member States, and the expected timeframe for the negotiation and ratification of said trade agreements or the negotiating mandate thereof;
(d) the proposed status of rights guaranteed by the law of the European Union, including—

(i) labour rights,
(ii) health and safety at work,
(iii) the Working Time Directive,
(iv) consumer rights, and
(v) environmental standards;
(e) the proposed status of—

(i) EU citizens living in the UK, and
(ii) UK citizens living in the EU, after the UK has exited the EU or the negotiating mandate thereof;
(f) details of the Government’s internal estimates as to the impact of the above measures on—

(i) the balance of trade,
(ii) GDP, and
(iii) unemployment, in the UK after the UK leaves the EU.

(4) The report in subsection (3) must set out the costs and benefits of holding a referendum which asks the public to decide between the proposed negotiation package or remaining a member of the European Union.

(5) The report in subsection (3) must not be laid before the House before 1 December 2017.”

New clause 6—EU citizens resident in the United Kingdom—

“(1) Anyone who is lawfully resident in the United Kingdom—

(a) on the day on which section 1 comes into force, and
(b) in accordance with or as consequence of any provision of a Treaty to which section 1 relates, shall have no less favourable rights of residence or opportunities to obtain rights of residence than they currently enjoy.”

This new clause guarantees the rights of EU nationals living in the UK at the date when article 50 is triggered.

New clause 14—Rights for EU nationals—

“Her Majesty’s Government shall ensure that those persons who have a right to indefinite leave to remain in the United Kingdom by virtue of their EU citizenship on the day on which this Act is passed shall continue to have an indefinite leave to remain in the United Kingdom.”

This new clause would ensure that those persons who have a right to indefinite leave to remain in the United Kingdom by virtue of their EU citizenship on the day on which this Act is passed shall continue to have an indefinite leave to remain in the United Kingdom.

New clause 27—EU nationals in the United Kingdom—
“(1) The Prime Minister may not exercise the power under subsection (1)(1) unless the Prime Minister is satisfied that arrangements are in place to secure that every individual who is—

(a) not a citizen of the United Kingdom, and

(b) on the date on which this Act comes into force ("the Commencement Date"), is resident in the United Kingdom pursuant to any right derived from the treaties,

shall, when the treaties cease to apply to the United Kingdom, continue to be entitled to reside in the United Kingdom on terms no less favourable than those applicable to that individual on the Commencement Date.”

New clause 33—Immigration—draft framework—

“Before exercising the power under section 1, the Prime Minister must set out a draft framework for the future relationship with the European Union which includes reference to how this will give the UK control over its immigration system.”

New clause 57—Effect of notification of withdrawal—

“Nothing in this Act shall affect the continuation of those residence rights enjoyed by EU citizens lawfully resident in the United Kingdom on 23 June 2016, under or by virtue of Directive 2004/38/EC, after the United Kingdom’s withdrawal from the European Union.”

This new clause is designed to protect the residence rights of those EU citizens who were lawfully resident in the United Kingdom on the date of the EU referendum. It would ensure that those rights do not fall away automatically two years after notice of withdrawal has been given, if no agreement is reached with the EU. This new clause would implement a recommendation made in paragraph 53 by the Joint Committee on Human Rights in its report ‘The human rights implications of Brexit’.

New clause 67—Indefinite leave to remain for EU citizens in Wales—

“Before the Prime Minister can exercise the power in section 1, the Prime Minister must commit to automatically granting indefinite leave to remain in the UK for EU citizens already lawfully resident in Wales.”

This new clause requires the Prime Minister to commit to implementing the Leave Campaign’s pledge to automatically grant indefinite leave to remain in the UK for EU citizens already lawfully resident in Wales before exercising the powers outlined in section 1.

New clause 108—Status of Irish citizens in the United Kingdom—

“Before exercising the power under section 1, the Prime Minister shall commit to maintaining the current status, rights and entitlements of Irish citizens in the United Kingdom, inclusive of and in addition to their status, rights and entitlements as EU citizens.”

New clause 135—Effect of notification of withdrawal (No. 2)—

“Nothing in this Act shall affect the continuation of those rights of residence enjoyed by EU citizens lawfully resident in the United Kingdom and UK citizens lawfully resident in the EU on 23 June 2016 after the United Kingdom’s withdrawal from the European Union.”

New clause 142—EU Students in the UK—

“The Prime Minister may not exercise the power under section 1 until a Minister of the Crown has confirmed that EU students present in the UK on the date the United Kingdom withdraws from the EU will be granted visas to allow them residency rights for the full duration of their academic courses.”

New clause 146—Rights of EU citizens in the UK—

“Any citizen of an EU Member State lawfully resident in the United Kingdom on the day on which this Act comes into force shall have no less favourable rights of residence than they currently enjoy.”

Matthew Pennycook: New clause 3 concerns the parliamentary oversight of the negotiations that will follow the triggering of article 50. It would require the Government to report back to Parliament at least every two months on the progress of negotiations and to lay reports before both Houses of Parliament on each occasion. Let me be clear that the purpose is to improve the Bill by providing Parliament with the means not only to effectively monitor the Government’s progress throughout the negotiations, but to actively contribute to their success by facilitating substantive scrutiny that can positively influence the outcome.

We are here today debating this new clause and other new clauses and amendments to the Bill only because the Supreme Court upheld the High Court’s November ruling on the triggering of article 50, confirming that only Parliament, not Ministers using the royal prerogative, can initiate the start of the UK’s exit from the EU.

Sir William Cash (Stone) (Con) rose—

Matthew Pennycook: I will not give way and will make a little progress, if that is okay.

The Supreme Court was right to make it clear that Parliament should exert democratic influence over Brexit. That influence should be felt at the start, throughout and, most importantly, at the end of the formal process of leaving the EU. In practice, the Opposition believe that there must be three distinct pillars of parliamentary scrutiny and accountability: first, the provision of a detailed plan published prior to the start of negotiations that can inform future debates and votes, and that can be used throughout as a point of reference; secondly, a means of ensuring robust parliamentary oversight throughout the formal negotiation period; and, thirdly, a meaningful debate and vote in Parliament on the proposed deal before it is signed off with the European Council and Parliament.

Sir Hugo Swire (East Devon) (Con): Does the hon. Gentleman really think that in a negotiation that could take many months and which will be extraordinarily complicated it would be in the best interests of the UK to have to reveal its hand every two months?

Matthew Pennycook: I want to make it clear that we are not asking the Government to reveal the minutiae of the negotiations or to micromanage the process, and I will say more about that further on in my remarks.

Under pressure, the Government conceded the first of those requests in the form of the White Paper published on Thursday, and my hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer) will seek to win agreement to the third tomorrow, when he moves new clause 1. The purpose of new clause 3 is to secure the second of those pillars and, in so doing, ensure an enhanced role for hon. Members throughout the process. The Government should welcome an enhanced role for Parliament throughout the negotiations for two reasons.

Sir William Cash rose—

Matthew Pennycook: I will make some progress, if I may.
First, although Ministers obviously need sufficient room for manoeuvre, and understandably cannot therefore consent to the micromanagement of the process by parliamentarians, active and robust parliamentary scrutiny will aid the negotiations by testing and strengthening the Government’s evolving negotiating position and their hand with the EU. Secondly, facilitating substantive parliamentary scrutiny and accountability would help to bind the wounds of the referendum and forge a genuine consensus in the months and years ahead, by reassuring the public, particularly the 16.1 million people who voted remain, that they will not be marginalised or ignored but that their views will be taken into account and their interests championed by their representatives in Parliament.

Sammy Wilson (East Antrim) (DUP): If the House is to pore over the details of the Government’s negotiating position and express its view on them at regular intervals, that will be known to those with whom we are negotiating. How will that not undermine the Government’s position?

Matthew Pennycook: If the hon. Gentleman will allow me to make some progress, he will see that that is not what we are asking for. When it comes to sensitive or confidential matters, we hope that there are mechanisms to allow the House to view and respond to those.

In leaving the EU, we need a deal and a process that work not just for the 52% who voted leave or the 48% who voted remain but for each and every person with a stake in our country’s future. No one can reasonably accuse the Secretary of State of being unwilling to appear before the House—he has responded to every question put to him on this subject, even if, to ape the language of the White Paper, it has not always felt as if we have got an answer—but we require something more throughout the formal negotiations: an opportunity for Members of Parliament to determine what sensitive material would come before the House in that process. As my hon. Friend the Member for Wolverhampton North East (Emma Reynolds) rightly argued on Second Reading, hon. Members are not passive bystanders, but should be active participants in the process.

Dawn Butler (Brent Central) (Lab): Does my hon. Friend agree that it is important that Parliament is sovereign throughout the whole process and has a chance to look at the general direction the Government are taking by withdrawing from the EU?

Matthew Pennycook: My hon. Friend makes a very good point. As she will see, we are asking for no more and no less than the European Parliament will get.

Substantive parliamentary scrutiny and accountability are not the same as accountability after the event, and new clause 3 is focused on securing what is needed for the former. The Secretary of State has made it clear on numerous occasions that when it comes to the provision of information during the negotiations it is his intention that hon. Members will enjoy not just the same access to information as their counterparts in the European Parliament, but that the situation here will be an improvement on what the European Parliament sees.

We do not know precisely what the Members of European Parliament will see throughout the negotiations, but it is reasonable to assume that their involvement is likely to be conducted in accordance with the provisions of article 218 of the treaty on the functioning of the European Union and that the detailed arrangements are likely to be similar to those set out in the 2010 framework agreement on relations between the European Parliament and the Commission. It is worth stating for the record, therefore, what that involves. Paragraph 23 of the framework agreement makes it clear that the European Parliament shall be “immediately and fully informed at all stages of the negotiation and conclusion of international agreements”.

In addition, paragraph 24 requires that information shall be provided to the European Parliament “in sufficient time for it to be able to express its point of view if appropriate, and for the Commission to be able to take Parliament’s views as far as possible into account”.

Lastly, in order to facilitate oversight of any sensitive material, article 24 of the framework agreement states: “Parliament and the Commission undertake to establish appropriate procedures and safeguards for the forwarding of confidential information from the Commission to Parliament”.

In short, the Commission needs to let the European Parliament know in good time what it is proposing, with provisions made for sensitive or confidential material, and to give sufficient time for the Parliament to provide feedback, and then act upon it if appropriate. That is now the baseline of European parliamentary scrutiny—the baseline that the Secretary of State has assured us this House can expect not only to match, but to surpass.

Dr Andrew Murrison (South West Wiltshire) (Con): I think the hon. Gentleman will find that most European papers are published in English by the House of Commons Library. He has not yet answered the question about where he would draw his line in the sand in respect of what he refers to as micromanagement and material that should be discussed every two months.

Matthew Pennycook: I have been absolutely clear about that, I am afraid, and it is up to the Government to determine what sensitive material would come before Members of Parliament in that process.

Several hon. Members rose—

Matthew Pennycook: Let me make a little more progress, if I may.

In acknowledging the delicate balance between the need for robust parliamentary oversight and the needs of the Executive, it is that baseline of oversight that new clause 3 seeks to secure for this place. As the right hon. and learned Member for Beaconsfield (Mr Grieve) argued on Second Reading, process matters.

Gloria De Piero (Ashfield) (Lab): I respect the democratic result of the referendum, but we all owe it to our constituents to get the best deal for them. The east midlands exports 50% of its goods to the European Union, and I would be failing in my duty as an east midlands MP if I did not have a chance to ensure that those jobs are not jeopardised by the Government deal. Is that not why scrutiny is important?
Matthew Pennycook: That is precisely why scrutiny is important, and if the Government were approaching this in a reasonable and sensible manner, they would actively welcome my hon. Friend’s input into the process.

The Government should embrace rather than resist agreeing to a proper process for actively engaging the House in the considerable challenge it now faces. The undertakings sought in new clause 3 would ensure the active and constructive involvement of Parliament in that process and increase the chances of securing the best possible deal for the British people. I hope the Government will consider new clause 3 in the spirit in which it has been moved, and I look forward to hearing the Minister’s thoughts on the matter.

In turning to the important matter of the rights of European Union nationals living in the UK, I shall speak to new clause 8, but principally to new clause 6, which stands in my name and that of my hon. Friends. As my hon. Friend the Member for Hampstead and Kilburn (Tulip Siddiq) argued so passionately during last week’s Second Reading debate, EU nationals who have put down roots in the UK are part of the fabric of our nations and our communities. They are our neighbours. Many of them sustain the public services we rely on and they deserve to be treated with respect. They should not be used as bargaining chips in the negotiations.

I have no doubt that many hon. Members on both sides of the House have had, as I have, EU nationals attending their constituency advice surgeries to express the sense of trauma and anxiety that they have felt every single day since 23 June last year, and to seek reassurance. While individual hon. Members can and, I am sure, have sought to reassure, we can provide EU nationals living in our constituencies with no guarantees. Only the Government have it within their gift to do so. The purpose of new clause 6 is therefore a simple one. It will ensure that on the day section 1 of the Act comes into force, the rights of residence of EU nationals living in the UK or the opportunities for those nationals to obtain such rights of residence will be guaranteed on the date on which article 50 notice is formally served.

Keith Vaz (Leicester East) (Lab): Even the Prime Minister’s statement today did not provide certainty. What constituents who have lived here for a number of years say to us is that they need certainty, so that they can know how to plan their lives. Does my hon. Friend agree with me that, in any event, someone who has lived for five years should be able to get permanent residence? Does my hon. Friend say to us is that they need certainty, so that they can know how to plan their lives. Does my hon. Friend agree with me that, in any event, someone who has lived for five years should be able to get permanent residence. As my hon. Friend the Member for Hampstead and Kilburn (Tulip Siddiq) argued so passionately during last week’s Second Reading debate, EU nationals who have put down roots in the UK are part of the fabric of our nations and our communities. They are our neighbours. Many of them sustain the public services we rely on and they deserve to be treated with respect. They should not be used as bargaining chips in the negotiations.

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Matthew Pennycook: I agree 100% with my right hon. Friend.

Dr Murrison: The hon. Gentleman says that we are not debating the detail, but I am afraid that that is what he is proposing. He is proposing a rather wide blanket measure which would give many people an unconditional right to stay in the country. What provision does his new clause make—I cannot see any—for the more than 4,000 EU nationals who are in United Kingdom prisons? What arrangements will there be when we leave the European Union to ensure that we can remove them from the United Kingdom, which we can currently do under the EU prisoner transfer agreement?

Matthew Pennycook: As the right hon. Gentleman will know, it depends on the terms of the sentence. New clause 6 seeks an in-principle guarantee from the Government that they will secure the rights of EU nationals.

Few would question the fact that Brexit has divided the country, but on this issue there is a clear consensus that the Government should act decisively to give certainty to EU nationals. A motion tabled by my right hon. Friend the Member for Leigh (Andy Burnham) in July last year, which called on the Government to commit themselves with urgency to giving EU nationals currently living in the UK the right to remain, was passed overwhelmingly in the House, and that parliamentary support is mirrored among the public. Polling by British Future shows that 84% of people, including 77% of leave voters, support the ability of existing EU nationals to stay in the UK. The Labour party has called repeatedly for the Government to act to end the uncertainty that those people face. Indeed, such is the level of consensus that even Migration Watch and the UK Independence party have joined those calls.

The only question that remains is whether the rights that flow from permanent residency, and the opportunity for those who are eligible to obtain those rights in the future, will be secured by means of a reciprocal agreement or unilaterally guaranteed by the Government.
Steve McCabe (Birmingham, Selly Oak) (Lab): Will my hon. Friend give way?

Matthew Pennycook: I will not give way, if that is okay, because I know that many other Members wish to speak, and I do not think the Front Bench should take the majority of the time.

We recognise the efforts of the Prime Minister and her Ministers to achieve a reciprocal agreement with our EU partners that would also guarantee the rights of UK nationals in other EU countries. We owe a duty to our nationals in those EU countries, and securing their rights must remain a priority. However, with no reciprocal agreement reached and with just weeks to go until the triggering of article 50, we believe that the uncertainty must be brought to an end by unilateral action on the part of the Government.

John Penrose (Weston-super-Mare) (Con) rose—

Mark Field (Cities of London and Westminster) (Con) rose—

Matthew Pennycook: I am not going to give way any further.

There are hard-headed as well as moral reasons for doing this. Guaranteeing the rights of residence of EU nationals unilaterally on the date on which the article 50 notice is given would not only end the uncertainty that millions now face. It would also ensure the best possible start to the negotiations that lie ahead, and would send a clear signal to the small minority who have treated the referendum result as a licence to victimise others that our fellow Europeans are welcome and will remain so.

A number of other new clauses and amendments share the purpose of new clause 6 in seeking to protect the rights of EU nationals living in the UK. Indeed, some add additional safeguards to the basic guarantee that we seek. In particular, new clause 57, tabled by my right hon. and learned Friend the Member for Camberwell and Peckham (Ms Harman), would ensure not only that the residence rights of EU citizens were protected, but that those rights did not automatically fall away at the end of the article 50 negotiating period if no agreement had been reached. If my right hon. and learned Friend were minded to push the new clause to a vote, she would have our support.

What matters in the end is that this issue is resolved as a matter of urgency in order to end the anxiety that people are currently feeling, and the distress that will be caused by a prolonged period of uncertainty during the negotiations. I hope that Ministers will be able to give us, and the thousands of EU nationals and their families out there, the reassurances that we seek.

5.15 pm

Mr Harper: I note that this group is a fairly hefty one with a large number of amendments, but I wish to make only five points, so I will attempt not to take up too much of the House’s time.

The first point that I wish to address is that of parliamentary scrutiny, which was mentioned by the hon. Member for Greenwich and Woolwich (Matthew Pennycook) at the beginning of his remarks. A number of new clauses and amendments talk about producing a raft of reports, including the rather large number of new clauses from the hon. Member for Nottingham East (Chris Leslie). What I want to throw out there is the question of what that really adds to the process. It seems to me—I have also spoken to a number of my constituents about this—that this House has spent a lot of time, as is appropriate, debating Brexit and all the issues that flow from it. My right hon. Friend the Prime Minister has been here on a number of occasions, my right hon. Friend the Secretary of State for Exiting the European Union has made a number of statements, and it seems to me that Ministers have furnished the House with a significant amount of information. Moreover, in the White Paper published last week, which I read very carefully, there was a reiteration of the commitment to bring forward the great repeal Bill, which will be very wide in scope and will enable Parliament to debate these matters, and there was also the suggestion that it is very likely that there will be primary legislation on immigration and customs matters, which will, of course, be debated by the House.

John Penrose: I agree with my right hon. Friend that there is a vast amount of information already coming out. Does he agree that even if that co-operative attitude were to change, there are plenty of mechanisms—urgent questions and the like—available to both Government and Opposition Members to bring Ministers to the Dispatch Box to provide the kind of explanation that everybody here is expecting? Does he therefore agree that it is very hard to see how the Opposition’s proposals build on or add to those mechanisms which are already available to all of us?

Mr Harper: I completely agree with my hon. Friend and it is difficult to avoid the conclusion that, certainly the Opposition Front Bench was desperately looking around for amendments that would not stop the Bill in its tracks, and this was about the best they could come up with. But it does not really add very much and is rather unnecessary, and, as I have said, many of the new clauses are rather repetitive, talking about reports and information about a whole raft of EU institutions, which will, of course, be covered in any event.

Sir Oliver Letwin (West Dorset) (Con): Does my right hon. Friend agree that the effect, if not the intent, of the Opposition new clause would be to make all these matters justiciable and therefore bring the courts into the question of whether the Government’s reports were sufficient and, indeed, appropriate?

Mr Harper: My right hon. Friend makes a very good point. Once we put things into primary legislation and set out the nature and terms of the report, it will, as we have seen, be justiciable, and it will allow people to go to court and argue—they might be successful, they might not—that what the Government have brought forward is not adequate, and we will then have a continuation of the legal arguments that we have seen.

Clive Efford (Eltham) (Lab): Should not any Member of this House want as a minimum requirement access to information and opportunities at least equal to those of any Member of the European Parliament—surely no Member of this House can justify arguing for anything less?
Mr Harper: The point I was making—and I think my hon. Friend the Member for Weston-super-Mare (John Penrose) was agreeing—is that there are already well-established mechanisms in this House for ensuring that information is brought before Members. Indeed, if I simply judge my right hon. Friends the Prime Minister and the Secretary of State for Exiting the European Union by what they have done so far, it seems to me that they have been in this House frequently talking about Brexit. I fear that, by the end of this process, certainly the general public will be willing it to end as might hon. Members.

Chris Bryant (Rhondda) (Lab): Is not one of the problems that, in recent years, motions have regularly been carried by the House and then been completely and utterly ignored by the Government? We need more than just a simple yes or no vote at the end of this process. We need to be able to scrutinise whatever deal emerges line by line. That is exactly what the European Parliament will be able to do, so why on earth should not we be able to do it too?

Mr Harper: I am pleased that the hon. Gentleman rose to his feet, because I am about to turn away from my first point about the new clauses tabled by Opposition Front-Bench Members and to talk about the ones that I think could be much more damaging. Those include new clause 51, to which the hon. Gentleman has appended his name, and amendment 44.

In the Government’s amendment to the Opposition motion that was passed by the House on 7 December last year, the House agreed by 448 votes to 75 that the Government should indeed ensure that Parliament had the necessary information to scrutinise these matters properly. The instruction from the House also stated, however, “that there should be no disclosure of material that could be reasonably judged to damage the UK.”—[Official Report, 7 December 2016; Vol. 618, c. 220.]

This is an arguable matter, but my contention is that the detail called for in new clause 51 on, among other things, the terms of proposed trade agreements and the proposed status of citizens are details that we would not want to disclose during our negotiations. For example, we would not wish to disclose whether tariffs were to be introduced or at what level. To do so would be to reveal our negotiating hand, which would be counter to the strongly expressed view of the House. If new clause 51 or amendment 44 are put to a vote, I strongly urge the House to vote against them.

Owen Smith (Pontypridd) (Lab): The right hon. Gentleman has mentioned new clause 51, which has been tabled in my name and those of other Opposition Members. Given that, before the referendum, the Government of which he was a part estimated the damage to the UK’s GDP of our leaving the EU on World Trade Organisation terms at around 7.7% of GDP or perhaps as much as £66 billion, would he not think it sensible for the Government to allay the country’s concerns if they now believe that the effects will be far less serious?

Mr Harper: The hon. Gentleman is picking out one aspect of his new clause. I was drawing out an aspect, to which I object, dealing with the effective disclosure of our hand in the discussion on future trading arrangements. That would not be very sensible while we are carrying out negotiations with our trading partners.

Owen Smith: That demonstrates the expertise that he acquired when he was a Foreign Office Minister.

Moving on to number three of my five points, new clause 56 refers to our withdrawal from the EEA and tries to make that into a separate argument. We are a member of the EEA as a result of being a member of the EU. Given that the EEA agreement talks about the free movement of goods and persons and means that we are susceptible to the jurisdiction of the European Court of Justice, if we were to remain within the EEA, we would in the view of most members of the public effectively not have left the EU at all—the things that they were concerned about would still be in force. Indeed, things would have got worse because we would have no ability to influence—[Interruption.]

Mike Gapes (Ilford South) (Lab/Co-op): Will the right hon. Gentleman give way?

Mr Harper: Let me just finish my point. We would have no ability to influence the rules that we would have to accept. Members who are talking about the EEA are simply trying to avoid the fact that we are going to be leaving the European Union; they are trying to remain in it by the back door.

Julian Knight (Solihull) (Con): Will my right hon. Friend give way?

Mr Harper: The hon. Gentleman was agreeing—is that there are already well-established mechanisms in this House for ensuring that information is brought before Members. Indeed, if I simply judge my right hon. Friends the Prime Minister and the Secretary of State for Exiting the European Union by what they have done so far, it seems to me that they have been in this House frequently talking about Brexit. I fear that, by the end of this process, certainly the general public will be willing it to end as might hon. Members.

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Julian Knight (Solihull) (Con): Will my right hon. Friend give way?
Mr Harper: Let me give way to the hon. Member for Ilford South (Mike Gapes), who I think was first on his feet, and then to my hon. Friend.

Mike Gapes: Will the right hon. Gentleman confirm that Norway is not in the European Union, that Norway was cited by leading leave campaigners as an option that we could follow and that we could be like Norway and not within the European Union?

Mr Harper: I can confirm to the House that Norway is not a member of the European Union. That is indeed true. Part of the reason why I was on the remain side of the argument was that the Norway deal is not very good at all and not a model to be followed. My view was that—[Interruption.]

Heidi Alexander (Lewisham East) (Lab): Will the right hon. Gentleman give way?

Mr Harper: Let me finish answering the point of the hon. Member for Ilford South and then I will of course take an intervention. I did promise to give way to my hon. Friend the Member for Solihull (Julian Knight) first, but I will then give way to the hon. Lady.

The two best options are either to be in the EU and accept everything that comes with that, but with the ability to shape the rules, or to leave and not be in the single market, not have free movement of people and not be subject to the European Court of Justice. Norway’s EEA model is poor, because it is subject to the free movement of people, it has to accept the jurisdiction of the Court and it has no right at all to influence any of the rules. It is up to the Norwegians what model they want to adopt, but it is not one that would work for us or that I would recommend to the House.

Julian Knight: I completely agree with my right hon. Friend. Constructs such as the EEA are effectively antechambers. They are entry points into the EU. It would be inappropriate, given our size and our economy, for a country such as ours that is exiting the EU to rest in something that is unsuitable.

Mr Harper: I could not have put it better myself. I will now give way to the hon. Lady.

Heidi Alexander: Will the right hon. Gentleman tell the Committee whether he believes that Parliament should vote on whether we leave the single market and the EEA before that happens—if that is what the Government want to see through?

Mr Harper: I do not. I will put my cards on the table: I was on the remain side, but I am a democrat, so I accept the result. As a participant, I listened closely to the arguments in the referendum campaign and when David Cameron, then Prime Minister, and my right hon. Friend the Member for Tatton (Mr Osborne), then Chancellor, were leading the remain campaign, they were clear that if the country voted to leave the European Union, we would leave the single market. Both David Cameron and my right hon. Friend the Member for Tatton thought, erroneously as it turned out, that that argument would be the slam dunk. They thought that the British people would see that being in the single market was absolutely critical and therefore would vote to remain in the European Union.

Wes Streeting (Ilford North) (Lab) rose—

Mr Kenneth Clarke (Rushcliffe) (Con) rose—

Mr Harper: If I can finish my answer, I will of course take an intervention.

However, the British public did not agree with David Cameron and my right hon. Friend the Member for Tatton. Therefore, it seems clear that the public accepted that we would be leaving the single market. Leading campaigners on the leave side made exactly the same point. I will now give way to my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke).

Mr Kenneth Clarke: It is quite right that the then Prime Minister and Chancellor warned that leaving the EU would mean leaving the single market, but my recollection is that some leave campaigners just dismissed that as “Project Fear”. I particularly recollect that the current Foreign Secretary was totally dismissive of that argument and said that we would retain full membership of and full access to the market because Europe needed to sell us its Mercedes and prosecco wine. It is not true that everybody on the leave side acknowledged that we would put ourselves outside tariff and regulatory barriers.

5.30 pm

Mr Harper: My right hon. and learned Friend is right that not everybody on the leave side made that argument. The good news for me is that I was not on the leave side of the argument—neither was he—so I feel no obligation to defend any of the arguments made by anybody on that side of the campaign.

I specifically chose the former Prime Minister and the former Chancellor, my right hon. Friend the Member for Tatton, because they were on my side of the argument, but I think I am right in saying that my right hon. Friend the Member for Surrey Heath (Michael Gove), who led the official leave campaign, made exactly that argument, which is why I referred to it.

Ms Gisela Stuart: I thank the right hon. Gentleman for giving way to the chair of the official leave campaign. Although many voices argued for leave, the official leave campaign, its chair and the co-chairs of its campaign committee made it very clear in public that voting to leave would mean leaving the single market.

Mr Harper: I am grateful to the right hon. Lady for that helpful intervention, which rather proves my point. The British people’s decision in the referendum means leaving the EU, which means leaving the single market. That is the conclusion that the Prime Minister has drawn, and it is one that I support.

Jonathan Edwards (Carmarthen East and Dinefwr) (PC): Will the right hon. Gentleman give way?

Mr Harper: If the hon. Gentleman will forgive me, I want to move on to my fourth point, on the important issue of EU nationals. Given my experience as a former Immigration Minister, I have some questions, and I hope the Minister will be able to address them to my satisfaction and to the satisfaction of the House.
First, I completely agree that it would be desirable to be able to put at rest the minds and concerns of EU nationals in the United Kingdom who are here lawfully and who contribute to our country, but it is also important to be able to put at rest the concerns and worries of British citizens living elsewhere in the European Union. After all, the primary duty of the British Government is to look out for British citizens. That comes first, ahead of all else, and I fear that what the hon. Member for Greenwich and Woolwich suggested—when he said that, if we cannot reach an early agreement, we should proceed anyway—might well put to rest the concerns of EU nationals in Britain, but would simply throw overboard the interests and concerns of UK citizens living elsewhere in the European Union. Doing that would not secure their interests, and it would throw away our ability to do so.

**Jo Stevens** (Cardiff Central) (Lab): Some 15% of the academic staff, 5% of students and 10% of research students at Cardiff University in my constituency are from the EU. Does the right hon. Gentleman agree that there is a significant risk that those EU staff and their spouses will seek employment elsewhere, outside the UK, if they do not have certainty now from the Government? We would then lose all that intellectual capital.

**Mr Harper**: I completely agree with the hon. Lady, which is why I am pleased that the Prime Minister, in her statement today and on a number of other occasions, has made it clear that she wants to reach an early agreement, and has been seeking to do so, with our European partners. But, in leading our country, the Prime Minister has to look to the interests of British citizens, as well as to the interests of citizens from other EU countries who are here. She does not serve the interests of British citizens by putting the interests of EU nationals ahead of them.

**Joanna Cherry** (Edinburgh South West) (SNP): The right hon. Gentleman is courteous in giving way. I am a member of the Exiting the European Union Committee, and a few weeks ago we heard evidence from several British nationals living in Spain, Germany, Italy and France. They were members of representative organisations for British nationals, and every single one of them said that they felt that the other member states would reciprocate if the UK Government made a unilateral guarantee of the rights of EU nationals living here. Has he taken that evidence into account?

**Mr Harper**: I have, and the hon. and learned Lady has now put it before the House, but the problem is that I have not seen any evidence to support that view. If I listened correctly to what the Prime Minister was saying, it sounds as though a number of European member state Governments are indeed of that view, but clearly more than one are not—or at least they are not now. Therefore, it is sensible to get this right.

There is another thing that Members of this House ought to be doing, and this picks up on the point made by the right hon. Member for Leicester East (Keith Vaz). There are already several mechanisms through which EU nationals who have lived in the UK for some time can sort out their residency status on a permanent basis. Rather than scaremongering and whipping up concern, hon. Members would do well to put that information in front of their constituents in order to reassure them.

**Joanna Cherry**: The point that these British nationals living abroad made was that the British Government put this matter on the table—they put the rights of these people at issue—so they should take the lead by guaranteeing the rights of EU nationals living in the UK, and then other member states would follow suit. Those are not my words but the words of British nationals living abroad. What does the right hon. Gentleman have to say to that?

**Mr Harper**: I go back to the premise of the hon. and learned Lady’s question; it was not the British Government who made this decision, as it was the decision of the British people—

**Joanna Cherry**: It is the same thing—

**Mr Harper**: No, with the greatest respect, it is not the same thing. These issues have arisen and there is a question about the rights of EU nationals and British citizens because the people of the United Kingdom decided that we were going to leave the EU. That is not a decision of the Government—

**Several hon. Members rose**—

**Mr Harper**: If Members will forgive me, I shall make a little progress.

**Mr Andrew Tyrie** (Chichester) (Con) rose—

**Mr Harper**: I will give way to the Chairman of the Treasury Committee, but then I must make some progress.

**Mr Tyrie**: My right hon. Friend would agree, however, that other nationals should not be treated as bargaining chips, and I am sure he would also be aware that the Treasury Committee has heard a good deal of evidence to suggest that the failure to guarantee the rights of EU nationals is now beginning to damage the economy. Given that, and the overwhelming ethical case, does he not agree, on reflection, that the time has come just to protect those EU citizens’ rights?

**Mr Harper**: I completely agree on the value to the economy. I also agree on this being an urgent matter, and I heard the Prime Minister say exactly that this afternoon. If I may conclude my remarks about EU nationals, perhaps my right hon. Friend the Member for Chichester (Mr Tyrie) will see why I do not think precipitate action is very wise. It could open up a range of complexities which, far from putting people’s minds at rest and making things better, could make things worse.

**Ms Gisela Stuart**: The right hon. Gentleman was a Minister and he has been in negotiations. If we put on the table the kind of deal we would expect the other 27 to offer to UK citizens, we would set the template of what we think the right deal is and set the right tone for the negotiations; this is a different matter from trade.
Mr Harper: I was listening carefully to what the Prime Minister said, and it sounds to me as though she and her Ministers are indeed talking to EU member states and trying to get this issue resolved. There is a two-stage process here: we need an agreement in principle by the UK Government with other EU member states—

Ian Blackford (Ross, Skye and Lochaber) (SNP) rose—

Mr Harper: I am grateful to the hon. Gentleman for trying to intervene, but I need to finish replying to the right hon. Lady before I can take his intervention. I am also conscious of the fact that I have only one more point to make after I have finished my points about EU nationals, and I want to give other Members the chance to contribute to the debate. [Interruption.] I am giving way to take questions. This is a debate, and I cannot both make rapid progress and give way to Members, so let me just answer the point that the right hon. Lady made. It seems to me that the Prime Minister and her Ministers are indeed dealing with other European members and trying to get this issue resolved, but that is clearly not being entirely reciprocated by other members. The approach has two stages: we need an agreement in principle that we want to guarantee those rights; and then there is also an awful lot of detail to be worked out. These matters are very complicated.

I wish to draw the House’s attention to what happened last weekend. As far as I can tell, looking from the outside, it seems to me that part of the reason for the mess the US Administration have got themselves into is that they produced an Executive order that was not very well thought through. They do not seem to have taken proper legal advice, so got themselves into trouble in the courts. There was an impact on British citizens, before the intervention of my right hon. Friend the Foreign Secretary and the Home Secretary resolved the matter. I do not want us to move precipitately without thinking things through.

I wish to give the House some examples that I think must be sorted out. First, the various amendments and new clauses refer to people who are lawfully resident in the United Kingdom under the existing treaties. I do not think that is straightforward, but it is actually quite complicated. Any EU national can come to Britain for any reason, for up to three months. If they want to stay here for longer than three months, they have to be either working, looking for work, self-sufficient or a student. If they are self-sufficient or a student, they are here lawfully only if they have comprehensive health insurance. We know from those people who have been trying to regularise their status, following the sensible advice that the Home Secretary and the Home Secretary resolved the matter. I do not want us to move precipitately without thinking things through.

Secondly, the national health service and healthcare are topical issues. We currently have a set of reciprocal arrangements with our European Union partners for people who are in those countries. We do not do the logistics of dealing with these matters, so I do not know where we will end up on that, but it is important.

Thirdly, in an intervention earlier I alluded to a point that must be thought about, because if we act hastily, we will come to regret it. At the end of March last year—these are the latest figures I was able to find—4,222 EU nationals were imprisoned in British jails. Under the EU prisoner transfer framework directive, we have the ability to transfer them when they are in prison, and when they come out we can start to take action to revoke their status in the United Kingdom. I want to make sure that in acting now we do not act hastily and make our ability to remove those people from the United Kingdom more difficult. I fear that the new clauses and amendments we are considering would not adequately deal with that issue, as was reflected in the answer from the shadow Minister, the hon. Member for Greenwich and Woolwich.

Finally, the Bill does one simple thing: it gives the Prime Minister the lawful authority to start the negotiation process. That is all it does. The Government have been generous in making available the time to debate that matter. The Bill does not need to be improved or amended in any way. I do not know which amendments and new clauses will be pressed to a vote, but I hope that I have set out some reasons why several of them should be rejected. If any of them are pressed, I urge the House to reject them.

Ms Harriet Harman (Camberwell and Peckham) (Lab): I rise to support new clause 57, which was tabled in my name and the names of other members of the Joint Committee on Human Rights, with the support of right hon. and hon. Members from both sides of the House.

This is about 3 million people and their families—EU citizens whose future here has been thrown into doubt by the decision in June that the UK should leave the EU. There is nothing about the cloud of uncertainty that they now live under that is their own fault. If we accept the new clause, we can put their minds at rest and let them look to the future.

Members on both sides of the House will know the people whose lives we are talking about. Some, such as those from France and Spain, have been here for decades. They have children and grandchildren living here. They work in and are part of their local community. It is unthinkable that they would be deported and their families divided because we have decided to leave the EU. Let us put their minds at rest and assure them and their families that our decision to leave the EU will not change their right to be here. Their anxiety is palpable.

We have all seen it in our advice surgeries. One of my constituents, an Italian woman, has been here for 30 years. She cannot work anymore because she is ill, and her residency rights are now at risk. People from countries that have more recently joined the EU, such as Poland, Romania and Bulgaria, are working in sectors that could not manage without them—in agriculture, care homes and our tourism industry. Employers in food production are already reporting more difficulty in getting the workers they need. That is happening now.

Jeremy Lefroy (Stafford) (Con): New clause 57 was recommended by the Joint Committee on Human Rights. My constituent was a consultant paediatric surgeon from Sweden approached me over the new year in a state of distress because he was not sure about his future status—this is someone who performs really valuable services

5.45 pm
for the people of the west midlands and at Birmingham Children’s Hospital. He had been advised that he should seek the services of an immigration lawyer, and that advice had come from his trust.

**Ms Harman:** The hon. Gentleman is absolutely right. There was plenty of other such evidence that came before us on the Joint Committee on Human Rights, of which he is a very valued member. This ongoing uncertainty around the status of EU residents here is allowing greater exploitation of vulnerable EU workers. Last week, appearing before the Joint Committee on Human Rights, Margaret Beels, chair of the Gangmasters Licensing Authority, said that she is receiving evidence that gangmasters are telling fearful EU workers that they cannot complain about not being paid or about being subjected to unsafe conditions because if they do they will be deported as they no longer have the right to be here. We are not whipping up fears, but understanding fears and seeking to address them. It is no good, I am afraid, issuing warm words; people need certainty. They work in every part of our private sector. They contribute to our creative industries; they are artists and musicians. They work in our public services. Anyone who has been in hospital recently will very likely have awoken to find a Spanish or a Portuguese nurse at their bedside. If anyone has an older relative in a care home, they are likely to see them being cared for by someone from eastern Europe.

**Sir Hugo Swire:** I have considerable sympathy with the point that the right hon. and learned Lady is making. We disagree on the fundamental point, which is that we should not do something unilateral here in the United Kingdom before we have agreement on our own residents in Spain and France and elsewhere, because we will potentially be undermining their position. No doubt they will be feeling the sense of vulnerability that she has just articulated about those living here.

**Ms Harman:** I disagree with the right hon. Gentleman’s conclusion.

**Yvette Cooper** (Normanton, Pontefract and Castleford) (Lab): Is my right hon. and learned Friend aware that we also heard evidence in the Home Affairs Committee from groups representing the Polish community and other eastern European communities? They said that they had seen an increase in hate crime. They also said that extremists were exploiting the uncertainty and attacking people with phrases such as “Go home” and “Leave the country”. They said that the uncertainty that EU citizens felt made it harder for them to deal with these awful hate crimes.

**Ms Harman:** My right hon. Friend is absolutely right.

**Dr Philippa Whitford** (Central Ayrshire) (SNP): I am sure that many MPs in this Chamber have also had constituents from the EU who have tried to seek security by applying for permanent residency, but who have been turned down and received “prepare to leave” letters. The right hon. Member for Forest of Dean (Mr Harper) mentioned comprehensive health insurance. There is no such thing. A person cannot get 100% comprehensive health insurance. Previously, the NHS was recognised for giving health cover. Why can this House not give these people security at this end, and not threaten to throw them out?

**Ms Harman:** I absolutely agree with the hon. Lady. It is not just EU nationals and their families who are worried about the uncertainty hanging over them; so are the employers for whom they work. How will our NHS find the nurses we need if they seek work elsewhere for fear that they will not be allowed to stay? It is not as if we are training them ourselves. With the cuts to bursaries, the number of student nurses has fallen by 23% this year.

**Mr Barry Sheerman** (Huddersfield) (Lab/Co-op): I recently had a conversation with the chair and chief executive of the trust in my constituency, who said that Huddersfield Royal infirmary could not operate if it were not for young Spanish nurses. I also spoke to people at the London School of Economics who said that if the Europeans, who are good at maths and science, were to leave, 20% of the workforce of universities would go back home.

**Ms Harman:** My hon. Friend is absolutely right. We cannot say that we welcome them here to do such work, but use them as a bargaining chip in European negotiations.

**Dawn Butler:** My right hon. and learned Friend is being very generous with her time. Constituents have come to my surgeries in tears, fretting about what will happen to them and their jobs. Does she agree that it is not a British value to use people as bargaining chips in the negotiations?

**Ms Harman:** I absolutely agree with my hon. Friend.

**John Penrose** rose—

**Ms Harman:** I will give way just once more.

**John Penrose:** The right hon. Lady is sending out a powerful message about British values and—this point is shared across the House—about giving certainty to EU nationals living here. May I press her, though, on the need to be careful not to send a message to British nationals living in the rest of the EU that they are somehow less important? Their concerns are equally powerful message about British values and—this point is shared across the House—about giving certainty to EU nationals living here. May I press her, though, on the need to be careful not to send a message to British nationals living in the rest of the EU that they are somehow less important? Their concerns are equally valid and severely felt, and we are equally worried about what is happening to them. Are we not going to address or take account of any of those issues today?

**Ms Harman:** We simply cannot trade one off against the other like that. This is not an economic trade negotiation.

The new clause is quite simple. It would provide that the rights of residence of EU citizens who were lawfully resident here before the referendum decision on 23 June remain unchanged. We need the clause in the Bill because the Government have been sending out mixed messages, and the Prime Minister did so again in her statement today. On the one hand, she says that anyone who is lawfully here has nothing to worry about. On the other hand, she says that she cannot commit to giving them residency rights because their future must be part of the negotiations.

It is in no way right to use the lives of 3 million people and their families as a bargaining chip. They and their families are not pawns in a game of poker with the EU. They cannot be used as a human shield as we battle it
out in Europe for our UK citizens in other countries. We must decide what is fair and right for EU citizens here, and then do it. I thought we were supposed to be taking back control. If the Government reject the new clause, EU citizens will be right to draw the conclusion that their rights to continue to live here could be snatched away if our Government do not get what they want for our UK citizens living in each of the other countries in the European Union.

The new clause is not only the right thing to do as a matter of principle; it is legally necessary. The Government cannot bargain away people’s human rights. The right to family life is guaranteed by article 8 of the European convention on human rights. If the Government bargained them away, EU citizens living here would be able to go to our courts and seek to establish their rights to remain under article 8. If even 10% of those here did that, there would be 300,000 court challenges. There is no way that our court system could begin to cope with that. I hope that the Government accept the new clause. If not, I urge hon. Members of all parties to support it in the Lobby.

Sir William Cash (Stone) (Con): My right hon. Friend the Member for West Dorset (Sir Oliver Letwin), who was in the Chamber a short time ago, made an important point about new clause 3. When imposing legal requirements and duties on anybody—let alone the Prime Minister—one has be sure that those requirements are capable of being realised. My right hon. Friend the Member for Forest of Dean (Mr Harper) and other hon. Members have dealt comprehensively with the difficulties that arise from the part of the new clause that mentions laying “periodic reports...on the progress of the negotiations”. I think that case has been made.

Let me move on to the next part. The real problem is subsection (c), which would “make arrangements for Parliamentary scrutiny of confidential documents.”

As Chair of the European Scrutiny Committee, I have had an enormous amount of trouble, over and over again, about documents that are marked as “LIMITED”. Although such documents are distributed, Parliaments other than the European Parliament are not allowed to refer to them because they are of a confidential nature. I have made it quite clear that I think some of this is overdone. However, to try to impose a legal duty on the Prime Minister to undertake to break the rules relating to limited documents is stretching a point to absurdity.

Clive Efford: I ask the hon. Gentleman the same question that I asked the right hon. Member for Forest of Dean (Mr Harper) earlier: should he not be arguing, as somebody who has spent a great deal of his time in Parliament scrutinising the European Union, for Members of this House to have rights of scrutiny that are at least equal to those held by Members of the European Parliament?

Sir William Cash: I have enormous sympathy with that. In point of fact, the Secretary of State for Brexit gave evidence in the House of Lords, where, as I understand it, he made it abundantly clear that any document that would be made available to the European Parliament and its committees would, indeed, be made available to this House. To that extent, I agree with the hon. Member for Eltham (Clive Efford), but I believe such a measure to be unnecessary because an undertaking has already been given by the Secretary of State.

Sir Hugo Swire: New clause 3(c) would “make arrangements for Parliamentary scrutiny of confidential documents.”

Sir William Cash: Well, they certainly would not. That is really the purpose of the limited restriction. Although I have reservations about the restriction in certain cases, I can think of a number of instances in which it is absolutely vital that the documents remain confidential. If there were any breach of that confidentiality —there would have to be an undertaking by the Prime Minister that she would release it—it could gum up the works to such an extent on matters of intelligence, security and all sorts of things that we would actually end up not receiving any limited documents at all.

With great respect, the hon. Member for Greenwich and Woolwich (Matthew Pennycook), who led from the Opposition Front Bench, may or may not have been dealing with these matters for some time, and I will not criticise him for that—[Interruption.] No, this is a perfectly fair point. All I am saying is that, in drafting this, if we end up with something that does not work and we have to comply with new clause 3(a), (b) and (c) to make it work, as my right hon. Friend the Member for West Dorset said, we would end up in the courts—and there would be a judicial review, believe me. It naturally follows that the new clause is simply nonsense, so it cannot be brought into effect. That is all I need to say about it.

Stephen Gethins (North East Fife) (SNP): My hon. Friends and I have also tabled some amendments. I am glad that we have the opportunity to discuss and debate the Bill over the coming days, although we have been given very little time in which to do so. It is fair to say that this is not scrutiny that the Government either welcomed or encouraged. It is good to have at least a short opportunity to debate this issue, although that has more to do with the Government’s confidence in their own arguments and their ability to deliver a better deal with our EU partners than the one we have at present than it does with a scrutiny process. The Government were dragged kicking and screaming to this Chamber just to have a vote on article 50 in the first place.

6 pm

On Thursday, we saw the White Paper as the Secretary of State was getting to his feet, which was pretty disrespectful of the entire House. That failed to put my mind at ease—I am sure it failed to put the minds of many other MPs in the Chamber at ease—about the way in which the Government are conducting this process. The White Paper is something of a metaphor for the entire Brexit process: it was rushed, without time for proper scrutiny, and it did not even get all its facts right, which is quite remarkable, given the time the Government had to prepare it.
This Brexit process could not be more important. It is one of the most important processes anybody in this House will ever take part in—it is certainly more important than a debate about wigs or the other crucial issues Government Members want to debate. This process will have an impact on us all and on all our constituents, given the health of the economy, and the jobs and taxes that are generated as a result.

Against some fairly stiff competition, some people have argued that the craziest political decision of 2016 was the one to elect Donald Trump President—incidentally, my colleagues and I welcome the Speaker’s announcement today. However, while the good people of the United States of America have the ability, should they wish to do so, to reverse the decision they made in November, there is no likelihood that we will be able to reverse the decision we made any time soon. Although four years’ time might seem a long way away for many in the United States, the mistakes made by the Government here, and any lack of scrutiny as a result, will be felt down the generations by policy makers in this place.

Given that this is such a big decision, our ability to have any meaningful scrutiny is woeful. Regardless of the vote, the role of Parliament is to scrutinise the work of Government. That is the entire point of our sitting here and having a Parliament in the first place.

I remind Conservative Members that the SNP won the election earlier this year with 47% of the vote. [HON. MEMBERS: “Last year.”] Actually, the Holyrood election took place this year. That tells us all we need to know about the attention they pay to these things. We won the vote with 47%, but in 2015, the Conservatives won the election with 36% of the vote, and I am particularly pleased to say that Scotland dragged down their UK average by some considerable degree.

However, the role of Opposition parties, be it in Holyrood or in this place, is to hold the Government to account for the enormity of their decisions, which impact on each and every one of us. The process of leaving the European Union will involve one of the greatest upheavals since this Parliament came into existence in 1801. We should be given a lot more time to consider the implications for our constituents, the economy and our European partners. That is why SNP Members will back any moves to give Parliament greater scrutiny over this process. That scrutiny is all the more important because of the lack of detail provided by members of the Vote Leave campaign—an act of irresponsibility by Members who were in the Government previously and by Members who are in the Government at present. Significant questions were left unanswered during the debate on the referendum, and since Vote Leave did not bother giving us the details, we have a responsibility as parliamentarians to ask for those details.

One question is: will we stay in the single market? The Prime Minister’s speech obviously differs from the Conservative party manifesto, on which she and other Conservative Members were elected. Will it be for Scotland to decide its immigration numbers? How much extra cash is the NHS getting? We deserve answers to all these questions before article 50 is triggered. Who is accountable for the promises that were made? I have not received an answer so far, and I have not heard other Members receive one.

A number of my colleagues will want to touch on the point about EU nationals, and it is easy to see why we back the proposals to give them the right to remain. We are richer financially and culturally as a result of European nationals calling Scotland and other parts of the UK their home.

Ian Blackford: My hon. Friend is making some very valid points. Will we not also be judged on the leadership we give and on our humanity? Those EU citizens who are here are our friends, our neighbours and our work colleagues, and we have a duty to stand by their rights. The Prime Minister must send a clear message that those who are here are welcome to stay. We must remove the uncertainty, and do it now.

Stephen Gethins: As usual, my hon. Friend makes a very pertinent point. I pay due respect to the work he has done for the Brain family and others in his constituency in some of the disgraceful immigration cases we have seen. These EU nationals have chosen to make the UK their home and Scotland their home. They make this a better place in which to live and work. It is a no-brainer that we should give them the certainty they deserve.

Tom Tugendhat (Tonbridge and Malling) (Con): The hon. Gentleman is making a very cogent and well-structured argument, and I broadly agree with many of the points he is making, but would he not agree that this is really a Mexican stand-off with water pistols? There is no realistic chance that any signatory of the European convention on human rights—the United Kingdom is one; in fact, we drafted much of it—will kick out anybody. We are not going to kick out anybody from the United Kingdom, and nor are UK citizens in other parts of the European Union going to be expelled. Would it not be better for the House to recognise that the position of these EU nationals is not at risk? Would we not be much better off comforting those who are in doubt, rather than spreading fear?

Stephen Gethins: The hon. Gentleman makes my point for me. The ECHR is under threat from this very Government, so does it not make sense to come into the Lobby with us to support the right of EU nationals to live and work here? I look forward to his standing up for what he has just said and joining us in the Lobby.

Tom Tugendhat: Will the hon. Gentleman give way?

Stephen Gethins: No, but I will say this to the hon. Gentleman, because he probably has a lot more influence on the Government Benches than I do—that is one thing I will give him. The Government are desperately in need of friends and good will. If we benefit financially from EU nationals being here, and if our society is richer for their being here, we want to keep them regardless—they are not bargaining chips, but that is something the Government seem to ignore. If EU nationals are not bargaining chips, I would encourage him to join us in the Lobby and give them the certainty they need and deserve.

Roger Mullin (Kirkcaldy and Cowdenbeath) (SNP): The situation is even worse. While accepting what the hon. Member for Tonbridge and Malling (Tom Tugendhat) said, pitting Elke Weston, an EU national in my constituency,
against my friend Tracy de Jong Eglin in the Netherlands does not in any way give them succour; it makes their situations worse.

Stephen Gethins: My hon. Friend makes an excellent point, and I am not surprised, given the amount of hard work he has done for EU nationals in his constituency.

If Conservative Members are so confident in the ECHR, which they now promise us they are, I look forward to the hon. Gentleman voting against his own Government. I do not trust Conservative Members entirely, but if there is not a problem under the ECHR, he and his colleagues will have absolutely no problem joining us in the Lobby.

We will debate the devolved process in the next tranche of proposals, but let me just say this about scrutiny. All this will have an impact on the devolution process, be it in Scotland, Wales or Northern Ireland. If Ministers respect the devolution process, they should have no problem with the additional scrutiny that comes with it. Right now we are in a situation where the unelected House of Lords will have a greater say on this process than the elected Scottish Parliament and other devolved legislatures. No Government, regardless of their colour, have a monopoly on wisdom. The whole point of having a Parliament is that we scrutinise, with the courage of our convictions, and this place makes a contribution. If this Government are confident in what they are doing—or know what they are doing and have any kind of a plan—they should welcome scrutiny in the Chamber here and then elsewhere in these islands, because fundamentally that scrutiny will provide better legislation. On something of such enormity that we are about to undertake, they have a responsibility for it to be scrutinised as much as possible.

Let us not underestimate the impact of the decision that we are about to make this week. It will impact on our rights, on our economy, and on each and every one of us. We will encourage the strengthening of anything that increases scrutiny of this process. The Government’s record so far has not been good. I am not heartened by what I have seen, with a White Paper that was rushed out and could not even get its facts right. We therefore owe a debt of responsibility to people across the UK—and, indeed, beyond—to have more scrutiny than we are promised and more than we have at present.

Several hon. Members rose—

The First Deputy Chairman of Ways and Means (Mrs Eleanor Laing): Order. Before I call the next colleague, let me say that it will be obvious to the Committee that a great many people wish to speak. There are in excess of 50 new clauses and amendments to be discussed, and we have two hours and 45 minutes left to do so. I hope that Members will be courteous to others and keep their remarks as brief as possible. I hope that Members will be courteous to others and keep their remarks as brief as possible. I hope that Members will be courteous to others and keep their remarks as brief as possible.

Mr Kenneth Clarke: On a point of order, Mrs Laing. It is quite obvious that the programme order will not allow for proper debate by the vast majority of Members.

I have never known a debate on any European issue be given such limited time before. Has anyone approached you and asked to re-arrange the programme order so that we can have the sort of sensible, protracted discussion of these issues that we have had almost to excess on previous occasions such as the debates on the Maastricht treaty?

Mr Harper: Further to that point of order, Mrs Laing. When I considered the Government’s programme motion, it seemed to me that for a two-clause Bill, two days—extraordinarily—on Second Reading and three full days of protected time to allow us to sit late where there are statements was, if anything, an excess of generosity.

The First Deputy Chairman: The former Chief Whip makes a very good point. It is not a point of order for the Chair, but one that I would expect a former Chief Whip to make.

Let me set the mind of the right hon. and learned Member for Rushcliffe (Mr Clarke) at rest on two points. First, although there are in excess of 50 amendments and new clauses, some of them address the same points as others, so we are not addressing more than 50 separate points of debate. The other point I wish to draw to his attention is that the House voted for and supported the programme motion, and that is not a matter for me. I am sure that I can now rely on Sir Hugo Swire to address the Committee briefly and pertinently.

Sir Hugo Swire: I shall seek not to detain the Committee for too long as so not to repeat many of the arguments that hon. Friends and colleagues have made and will no doubt make again and again throughout this evening.

I wish to talk about the two new clauses that have dominated proceedings to date, one rather less emotional than the other. The unemotional one, I would submit, is new clause 3. We have talked about parliamentary oversight of the negotiations and heard the word “scrutiny” bandied around across the Chamber. I sometimes get the impression that some in this Chamber would seek to scrutinise every single line, cross every “t” and dot every “i” of the Government’s negotiating position. It would be interesting to conduct a straw poll as to how many Members in this Committee have ever taken part in a proper negotiation—a commercial negotiation—that requires, at times, one to keep one’s cards close to hand before declaring them. It is impossible, irresponsible and unthinkable to have to negotiate this in public, and particularly so to insert clauses such that anything discussed must be reported back to this House at intervals of “no more than two months”—eight weeks—each and every time. The new clause does not say what Parliament might then do if it does not like what the Government are reporting back. Do Members want a vote on it? We have heard about the possibility of legal involvement—judicial review. This is wholly unrealistic and undesirable.

6.15 pm

New clause 3(c) says:

“make arrangements for Parliamentary scrutiny of confidential documents.”

I have already alluded to that today. There are ways in this House whereby Privy Counsellors and so forth can see sensitive information, but it is wholly unrealistic to
think that the whole House would be able to examine and scrutinise confidential documents without their leaking pretty quickly on to Twitter or Facebook, or into the national newspapers. How can one possibly conduct any sort of negotiations, particularly as difficult and sensitive as these are set to be, in the glare of publicity, revealing confidential documents to each and every Member of this House—and no doubt there would be calls to do the same for the devolved Administrations? That would be completely crazy.

With regard to new clause 6, on the other hand, I have considerable sympathy with those who have spoken about the uncertainty surrounding the status of EU nationals in this country as these negotiations begin. It is unsettling for a lot of these people. It is true that they contribute enormously to society—to our public sector, including the health sector, our agricultural businesses, and so forth. We need them here, and I do have considerable sympathy with their predicament.

Dr Murrison: I entirely agree that we need to sort this out very early on. Indeed, our right hon. Friend the Prime Minister said precisely that only a short while ago. Does my right hon. Friend the Member for East Devon (Sir Hugo Swire) agree that part of the issue is the unwillingness of some of our interlocutors to engage in meaningful discussion prior to the triggering of article 50? This is surely a matter that can be dealt with early on, but that requires them to engage immediately and not to delay until the triggering of article 50.

Sir Hugo Swire: I do agree, because this cuts both ways. It is cheap politicking to talk about bargaining chips—I do not think anyone is considering that—but this does require an early resolution. I was heartened when my right hon. Friend the Prime Minister said earlier today that she intended to address it early on, but it has to be a negotiation between the other countries of the EU and us. It is just as important to us, as British parliamentarians—as the British Government—to defend the rights of British citizens living overseas. There are a lot of them, and not all of them are particularly contributing to the society they are in. A lot of them are retired, so they are even more vulnerable, in a sense, than many of the EU workers who are here actively working. It is the first duty of this House to look after British citizens, wherever they may be, while also being aware that we have a duty to EU nationals at the same time.

It would be completely wrong in terms of our negotiating position to declare unilaterally that all EU nationals can, up to a certain date, continue to live here without fear or favour. That would be unwise until such time as we can extract a similar agreement from the other countries of the EU where British nationals have lived, sometimes for very many years.

Mr Kenneth Clarke: I am delighted to hear my right hon. Friend agree in ringing tones with what everybody has said so far, namely that absolutely nobody in this House wishes to cast any doubt on the right of EU nationals to continue living lawfully here if they are lawfully here now. Apparently, the only reason for his holding back—despite the fact that he entirely shares the sentiments of Opposition Members—is that he fears that if we declare that a Pole who has been living here for years can stay here, we will have thrown away our card and British nationals will be expelled by the Government of some unknown country. I have heard nobody suggest that any such country exists.

We have a pedantic problem of whether we can raise the matter before the process has started. If we just cleared the position of our EU nationals now, it would put the utmost pressure on every other country to clarify the thing as well. No one is going to take any reprisals against our British nationals.

Sir Hugo Swire: I hope my right hon. and learned Friend is right. He has not always been right about everything, although he has been right about quite a lot. He and I were on the same side of the debate, and I know that he regrets, as I do, the fact that in all the discussions about migration and immigration during the campaign, some rather irresponsible points were made repeatedly about who would be able to come here from the Commonwealth, when there was absolutely no suggestion that that was behind anyone’s thinking. However, I fundamentally disagree with him in that I do not think that we should do anything unilateral before we get an agreement about the rights of British nationals living in the rest of the EU.

Mr Shaiilesh Vara (North West Cambridgeshire) (Con): Does my right hon. Friend share my view that if the matter is as simple as some make out—if it is just a question of us making a simple declaration—why have the other 27 countries of the European Union not said that our citizens who are living overseas will be fine, and that there will be no repercussions for them? The fact that those countries will not make that commitment says something, does it not?

Sir Hugo Swire: It may do, or it may not. As my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke) has said, there is no evidence to suggest that a single country would not behave in a good way. But there is absolutely no evidence that they will all behave in a good way; we simply do not know, because we have not yet had that conversation. Until we have had that debate and secured an agreement that similar rights will be granted to British citizens living in other EU countries, we should not move to allow every single EU national who lives here to continue doing so.

Heidi Allen (South Cambridgeshire) (Con): If the cynics among us genuinely believe that there could be countries out there that are not prepared to do this, should we not now, more than ever, lead by example?

Sir Hugo Swire: I do not know whether my hon. Friend was here earlier when the Prime Minister was asked about the matter. The Prime Minister gave a very strong suggestion that securing such a deal was at the top of her negotiating priorities. At the end of the day, it is an agreement—it is a deal—and it has to be negotiated. I do not think that we would be right unilaterally to declare anything.

Ms Angela Eagle (Wallasey) (Lab): Does the right hon. Gentleman not think that a unilateral declaration would undo some of the damage that was done by the “list of foreign workers” stuff that came out of the Tory conference in Birmingham? That shocked a lot of our European partners and hardened their views against us. Surely a unilateral declaration might help.
Sir Hugo Swire: I agree with the hon. Lady. That language and sensitivity are incredibly important. We are dealing with families, and with people who are married to EU citizens. We are dealing with people who live here and who do not know whether they have a future here. That is why we have to resolve the matter very early on. I have considerable sympathy, as I have said, with many people who have spoken about the contribution that EU nationals make. I very much hope that we can reach an agreement that will satisfy all who are here but, equally, I think that our first duty is to look after our citizens abroad.

Seema Malhotra (Feltham and Heston) (Lab/Co-op): The right hon. Gentleman has talked about the issues faced by British citizens whose partners are EU nationals, but does he agree that we are also talking about children? I have seen children in my constituency raise real concerns about whether they will be able to study in the same school, and about where their future will be. They do not know the country that their parents came from, and they are British in every sense of the word. This is causing huge uncertainty. We can tackle this, and we can do it this week.

Sir Hugo Swire: We can all cite examples from our surgeries of individual cases, but I am not sure that to do so contributes to the greater argument. We need to get a policy in place that covers the whole thing. That can only be achieved by the Prime Minister making it a priority, as she has suggested she will, and getting an agreement from the other member states that involves the reciprocity we need for our British people living abroad.

Dr Sarah Wollaston (Totnes) (Con): My right hon. Friend is absolutely right to be concerned about the fate of British citizens living in the European Union, but I agree with others who have said that, surely, a goodwill gesture would be a really positive thing for this Government to make. Two of my constituents are a married couple who have been living together in this country for 30 years, and I consider the wife to be as British as anybody else. We should make it absolutely clear that it is inconceivable that this couple should be separated, and that their children should be left with separated parents.

Sir Hugo Swire: Indeed, and no doubt there are similar examples of British people in not-dissimilar situations in Spain, France and elsewhere. We need to ensure that their rights are recognised as well.

I am not going to continue in this vein, because others wish to contribute. I have made my point. I have sympathy with the view that EU nationals contribute a lot to the economy. I hope that there is an early agreement that allows them to stay and to continue to work here. Equally, any such agreement, to my way of thinking, has to be part of a wider agreement that assures the future of British nationals living in other EU countries.

Hilary Benn (Leeds Central) (Lab): I rise to support new clauses 3 and 57. I commend my hon. Friend the Member for Greenwich and Woolwich (Matthew Pennycook) and my right hon. and learned Friend the Member for Camberwell and Peckham (Ms Harman) for their speeches. The one thing I would add to the forceful case made by my right hon. and learned Friend is this: when the Exiting the European Union Committee took evidence from representatives of Brits living abroad, one might have expected them to make the argument that has just been advanced, but they said the opposite. They said that Britain should give a unilateral commitment now, because they felt that doing so would ease the process of negotiation.

Richard Fuller (Bedford) (Con): I was not at that Committee hearing, and I am quite interested to know whether evidence was taken from ambassadors of EU countries about their Governments’ positions as part of the inquiry:

Hilary Benn: No, we have not taken evidence from ambassadors, but we have heard what has been said from the Government Dispatch Box, namely that—from memory—almost all member states are up for this, apart from one or two. We do not yet know who the one or two are, and I hope that they will change their minds so that we can make progress.

I want to address the arguments we have heard thus far in relation to new clause 3. My hon. Friend the Member for Lewisham East (Heidi Alexander)—she is no longer in her place—asked the right hon. Member for Forest of Dean (Mr Harper) whether we should be able to have a vote on certain aspects of the nature of our withdrawal. He said no, because during the referendum campaign it was made clear by leading participants what would happen if we voted to leave, and therefore it is gospel and we cannot argue with it. That is a very interesting argument. On that basis, the NHS will be getting £350 million a week, because that, it was said, would be the consequence of a leave vote—but I will leave that to one side.

The right hon. Gentleman’s central argument, which he made at the beginning of his speech, was to ask what new clause 3 added. I say to him sincerely that it adds accountability. It has been argued that the new clause is unnecessary because the Government are already doing what it would require. If that is true, I would ask why there is a problem with the Government accepting it.

The argument was made that the Government would be forced to reveal all sorts of stuff. All that the new clause says is that the Prime Minister “shall give an undertaking to...lay before each House of Parliament periodic reports”.

The content of those reports will be for the Government to determine. There is nothing in the new clause about forcing the Government to reveal their hand. When it comes to getting in English the documents that the European Commission is giving to the European Parliament—probably in English, while we still have MEPs, and in the other languages of the European Union—surely there cannot be any argument about that at all. It is entirely sensible.

On the point about confidential documents, I listened carefully to what the right hon. Gentleman and the hon. Member for Stone (Sir William Cash) said. I raised the matter with the Secretary of State when I was first elected as the Chair of the Select Committee, and he replied to me in a letter that “negotiations will be fast moving and will often cover sensitive material, so we will need to find the right ways of engaging Parliament.”
I welcomed that reply. All that new clause 3 says is that the Prime Minister shall
“make arrangements for Parliamentary scrutiny of confidential documents.”

The arrangements are for the Government to propose. Given the extent to which Brussels is a very leaky place and the fact that we will be negotiating with 27 other member states, I cannot help making the point that I suspect we will find out very shortly after the meeting has concluded where the negotiations have got to, so the Government’s arrangements will be to advise us all to buy certain newspapers, in which one will be able to read what was discussed during the course of the afternoon and evening.

6.30 pm

Sir William Cash: The main point I was making, and I stand by it, is that new clause 3 imposes a legal obligation, enforceable by judicial review, on the Prime Minister effectively—and not just effectively, but actually and legally—to break the confidentiality imposed by, for example, limité documents. As I have said, I do not always subscribe to such degrees of confidentiality, but that is a personal view. The fact is that there is confidentiality, and it is a legal obligation.

Hilary Benn: I would say to the hon. Gentleman, who has great experience in these matters, that we know the Commission, in respect of trade negotiations, made arrangements with the European Parliament for certain documents to be made available, including in rooms where people could go and read them but could not take them away. The new clause is asking the Government to find a way of making this work in a way that is consistent, as of course it has to be, with any legal obligations, but confidentiality does not seem to me to be a very strong argument.

The argument that the new clause would make it all justiciable does not seem very strong either. Frankly, on that basis we might as well all go home tonight and never come back because Parliament legislates, and when Parliament legislates people can go to the courts and seek to suggest that the way in which the legislation is being implemented is not correct. That is not an argument against new clause 3, but against Parliament doing its job.

Having listened to speeches made by Conservative Members, I would gently say to the Minister of State, who is a reasonable man, that I hope he will not get up and repeat the arguments we have heard on new clause 3. Frankly, it is really simple and sensible stuff to help Parliament to do its job. On the frequency of reporting, as the Minister will know, when my hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer) suggested every two months, the Secretary of State got up and said that that might be a rather modest objective. If it is a modest objective, I really do not see how the Government can oppose it.

Alberto Costa (South Leicestershire) (Con): I do not propose to speak for more than a few minutes. I have been wrestling with this matter for months, and in particular I have wrestled with it over the course of the weekend. This matter affects my constituents in South Leicestershire—and not just them—many of whom have come to see me to explain the problems, for example about children at school, which has been mentioned by other hon. Members.

I was the son of Italian immigrants in Glasgow in the 1970s, and I remember how it felt to be the only son of an immigrant in a classroom full of Scottish people. I do not want any EU national child across the United Kingdom to feel the way that I felt at times in school in the 1970s. However, there is more than simply anecdotal evidence that the situation now caused by Brexit is affecting the wellbeing of families. Such concerns have been raised by my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke), a fellow east midlands Member for whom I have nothing but the utmost respect. As I have argued with colleagues in the Chamber—we should be saying it far more loudly—EU nationals have contributed an enormous amount to the success and wellbeing of our United Kingdom, as did my parents over 50 years. I want to hear Members say that daily.

It was often said during the EU referendum that there was perhaps a cost consequence to having the 3 million-plus people from every one of the member states who have integrated here. I always believed that that was utter rubbish. We have benefited as a country by having immigrants come into the United Kingdom. The fact is that we will continue to benefit, because when all of this is over, we will still continue to have EU migrants coming into this country. The difference will be that this Parliament and Government—Conservative, Labour or otherwise—will determine the immigration rules. I cannot possibly foresee a situation where a competent British Government would attempt to reduce immigration to levels that would damage our economy. That leads me to a point made in a newspaper recently by an hon. Friend of mine about a promise made in the Conservative manifesto that we have not kept and cannot keep. We cannot get immigration down to the tens of thousands without damaging our economy.

However, I have decided to vote against the amendment on this matter. As I said at the outset, I have wrestled with this decision, because it affects my family personally. I will explain why I have decided to do this. Ultimately, it is because the deal that will be reached with the EU will be not just legal, but also political. It will be about personalities: about how the Prime Minister and her team get on with the other side.

Had I been Prime Minister last July, I might well have taken a different decision. However, I made a comment to the Prime Minister today in which I made it very clear that I am putting my entire trust in her and her Ministers to honour the promise that they are giving to the country about getting an early deal. I said to the leader of my party that it would be “a decisive mark of her negotiating skills and leadership qualities as our Prime Minister.” I believe that she will get a reciprocal deal that benefits citizens from Scotland, Northern Ireland, England and Wales who live in other EU member states, and that protects my own family and friends, my own constituents and other EU nationals across the United Kingdom.

That is why I will vote against the amendment. Ultimately, it is a political matter, and it is for the Prime Minister to demonstrate her leadership and negotiating skills in getting this right, and coming back to the Dispatch Box within months—I repeat, within months—of triggering article 50 with an early deal on which we can all agree and for which we can thank her, that will be to the benefit of all our constituents living abroad and the benefit of EU nationals living in our constituencies.
Heidi Allen: I am just curious. I support the Prime Minister's intentions and most definitely her sincerity in aiming to achieve such a deal, but does my hon. Friend agree that if that moment does not come as soon as she would like, she should review the idea of unilaterally offering EU citizens their rights and just put everybody out of their misery, because that is the right thing to do?

Alberto Costa: Again, I repeat the comment I made to the Prime Minister that it would be “a decisive mark of her negotiating skills and leadership qualities as our Prime Minister.” She must come back to the Dispatch Box early on with such a deal.

Mr Harper: I am grateful to my hon. Friend for the conclusion that he has reached. The other thing the Prime Minister demonstrated when she was Home Secretary is her attention to detail. As I tried to set out for the Committee, this is actually a more complex matter than it at first appears. It is not just that the Prime Minister needs to get the principle right; she and her Ministers and officials need to get the detail right to ensure not only that my hon. Friend's family and others like them have security now, but that there are no unforeseen consequences for them in the future. I think that he has made the right decision.

Alberto Costa: I absolutely agree with my right hon. Friend, but a promise has been made about an early deal, and the consequences of not getting an early deal on this matter. He uses the analogy of being a lawyer and negotiating, I had to offer solutions to problems. If I did not get the deals that my clients wanted, I would not have been used frequently by those very clients. It will be a mark of our leader, our Prime Minister, if she gets the early deal that she is promising our country, and that is why I am supporting her this evening.

Stella Creasy (Walthamstow) (Lab/Co-op): The hon. Gentleman has obviously made a personal decision on this matter. He uses the analogy of being a lawyer and going to negotiate a deal, but does he not accept that the Prime Minister could just settle and give every EU national in our country right now the right to be here, without any further delay? There is an alternative attitude that would also deliver for his client, is there not?

Alberto Costa: As I mentioned, had I been Prime Minister in July, I might have started the whole process very differently.

I entirely agree with the right hon. and learned Member for Camberwell and Peckham (Ms Harman) about the consequences of not getting an early deal on this matter. The consequence would be a tsunami of litigation against the Government. Politically, therefore, an early deal must be brought to this House. That is why I trust the Prime Minister to get that early deal.

The role of Parliament is also a political matter to which Ministers should give serious consideration. The European Parliament has a substantive role in the negotiations that we do not have. Some would say that the primary reason for that is that it represents 27 other nations, whereas we represent one sovereign country as the British Parliament. However, if we hear comments from the media, reporting on what European parliamentarians are being told about what our ministerial negotiating team are saying in Europe, it would become farcical if our Government did not report back to us.

Hilary Benn: Exactly.

Alberto Costa: I do not see a need to force the Government to do that. It would be politically impossible for the Government to function responsibly and appropriately without giving us at least the same information that we will be receiving from the media and the European Parliament. Again, it is a matter of politics and we should not bind the hands of the Government in a statutory manner that could be justiciable. That is why I trust my Government to come back to the House with sensible updates, no different from the updates that the European Parliament receives, so that we can continue to debate and discuss the matter.

Mr Kenneth Clarke: My hon. Friend is on the right side of all these arguments, but he is a very trusting man. Does he not realise that the background to all this is that when the European Commission started negotiating the EU-US Transatlantic Trade and Investment Partnership, it took exactly the same line that the Government are now taking—that it could not possibly disclose any of these things as it would compromise the negotiations? The fact is that the European Parliament now gets the information because it was less trusting and is made of sterner stuff than this Parliament has so far proved to be. I do not think that that is in accordance with our parliamentary traditions.

Alberto Costa: I respect the judgments and comments of my right hon. and learned Friend. However, I read his recent article about his own thoughts on his first term in Parliament and how he would have dealt with a similar matter. I will leave it at that.

I have listened carefully to the valuable and honourable comments that have been made on this matter, particularly by Opposition Members, but I will support my Government and I will hold my Government to account in a way that I never see Opposition MPs from Scotland hold their Government to account.

Chris Leslie (Nottingham East) (Lab/Co-op): It was touching to hear the hon. Member for South Leicestershire (Alberto Costa) talk about his hope and aspiration that EU nationals will be allowed to remain indefinitely, and of course he is right on that, yet he betrayed a little bit of fear of offending his Front Benchers were he to go so far as wanting to enshrine those rights in the Bill.

I commend my right hon. and learned Friend the Member for Camberwell and Peckham (Ms Harman) for new clause 57. It is important and would provide the assurances that many tens of thousands, if not hundreds of thousands, of people residing in this country require. I tabled a similar new clause—new clause 14—which I hope the Committee will support.

The context of this debate, for which more than 50 substantive amendments on distinct and specific issues of great importance have been tabled, is the contrast between the desire of Members to raise these issues and the nonsensical four hours in which they have to be considered. There is something like four minutes for each topic. Nothing could demonstrate
more clearly to Members in the House of Lords how important it is that they do the due diligence on this Bill that the House of Commons will clearly not be able to do.

6.45 pm

This is one of the most important pieces of legislation in our time: the European Union (Notification of Withdrawal) Bill. Let us just remind ourselves what we are talking about. It is a Bill that, although it may contain just a simple clause or two, will have phenomenal ramifications for all of our constituents. If we fail to address those in proper detail, we are failing in our duty to scrutinise the Government in a serious way.

Stella Creasy: Is it not worth noting that when it came to debating the Lisbon treaty and the Maastricht treaty, 30 days were allocated to discuss the issues in the House of Commons alone? Five days is a very poor comparison.

Chris Leslie: My hon. Friend is completely right. This Bill is far more important than all those treaties wrapped together, because it is about withdrawing from the European Union.

What made the situation worse was the White Paper we had from the Government. Let us not forget that it came the day after the vote on Second Reading. That was pretty shocking and quite contemptuous of the rights that the House of Commons should have. It is a lamentable document because of the lack of information it contains on so many of the important issues on which I and other hon. Members have tabled amendments.

We should use the time we have today to talk about what we need to know and to ask the Government what their plan is. That is why I will briefly go through some of the new clauses I have tabled. For the sake of argument, let us take the first one, new clause 20 on financial services. One could say that it is merely a small corner of Britain’s GDP, but it provides £67 billion of revenue for all our schools and hospitals. If we mess around with that sector in the wrong way, we will all be poorer and our public services will be poorer as a result.

New clause 20 suggests that there should be a report twice a year on where we are going on one of those questions that was not contained in the White Paper: “What is our progress towards a smooth transition from the existing open market access, where we have passports, to the new arrangements, whatever they are going to be?” The White Paper merely says, “We’d quite like to have the freest possible trade,” but it says nothing about what will happen on mutual co-operation, regulation and oversight; whether we will be able to have permanent equivalence rights for some trades; or whether UK firms will have time to adjust.

Those issues already pose a clear and present danger to our economy. HSBC says that 1,000 jobs are going to go, Lloyd’s of London is moving some of its activities, UBS is moving 1,000 jobs, and J.P. Morgan has said that potentially 4,000 jobs will go. Firms are voting with their feet already, yet the White Paper hardly touches on this question.

Ian Murray (Edinburgh South) (Lab): I pay tribute to my hon. Friend for his diligence on this Bill and for tabling these important new clauses. If we boil it all down, this is not about passporting and the complicated legal framework around financial services, but about the tens of thousands of my constituents who are in highly skilled, highly paid jobs in the financial services sector and who are worried about their future employment.

Chris Leslie: Absolutely. When hon. Members are asked by their constituents, “What time did you have to debate financial services?”, they will have to say, “There was only a couple of hours or maybe just a few minutes. I didn’t say anything about it because of the ridiculous programme order that we put in place to curtail debate.”

Ian Paisley (North Antrim) (DUP): Is it right that the hon. Gentleman talks down the City of London in this way? We all know about the threats that have been made, but not one of those jobs has left the City of London. The fact is that, given a choice between London, Frankfurt, Dublin or Paris, those companies will choose London every time.

Chris Leslie: I really hope that that is the case. I absolutely share the hon. Gentleman’s aspiration, but he should look at the press releases from HSBC, Lloyd’s of London, UBS and J.P. Morgan. These are not alternative facts; this is the real truth. These are people’s jobs and this is revenue for our country that we will potentially lose.

Neil Coyle (Bermondsey and Old Southwark) (Lab): It is not talking down the City of London to highlight the report by TheCityUK emphasising that the best-case scenario, under the Government’s plan, is for 7,000 jobs losses, but that the worst-case scenario could be more than 70,000 job losses. That is not talking the City down but making the economic case for securing the best deal.

Chris Leslie: These are the realities we face.

Mr David Lammy (Tottenham) (Lab): Is it not my hon. Friend’s point that we are now a service economy? The service sector accounts for 88% of London’s economy, and the service sector can move. Prior to our joining the EU, we had things in the ground and we were a great manufacturing nation, but that is not the case today.

Chris Leslie: That is another issue that deserves a massive amount of consideration, but we just do not have the time to go through it today.

I will move on, then, to new clause 22, on competition policy—another small area of policy! The White Paper says absolutely nothing about what the UK will do, upon our exit from the EU, in respect of competition policy. It is totally silent. Will we change our attitude towards state aid for industry? What will our state aid rules be? If we make a change, will our trading partners baulk at the idea that we might be subsidising products in a particular way? Will we be undercutting their production? Would we not wish to do that? Will we take on the WTO disciplines on subsidies? Will we join the EEA scheme on subsidies? What about state aid rules, competition policy and the European Free Trade Association? This is a big deal. I think of subjects that have come up recently such as Hinkley Point, the British investment bank and British steel. These are all questions we have to consider and decide upon. All I am saying in
new clause 22 is that the Government should publish a report in one month on their attitude to competition policy. It is a pretty simple measure.

I have tabled other amendments that would require Ministers to set out their aspirations, within one month of Royal Assent, on other questions that will arise as we extract ourselves from some of these European partnerships, alliances and agencies. On law enforcement, for example, what will we do about Europol? New clause 111 touches on the benefits we currently enjoy from cross-border co-operation on cybercrime, terrorism, combating trafficking and other important activities. We deserve to know the Government’s approach to cross-border crime, as we do with respect to the European Police College, Eurojust, our co-operation with prosecuting authorities, the European Monitoring Centre for Drugs and Drug Addiction and the Agency for Fundamental Rights. The White Paper is totally silent on all those issues. We have no idea what the Government’s plan and negotiating stance will be, and yet we do not have the time to debate these matters properly.

Mr Jim Cunningham (Coventry South) (Lab): I do not know what the Government are worried about. Anybody who knows anything about negotiations knows that each side can report back from time to time without necessarily giving away their negotiating hand. I do not know what they are scared of.

Chris Leslie: I think the Government might be scared of the debate. It also reflects their lack of awareness of the issues. The Government have not thought this through but instead are confronting issues as they bubble up, at a fairly random level, while giving a veneer of control—“We must not show our cards”, “I cannot give a running commentary”. Ministers use these phrases, but behind the curtain they are panicking and their feet are moving rapidly, because they do not have a clue.

Sir Hugo Swire: By logical extension, the hon. Gentleman wants to unpick almost every single part of EU policy, legislation and co-operation with the UK, bring it to the House and get the Government to set out what they want to do about them. How long does he think it would take to dissociate ourselves from the EU if we were to take that line—two years or 20 years?

Chris Leslie: It would take more than the three days that the right hon. Gentleman and his hon. Friends have given us to debate these questions. We are leaving the EU—that is what the Bill is for. He and his hon. Friends might be happy to trust the Prime Minister entirely, but Parliament is sovereign. The Supreme Court gave us this duty and said that we should do our due diligence, but the time constraints will prevent us from doing so.

I wish to raise a couple of other law enforcement issues. The big one, in new clause 177, concerns the Government’s policy on the European arrest warrant. The EAW, of course, is there to make sure we can transfer criminal suspects or sentenced persons from other countries and put them on trial here, and vice versa. The UK has extradited more than 8,000 individuals accused or convicted of criminal offences to the rest of the EU. I think of the case of Hussain Osman, found guilty of the Shepherd’s Bush tube bombing in July 2005, captured in Rome, extradited under the EAW and sentenced to 40 years. In 2014, the Prime Minister herself said that ditching the EAW would turn Britain into “a honeypot for all of Europe’s criminals on the run from justice”.

From the Prime Minister’s own mouth! What will be our attitude towards the current level of participation? Will we want to continue with the EAW? There is nothing in the White Paper about it.

Dr Philippa Whitford: Is it not the agencies that will be the biggest problem? The Government describe moving everything over with a great repeal Bill, but what happens where that Bill refers to actions that depend on an EU agency, given that we will not have that agency?

Chris Leslie: That is the fallacy behind the reassurances to hon. Members. We are told, “Don’t worry. We can come to this in later legislation. It will all be fine. The great repeal Bill will deal with these things”.

Of course it will not. These are facilities and levels of co-operation and alliances that exist because of our membership of the EU, and yet we will not even have the time to debate the consequences.

I had better move on rapidly. On public health, what is the plan? What do the Government intend to do? Again, the White Paper said virtually nothing about a range of critical alliances, such as the European Centre for Disease Prevention and Control, as dealt with in new clause 113. During the outbreak of SARS in 2003, when the disease rapidly spread across several countries, we knew what to do because these EU-wide institutions and public health authorities were able to provide research and intelligence. There is nothing in the White Paper about the British Government’s attitude to such pan-European questions.

What will we do about the European Medicines Agency, as dealt with in new clause 115? Currently based in London, the EMA harmonises the work of national medical regulatory bodies across a range of issues including the application for marketing authorisations, support for medicines development, patents, monitoring the safety of medicines, providing medical information to healthcare professionals and so forth. Who will take on those responsibilities? What will happen? The White Paper was totally silent on that question.

Mr Ben Bradshaw (Exeter) (Lab): The Health Secretary told the Health Committee the other day that he had already thrown in the towel on the EMA—that we were leaving it and giving up the headquarters in London, along with hundreds of jobs, meaning far slower approval of vital drugs in this country, and the loss of all our influence and all those jobs.

Chris Leslie: Yes, and, again, we have heard no strategic alternatives from the Government and have no idea what their plan will be.

Mr Pat McFadden (Wolverhampton South East) (Lab): Given that the Government have said that they will pull out of Euratom, because it is part of the EU, is not the logical extension of their position to pull out of all
those agencies? If so, why does my hon. Friend think they do not want to face up to it? Is it because they do not want to face up to the cost of duplicating the work of 30-odd agencies?

Chris Leslie: I do not think Ministers know what to say about some of these questions. They hope that because the issues are fairly low level and very specialist, nobody will spot them, but they will start to affect very many people. Myriad issues will arise.

Mr Sheerman: Is my hon. Friend aware that as a result of our leaving the EMA many jobs in the medical and drugs world will move out of Britain? I met people representing those interests only today, and they are very fearful of what will happen to British jobs.

Chris Leslie: I am afraid to say to my hon. Friend not only that he is right, but that the list goes on—the list of the consequences of withdrawing from the EU without Parliament even having the opportunity properly to debate it. Food safety is covered by the European Food Safety Authority, so we will be throwing in the towel on independent scientific advice on food chain issues and research that is currently in place through our involvement in the EFSA—and there is nothing in the White Paper about it.

7 pm

What about the E111 health insurance scheme? Hon. Members may know that the scheme is not just for tourists, because there is the E110 for hauliers and the E128 for students. What then, is the plan? What will happen when our constituents go abroad?

John Redwood (Wokingham) (Con) rose—

Chris Leslie: Oh, the right hon. Gentleman knows what the plan is for the E111.

John Redwood: If the hon. Gentleman had read it, he would understand it perfectly as well as I do. The plan is very simple. All existing laws and requirements will be transferred into good British law. If we need a different adjudicator, that adjudicator can be selected and approved by Parliament. The great news for both of us is that nothing will change legally unless and until this Parliament debates it and wants to change it.

Chris Leslie: I do not know whether the right hon. Gentleman has actually left these shores and visited other countries: we do not control the sort of health insurance and health service schemes that happen in those other European countries, but we currently have a reciprocal health insurance arrangement that provides him, his family and his constituents with a certain degree of cover. That could well be ripped up because of the consequences of the legislation that we are potentially passing—without a word from the Government and with nothing in the White Paper.

Stephen Doughty (Cardiff South and Penarth) (Lab/ Co-op): My hon. Friend makes a very important point about the E111 scheme, because that will have a practical impact on our constituents. If my hon. Friend does not get a clear answer on that, I fear that many constituents will be forced into buying very expensive travel insurance policies to make sure that they are covered while the scheme is left in limbo.

Chris Leslie: The consequences of this aspect and many others are myriad. I hope that the House will begin to wake up and realise that we have been sold a pup with this programme order, which does not give us enough time to discuss all this. I have to move on.

The European Chemicals Agency is another example of something that will be ditched. Companies currently have to provide information about hazards, risks and the safe use of chemicals, but we will potentially lose that agency, with nothing in the White Paper about the alternative.

Another health and safety issue is aviation. What will we do about safe skies, and the regulation of aircraft parts, engines and many other aspects? What will we do about maritime safety? What happens if shipping disasters occur on or around our shores? What is the Government’s alternative? There is nothing in the White Paper.

Another minor issue—he said sarcastically—is the environment, and we will potentially lose the European Environment Agency. New clause 120 simply asks that we have a report within a month on what the Government’s plans should be.

Caroline Lucas (Brighton, Pavilion) (Green) rose—

Chris Leslie: I want to move on, if I may.

When it comes to education, science and research issues, we will leave the European Research Council, which is very important. Hon. Members may know about the Erasmus scheme, which means that all our constituents who currently want to study abroad for a few months can have that time recognised as part of their degree, but what will happen to that scheme? There is nothing in the White Paper. It does not say anything about students in our constituencies potentially losing out very significantly. What about satellite issues, plant variety issues, locational training and all sorts of issues?

Seema Malhotra: My hon. Friend is indeed making an excellent speech and highlighting the complexity of the challenges we face. He referred to science, and I had a conversation yesterday with my constituent Clare, who is a scientist and was extremely concerned about how our collaboration will work and what projects we will be included in in the future. She was also concerned about the impact on our young people. Their future is ahead of them, and in a sense we are pulling the rug out from under their feet.

Chris Leslie: We should have the time, the space and the opportunity to discuss the consequences for my hon. Friend’s constituent, but we will not. My hon. Friend will have to tell her constituent that we did not have enough time in the House of Commons. Fingers crossed, there might be time for the House of Lords to do some of this work and put their concerns to Ministers in the other place.

Liz Kendall (Leicester West) (Lab): My hon. Friend is doing an excellent job of trying to scrutinise the implications of this Bill, yet we have less time on the Floor of the
Chris Leslie: Exactly. We need to use the two-year negotiation period wisely. We shall come on in Committee tomorrow to some of those particular issues.

Caroline Lucas: Does the hon. Gentleman agree that as well as having an environment policy, we need to make sure that it is enforceable? It is no good just having an environment policy, we need to be well aware of the wonders of Falmouth oysters, which are produced, but where they are consumed worldwide—if we are interested in these things. New clauses 128 to 130 deal with the origins of goods and services—specifically, their protected geographical indication.

Chris Leslie: In that case, I will move on to new clause 122, which references the European Investment Bank. It deals with a series of economic and trade co-operation issues, which are again not referenced at all in the White Paper. Can you imagine, Mr Howarth, the Government producing a White Paper about the consequences of withdrawing from the European Union without even mentioning the European Investment Bank, in which, by the way, we currently have a 16% stake? It part-funds Crossrail and the Manchester Metrolink. This is a massively important institution, yet we are simply shrugging it off in a blasé way, saying “Trust the Prime Minister; it will all be fine”.

We should at least ask Ministers about the attitude of the British Government towards it, so I ask the Minister directly: what is the British Government’s attitude to our continued participation in the European Investment Bank? He needs to address that and other issues.

I had better move on and talk about a couple of other new clauses. I know that other hon. Members want to contribute to the debate, and it is frustrating that we do not have enough time properly to debate the issues. I am glad to see in their place a couple of hon. Members who might be interested in these things. New clauses 128 to 130 deal with the issue of the protected designation of the origins of goods and services—specifically, their protected geographical indication.

Hon. Members might well have relevant businesses within their constituencies. This is sometimes known as “the Stilton amendment”, so I am looking at the hon. Member for North West Cambridgeshire (Mr Vara). I understand that Stilton is not necessarily made in North West Cambridgeshire, but the hon. Gentleman has the village of Stilton in his constituency. Similarly, the hon. Member for Truro and Falmouth (Sarah Newton) will be well aware of the wonders of Falmouth oysters, which are protected under the protected geographical indication—PGI—scheme that applies to European trade. Whether they are called “the Stilton amendment” or “the Scotch whisky amendment”, the new clauses simply ask what the Government’s plan is for those protected products—much cherished and much valued not just where they are produced, but where they are consumed worldwide—if they lose their protected status? We could end up having knock-off Scotch whisky sold around the world without that protection. The same might apply to Scotch beef, Welsh lamb, Melton Mowbray pork pies, Arbroath smokies, Yorkshire Wensleydale, Newcastle Brown Ale and the Cornish pasty.

Mr Vara: As it happens, the protected status of Stilton cheese prohibits people living in the village of Stilton in my constituency from making it. They researched the cheese and found that it was originally made in the village, but they are prohibited from making it by the protected status to which the hon. Gentleman refers. When we leave the European Union, they will be able to make Stilton cheese in Stilton.

Chris Leslie: Finally, we get some sign of life from Conservative Members. They are finally interested in the consequences of withdrawing from the European Union. This is an issue that the House should have the opportunity to discuss. Many firms, industries and producers, on both sides of this question, will either benefit or—probably—lose out, as a result of our exiting from the European Union in this way.

Mary Creagh (Wakefield) (Lab): Blessed are the cheesemakers, wherever they happen to live, but may I return my hon. Friend to new clause 112, which deals with the European Chemicals Agency, and alert him to the fact that the Environmental Audit Committee is looking into the issue? I have the 200 pages of evidence on what withdrawing from the European chemicals regulations will mean for the motor industry, the defence industry and the pharmaceuticals industry in this country, and it does not make pretty reading.

Chris Leslie: As my hon. Friend says, there are serious questions about hazards that could affect our constituents and substances that pose dangers because, for instance, they may be carcinogenic.

We are disappointed in the Government not only because of their White Paper, but because they are trying to gag Parliament and prevent it from debating these issues. Muzzling Members on both sides of the House on these questions means that we will end up far poorer and far worse off, and it sends a message to the Lords that they will have to do the job of scrutiny and due diligence that we were unable to do. This is our only substantive opportunity to debate the Bill. Parliament deserves more respect than the Government have shown in their insubstantial, inadequate White Paper, which does not touch on many of the questions in our new clauses. We simply want to know what they plan to do, and I sincerely hope that the Minister will answer our questions when he responds to the debate.

Heidi Allen: I want to speak briefly about new clauses 171, 173 and, principally, 57.

I am proud to represent my constituency, which is home to some of the most impressive academic and scientific research in the world. We attract and grow the most innovative brains, and we do that by looking inwards rather than outwards. I know that the Government have confirmed that all EU legislation will simply be transferred to UK law on the day of exit, but I feel that particular attention should be paid to planning our future academic and scientific collaborations.
New clauses 171 and 173 request reports from the Government on the future of the Erasmus+ scheme and participation in the European research area. Given that our academic and research industries are two of our greatest exports and feature heavily in the business, energy and industrial strategy, such reports should be very straightforward. We need to give clarity and reassurance to those sectors, which I know are exceptionally worried about the future. The University of Cambridge, the Babraham Institute, the Wellcome Genome Campus and the Laboratory of Molecular Biology, to mention just a few institutions in my constituency, are extremely important to national prosperity, and they deserve priority in the Government’s thinking.

Heidi Allen: Absolutely. I speak as a woman with a German mother. I think that on some occasions my father would be quite pleased if my mother were sent back. [Laughter.] He would agree with me about that. However, I do understand the rifts that this is causing in the community, particularly in my constituency, which is bursting with citizens of every nation in the EU who have families and relatives. However, it is not just the EU citizens who are worried; the communities that wrap around them are worried as well.

Helen Goodman (Bishop Auckland) (Lab): The hon. Lady is making a very important speech, but is she aware that it is not necessary to leave behind all those EU agencies? When it comes to research and development, for example, Israel belongs to Horizon 2020. Does the hon. Lady not think that the Government should look into that, and consider the granting of such a status to this country?

Mr Lammy: Does the hon. Lady agree that one of the problems that universities are experiencing is that PhD students and other academics are choosing not to come to Britain now? That means that our global universities are losing out to Harvard, Yale and Berkeley, and universities in other countries.

Mr Lammy: I regularly speak to members of the University of Cambridge, because a couple of its colleges are in my constituency. Although numbers have not fallen so far, I know that they are very worried about what will happen in a couple of years. Universities are a fundamental part of what is great about this country, and they deserve our protection. That is why we need to look fully at the implications for them, and the Government need to listen.

The debate on new clause 57 is probably one of the most important debates that we shall have, because it concerns the continuing rights of EU citizens lawfully residing here before or on 23 June last year. I recognise that the Prime Minister has said that seeking reciprocal rights will be her earliest negotiation priority, and I also recognise that many EU citizens already have an automatic right to remain. However, I do understand the rifts that this is causing in the community, particularly in my constituency, which is bursting with citizens of every nation in the EU who have families and relatives. However, it is not just the EU citizens who are worried; the communities that wrap around them are worried as well.

Heidi Allen: I am sure that my hon. Friend has made an accurate point. I suppose the point I am trying to make is that while there may be legal and administrative realities ensuring that people would never be sent home, the perception and feeling of those people is more important. We should cut through the red tape and give them clarity, because that is what they deserve.

Robert Jenrick (Newark) (Con): Can we put this in context, so that people listening at home will understand and not feel unduly nervous about what is happening? Does my hon. Friend agree that 61% of all EU nationals living in the UK already have a permanent right to reside in this country, and that by the time the UK leaves the EU, that figure will have risen to between 80% and 90%? A very large proportion of EU nationals who are already in this country have absolutely nothing to worry about.

Mr Harper: I do not know whether my hon. Friend heard what I said earlier, but I meant it very sincerely. More than 4,000 EU nationals do not fit the description that she has given. They are people who are here and have abused our hospitality by committing crimes for which they have been sent to prison. The problem with a blanket approach is that it will give those people the right to stay here. Having dealt with individual cases, I know that nothing will do more damage to the British people’s wish to welcome EU nationals than our not being able to deport people who came here as EU nationals and then committed serious crimes. Has my hon. Friend given any thought to that?

The Temporary Chairman (Mr George Howarth): Order. In the brief time for which I have been in the Chair, I have noted that some of the interventions seem to be getting excessively long. I remind Members that interventions should be confined to a single point, and a short one at that.
Heidi Allen: You will be pleased to know that my speech is very short, Mr Howarth, so I do not have much more to get through.

The Temporary Chairman: I was talking about interventions, not speeches.

Heidi Allen: If the interventions are long, my speech will be short.

Let me say this to my right hon. Friend the Member for Forest of Dean (Mr Harper). Nothing is perfect, but should the policy that we make be based on a few bad apples or on the rights of thousands of fabulous citizens who come here and contribute? What we are discussing today is whether we should be offering unilateral rights to them before securing rights for our UK citizens abroad. I have a sense of what is the moral and right thing to do. I believe that we should be leading the way, and offering those rights unilaterally to EU citizens in the UK.

Mr Vara: Will my hon. Friend give way?

Heidi Allen: I hope that my hon. Friend will forgive me if I do not. I wish to make a bit of progress, but I will give way again later.

Until we have that resolution, however and whenever it comes, this will prey on the minds of families and our NHS, and will damage the collaboration that is vital to the scientific and academic organisations in my constituency. Many of my constituents have lost all sense of direction, and are struggling to recognise the tolerant, open country of which they are normally so proud. The wounds of the referendum have not yet healed. Although I was grateful for the opportunity to probe the Prime Minister when she made her statement earlier today, I wish to repeat my request for her to keep a unilateral offer to EU citizens in her mind.

As time passes, I fear that the distasteful currency valuation of both our citizens and EU citizens will increase. If an early agreement is not reached—as the Prime Minister hopes it will—I will urge her to step in and halt the trading. We are talking about people. If the Prime Minister were to offer continued rights to EU citizens unilaterally, I believe she would pull the country in behind her. She would strengthen our collective resolve and push forward through the negotiations with the shared will of the 48% and the 52%. At the moment, those in the 48% in my constituency do not feel part of the conversation. Crucially, we would demonstrate that in this global turbulence Britain is, as it always has been, a beacon for humanity and for democracy, a principled and proud nation and—one day soon, I hope—leading the way with compassion and dignity.

Mr Alistair Carmichael (Orkney and Shetland) (LD): My hon. and right hon. Friends have tabled several new clauses, but we have a remarkable range of amendments before us this evening, so I will confine my remarks to those relating to the position of EU nationals wishing to remain and their rights to remain.

I want to explain why this matters to me as a Liberal and an islander. Those representing island communities understand that things very often have to run to different rules and we have different priorities. One of the most important aspects of keeping an island community viable, prosperous and growing is maintaining a viable level of population, and in recent years and decades the contribution of EU citizens to growing and maintaining the services and businesses within the island communities that it is my privilege to represent has been enormously important. It matters to my communities, therefore, that the position of these EU nationals who live in our communities, and who contribute to our public services and businesses, should be clarified; they should be given the greatest possible reassurance at the earliest possible opportunity.

There is no aspect of island life these days in which we will not find EU nationals living and working. They work in our fish houses, they work in our hotels and bars, they work in our hospitals, our garages and building companies, and they teach in our schools. If we go into the admirable University of the Highlands and Islands, we will find them leading some groundbreaking research there, especially in the development of renewable energy—a future for our whole country. That is why the position of these people in our communities matters to the people I represent, and they matter to me and should matter to us all.

Mr Vara: The right hon. Gentleman, for whom I have a huge amount of respect, is making a very good point as regards EU nationals; indeed, many colleagues have said likewise. Does he not accept, however, that while we talk about securing the position of EU nationals living in Britain, we as British parliamentarians have a duty to British nationals living overseas—we have a duty to make sure that they, too, are looked after—and that if we secure the rights of foreigners living in this country before British nationals overseas are looked after, we are neglecting our duty?

Mr Carmichael: I gently say to the hon. Gentleman, with whom I have worked in the past, and who I hold in some regard, that, bluntly, it is invidious to play the interests of one group of desperate people off against the interests of another group, and there is a danger of that emerging from what he is saying and the terms in which he puts it. As the right hon. Member for Leeds Central (Hilary Benn), the Chairman of the Exiting the European Union Committee, on which I also serve, reminded us, this was the evidence that we heard from British nationals currently living in other parts of the EU; this is what they want us to do, because they see that it is in their interests that we should do this. They see this move as the best, most immediate and speediest way in which their position can be given some degree of certainty.

The real importance of this move is the atmosphere that it would create. We cannot ignore the atmosphere that we have found in many of our communities since 23 June, and the spike we have seen in hate crime; and we must also think about the atmosphere in which the Prime Minister is going to open the negotiations after the triggering of article 50. The atmosphere will be so much better—if we are able to say, “We enter this as a negotiation between friends and neighbours, and as such we offer you this important move for your citizens as a mark of our good faith and our good will.”

I also want to deal with one matter that was raised in the Select Committee, and which has been touched on today: the opportunity of EU nationals to secure their
position by means of the permanent residence card. I say to the Minister of State, Department for Exiting the European Union, the right hon. Member for Clwyd West (Mr Jones), that he should be talking about this to his colleagues in the Home Office, because there are enormous difficulties with it. [Interruption.] I see the Minister for Immigration is sitting on the Treasury Bench, too, and he will be aware that some 30% of the—expensive—applications that are necessary for permanent residence cards are currently refused. The evidence brought to the Select Committee was that this involves, I think, an 85-page form. The sheer volume of supporting documentation required for these applications is enormous. The level of detail that is asked about the occasions over the past five, 10, 15 or 20 years when people have left the country even on holiday and then returned, and the evidence required to support these dates, is unreasonable and is putting an enormous burden on those seeking this small measure of reassurance in the short to medium term. This needs to be revisited.

The unfairness of the situation came home to me when I saw a constituent on Friday, who brought to my office the letter she received in 1997 from the then Immigration and Nationality Directorate. She was told:

“You can now remain indefinitely in the United Kingdom. You do not need permission from a Government Department to take or change employment and you may engage in business or a profession as long as you comply with any general regulations for the business or professional activity.”

Nobody told my constituent in 1997 that 20 years later she was going to have to produce tickets to show that in 2005 she took a two-week holiday in Ibiza, or whatever, but that is the situation in which she now finds herself if she is going to achieve that small measure of security for her and her family.

The challenge facing our country at this point is how we go forward in a way that allows us to bring the 52% and the 48% back together. Our country faces an enormous challenge, and it is one that we cannot meet with the support of only half our population; we need all our people to be able to pull together. This would be one small measure that would allow the Government to bring the two sides together to get the best possible deal for all our citizens, whether they are British by birth or British by choice.

Will Quince (Colchester) (Con): It is a pleasure to follow the right hon. Member for Clwyd West (Mr Jones), although he might not entirely share the sentiment once I have finished my contribution. I promise that it will be a short contribution, in the interests of time and the number of Members who wish to have their say. I rise to speak against in particular new clauses 56 and 134.

There are some in the House who have said that the referendum result should not be respected because the people did not know what they were voting for. They are determined to find confusion where none exists. They say that the public voted to leave the European Union, but not the single market or the customs union. Members are arguing through these amendments that we in this House need to debate whether or not we leave the single market. I disagree.

The majority of voters who took part in the referendum said that they wanted to leave the European Union. Many of those who contacted me said that they wanted to restore our parliamentary sovereignty and sovereignty over our courts, to regain control over our immigration policy, and to strike out in the world and forge new deals with countries across the globe. Those aims are incompatible with remaining in the single market or in the customs union.

7.30 pm

We chose to go to the people with this referendum. I did not campaign for either side in the referendum, but I followed the two campaigns closely. Throughout the referendum campaign, those involved in the leave campaign said that we would be leaving the single market. On the remain side, our former Prime Minister David Cameron said during the campaign that, in the event of a vote to leave:

“What the British public will be voting for is to leave the EU and leave the single market.”

Caroline Lucas: I do wish that the hon. Gentleman would not rewrite history. I have some lovely quotes here. The present Foreign Secretary said:

“I’d vote to stay in the single market. I’m in favour of the single market.”

The right hon. Member for North Shropshire (Mr Paterson) said:

“Only a madman would actually leave the market”.

That one speaks for itself. Arron Banks stated:

“Increasingly the Norway option looks the best for the UK.”

What the hon. Gentleman is saying is simply not the case.

Will Quince: I think the hon. Lady was right, but those were selective quotes, taken out of context. How could it not have been clear what the public were voting for?

Anna Soubry (Bromsgrove) (Lab): I thank the hon. Gentleman. Friend honestly saying that the good people of Colchester sat in a variety of places where they might go to enjoy themselves mulling over the finer points of the single market?

Will Quince: I think my right hon. Friend underestimates the intelligence of the people of Colchester.

I would be more sympathetic to those tabling the new clauses if they had not voted in favour of holding the referendum. However, they supported it. They agreed to entrust this question to the British people. I remember when some on the other side of the House, namely the Liberal Democrats—although I question that name in the context of this debate—were calling for a “real referendum”. Well, we had a real referendum—the biggest exercise in democracy in our nation’s history—and we have been given a result. Those hon. Members just do not like what they heard. We should respect the instruction we were given by the British people. We were told that we were going to leave the European Union and the single market, and leave we should.

The Prime Minister has been absolutely clear that we are leaving the single market. Those on the Opposition Benches tabling these new clauses should perhaps listen to the former leader of the Liberal Democrats, the noble Lord Ashdown, who said that “when the British people have spoken, you do what they command.”
We do not need this debate. It is simply an attempt to obfuscate and delay the process. That is why I cannot support new clauses 56 or 134, and I encourage colleagues to oppose them.

Helen Goodman (Bishop Auckland) (Lab): It is a pleasure to serve under your chairmanship, Mr Howarth. I should like to speak to new clauses 29 and 33, tabled in my name and those of other right hon. and hon. colleagues.

The Secretary of State—who is not here for this debate—said with his usual braggadocio that he would produce a Bill that was unamendable. Today, we have a list of amendments that is 145 pages long. The ratio of lines in the amendments to lines in the Bill 580:1, which must be an all-time record. It is certainly a tribute to the productivity of hon. Members on this side of the House. However, the chutzpah of the Secretary of State was exceeded by the civil servant who wrote paragraph 14 of the Bill’s explanatory notes, which states:

“The impact of the Bill itself will be both clear and limited”. No. The effect of the Bill is not clear and it is certainly not limited. The fact that hon. Members have tabled so many new clauses and amendments demonstrates why this debate on parliamentary scrutiny is so important.

I am pleased to follow the hon. Member for Colchester (Will Quince), whose constituents voted leave in the referendum. Mine did too, and his speech was the perfect introduction to my own. I want to describe why it is also in the interests of those who voted leave that we should have proper parliamentary scrutiny. The referendum campaign was won on the slogan of taking back control and bringing back parliamentary sovereignty. We cannot do that without having proper parliamentary scrutiny.

New clause 29 is perfectly simple and straightforward: it proposes a quarterly reporting system during the negotiations. That would give the House a structured approach. The right hon. Member for West Dorset (Sir Oliver Letwin) complained about new clause 3—which was ably moved by my hon. Friend the Member for Greenwich and Woolwich (Matthew Pennycook)—saying that it would create problems of justiciability. I hope the right hon. Gentleman will agree that the requirement to produce quarterly reports conformed with the appropriate procedure. That would give the House a structured approach. The right hon. Member for West Dorset (Sir Oliver Letwin) complained about new clause 3—which was ably moved by my hon. Friend the Member for Greenwich and Woolwich (Matthew Pennycook)—saying that it would create problems of justiciability. I hope the right hon. Gentleman will agree that the requirement to produce quarterly reports conformed with the appropriate procedure. That would give the House a structured approach.

Sir Oliver Letwin: Does the hon. Lady imagine that there would be no court cases about whether such quarterly reports conformed with the appropriate procedure? Is she aware of the chain of jurisprudence in judicial review that leads to the possibility of that kind of contest? What does she think would happen if the courts started intervening in the matter of whether the reports met the requirements of her new clause?

Helen Goodman: First, it is not clear that such cases would get leave of hearing. Secondly, any such case would be dismissed straight away, so long as the Government had abided by the requirement to produce quarterly reports. There simply would not be a case to answer. This is a simple and straightforward proposal.

Sir Oliver Letwin: So does the hon. Lady think that the Government would satisfy the conditions of her new clause if they simply produced one line saying, “This is our report”? Or does she believe that it would have to be an appropriate report? If that were the case, could not a court decide whether it was appropriate or not?

Helen Goodman: As the Chairman of the Select Committee said earlier, when we got into a discussion about the requests from the Opposition Front Bench, the nature of the report would be a matter for the Government. I am sure that the Government would behave in a reasonable manner if this provision were in the legislation.

As I was saying to the hon. Member for Colchester, my constituency voted leave. I voted for the Bill on Second Reading so that the Prime Minister would have the power to trigger our intention to withdraw from the European Union under article 50. However, the political legitimacy stemming from the result of last summer’s referendum does not extend to giving the Government a blank cheque for their negotiating objectives or for the way in which they conduct the negotiations. Everyone is clear that this will have major constitutional, political, economic and social implications for our relations with other countries and for the domestic framework of our legislation.

Given the lack of clarity, and the fact that there was no plan, I have consulted my constituents on their expectations and hopes, and on how they want these decisions to be taken. I wrote to 5,500 of them, and I held six public meetings. They felt strongly that they wanted Parliament to be involved. In fact, some of them thought that the negotiations should be conducted by a cross-party team. I said that I did not think that was terribly likely—

Anna Soubry: Given the quality of your Front Bench.

Helen Goodman: Let me tell the right hon. Lady about the views that were expressed in my constituency, even though they might be different from those being expressed in her own. When we discussed the social chapter and people’s employment rights, my constituents said, in terms, “You can’t trust the Tories.” It is because of that feeling—[Interruption.] Those were their words, not mine. It is because of that feeling that we need to have parliamentary involvement in the way this process is carried forward.

The Government have reluctantly come to the House with this Bill. I first requested that Parliament be involved on 11 July in an urgent question on article 50. The Government resisted, as everybody knows, and only came to the House because they were forced to by the Supreme Court. Some Government Back Benchers say that the negotiations are far too complex to do openly—the right hon. Member for West Dorset talked about 3D chess, for example—but I take the opposite view: it is precisely because the negotiations are complicated and multifaceted that lots of people should be involved.

Richard Graham (Gloucester) (Con): The vast majority of the amendments—I think I counted 30—tabled by members of the Opposition basically call for a report within 30 days of the Bill coming into force setting out the Government’s approach in the negotiations. Does the hon. Lady imagine that Europe will publish reports on every one of these issues, setting out its approach in the negotiations? That would surely be giving away too much.
Helen Goodman: Had the hon. Gentleman been in his place to hear the fantastic speech by my hon. Friend the Member for Nottingham East (Chris Leslie), he would understand why my hon. Friend was proposing all those reports. I am speaking to new clause 29, which is about quarterly reporting by the Government once the negotiations get under way.

Another slight misconception among Government Members is that there is some best deal, but there is clearly no objective technical standard test. What is best in the constituency of the hon. Member for Gloucester (Richard Graham) might be different from what is best in my constituency. I am not casting aspersions on the motivations of Government Members; I am being realistic. When the Prime Minister talks about building a better Britain and doing what is best for the country, I am sure that she is being completely sincere, but she stood in a general election in Durham in 1992 and received half as many votes as the Labour candidate. The truth of the matter is that the process is complicated and there are different interests. Parliament, which is the sovereign body of the country, should be able to participate fully in that process, and scrutiny is the basic first brick of it.

Alex Chalk (Cheltenham) (Con): The net effect of the hon. Lady’s new clause is that the High Court, not Parliament, would decide on the adequacy or otherwise of the reporting. She would be ceding authority not to this place but to the independent High Court, which is contrary to what she is trying to achieve.

Helen Goodman: Look, I am sorry that Government Members feel so bad about losing the Supreme Court case last month. It is a shame. The Government were foolish to appeal after the High Court judgment. However, the fact that they have lost one case does not mean that they should become obsessed with the risk. It is as absurd as saying, “Well, we should stop having parliamentary questions for every Department once a month because they somehow undermine the Government.” Take Defence Question Time, for example. It happens every single month, but it does not undermine our security; it holds the Government to account. It is because the negotiations are so important that the Government should report back. I am sorry that the Secretary of State is not here. Unlike some Government Back Benchers, I think he understands that this is not a technical issue; it is a political process. Involving Parliament and having proper parliamentary scrutiny is the right thing to do to build a national consensus, which the Government state is their aim in the White Paper.

New clause 29 is simple and straightforward and would require a quarterly reporting system during the negotiations. While the Select Committees are doing fantastic work in considering particular issues in great detail, it is extremely important that the whole House gets a regular opportunity to see how things are going and to provide the perspective of the different communities we represent. Out of necessity, I drafted new clause 29 without having seen new clause 3, which is obviously tougher than new clause 29, so some people will prefer one over the other.

7.45 pm

New clause 33 would require the Prime Minister to set out how the UK will have control over its immigration system. I tabled it because that is the major concern of many people, leave voters in particular, so it seems right to refer to it in the draft framework and negotiating objectives that we must prepare for our future relationship with the EU. However, I want to make it clear that while that was a factor for some constituents in how they voted, they were equally committed to providing security for EU citizens in this country. I added my name to new clause 57, tabled by my right hon. and learned Friend the Member for Camberwell and Peckham (Ms Harman), because those things are completely consistent. I would like to say more on that, but we have only a short amount of time.

Stephen Hammond (Wimbledon) (Con): The hon. Lady refers to guaranteeing the rights of EU citizens, and my hon. Friend the Member for North East Somerset (Mr Rees-Mogg), who is not in his place, stated the legal position. The Government could make that guarantee tonight, saying that my hon. Friend was correct, by stating that those rights would be grandfathered straight into the Immigration Act 2016. That may not be the preferred method for many in this House, but it would effectively guarantee EU citizens what they want. Does the hon. Lady agree?

Helen Goodman: I have not thought about that in as much detail as the hon. Gentleman, but it will be interesting to see what the Minister says when he responds to the debate from the Dispatch Box tonight.

As I was saying, we should have proper, structured scrutiny, and I am disappointed that we do not have slightly longer to consider all these matters in more detail.

Richard Fuller: It is a pleasure to follow the hon. Member for Bishop Auckland (Helen Goodman), who expressed her view with her usual forthrightness. She was one of the first Members in the House to raise the complex issue of the customs union, for which I am very grateful.

Last July, the right hon. Member for Leigh (Andy Burnham) moved an Opposition motion on guaranteeing the rights of EU nationals in the UK, and I was one of five Conservative Members to support it. It was an excellent motion to propose at that time, and thanks to that motion tremendous progress has been made in the Government’s thinking and statements. We are debating an issue on which there is unanimity of view about what we want to achieve. It goes almost to the point of parody: everyone is agreeing on a point about which we are then going to disagree. The fundamental question is whether placing such a measure in this Bill is the right place for such a proposal. Should it be that we move it to clause 57, tabled by my right hon. and learned Friend the Member for Camberwell and Peckham (Ms Harman), because those things are completely consistent. I would like to say more on that, but we have only a short amount of time.

Heidi Allen: My hon. Friend asks whether the Bill is the right place for such a proposal. Should it be that we in this country need legislation to orientate our moral compass?

Richard Fuller: I think my hon. Friend knows my view, so I will not dwell on that.

As I looked through the many amendments, I noted that they fall into three main categories: those that ask for or require scrutiny of the Government’s approach; those that seek to frame a position for the Government
in the negotiations; and those that seek answers to an
imponderable list of questions—most notably those
from the hon. Member for Nottingham East (Chris Leslie).
Each of those groups in turn is less worthy of the
House’s attention. Scrutiny is relevant to how the House
sees things proceeding, and I will listen carefully to
what the Front-Bench team says about that. I am concerned,
however, by some of the comments made by my right
hon. Friend the Member for West Dorset (Sir Oliver
Letwin) to which he did not receive answers. The idea
that we would involve the Government in the negotiations,
then involve Parliament in the negotiations and then
also involve the courts in the negotiations brings the
words “dog’s” and “breakfast” close together very quickly.

On EU nationals here in the UK, many of the
contributions to this debate have focused on the easiest
side of the argument. My right hon. Friend the Member
for Forest of Dean (Mr Harper) mentioned prisoners in
the UK, and under last year’s motion those prisoners
who have committed crimes in this country would be
guaranteed the right to remain. We may want to do
that, but it is a hard case to make that we should do
that while not giving any consideration to British
nationals in other EU countries. As my hon. Friend the
Member for South Cambridgeshire might say, we would
then seem to be losing our moral compass through
legislation.

A number of Members have cited specific examples
of where prisoners would already be guaranteed rights
in this country. As parliamentarians, we have a responsibility
to reduce uncertainty as we go through the process
of leaving the EU, and one practical way of doing that is
by knowing what the circumstances are for each of our
constituents who come to talk to us so that we can
explain to them that there is no need for them to be
called concerned because their rights are secure—the proposal
will not cover all of them, and it might not cover as
large a proportion as my hon. Friend the Member for
Newark (Robert Jenrick) mentioned, but it is a practical
example of where we can help to reduce uncertainty.

The third argument on this issue of EU nationals
who have the right to remain here, upon which we all
come to an agreement, is that we have focused all our attention on the
Government Front Bench. Hardly anyone has mentioned
Angela Merkel. As I understand it, and I get this from
the hon. Member for Pontypridd (Owen Smith).

In particular, I support the argument for a White
Paper that includes details of the expected trajectory for
the UK’s balance of trade, gross domestic product and
unemployment. A number of earlier contributions explained
precisely why we need that. My hon. Friend said that
Vote Leave failed to provide detailed answers to any of
the key economic questions before the referendum and,
of course, he is right.

The right hon. Member for Forest of Dean (Mr Harper),
who is no longer in his place, demonstrated incredibly
ably the confusion at the heart of Vote Leave and why
taking a decision today is incredibly difficult. He effectively
said—I have spoken to him, so this will come as no
surprise to him—that no one in the leadership of the
official leave campaign ever argued that we would join
the EEA or have an EFTA-type agreement. It might be
that the right hon. Member for Surrey Heath (Michael
Gove), or one of the other senior figures, never quite
said that, but to argue that the leave campaign did not
suggest it, and suggest it strongly, is simply wrong. The
leave campaign Lawyers for Britain said:

“We could apply to re-join with effect from the day after
Brexit... EFTA membership would allow us to continue uninterrupted
free trade relations”.

That was still on the website only a few weeks ago.
The former ambassador and Brexit supporter Charles Crawford appeared on “Newsnight” to argue that an EEA option may be the first step of Brexit. Roland Smith, the author of “The Liberal Case for Leave”, wrote an extended paper titled “Evolution Not Revolution: The case for the EEA option”, so I suspect that there were many people who, indeed, voted for Brexit believing that we were not voting for a hard Tory cliff-edge Brexit and that we would maintain membership of the EEA, EFTA or an equivalent. Given that that now no longer appears to be the case, it is absolutely right, as new clause 51 makes clear, that we have details of the expected trajectory of the balance of trade, GDP and unemployment. Those are not abstracts; they are at the heart of the measurement of our economy, of wages, of living standards and of economic growth. They are the platform for tax yield, which pays for our vital public services. All those words and concepts were almost entirely absent from what I will generously call the first White Paper.

I gently observe that it is not good enough for the Government to produce, after a referendum, a White Paper that is little more than the Prime Ministers Lancaster House speech dressed up with a few pictures and a couple of graphs. That is not the basis for the economic plan necessary to mitigate the huge potential damage to the economy from a hard Tory Brexit. Make no mistake, that is what we are facing.

Will Quince: Did the Government leaflet, at great cost, not exactly make the point that single market membership was not an option and that access would be the result of a leave vote in the referendum?

Stewart Hosie: Many things were said, which is my point. Some might argue that being in the EEA or a member of EFTA precisely gives one not just access to but membership of the single market—one could call it access if one likes. There was deep, deep confusion in the messaging of the no side, which must be rectified now with proper details on the trajectory of the key economic numbers before more decisions are taken.

I say that we are facing a hard Brexit, and let us understand what has been said. The leaked Treasury document last November suggested that the UK could lose up to £66 billion from a hard Tory Brexit and that GDP could fall by about 9.5% if the UK reverted to WTO rules. I accept that that is a worst-case scenario, but if the circumstances that lead us to that catastrophe occur and we do not have a plan to mitigate it, the guilt would lie with the Government for failing to plan. The final part of that—the “if we revert to WTO rules”—is key, because the Prime Minister has said that a bad deal is worse than no deal. That is very twisted logic, because no deal is the worst deal; it means we revert immediately to WTO rules, with all the tariffs and other regulatory burdens that that implies.

8 pm

Of course, the leaked Treasury document was not published in isolation. The centre for economic performance at the London School of Economic published very similar numbers, saying:

“In the long run, reduced trade lowers productivity”. That is already a huge problem for the UK. It also said:

“That increases the costs of Brexit to a loss of between 6.3% to 9.5% of GDP”. It puts a range of figures on that, varying between £4,200 and £6,500 per household. When we consider that impact on real people, a substantial measure of strength is added to the argument.

The figures for Scotland, independently produced by the Fraser of Allander Institute, are in line with those other assessments. They suggest a hard Brexit could result in the loss of some 80,000 Scottish jobs within a decade and a drop in wages averaging about £2,000. I do not think any politician, of any party, would willingly say, “Let’s embark on a course of action that will lead to the near impoverishment of many people in society,” but that is where we are with the hard Tory Brexit argument. (Interruption.) I can hear the groans, but year after year we heard “long-term economic plan”, and it failed at every turn. I think it is better if we argue that we are facing a hard Brexit—a cliff-edge Brexit—and we prepare for it. That makes sense.

In addition to those assessments, we had today’s report that senior executives from the FTSE 500 companies are telling us that the Brexit vote is already having a negative impact on their businesses. That should have alarm bells ringing throughout the Government, but instead there is simply complacency. We have also seen the British Chambers of Commerce report telling us that almost half the businesses surveyed have seen a hit to margins due to the devaluation caused by the fear of Brexit, with more than half suggesting they will have to increase prices. That is all the more reason to assess and understand the trajectory of many of the key metrics and the plans to mitigate the worst impact.

All those things come before we get to the vexed question of the balance of trade. Our current account for the last full year was £80 billion in the red and we had a deficit in the trade in goods of £120 billion, yet we are faced with a Brexit that will make that worse, ripping the UK and Scotland out of the world’s largest and most successful trading bloc. Doing that without the asked-for clear assessment of the damage and any credible plan to mitigate it included in a comprehensive White Paper is an act of wilful economic vandalism.

Several hon. Members rose—

The Temporary Chair (Mr George Howarth): Order. I am anxious to get in as many of the people who have sat throughout the debate as possible. There is no time limit and I am not going to impose one, but if those who remain take five minutes, or preferably fewer, it might be possible to get everyone in.

Dr Wollaston: I wish to start by reading something from a letter I have received from a constituent. He talks about his wife, who was born in the Netherlands. He writes:

“She has lived in this country for over 30 years, brought up three British children and is completely integrated into the life of her local town. She is not part of any ‘immigrant community’. She just lives here and is fully at home here. Until now, she has never seen herself as an outsider and has been able to participate fully in local life, thanks to her rights as an EU citizen. In two years’ time, she will lose those rights and be a foreigner, dependent on the good will of the Government of the day.”

I have written back to and met my constituent, because I think it is inconceivable that our Prime Minister would separate this family. However, many people are not reassured, and he and his wife sought for her to have
permanent residency. This involved dealing with an 85-page document, including an English language test and a test about life in Britain, which is insulting to someone who has lived here most of her life and brought up three children here. This process is also very expensive, but the final sting in the tail is that she finds she is not eligible, because she has been self-employed and has not taken out comprehensive sickness insurance. This situation is unacceptable. We need to keep our compassion and keep this simple. It is inconceivable that families such as this would be separated, so we should be absolutely clear in saying so, up front.

Julian Knight (Solihull) (Con): I understand what my hon. Friend is saying about her constituency surgeries. I have had a similar experience and it is deeply upsetting in many respects, but will she join me in reflecting that the EU and Chancellor Merkel could have come to a deal on this earlier? The reality is that they have point-blank refused to discuss it before we trigger article 50.

Dr Wollaston: I agree with that, and I have also heard from constituents of mine who are British citizens now living in the EU. But my point is that, come what may, it is inconceivable that we would seek to separate families such as this one. There is no doubt that many people are sleepless and sick with worry about this, and we have all seen them in our surgeries. [ Interruption. ] It is true. I am seeing these people in my surgery. We also need to consider the tsunami of paperwork that we will have to deal with in settling the rights of these citizens if we do not get on with this quickly. We need to keep this simple. There is no way that families such as this should be subjected to vast bureaucracy and vast expense. We need to keep this simple. It is inconceivable that families such as this would be separated, so we should be absolutely clear in saying so, up front.

Richard Fuller: I agree with my hon. Friend, but my question to her is: can she cast any thought on why the Prime Minister has given her word that this will be a priority and she clearly hears the compassion that my constituents and for the national interest. It refers to labour rights, health and safety legislation, environmental protections and, most importantly, the impact we are likely to see on our GDP and balance of trade—the fundamental metrics that dictate whether we succeed or fail as a nation.

I tabled the new clause before we saw the abject, lamentable piece of work that the Government produced last Thursday: the 70-odd skimpy pages of the White Paper, 10% of which is actually white or blocked out. It is the whitest White Paper I think the House has ever seen. I contrast that with the 200-odd page report that the Treasury produced ahead of the referendum, which detailed the minutiae of all the impacts anticipated as a result of the changes in respect of GDP. [ Interruption. ] They chunter on the Government Front Bench, but when the Prime Minister was sat on that Bench as Home Secretary, she signed up to every line of that Treasury report, so it is entirely legitimate for the country to ask whether she is now living a lie as to what she thinks the impact of Brexit will be. Is she deceiving the country about whether this is going to turn out well for us, or not?

Let us not forget that the Treasury report suggested that the net impact on GDP of our leaving the European Union was going to be in the order of £45 billion per annum within 15 years. That is a third of the NHS budget. It would require a 10p increase in the basic rate of taxation to fill that black hole. It may well be entirely untrue. Perhaps it was just an estimate by experts in the Treasury that we should no longer believe, but if so, the Government need to come clean and tell us the current estimate.

Now that we know what the Government are planning to do—now that we know that we are running for the rock-hard Brexit that they hate to hear about on the Government Benches—what will the impact be? What will be the impact on trade? The Government were very

such as this will not be separated, because that is the reassurance they seek. I hear what my right hon. Friend says, but I think we should get on and make that offer, because it can be nothing but good to do so.

I also hope the Prime Minister will take further action on the issue of those who work in our NHS and social care. One in 10 of the doctors who works in our NHS comes from elsewhere in the EU, and I would like to say thank you, on behalf of the whole House, to all those workers and to all those who are working in social care. It would also be very much a positive move if we could say, up front, that those who are working here will be welcome to stay and make it very clear that we will continue to make it easy to welcome people from across the EU to work in social care and in our NHS.

Owen Smith: I shall make a short, pointed speech, because a lot of other Members have been present throughout the debate and wish to speak. It is extraordinary that we are debating one of the most, if not the most, important economic, social and strategic decisions that this House has had to make—certainly in the six years I have been here and arguably for 70 years—in a few short days and hours.

I shall speak to new clause 51, which I tabled. It is a simple, good-hearted new clause that would get the Government to come clean with the country and explain what they think the effect of Brexit is going to be for our constituents and for the national interest. It refers to labour rights, health and safety legislation, environmental protections and, most importantly, the impact we are likely to see on our GDP and balance of trade—the fundamental metrics that dictate whether we succeed or fail as a nation.
clear about that previously. Under any circumstances, leaving the European Union will reduce trade by this country. It will make us “permanently poorer”, according to the Treasury, as a result of reduced trade, reduced activity and reduced receipts, which will force the Government to increase and prolong austerity. Those are the stakes we are playing for on behalf of our constituents in this debate.

It seems to me entirely right that if this House is to be worthy of the name of the Houses of Parliament, and if it is going to do its job as it is meant to and as it has done for centuries, we need to see the detail. We need to be clear about what this is going to mean for my constituents and for my children. If it is anything like the black picture that was previously painted, we must have a final, meaningful vote in this House on the terms.

We cannot allow this country to drift out of the European Union on a bad deal—on World Trade Organisation terms—which would mean that the £45 billion black hole in our public finances was realised. We cannot allow that to happen for future generations, and we will be held accountable by those future generations if this House sits by, supine and pusillanimous, allowing this legislation to be waved through the House for political purposes—that is, to end the 30-year civil war on the Tory Benches. I cannot stand for that, and we should not stand for that in this House. We should see the detail and hold the Government to account, and I will continue to do that throughout this debate.

8.15 pm

Wes Streeting: I rise to speak to new clause 56, which was tabled in my name and the names of right hon. and hon. Members on both sides of the House. I hope it will pick up cross-party support, because it places the future of our economy and of jobs and trade at the centre of the debate, which is where those matters should be. In leaving the European Union, as people have voted to do, there remains the outstanding question of what happens about our membership of the single market and the customs union. Contrary to what we were told earlier by the right hon. Member for Forest of Dean (Mr Harper), those were not clear issues during the referendum. There were differences of opinion on the remain side and on the leave side. Given that ambiguity on something so important, it is quite right that Parliament, in taking back control, should at least give the Government a steer about the future trading relationship we would like to see.

As members of the single market and customs union, we are part of the largest free trade area in the world, giving us unfettered access to half a billion consumers throughout the European continent.

Anna Soubry: Does the hon. Gentleman agree that it is at best unfortunate that his Front-Bench team has not used its Opposition Supply days to have exactly that debate and, indeed, a vote on the single market, the customs union and the free movement of people?

Wes Streeting: I have a lot of respect for how the right hon. Lady has conducted herself during the debate, but her criticisms of our Front-Bench team, particularly the shadow Brexit Ministers, are particularly unfair. In any case, her criticism of our Front-Bench team would carry more weight if she was clearer about which voting Lobby she is going to be walking through on several crucial issues. It is all very well taking to the airways and speaking in the newspapers about the fight she will put up on these issues, but she has to put her vote where her mouth is.

Anna Soubry: I have made it clear that I very much hope the Government will see good sense, as is the case in much of the wording of new clause 110, and that some sort of compromise and sense can be achieved. I make it clear that in the absence of that I will perhaps find myself with no alternative but to go against my Government, which is the last thing I want to do.

Wes Streeting: That is terribly disappointing.

As members of the single market and customs union, we are part of the largest free trade area in the world. We have heard a lot about global trade and our relationship with the rest of the world, but what is often overlooked is that membership of the European single market and customs union facilitates global trade. In fact, the EU has more free trade agreements with the rest of the world than the United States of America, China, Canada, Japan, Russia, India and Brazil. Every single sector of our economy will be affected by the decisions that our Government make and the outcome of the negotiations.

Last week, the cat was let out of the bag—or should I say, with reference to the former Chancellor, the right hon. and learned Member for Rushcliffe (Mr Clarke), that the rabbit was let out of Alice’s wonderland? The right hon. and learned Gentleman pointed out that the idea that we will leave the most advanced and sophisticated free trade agreement in the world and countries around the world will be queuing up to give us as favourable terms that are as good for our economy is fanciful.

If that were not bad enough, we should listen to the right hon. Member for Tatton (Mr Osborne). My jaw dropped when I heard him utter these words. He said that the Prime Minister has chosen “not to make the economy the priority in this negotiation.”—[Official Report, 1 February 2017; Vol. 620, c. 1034.]

We are leaving the European Union and there is a real risk that the Prime Minister is going to drive a coach and horses through the biggest single trade agreement and free trade area in the world, of which we are part, divorce us from the single market and the customs union, with implications for jobs, trade and investment, as well for the jobs of my constituents and the constituents of every Member of this House, and yet the economy is not the priority in this negotiation. That is an outrageous prospectus. How could any member of the Conservative party support a prospectus that does not place the economy at the forefront of our departure from the European Union? It is reckless and irresponsible. If the Opposition were behaving like that, the Government would attack us and say that we lack economic credibility. It is an absolute outrage that that lot on the Government Benches do not even put the economy on the agenda.

Anna Soubry: Will the hon. Gentleman give way?

Wes Streeting: I am sorry, but I have given way already, and I am really conscious that others want to contribute. The Government should be seeking to get the best possible trading relationship with the European
Margaret Thatcher was the architect of the reformed single market. I cannot fathom why the Prime Minister is not entitled to the trust of the British people.

Anna Soubry: Will the hon. Gentleman give way?

Wes Streeting: I will not give way. I want to draw my remarks to a conclusion so that other Members can come in. By the way, Mr Howarth, it is outrageous that we have not had enough time to debate these substantial issues.

Margaret Thatcher was the architect of the single market. The Prime Minister could be the architect of a reformed single market. As for the consequences, the choices and the trade-offs that lie ahead, whether on rules, freedom of movement or our financial contribution, we should not give this Government a blank cheque. They have not earned it. Any Government who enter a process such as this and say that the economy is not the priority do not deserve the trust of this House, and do not deserve the trust of the British people.

Caroline Lucas: I very much support the amendments that are designed to increase parliamentary scrutiny and I have put my name to many of them. I also support those amendments that would give the right to remain to EU nationals now here. That is a moral issue, which should be guaranteed now, not some kind of transactional calculation.

I wish to raise the issue of transitional arrangements, which has not yet been discussed and is covered by my new clause 36. I welcome the White Paper’s recognition that, if a deal can be successfully secured within a two-year period that starts when article 50 is triggered, we will not leave the EU literally overnight. There will be a phased implementation to give businesses the chance to adapt. That is not the same thing as needing a period of transition should two years not be sufficient time to reach an agreement. To have no idea of what that agreement will be is a glaring omission and that is what my new clause seeks to address. It would put in place a transitional arrangement to govern UK-EU trade relations during the period, if necessary, between when the UK leaves the EU and when a longer term agreement is concluded.

Given the short time available—it is expected to be two years, but in reality it will be more like 18 months—given the requirement to bring the deal before MPs, the European Parliament and so on—the only option available if a deal has not been secured is to send Britain over a cliff edge. We would face having to leave the EU effectively overnight, crashing out of the EU on WTO-only terms. The Government have stated clearly in their White Paper that they want to avoid cliff edges, but at the moment they have done nothing to stay away from this one—perhaps they have been too busy looking the other way over the Atlantic and have simply not noticed it.

My new clause would provide a safety net. Given that both France and Germany will be preoccupied with national elections for much of this year and that the UK team has limited negotiating capacity and relative inexperience, it seems likely that two years will not be sufficient time to get the best deal for Britain. If we come to the end of the two-year period, we need a plan that is not just the default option of the wild west that is the WTO.

The Prime Minister says that she has unanimous agreement with the other 27 member states, and that getting that unanimous agreement is an option. We need to know that the option of continuing the negotiations has been specifically discussed, and we need to know it before we trigger article 50, otherwise we risk yet more uncertainty for our economy, for the citizens living in the EU and for all of our constituents. It is like jumping out of a plane to escape someone we have fallen out with but failing to double check that there is a parachute in the pack strapped on our back. What possible reason would anyone have for being so complacent or foolhardy?

Exiting the EU is really about two separate processes—

James Cleverly (Braintree) (Con) rose—

Caroline Lucas: I will not give way, because there is no time.

Many in the EU want us to conclude the divorce element, which comes with a potential bill of €60 billion, before discussing a trade deal. We must not forget that this is a negotiation. Article 50 covers only administrative Brexit, not the legal or trade aspects. If, after two years, we do not even have a basic divorce deal, it is possible that temper will fray and patience dwindle, and the prospect of starting negotiations on trade deals in such circumstances is unlikely—to put it mildly.

The 27 other countries are likely to want the divorce settlement agreed via the courts, so trade negotiations may not be possible even if the political will is there. For all of those reasons, we need these transitional arrangements in place. I did not give way to Members, because I wished to allow time for others to speak. Let me just reiterate how frustrating it is that, in a debate of this importance, we are having to rattle through it at a ridiculous rate.

The Temporary Chair (Mr George Howarth): I call Jim Shannon. Before he starts, may I say that there is one more Member to be accommodated in the time available? I realise that time is tight, but if he could be brief that would be helpful.

Jim Shannon (Strangford) (DUP): I must start by thanking the Government for keeping the promise in the referendum. The Government said that they would listen to the will of the people and, in true democratic form, they have adhered to that. People in the referendum said that they wanted article 50 to be triggered by 31 March. That is part of the exceptional circumstances under which we are operating, and that is why we are debating this matter tonight.

My constituency voted 54% to 46% to leave the EU—

Ms Margaret Ritchie (South Down) (SDLP) rose—

Jim Shannon: No, I will not give way.

With that in mind, it is clear that we wish to see the Bill make progress. I hope that we will not face more efforts to derail the process today. The train is en route and is going at a steady pace. Our duty and the duty of
Government is to set the tracks in the right way—a strong and safe track—to carry us out of Europe and back to independence.

As a Northern Ireland MP, specific issues relating to our border with the Republic of Ireland, our businesses, our farming community and other communities are unique to us. I have every faith in our Prime Minister and her team and the discussions that she had with the Taoiseach in the Republic of Ireland just last week. The body language and the verbal contact were positive, and we should have every faith in what goes forward.

I just want to refer to new clauses 6 and 14. There is an argument that they do not make it clear to whom the protections apply, and that is to do with their scope. I am proud of the fact that I hail from a constituency that has a massive agri-food industry, which includes businesses that not only supply to the UK, but are globally recognised and trusted. I have manufacturers which ship to the middle east, America and Europe, and are now branching out to the far east. Mash Direct, a major employer in my constituency, employs some 40% of its workforce from eastern Europe. For Willowbrook Foods, the figure is 60%. We also have Lakeland Dairies, which covers Pritchitts Foods and Rich Sauces. All those businesses provide some 2,000 jobs in total.

Some of the workers have met and married locals, so there must be no road blocks to their ability to remain and work in this country and live their lives. The Secretary of State for Environment, Food and Rural Affairs visited Northern Ireland a couple of months ago and saw some of those factories and spoke to the people. She told me that she was very keen to ensure that the people working in the factories will have security of tenure and I fully support that.

However, I must underline my opening remarks and say that those who are living, working and integrating in our society and local economy deserve our protection. The Prime Minister is well within her rights to ensure that those who live and work here, or who are married to a British person, should have the ability to remain. She told me that she was very keen to ensure that the workers right here in the United Kingdom of Great Britain and Northern Ireland.

Julian Knight: I will keep my comments brief as I am aware of the shortage of time. I was for remain in the referendum mainly because of the potential for short and medium-term economic dislocation, particularly within my constituency, which is likely to have among the highest trade surpluses with the EU, mostly off the bonnet of the Jaguar Land Rover cars that we sell into the single market. The debate was lost, and I still think we face difficult times ahead.

I believe in free trade. We have to strike out as best we can, but it will be tough in a world of growing protectionism. When we leave the EU, the key is to make the best possible deal. For me, that does not mean having membership of the Single Market. During the referendum campaign and for years before, the message on the doorsteps was loud and clear: no freedom of movement. People do not want freedom of movement, but the single market comes with that requirement so that is off the table straightaway, as the Prime Minister has made clear.

The difficulty with being in the customs union is that we would not be able to have our own trade deals with the rest of the world. We would be hamstrung. The European economic area, customs unions and single market membership are antechambers to entering the EU. We are leaving the EU. We are a country of 65 million people with a sophisticated, large economy, so it is completely inappropriate to have that type of model. We need our own model, and any attempts to frustrate that with amendments or to make the Government expose their hand too early, will damage our negotiations.

8.30 pm

The Minister of State, Department for Exiting the European Union (Mr David Jones): This short Bill has attracted a large number of new clauses that fall into a number of broad categories. I will first deal with the issue of parliamentary scrutiny, which has engaged the attention of a large number of hon. and right hon. Members. From listening to the debate, I am clear that there is actually a considerable amount of common ground across the Chamber. The Government also agree that parliamentary scrutiny is essential as we withdraw from the European Union. Indeed, the whole object of leaving the European Union is to ensure that our Parliament can take back our own laws. For that purpose, scrutiny is essential.

I recognise the thoughtfulness in the wording of many of the amendments that seek to formalise the mode of scrutiny; but it will probably surprise nobody that I will not accept any of them. This is a straightforward Bill that gives us the means to respect the result of the referendum and the judgment of the Supreme Court. As the Court made absolutely clear, this is about not whether we leave or the terms on which we leave, but simply the mechanics under which we trigger the process of leaving. In many cases, the amendments discussed today have virtually nothing to do with the Bill, and I resist them for two principal reasons. First, many are unnecessary in that what they seek to achieve is effectively already being done by the Government. No one can deny that the Secretary of State, as the hon. Member for Greenwich and Woolwich (Matthew Pennycook) recognised, has been assiduous in his engagement with Parliament. The process has been the source of intense scrutiny over the past seven months.

Stephen Gethins: Will the Minister tell us whether reassuring EU nationals is unnecessary?

Mr Jones: I will come to EU nationals later. As I explained a moment ago, I am currently dealing with the issue of scrutiny, not with the issue of EU nationals.

One can see from the Secretary of State’s record of engagement that he has given an oral statement on an almost monthly basis—far more than the bimonthly or quarterly updates to Parliament requested in the new clauses. Ministers from across Government have been at this Dispatch Box many times to debate our EU exit. The Prime Minister has given a statement after every Council. During one today. That is in addition to holding debates on the EU exit in Government time, and 15 appearances at Select Committees by Ministers and officials from all Departments.
Helen Goodman: I am pleased that the Minister understands that parliamentary scrutiny is essential, but we have heard from Government Back Benchers that everything will have to close down once the negotiations begin. Therefore, what has happened in the past seven months is not, strictly speaking, relevant to what will happen over the next two years. The purpose of new clause 3 and new clause 28 is to provide forward-looking scrutiny.

Mr Jones: I understand the hon. Lady’s point. However, it is not the case that everything will, as she puts it, “close down”. There will certainly be negotiations and it is important that they continue, to a certain extent, with privacy. At the same time, the Government have made it clear, time after time, that we fully appreciate the need for engagement with and scrutiny by Parliament, provided, of course, that it does not adversely affect the negotiations.

Geraint Davies: Does the Minister agree that the final deal should in fact be scrutinised by the British people, to whom they should have the final say on whether it represents their reasonable expectations when they voted to leave? The House would not expect the Government to pass all the EU institutions, and the Parliament. In the same way, our documents relating to a highly sensitive negotiation will not be at an information disadvantage compared with the European Parliament, or any of its committees receive from the Council or the Commission.

Mr Jones: The British people have had their say very clearly: they have instructed this Parliament that they wish to leave the European Union. I know that the hon. Gentleman does not like that result, but that is the hard fact.

We have aimed at all times scrupulously to fulfil Parliament’s legitimate need for information, and we will continue to do so. As well as keeping Parliament informed, we will pay regard to all the motions passed on the outcome of negotiations associated with the Bill—as proposed in new clause 176—just as we have already paid regard to the motions passed on Opposition days on 12 October and 7 December.

On the provisions of new clause 3 concerning information sharing, the Secretary of State has been clear since the very early days following the referendum that he will keep Parliament at least as well informed as the European Parliament of the negotiations. The new clause asks us to reaffirm that position so that Parliament receives the same documents that the European Parliament or any of its committees receive from the Council or the Commission.

The Government are absolutely resolute that the House will not be at an information disadvantage compared with the European Parliament, but the new clause is flawed, simply because the United Kingdom Government may not be privy to what information is passed confidentially between the Commission, or the other EU institutions, and the Parliament. In the same way, the House would not expect the Government to pass all our documents relating to a highly sensitive negotiation to the other side.

What I can do, however, is confirm that the Government will keep Parliament well informed, and as soon as we know how the EU institutions will share their information, we will give more information on what Parliament will receive and on the mechanisms for that, including on the provision of arrangements for the scrutiny of confidential documents.

The second category of amendments and new clauses, which, again, I must resist, because they pre-judge the negotiations to follow, ask for formal reporting on myriad subjects or for votes on unilateral commitments. The exact structure of the negotiations has not yet been determined and may very well be a matter for negotiation itself. Therefore, setting an arbitrary reporting framework makes no sense at all. There will be times when there is a great deal to report on, and times when there is very little. The Prime Minister and the Secretary of State have already made serious undertakings as to how they will report to the House.

Chris Leslie: I am grateful to the Minister for giving way, because I know there are a lot of issues to be covered. However, to take just the example of the European arrest warrant, could he at least give us an indication of what the Government’s objectives are? Does he want us to stay part of it?

Mr Jones: Clearly, we require, and we are looking to achieve, close co-operation with the European Union on security matters, but, again, these will be a matter for negotiation, and as the negotiations progress, we will keep the House informed.

The commitments that the Prime Minister and the Secretary of State have given are important. That is why the Government published the White Paper on our negotiating position last week, with an introduction by the Prime Minister, once again stating our clear aims for the negotiations. That includes, for example, the implementation phases referred to by hon. Member for Brighton, Pavilion (Caroline Lucas)—those are part of our objectives.

Caroline Lucas: Will the Minister give way?

Mr Jones: No, I will not give way, because I have little time.

The Secretary of State announced in the recent White Paper that there will be a further White Paper published on the great repeal Bill so that Parliament can be fully informed of the provisions of the Bill in good time. After that, the Government will continue upholding their commitment through the primary and secondary legislation that will undoubtedly be required.

New clauses that ask for specific reporting to Parliament after article 50 is invoked, including new clauses 3, 20, 22, 29, 51, 111 to 130, and 151—on our relationship with EU agencies, competition policy, environmental regulations, the UK renewables sector and virtually every other aspect of our relationship with the EU—are dangerous. They would bind us to an inflexible timetable of updates as we try to navigate a complex set of negotiations.

Graham Stringer (Blackley and Broughton) (Lab): I am following the Minister’s speech carefully. Does he agree that it is a mistake to put the procedures of this House into primary legislation, giving the courts an unnecessary locus to interfere with our affairs?

Mr Jones: The hon. Gentleman makes an extremely important point. If these provisions were put into the Bill, there is no doubt that they would become justiciable, therefore leading to further delay. What this country requires at the moment is certainty and speed, and instead we would have uncertainty and delay.
Caroline Lucas: Would the Minister acknowledge that there is at least a possibility that a new trade agreement will not be agreed in a very tight two-year period? If he does acknowledge that that is a risk, why will he not put in place a transitional arrangement to protect our businesses from crashing out of the EU without such an arrangement?

Mr Jones: I can go no further than what I have already said. Of course, transitional arrangements require bilateral agreement. We have already indicated that that is what we are aiming at, but it takes two to tango in this regard.

Amendment 78 would require the Foreign Secretary to publish a work programme for UKRep for the duration of the negotiating period. This is simply an attempt to delay notification by creating new obligations on and impediments for the Government.

I turn now to a matter that has, quite understandably, exercised a large number of colleagues. I want to refer to these amendments and new clauses in detail. They relate to the status of EU citizens. Providing certainty for this group of people is an important issue for the Government. That is why the Prime Minister, in her speech, made it one of our 12 priority objectives for negotiations.

Margaret Ferrier (Rutherglen and Hamilton West) (SNP) rose—

Mr Jones: I will not give way, I am afraid—I have very little time.

While these amendments call for different cut-off dates and vary in wording and terminology, they all share the same aim—to guarantee the status of EU nationals currently in the UK. The Government wholeheartedly agree with this aim. As my right hon. Friend the Prime Minister has said repeatedly, most recently this very afternoon, securing the status of EU nationals is one of the foremost priorities of this Government. We have stood ready to reach an agreement from the beginning, because it is not in anyone’s interest to allow any uncertainty over this issue to continue.

Margaret Ferrier rose—

Mr Jones: I will not give way because I have little time.

As the Prime Minister told the House this afternoon, the Government recognise that European citizens who are resident in the UK make a vital contribution both to our economy and to our communities. That contribution was highlighted very personally in the speech by my hon. Friend the Member for South Leicestershire (Alberto Costa). Without them, we would all be poorer, not least our important public services such as the national health service.

Margaret Ferrier rose—

Alan Brown (Kilmarnock and Loudoun) (SNP) rose—

Mr Jones: I will not give way any further.

This is less an issue of principle than of timing, with a few EU countries insisting that there can be no negotiation without notification, and that therefore nothing can be settled until article 50 is triggered. We could not be clearer about our determination to resolve this issue at the earliest possible opportunity, ensuring that the status of UK nationals in the EU is similarly protected. Some hon. Members have called for a unilateral guarantee now, but we have a very clear duty to UK citizens living in other EU member states, of whom there are about 1 million, to look after their interests and provide as much certainty as possible for their futures as well. Some hon. Members have suggested that we should, in effect, offer a unilateral guarantee to EU nationals in the UK while at the same time failing to achieve security for our own nationals abroad. That is a course that would carry the risk of a prolonged period of stressful uncertainty for them, which we are not prepared to accept. Only after we have passed this Bill into law can my right hon. Friend the Prime Minister trigger article 50—

Sir Gerald Howarth (Aldershot) (Con): Will my right hon. Friend give way?

Mr Jones: I will take no further interventions; I am sorry. Only after the Bill has become law can my right hon. Friend the Prime Minister trigger article 50 and thus provide certainty not only to EU nationals living within our borders, but to our nationals overseas.

New clause 33 calls on the Prime Minister to set out a draft framework, especially with regard to the new immigration system, prior to notification. We have already set out in our White Paper that we will introduce an immigration Bill, and I reassure colleagues that Parliament will have a clear opportunity to debate and vote on the matter. The great repeal Bill will not change our immigration system; that will be done by a separate immigration Bill and subsequent secondary legislation. Nothing will change for any EU citizen, whether they are already resident in the UK or moving from the UK, without Parliament’s approval.

Sir Gerald Howarth: I am extremely grateful to my right hon. Friend, who is doing a fantastic job in this position on behalf of the British people. We are all concerned about our constituents who are EU citizens and who want certainty on this matter, but I am advising my constituents who express concern to me that they should write to their own Governments, who are standing in the way of sorting out this problem. Will my right hon. Friend ensure that foreign Governments who are standing in the way of a settlement on the matter are left in no doubt that we find that objectionable?

Mr Jones: My hon. Friend makes an important point.

Alan Brown rose—

Mr Jones: Bear with me. This will be a matter for negotiation in due course, but ultimately we must all be conscious of the fact that we are dealing with human beings—families, and people who are concerned about their futures and their careers. Not only do we have a duty in that regard, but there is a duty right across the European Union to protect the interests of those individuals.

8.45 pm

Margaret Ferrier rose—

Mr Jones: I will give way in a moment. I can tell the House that I have discussed the matter on numerous occasions with my EU counterparts. They assure me that they fully understand that it is an issue of simple humanity that must be put at the top of the agenda.
when the negotiations commence. We must wait until the negotiations commence, and until they do, we must not make any concessions.

**Margaret Ferrier:** I thank the Minister for finally giving way. I want to talk about my constituent Mr Joerg Nueter, who is from Germany and who came to see me on Friday. He has lived in Scotland for almost four years, and he is understandably concerned about his future and the uncertainty surrounding his residency. There is nothing preventing the Government from providing that certainty to him and to millions tonight. Will the Minister do that now?

**Mr Jones:** We owe the primary responsibility to our citizens in EU countries, but we also owe a duty to EU nationals in this country to ensure that their interests are protected. Frankly, this is a matter for their Governments, too.

This has been an interesting, lengthy and important debate, but I must resist all the new clauses and amendments.

**Matthew Pennycook:** I will be very brief. I am pleased that the Minister has recognised the thoughtfulness of new clause 3 and other new clauses and amendments, and I note his intention to keep the House well informed.

The Committee divided: Ayes 284, Noes 333.

**Division No. 137**

[A.48 pm]

**AYES**

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Ritchie, Ms Margaret  
Robertson, rh Angus  
Robinson, Mr Geoffrey  
Rotheram, Steve  
Ryan, rh Joan  
Salmont, rh Alex  
Saville Roberts, Liz  
Shah, Naz  
Sharma, Mr Virendra  
Sheerman, Mr Barry  
Sheppard, Tommy  
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Shuker, Mr Gavin  
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Skinner, Mr Dennis  
Slaughter, Andy  
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Smith, Cat  
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Smith, Owen  
Smyth, Karin  
Spellar, rh Mr John  
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Stevens, Jo  
Streeting, Wes  
Tami, Mark  
Thelwiss, Alison  
Thomas, Mr Gareth  
Thomas-Symonds, Nick  
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Turner, Karl  
Vaz, rh Keith  
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West, Catherine  
Whiteford, Dr Eliidh  
Whitehead, Dr Alan  
Whitford, Dr Philippa  
Williams, Hywel  
Williams, Mr Mark  
Wilson, Corri  
Wilson, Phil  
Winnick, Mr David  
Winterton, rh Dame Rosie  
Wishart, Pete  
Woodcock, John  
Wright, Mr Iain  
Zeichner, Daniel  

**Tellers for the Ayes:**  
Thangam Debbonaire and Jeff Smith  

**NOES**  

Adams, Nigel  
Afriyie, Adam  
Aldous, Peter  
Allan, Lucy  
Allen, Heidi  
Amess, Sir David  
Andrew, Stuart  
Ansell, Caroline  
Argar, Edward  
Atkins, Victoria  
Bacon, Mr Richard  
Baker, Mr Steve  
Baldwin, Harriett  
Barclay, Stephen  
Baron, Mr John  
Barwell, Gavin  
Bebb, Guto  
Bellingham, Sir Henry  
Benyon, Richard  
Beresford, Sir Paul  
Berry, Jake  
Berry, James  
Bingham, Andrew  
Blackman, Bob  
Blackwood, Nicola  
Blunt, Crispin  
Bone, Mr Peter  
Borwick, Victoria  
Bottomley, Sir Peter  
Costa, Alberto  
Courts, Robert  
Cox, Mr Geoffrey  
Crabb, rh Stephen  
Crouch, Tracey  
Davies, Byron  
Davies, Chris  
Davies, David T. C.  
Davies, Glynn  
Davies, Dr James  
Davies, Mims  
Davies, Philip  
Davis, rh Mr David  
Dinenage, Caroline  
Djankosky, Mr Jonathan  
Dodds, rh Mr Nigel  
Donaldson, rh Sir Jeffrey M.  
Donelan, Michelle  
Dorries, Nadine  
Double, Steve  
Dowden, Oliver  
Doyle-Price, Jackie  
Drax, Richard  
Drummond, Mrs Flick  
Duddridge, James  
Duncan, rh Sir Alan  
Duncan Smith, rh Mr Iain  
Dunne, Mr Philip  
Elliott, Tom  
Ellis, Michael  
Ellison, Jane  
Elwood, Mr Tobias  
Ephicke, Charlie  
Eustice, George  
Evans, Graham  
Evans, Mr Nigel  
Evennett, rh David  
Fabricant, Michael  
Fallon, rh Sir Michael  
Fernandes, Suella  
Field, rh Mark  
Foster, Kevin  
Fox, rh Dr Liam  
Francois, rh Mr Mark  
Frazer, Lucy  
Freeman, George  
Freer, Mike  
Fuller, Richard  
Fysh, Marcus  
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Hurd, Mr Nick  
Jackson, Mr Stewart  
James, Margot  
Javid, rh Sajid  
Javayarden, Mr Ranil  
Jenkin, Mr 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  
Kennedy, Seema  
Kinahan, Danny  
Kirby, Simon  
Knight, rh Sir Greg  
Knight, Julian  
Kwarteng, Kwasi  
Lancaster, Mark  
Latham, Pauline  
Leadsom, rh Andrea  
Lee, Dr Philip  
Lefroy, Jeremy  
Leigh, Sir Edward  
Leslie, Charlotte  
Letwin, rh Sir Oliver  
Lewis, rh Brandon  
Lewis, rh Dr Julian  
Liddell-Grainger, rh Mr Ian  
Lidington, rh Mr David  
Lilley, rh Mr Peter  
Lopresti, Jack  
Lord, Jonathan  
Loughton, Tim  
Lumley, Karen  
Mackinlay, Craig  
Mackintosh, David
Question accordingly negatived.

The Second Deputy Chairman of Ways and Means (Natascha Engel): Before I answer the hon. Gentleman’s point of order, I should say that any further points of order will bite into the next group of amendments.

The Chairs, the Temporary Chairs and the Clerks spent a long time looking at every amendment in detail over three days, and we decided that we would put the lead new clause to a Division today and then move on to the second group. I also just want to take this opportunity to say that the Committee will vote on the issue of EU nationals on Wednesday. It is not for the Chair to explain why a decision has been taken. It has been taken, and there will be no explanation of it.

Several hon. Members rose—

The Second Deputy Chairman: Order. On that note, unless there are any new points of order, I think that we should move on. It is important that we allow as much time as possible to debate the next group of amendments.

Chris Leslie: On a point of order, Ms Engel. I seek your guidance on how right hon. and hon. Members can divide on some of these incredibly crucial issues. The knife in proceedings has curtailed not just debate but our opportunity to vote on such incredibly important matters as the European arrest warrant and the single market. What can be done? Why could we not have more votes on these new clauses?

The Second Deputy Chairman: That is not a point of order. It is very close to challenging the decision of the Chair.

The Second Deputy Chairman: Order. I am grateful to you. I do not think that any hon. Member would want to challenge the Chair’s decision. In the previous group, we discussed dozens of amendments, including my new clause 56 on our future relationship with the European economic area. The former Chancellor said that the economy was not the Government’s priority in the EU negotiations. What can we do to make sure the public are aware that we are taking our scrutiny seriously?

The Second Deputy Chairman: That is not a point of order. It is very close to challenging the decision of the Chair.

The Second Deputy Chairman: I am happy to take the right hon. Gentleman’s point of order, but the next group is on devolved legislatures, so he will be eating into the time for the minority parties.

The Second Deputy Chairman: There is no challenge to the Chair in any of these points of order. Hon. Members are entitled to point out that this programme order is railroading debate on the biggest constitutional decision facing this country for 50 years. The Chairman’s Panel might have no alternative but to follow the programme order, but hon. Members are entitled to challenge it.

The Second Deputy Chairman: Order. This is not about the programme motion on which the House voted. That was not a decision taken by the Chairs. I think we should move on.
Stephen Doughty: Further to that point of order, Ms Engel. I simply seek clarification of something you said a few moments ago about the selection of the lead amendment to vote on in each case. Is it the case that in respect of all the groups of amendments we are going to debate over the next three days, only the lead amendment will be voted on? If so, I think it would be of great concern to all members of the Committee.

The Second Deputy Chairman: It may be, but it is not necessarily the case. For this group, we decided that only the lead amendment would lead to a Division. Let us move on.

Mr Sheerman: Further to that point of order, Ms Engel. On that last point, we have to answer to our constituents. Many of them will not understand why many of the amendments that have been tabled, in which they are deeply interested, have not been chosen tonight in a very open or democratic manner.

The Second Deputy Chairman: I am going to move on. That is not a point of order. This was a decision taken by the Chair. It was a difficult decision, and I understand Members’ frustrations, but the points have been made and we really need to move on.

New Clause 4

JOINT MINISTERIAL COMMITTEE (EU NEGOTIATIONS)

“(1) In negotiating and concluding any agreements in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must consult, and take into account the views of, a Joint Ministerial Committee at intervals of no less than two months and before signing any agreements with the European Commission.

(2) In the course of consulting under subsection (1), the Secretary of State must seek to reach a consensus with the devolved administrations on—

(a) the terms of withdrawal from the European Union, and
(b) the framework for the United Kingdom’s future relationship with the European Union.

(3) Subject to subsection (4) The Joint Ministerial Committee shall consist of—

(a) the Prime Minister,
(b) Ministers of the Crown,
(c) the First Minister of Scotland and a further representative of the Scottish Government,
(d) the First Minister of Wales and a further representative of the Welsh Government, and
(e) the First Minister of Northern Ireland, the Deputy First Minister of Northern Ireland and a further representative of the Northern Ireland Executive.

(4) The Prime Minister may, for the purposes of this Act, determine that the Joint Ministerial Committee shall consist of representatives of the governing authorities of the United Kingdom, Scotland, Wales and Northern Ireland.

(5) The Joint Ministerial Committee shall produce a communique after each meeting.”—(Jenny Chapman.)

This new clause would place the role of the Joint Ministerial Committee during Brexit negotiations on a statutory footing.

Brought up, and read the First time.

Jenny Chapman (Darlington) (Lab): I beg to move, That the clause be read a Second time.

The Second Deputy Chairman of Ways and Means (Natascha Engel): With this it will be convenient to discuss the following:

New clause 23—Duty to Consult Scottish Government on Article 50 negotiations applying to Scotland—

“(1) In negotiating an agreement in accordance with Article 50(2) of the Treaty on European Union, a Minister of the Crown must consult Scottish Government Ministers before beginning negotiations in any area that would make provisions applying to Scotland.

(2) A provision applies to Scotland if it—

(a) modifies the legislative competence of the Scottish Parliament;
(b) modifies the functions of any member of the Scottish Government;
(c) modifies the legal status of EU nationals resident in Scotland, and Scottish nationals resident elsewhere in the EU;
(d) would have the effect of removing the UK from the EU single market.

(3) Where a Minister of the Crown consults Scottish Government Ministers on any of the provisions listed under subsection (2), or on any other matter relating to Article 50 negotiations, the discussions should be collaborative and discuss each government’s requirements of the future relationship with the EU.

(4) Where a Minister of the Crown has consulted Scottish Government Ministers on any of the provisions listed under subsection (2), the Minister of the Crown must lay a full report setting out the details of those consultations before both Houses of Parliament, and must provide a copy to the Presiding Officer of the Scottish Parliament.”

New clause 24—Joint Ministerial Committee (EU Negotiations)—duty to report—

“(1) The Joint Ministerial Committee (EU Negotiations) must publish regular reports on the impact of negotiations in accordance with Article 50(2) of the Treaty on the European Union on the devolved administrations of Scotland, Wales and Northern Ireland.

(2) The reports shall be published at intervals of no less than two months, and a report must be published after every meeting of the Joint Ministerial Committee (EU Negotiations).

(3) The reports shall include—

(a) a full minute from the most recent meeting of the Joint Ministerial Committee (EU Negotiations);
(b) oversight of negotiations with the EU, to ensure, as far as possible, that outcomes agreed by all four governments are secured from these negotiations; and
(c) any other information that the members of the Committee, in concord, judge to be non-prejudicial to the progress of the Article 50 negotiations.

(4) The reports must be laid before both Houses of Parliament, and a copy of the reports must be transmitted to the Presiding Officers of the Scottish Parliament, the Welsh Assembly, and the Northern Irish Assembly.”

New clause 26—Agreement of the Joint Ministerial Committee on European Negotiation—

“The Prime Minister may not exercise the power under section 1(1) until at least one month after all members of the Joint Ministerial Committee on European Negotiation have agreed a UK wide approach to, and objectives for, the UK’s negotiations for withdrawal from the EU.”

New clause 139—Requirement for debate on process for exiting the EU—

“The Prime Minister may not exercise the power under section 1 until—

(a) the Speaker of the House of Commons,
(b) the Lord Speaker of the House of Lords,
(c) the Presiding Officer of the Scottish Parliament,
This new clause would require the UK Government to conduct a consultation exploring a differentiated agreement for Wales to remain in the European Economic Area, before exercising the power under section 1.

New clause 160—Endorsement of the final deal for withdrawal from the EU by the devolved assemblies—

"Before exercising the power under section 1, the Prime Minister must give a commitment that Her Majesty’s Government shall submit the terms of any proposed agreement with the European Union on the UK’s withdrawal to—

(a) the National Assembly for Wales,
(b) the Northern Ireland Assembly, and
(c) the Scottish Parliament

and that the Government will not proceed with any agreement on those terms unless it has been approved by each of the devolved assemblies."

This new clause would require the Prime Minister to commit to gaining the endorsement of the final deal for withdrawal from the EU by the devolved assemblies, before exercising the power under section 1.

New clause 162—Review into the UK constitution—

"Before the Prime Minister can exercise the power under section 1, the Prime Minister must commit to conducting a review into the constitution of the United Kingdom following the repatriation of powers from the European Union."

This new clause would require the Prime Minister to commit to conducting a review into the constitution of the United Kingdom when leaving the European Union, before exercising the power under section 1.

New clause 168—National Convention—

“(1) Before exercising the power under section 1, the Prime Minister must undertake to establish a National Convention on Exiting the European Union.

(2) The National Convention shall advise Her Majesty’s Government on its priorities during negotiations with the EU on the terms of the UK’s withdrawal from the EU.

(3) Ministers of the Crown must take into account the views of the National Convention before signing any agreements with the European Commission on the terms of the UK’s withdrawal from the EU.

(4) Membership of the National Convention shall be determined by the Secretary of State and shall include—

(a) elected mayors,
(b) elected representatives of local government,
(c) representatives of universities and higher education,
(d) representatives of universities and higher education,
(e) representatives of business organisations,
(f) members of the Scottish Parliament,
(g) members of the National Assembly of Wales,
(h) members of the Northern Ireland Assembly,
(i) members of the European Parliament,
(j) other representatives considered by the Secretary of State to represent expertise and experience of British civil society.

(5) The National Convention must convene before—

(a) 12 months have elapsed after this Act has received Royal Assent, or
(b) the day on which Her Majesty’s Government declares that agreement has been reached on the terms of the UK’s withdrawal from the EU, whichever is the sooner.

(6) The National Convention shall meet in public.

(7) The National Convention must, following its convening, lay a report before Parliament before—

(a) 15 months have elapsed after this Act receives Royal Assent, or
Amendment 90, page 1, line 3, at end insert—

“(1A) The Prime Minister may not notify under subsection (1) until she has confirmed that Her Majesty’s Government will publish a report into the powers repatriated from the EU to the United Kingdom and which do not fall within the Reservations listed in Schedule 7A of the Government of Wales Act 2006, outlining their impact on the competencies of the National Assembly for Wales.”

This amendment would require the UK Government to publish a report into the repatriated EU powers which fall under the competencies of the National Assembly for Wales before notifying under subsection (1).

Amendment 92, page 1, line 3, at end insert—

“(1A) The Prime Minister may not notify under subsection (1) until she has laid before both Houses of Parliament an assessment of the powers expected to be repatriated from the EU to the United Kingdom which are within the competences of Northern Ireland Ministers and the Northern Ireland Assembly under the Northern Ireland Act 1998.”

Amendment 18, page 1, line 5, at end insert—

“(3) Before exercising the power under section 1, the Prime Minister must publish and lay before the House a report setting out how the devolved nations of the United Kingdom will be consulted with, and involved, in the negotiations in accordance with Article 50(2) of the Treaty on the European Union.”

Amendment 86, page 1, line 5, at end insert “with the exception of the Northern Ireland Act 1998 and section 2 of the Ireland Act 1949, and subject to—

(a) the United Kingdom’s obligations under the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland of 10 April 1998, and

(b) preserving acquired rights in Northern Ireland under European Union law.”

This amendment requires the power to notify withdrawal to be exercised with regard to the constitutional, institutional and rights provisions of the Belfast Agreement.

New clause 109—Provisions of the Good Friday Agreement—

“Before exercising the power under section 1, the Prime Minister shall commit to maintaining the provisions of the Good Friday Agreement and subsequent Agreements agreed between the United Kingdom and Ireland since 1998, including—

(a) the free movement of people, goods and services on the island of Ireland;

(b) citizenship rights;

(c) the preservation of institutions set up relating to strands 2 and 3 of the Good Friday Agreement;

(d) human rights and equality;

(e) the principle of consent; and

(f) the status of the Irish language.”

Jenny Chapman: New clause 4, tabled in my name and those of my hon. Friends, requires the Government to consult and take into account the views of a Joint Ministerial Committee at intervals of no less than two months and before signing any agreements with the European Union. The Labour party is trying to be reasonable in this new clause. We do not want to block Brexit, but to make sure that the Government do Brexit well. The new clause is very simple and, I think, very sensible.

Scotland, Northern Ireland and Wales must be included and taken into account throughout the process by which the UK Government negotiate our terms of withdrawal from the European Union and, equally importantly, the framework for our future relationship with the EU.
New clause 4 would place the Joint Ministerial Committee on a statutory footing. The Committee would include the Prime Minister, Ministers of the Crown, the First Minister of Scotland and an additional representative, the First Minister of Wales and an additional representative, the First Minister of Northern Ireland and their Deputy, and a further representative of Northern Ireland.

The Labour Party is committed to enabling the devolved Administrations to have their voices heard in this debate. Amendment 91, tabled by my hon. Friend the Member for Nottingham East (Chris Leslie), proposes that, in addition, the London Mayor should be consulted—and Labour would, of course, support this position.

**Jenny Chapman:** I have to say that the hon. Gentleman is incredibly defeatist. We intend to win with our amendments; we are not here to anticipate defeat. We have very sensible and very reasonable requests to put to the Government, and we expect them to accept our amendments.

In the Miller case, the Supreme Court decided unanimously that the devolved legislatures did not have a legal power to block the Government from triggering article 50, but that does not mean that devolved legislatures can be ignored. A veto does not exist, but it is only right for the Scottish Parliament and the Assemblies in Northern Ireland and Wales to be respected, and for the different desires, concerns, aspirations and needs of the devolved Administrations to be taken fully into account.

**Ian Paisley:** As the hon. Lady will know, the White Paper mentions the Northern Ireland First Minister and Deputy First Minister, and clearly states that they will be given the right to be consulted. Why does that need to be included in legislation?

**Jenny Chapman:** I had anticipated that intervention from the hon. Gentleman; consistent as he is in raising such points. If he will forgive me, I shall deal with it later in my speech.

**Sir Oliver Letwin:** If the Government wish to proceed with article 50, and if SNP Members do not wish to proceed with it and that is the position of the Scottish Government, how are the United Kingdom Government meant to take this into account? What happens if someone takes into account the opposing view?

**Jenny Chapman:** I agree that it is difficult. [Laughter.] I do not think it is funny, but it is difficult. Our amendment does not require consensus, and if the right hon. Gentleman reads it closely, he will see that it has been very carefully worded. The fact that consensus is not easy does not mean that we should not at least try.

**Chris Bryant:** Is there not a bigger issue here? Many of the areas that have heretofore been the responsibility of the European Union are entirely devolved within the United Kingdom—for instance, agriculture and environmental protection. There is no way in which the Government will be able to proceed effectively with a deal on behalf of the United Kingdom unless they have managed to take the devolved Assemblies and Parliaments with them.

**Jenny Chapman:** Of course that is true. That is the spirit in which we tabled the new clause, and we hope it is the spirit in which the Government will consent to accept it.

**Several hon. Members rose—**

**Jenny Chapman:** I have given way a few times already. I shall make a bit of progress, and then I will be happy to give way again.

It is true that, as the right hon. Member for West Dorset (Sir Oliver Letwin) pointed out, consensus may not be possible, but it is deeply desirable, and probably in the national interest. Although competing priorities may ultimately prevent it from being achieved, we really ought to try.

**Charlie Elphicke (Dover) (Con):** Will the hon. Lady give way?

**Jenny Chapman:** Oh, go on then.

**Charlie Elphicke:** Is it not the truth that the hon. Lady knows, we know and the whole House knows that the Scottish National party has no interest in reaching consensus on this point, and no desire to do so? She knew that before she put her name to the new clause. Conservative Members will be saying, “Surely this is just a wrecking new clause.”

**Jenny Chapman:** The hon. Gentleman needs to read the new clause a bit more carefully. It is clearly not a wrecking new clause. Nothing that it desires cannot be achieved. The fact that consensus may not be possible—although we have not even tried—does not mean that the interests of the people of Scotland ought to be ignored.

**Several hon. Members rose—**

**Jenny Chapman:** I am spoilt for choice, but I will give way to my hon. Friend the Member for Cardiff South and Penarth (Stephen Doughty).

**Stephen Doughty:** My hon. Friend is making a very strong speech. I support the desire of Labour Front Benchers to put these matters on a statutory footing, but does she agree that, particularly when Governments have come forward with a clear plan—as the First Minister of Wales has—and there are serious questions for the UK Government, the UK Government must come forward with some answers to enable a negotiation to proceed?

**Jenny Chapman:** My hon. Friend is right. I am in danger of reading out my speech before I reach the part in question, but I can say that Wales has succeeded in reaching something close to a cross-party consensus.

**Several hon. Members rose—**

**Alex Salmond:** Will the hon. Lady give way? I want to be helpful.
Jenny Chapman: I want to say more about the issue of Wales. The Government owe it to the people of Wales, Scotland—[HON. MEMBERS: “Alex is being helpful.”] Alex is being helpful, I am told. I will give way to him.

Alex Salmond: I know that the hon. Lady, unlike Conservative Members, will have read the paper that the Scottish Government released before Christmas—the hon. and learned Member for Holborn and St Pancras (Keir Starmer) is nodding—but does she not remember that on 15 July last year, the Prime Minister said that she would not invoke article 50 until there was an agreed UK position backed by the devolved Administrations? Are Conservative Members saying that the Prime Minister was being anything less than truthful?

Jenny Chapman: I am delighted to be able to afford the hon. Lady the time to find her place. She is not of course the only Member of the House who has tabled and found that he has nothing at all to worry about.

Jenny Chapman: What we are asking for, and what new clause 109 asks for, is certainty. I do not think that that is too much to ask.

These amendments do not seek to obstruct the passage of this Bill—not in the least. They are born of a view that Brexit will be better for all the people of Britain if all communities up and down the country are properly involved. The Government should not hide away from this scrutiny; they ought to welcome it. Labour is not arguing for a veto; we are arguing for inclusion. Scotland, Northern Ireland and Wales are not just another stakeholder group to be consulted. The four Governments, although they are not for this purpose equals, must work together.

Mr Vara: The hon. Lady speaks of veto. She will be aware that the Supreme Court was unanimous on the role of the devolved Assemblies and that the decision should be taken by this place. We all agree on consultation, but she cannot possibly be speaking of veto, because if she does so, she is challenging the decision of the Supreme Court.

Jenny Chapman: I am not going to take it personally that the hon. Gentleman was not listening carefully to the beginning of my speech, but if he looks at the record he will find that his worries are unfounded. He also might like to read the amendment that we have tabled and find that he has nothing at all to worry about.

Stephen Pound (Ealing North) (Lab): I understand the gentleness with which my hon. Friend is responding to the various interventions, but may I quietly, politely and in a modest sort of way remind her that if we read the Good Friday agreement in as much detail as many of us in the House have done, we can see that the EU is mentioned throughout, in line after line and paragraph after paragraph? The role of the EU in the peace process was crucial and must continue to be so.

Jenny Chapman: I thank my hon. Friend for that intervention.

Sir Hugo Swire: Will the hon. Lady give way?

Jenny Chapman: I will give way, but only because I cannot find my place in my speech. This is the last intervention I will take.

Sir Hugo Swire: I am delighted to be able to afford the hon. Lady time to find her place. Should she not think about disaggregating the Administrations of Scotland, Wales and Northern Ireland in these discussions, because they are all different, particularly Scotland? Perhaps it is time, if we are genuinely to trust the Scottish National party Government in Edinburgh, for them to revisit their claim during the Brexit campaign that Scotland could somehow remain part of the EU outside the United Kingdom or have fast-track access to EU membership. That was one of the most shameful myths peddled by any party in the House.

Jenny Chapman: I am afraid that the right hon. Gentleman is going to have to put his misgivings about the Scottish National party to one side and focus on the people of Scotland, because it is their voices that we
must ensure are heard in all this. This is going to require genuine commitment and goodwill. I can see that the right hon. Gentleman is going to find that difficult. I only hope that the Minister does not find it quite so difficult. I am sure that he already appreciates where the First Ministers will be coming from, but he needs to commit, through these new clauses and perhaps by bringing forth his own amendments as the Bill progresses, to embedding the role of the devolved Assemblies within the process. This has already been proved by the First Minister of Wales and the leader of the Welsh nationalists, who, writing together, said:

“The challenge we all face now is ensuring that as we prepare to leave the EU we secure the best possible deal for Wales. Together, we intend to rise to that challenge.”

If they can put party political differences aside and work together for the benefit of Wales, surely the Government can step up to the same challenge by accepting these new clauses and amendments. That is the right way to strengthen, and not weaken, our Union, as the Prime Minister herself says she wishes to do.

Mr Harper: I am grateful to you for calling me to speak, Ms Engel. I can see that Members are looking forward to this. There are a number of new clauses and amendments in this group, and Members will be pleased to know that I do not plan on speaking to all of them. I shall group them in a way that I think is sensible. There are some that are unnecessary, some that arguably do very little but run a risk of doing harm, and some that are outright vetoes on the process, which is completely unacceptable. There is one about a national convention, about which I will speak briefly, and a couple of very important ones about Northern Ireland, which I would also like to speak to.

Starting with new clause 4, to which the hon. Member for Darlington (Jenny Chapman) has just spoken, I think my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) put his finger on it when he asked her about consensus. I think we need to explore this point further. The new clause proposes that “the Secretary of State must seek to reach a consensus.”

My right hon. Friend pointed out that it was unlikely that any such consensus would be reached because the Scottish nationalists fundamentally disagree with our leaving the European Union. Not only that, but unlike the other First Ministers, they also do not wish to see a continuation of the United Kingdom—[ Interruption. ] They have just confirmed that verbally in the Chamber.

So it seems unlikely that consensus would be reached. The problem with putting this new clause in statute is that it would then become justiciable, as my right hon. Friend said earlier. A court could then be asked to adjudicate on whether the Secretary of State had tried hard enough to reach consensus. Even if the court then ruled that everything was fine, this would still be just a way of delaying the process.

Sir Oliver Letwin: Did my right hon. Friend also notice that the Opposition spokesman referred to “embedding” the Scottish Government in the proposals? Does he agree that, roughly speaking, that is like Wellington being asked to embed Napoleon in his strategy for the Napoleonic wars?

Mr Harper: My right hon. Friend has a much greater command of history than I do, but even with my limited reading I think he is probably about right.

My right hon. Friend the Member for East Devon (Sir Hugo Swire) asked the hon. Member for Darlington to distinguish between the First Ministers of the different devolved nations, and I think the distinction is that the First Ministers of Northern Ireland and of Wales wish to see the continuation of the United Kingdom, but the First Minister of Scotland does not. That is material to the sensibleness of proceeding with new clause 4.

Sir Hugo Swire: I am grateful to my right hon. Friend for praying me in aid; he is absolutely right. My real point is that neither the First Minister of Northern Ireland nor the First Minister of Wales sought to mislead their own communities by suggesting that they can join the EU outside the UK, which is what the SNP suggested throughout the campaign.

Mr Harper: My right hon. Friend makes that point— [ Interruption. ]

Stewart Malcolm McDonald (Glasgow South) (SNP): On a point of order, Ms Engel. Was what the right hon. Member for East Devon (Sir Hugo Swire) just said in order? He accused the First Minister of Scotland of misleading the country by stating something that Members of this House in the Scottish National party have also said, so is he by extension accusing me and my hon. Friends of misleading the Chamber?

The Second Deputy Chairman of Ways and Means (Natascha Engel): It was not unparliamentary as the First Minister of Scotland is not a Member of this House.

Mr Harper: I am conscious that I have taken interventions from the Government Benches but not from the Opposition Benches. I give way to the right hon. Member for Delyn (Mr Hanson).

Mr David Hanson (Delyn) (Lab): May I provide an example? Policing in Scotland is devolved to the Scottish Parliament, and policing in Northern Ireland is devolved to the Northern Ireland Assembly. The consensus may be that the Government want to withdraw from the European Union and therefore from agencies such as Europol and Eurojust, but there might need to be a view on such issues so that a consensus can be reached to enable Scotland and Northern Ireland, which have devolved issues, to maintain policing at a local level with Ireland and other parts of the European Union.

Mr Harper: I have no issue with the Government seeking to reach a consensus. There are two issues. One, as I think the hon. Member for Darlington accepted, is that reaching a consensus is likely to be difficult, but we should try. I have no problem with Ministers trying to seek a consensus, but the danger of putting that in legislation is that we then hand over to a court the adjudication of whether Ministers have sought that consensus or whether they have tried hard enough. Even if the court ends up reaching what I would consider the right conclusion of not interfering in the process, it seems an obvious route for delay. The Prime Minister has made it clear that she will seek to take into account the views of the devolved Administrations, but I would not want that to be put into the legislation.
Ian Murray: While the right hon. Gentleman is talking about distinctions, I want to make another distinction as a reminder to him and the House: the Scottish National party is not the entirety of Scotland—[Interruption.] It might like to think it is, which is evident from the reaction from the SNP Members just now. New clause 4 is carefully worded and states that the Government should seek a consensus for building the negotiation with the European Union. That is about letting the Scottish people into the process, not the Scottish National party, and the right hon. Gentleman should distinguish between the two.

Mr Harper: While the Scottish nationalists are currently in government in Scotland, I completely agree that they are not the same as the Scottish people. On the new clause, the representatives on the Joint Ministerial Committee are the First Minister of Scotland and a further representative not of the Scottish people but of the Scottish Government, so there will be two members of the Scottish nationalists whose expressed purpose, as confirmed here today, is to destroy the United Kingdom.

9.30 pm

Dr Alasdair McDonnell (Belfast South) (SDLP): Does the right hon. Gentleman not understand how serious this issue is? Does he not understand that he will not have a UK if he keeps going on with arrogance, with intolerance and with insensitivity? We spent 30 years getting a peace process together. We do not want to see any more dead bodies. Quite simply, what is going on here, with the intolerance that some Members are showing, is scaring me. I am asking myself why I am in this place at all.

Mr Harper: I have not been intolerant to anyone. I have taken interventions from both sides of the House, and I said in my opening remarks that I will address new clauses 109 and 150, which specifically refer to Northern Ireland. I simply have not yet had a chance to get to them. I am a great supporter of the Union of the United Kingdom and, when I was Immigration Minister, I worked very closely with the Government of the Republic of Ireland to facilitate the common travel area and the close working together of the peoples of the United Kingdom and the Republic of Ireland. I agree with the hon. Gentleman on that, and I wish to proceed on that basis.

Several hon. Members rose—

Mr Harper: Let me make some progress, because otherwise other Members will not have the opportunity to speak. I am pleased that the hon. Member for Edinburgh South (Ian Murray) was able to intervene on me. He is the lead name on new clause 23, on which I have a question. Subsection (2)(c) refers to “the legal status of EU nationals resident in Scotland”. It then refers to “Scottish nationals”. I do not quite understand what they are. I understand what UK nationals are, but I was not aware that there is a separate class of nationals of Scotland. Does he wish to explain to the Committee what they are? If for no other reason, not knowing what they are is reason enough to vote against the new clause.

Ian Murray: It is people who were normally resident in Scotland before they moved abroad. It is quite simple.

Mr Harper: “Scottish nationals” implies that they are somehow tied to Scotland other than by residence. If someone is English but happens to live in Scotland for five minutes, does that mean they are a Scottish national?

Ian Murray: No.

Mr Harper: But the hon. Gentleman just said that his definition of a Scottish national is someone who resided in Scotland before moving overseas. It seems to me that someone does not need to have any connection with Scotland bar the fact that they lived there for five minutes. This seems a very poorly worded new clause that is not worthy of support.

Ian Murray rose—

Mr Harper: I will give way to the hon. Gentleman one more time.

Ian Murray: I say gently to the right hon. Gentleman that his Government’s pushing through the programme motion means that we cannot have a full debate on these issues. Whether it is a beautifully worded clause or a badly worded clause, EU nationals should be given the right to stay by this Government today, and we should be fighting to make sure that UK nationals living in the EU have their rights, too. The Government could do that now and, if they did, we would not need to press these new clauses.

Mr Harper: I will not address that issue now, as we debated it at length with the previous group of amendments. A number of colleagues spoke, so it has had sufficient debate.

The next grouping contains a number of new clauses proposing various mechanisms for giving different parts of the United Kingdom a veto on the entire process and, for that reason, I do not think they should be accepted. New clause 26, tabled by the Scottish nationalists, would effectively give the Joint Ministerial Committee a veto on the process. That means a single member of the Joint Ministerial Committee could veto the entire process, which would not be welcome.

Ian Blackford: Does the right hon. Gentleman not understand that, in presenting this proposal to the UK Government, the Scottish Government are very much seeking that consensus and compromise. We understand that the people of England have voted to leave the EU, and we do not seek to frustrate that, but what we ask is that this Parliament also recognises that not just the SNP but the Scottish Parliament has empowered the Government to act in our interests to make sure that we remain within the single market. That respect has to work two ways, and it is about the UK Government working with us. If they do not do that, we know what the answer is. Quite frankly, we should not be in this place.

Mr Harper: I hope the hon. Gentleman will forgive me—I am sure my colleagues on the Government Benches will find this slightly repetitive—but he said that the people of England voted and I must point out that that is not the case. There was a United Kingdom referendum, one of two referendums over the past few years, both of whose outcomes I respect. There was a vote by the people of Scotland to remain in the United Kingdom,
so it therefore follows that the referendum on the United Kingdom’s membership of the EU was a UK decision. It was a single vote and the UK decided to leave the EU. Scotland did not have a separate decision; it was a UK decision. I respect both referendums and I am going to proceed on that basis.

Joanna Cherry: Perhaps I can help the right hon. Gentleman to understand where Scottish National party Members are coming from. During the Scottish independence referendum, the leader of the Conservative and Unionist party, Ruth Davidson, told Scottish voters that the way to guarantee their EU citizenship was to vote to remain part of the UK. He enjoyed a cosy little exchange a moment ago about the First Minister allegedly misleading people, but it is clear that the leader of his party in Scotland misled voters during the independence referendum. Would he now like to take the opportunity to apologise for that misleading statement?

Mr Harper: I would not. The leader of the Conservatives in Scotland—I am pleased to say that she is the Leader of the Opposition in the Scottish Parliament and the latest opinion polls are showing Conservative support rising and Labour support falling—campaigned strongly both for the maintenance of the UK and for the UK to remain in the EU. I was disappointed by the latter result, as was she, but I do not think she misled anybody and therefore I do not feel the need to apologise.

Joanna Cherry rose—

Mr Harper: I have taken the hon. and learned Lady’s intervention and I will now make some progress.

Michael Gove (Surrey Heath) (Con): Will my right hon. Friend give way?

Mr Harper: Of course.

Michael Gove: My right hon. Friend might not have had the chance to follow the Scottish independence referendum as closely as some of us. During that referendum the current SNP First Minister said that if the UK remained, the NHS in Scotland would be privatised. So if anyone should apologise for misleading the public, Nicola Sturgeon should.

Mr Harper: As ever, my right hon. Friend hits the nail on the head.

Let me move relatively briefly through the other provisions. New clauses 139 and 140 would both, in effect, give a veto to different parts of the UK, and therefore are unacceptable.

Ian Paisley: When the right hon. Gentleman turns to the issues affecting Northern Ireland, will he take the opportunity to address the spurious point raised by the hon. Member for Ealing North (Stephen Pound), who said that the Belfast agreement is peppered with references to the European Union? There is one such reference on page 16, and there are three references on page 7 to the European convention on human rights, which is nothing to do with the EU. Indeed, the references to the EU refer specifically to the mutual interdependence of the North South Ministerial Council and the Assembly.

Mr Harper: I am grateful to the hon. Gentleman for elucidating that for the House. Indeed, I detected from the expression on the face of the shadow Minister, the hon. Member for Darlington, that she had not found that intervention from the hon. Member for Ealing North (Stephen Pound) entirely helpful. Perhaps she shares the view of the hon. Member for North Antrim (Ian Paisley).

Finally, new clauses 160 and 161, tabled by the Welsh nationalists, talk about “future trade deals” and would also give a veto to the devolved Assemblies in the UK. On that basis, the Committee should not support them.

New clause 168 proposes a “National Convention”. As someone who has been involved in constitutional matters for some time, I could not help but smile at that, because when I was taking a number of constitutional items through the House, national conventions, conventional committees or some other variant were usually a way of delaying matters by involving a whole load of people in things. These were usually people who are already well involved in all those things, as most members of such conventions appear to be elected Members of some body or other. Those conventions seem an extraordinary excuse to make no progress whatever.

Seema Malhotra rose—

Mr Harper: As the hon. Lady tabled the new clause, I will of course give way to her.

Seema Malhotra: I thank the right hon. Gentleman for giving way. I look forward to discussing this matter further in my remarks later, but perhaps I could raise a point with him. I am sure he will appreciate, as I do, the paucity of quality debate about the referendum, which remains an issue. We need to engage people in the discussion over the next two years. We should not reach the end of the negotiation period with people saying they are as ill-informed at the end as they were at the start.

Mr Harper: That is a helpful intervention, because the hon. Lady has tempted me to say a little more about her new clause, which I had not planned to do. I have looked at the membership of the national convention specified in the new clause, and it does not seem to involve any members of the public at all. It is all people who were very well represented in the referendum campaign: elected mayors; elected representatives of local government; people from universities and higher education; representatives of trade unions and trade bodies; representatives of business organisations; and Members of the Scottish Parliament—

Sir Desmond Swayne (New Forest West) (Con): Not them!

Mr Harper: Yes, them, along with Members of the National Assembly of Wales and of the Northern Ireland Assembly; plus Members of the European Parliament. Finally, it gets to “other representatives”, but not just
any representatives of civil society—only those determined by the Secretary of State. Interestingly, the hon. Lady wants to give Ministers the job of deciding who should represent civil society, which seems remarkably generous of her, although rather self-defeating.

Seema Malhotra: Perhaps the right hon. Gentleman will agree that it is vital to have the regions of England involved as much as the nations of Scotland, Wales and Northern Ireland, in the national debate. I am sure that, on reflection, he will realise that there is great value in the idea of a greater national conversation in which elected representatives would be able to engage with their communities and represent their views.

Mr Harper: To be honest, I thought there was quite a lot of national conversation last year. When I talked to my constituents, it seemed to me that by the end of that national conversation, they really did want to make a decision and move on. The most important thing that they want us to do is give notice under article 50 and start the negotiating process. The most common refrain I hear is from people who, because we had a referendum last year, wonder why we have not already left.

James Cleverly: My right hon. Friend just ran through that list; does he agree that the people who were told that the referendum was an opportunity for them to express their opinion would find it perplexing, disturbing and not a little bit frustrating that new clause 168 would take that voice away from them and hand it back to people who are already very vocal?

Mr Harper: My hon. Friend put that well. The new clause would not involve members of the public at all; it would involve people who are well involved in the debate already.

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

Mr Harper: No, I shall not give way to the hon. Lady again. I gave way to her twice, and we can look forward to her remarks—

Mr Sheerman: On a point of order, Ms Engel. The right hon. Member for Forest of Dean (Mr Harper) has been speaking for 22 minutes. Charming as he is, it seems that he has been filibustering the House, as he did in the previous debate, to prevent honest debate and opinion from being expressed this evening. What is going on?

The Second Deputy Chairman of Ways and Means (Natascha Engel): As the hon. Gentleman is aware, there are no time limits at this stage of a Bill. There is a limited amount of time available, as the right hon. Member for Forest of Dean (Mr Harper) knows. He has spoken at great length and he spoke at great length on the previous group. I have been listening very carefully and he has remained in order and spoken to the amendments and new clauses. There is nothing out of order in what he has said, but perhaps the right hon. Gentleman will be aware of the mood of the Committee.

Mr Harper: I have taken interventions from colleagues on both sides of the Chamber, just as I did in the previous group, but I will take your admonition, Ms Engel, and not take so many interventions from now on.

I set out the points that I wished to cover at the beginning of my remarks. Colleagues who have been following carefully will know that I have only one point left, and I will cover it, because it is on the very important matter of Northern Ireland. Colleagues will be pleased to know that that is the last point I will make.

Two new clauses have been put forward on Northern Ireland. New clause 150 is about priority in negotiations, and it would ensure that people in Northern Ireland would have no external impediment to exercising their right of self-determination. Although it talks about bringing about a united Ireland, with which I do not agree, nothing in the process of exiting the European Union would have any impact on that. The legislation that governs the mechanisms available to my right hon. Friend the Secretary of State to do with border polls and so forth have nothing whatever to do with this process, so there is no need to accept this new clause.

9.45 pm

Mark Durkan (Foyle) (SDLP): I thank the right hon. Gentleman for giving way. He will recall that, even in his own remarks, he talked about the questions that were raised in the context of the Scottish referendum. I am talking about whether or not an independent Scotland would have easy or ready access to the EU or whether it would have to negotiate, brand new, under article 49. If Northern Ireland were taken out of the EU as part of the UK, no article in the Lisbon treaty allows for part of a former member state entering the EU. Anybody could raise a question mark over whether or not a referendum in that context would admit Northern Ireland into the EU as part of a united Ireland. The question mark could be raised because the German precedent might not apply. The Taoiseach addressed that point last summer, and the British Government need to take it on board.

Mr Harper: The hon. Gentleman may be guilty of jumping quite a lot of steps in advance. There is no evidence that the people of Northern Ireland have any intention, at any time in the foreseeable future, of joining the Republic of Ireland. I think that this is a case of inventing theoretical problems to get in the way of what is a perfectly sensible process.

Mark Durkan rose—

Mr Harper: I will take one more intervention from the hon. Gentleman and then I will make some progress.

Mark Durkan: Does the right hon. Gentleman not recognise that the key wording in new clause 150 comes from the Good Friday agreement itself? The paragraph appears in the agreement not just once, but twice. It is in the constitutional issue section of the agreement and it is in the agreement between the British and Irish Governments. If it was good enough and important enough to be in the Good Friday agreement and to be endorsed by a referendum of the Irish people in the north and the south, why should it not be respected now when we are being asked to reflect on how English people voted in a referendum?
Mr Harper: Again, I come back to what the hon. Gentleman just said about how the English people voted. If he looks at the separate parts of the United Kingdom, he will see that both England and Wales voted to leave the European Union. As I said earlier, this was a UK decision. The fact that different parts of the United Kingdom may have voted in different ways is not relevant. It was a United Kingdom decision, and the United Kingdom voted to leave.

Several hon. Members rose—

Mr Harper: I have one more new clause to talk to and then I will sit down.

New clause 109 talks about the provisions of the Good Friday agreement, and other agreements agreed between the UK and Ireland. It lists a whole load of issues. It seems to me that the free movement of people, goods and services and so forth on the island of Ireland and citizenship rights are not guaranteed by membership of the EU. In previous legislation, such as the Ireland Act 1949, it is clear that citizens of the Republic of Ireland and citizens of the United Kingdom have reciprocal—the word “reciprocal” is important—arrangements to live in each other’s countries and to vote in each other’s countries. Irish nationals in Britain can vote in our elections. If we were to go to live in the Irish Republic, we could vote in theirs. Those arrangements will be preserved when we leave the European Union. The new clause is unnecessary.

Joanna Cherry: I am very disappointed to hear that the right hon. Gentleman is coming to the end of his contribution, because, judging from the communications that I am receiving from constituents and voters in Scotland, every word he says is putting our vote through the roof and greatly increasing the cause of a second independence referendum. I urge him and those around him please to continue in the same vein, as it is doing us the world of good.

Mr Harper: Based on the Twitter trolling that I receive, I suspect that most people contacting the hon. and learned Lady would already have supported the nationalists in the first place. With the successful campaigning efforts of my friend, the leader of the Scottish Conservatives, it seems that those of a Unionist disposition in Scotland are very much moving to support the Conservative party in Scotland, which is why she is the Leader of the Opposition there.

The Second Deputy Chairman of Ways and Means (Natascha Engel): Order. We really must get back to the group of amendments.

Mr Harper: I have been tempted to speak for longer than I had intended.

I hope that, after running through the new clauses and amendments in this group, I have set out reasons why all of them should be opposed by those who wish to trigger article 50. If any of them are pressed to a Division, I hope the Committee rejects them.

Ms Tasmina Ahmed-Sheikh (Ochil and South Perthshire) (SNP): I will speak to the amendments tabled in my name and in the names of my hon. and right hon. Friends.

I take the House back to the morning of 24 June when the then Prime Minister, the then Chancellor and the current Foreign Secretary were missing in action, and the First Minister of Scotland took to the steps of Bute House to address the people of Scotland. Let us be clear: we absolutely respect how the people of England and Wales voted in the EU referendum. In turn, we ask that the way in which the people of Scotland and Northern Ireland voted to be equally respected.

Forty-eight hours after assuming office, the Prime Minister travelled to Scotland to meet the First Minister. Ahead of her visit, the Prime Minister directly addressed the people of Scotland, stating that “the government I lead will always be on your side. Every decision we take, every policy we take forward, we will stand up for you and your family—not the rich, the mighty or the powerful. That’s because I believe in a union, not just between the nations of the United Kingdom, but between all of our citizens.” That is what she said then, but I turn the Committee’s attention to page 3 of what can only be described as an executive summary, as opposed to a White Paper, in which she refers to “one nation.” Hon. Members across this House would do well to understand that, as long as the Prime Minister and the Government continue to believe that this is one nation, they will make no progress whatever in their relationships with the rest of the United Kingdom. We are not one nation; we are a Union of nations. The Government need to remember that.

Alex Salmond: I am going to do something that I have never done before—quote an extract from The Daily Telegraph. It reported on 15 July last year:

“Theresa May has indicated that…she will not trigger the formal process for leaving the EU until there is an agreed ‘UK approach’ backed by Scotland.”

What does my hon. Friend think has happened to the Prime Minister’s commitment?

Ms Ahmed-Sheikh: Interestingly, if hon. Members turn to page 17 of the so-called White Paper, they will see a change of wording. We have moved from having a “UK approach” to “seeking” to agree a UK approach—another change in the Prime Minister’s position.

Neil Gray (Airdrie and Shotts) (SNP): On that basis, is my hon. Friend surprised that the UK Government now seem willing to seek separate deals not for Scotland or Northern Ireland, but for the car industry in Sunderland and for the City of London?

Ms Ahmed-Sheikh: I will come to that issue in a moment.

The Scottish National party’s compromise amendments propose a UK approach for all of “Team UK”, which is what the Prime Minister would like to think we are. I say the amendments are a compromise because that is exactly what they are. We fundamentally believe that the best future for Scotland and, indeed, the whole United Kingdom is to remain in the EU. But in the spirit of reaching a consensus—I object to Members who have suggested that we are not participating in the process—we have tabled 50 amendments, to which my colleagues and I will now speak. That is our involvement in the process. The First Minister of Scotland was clear that she was laying out a number of options. The ball is in the Prime Minister’s court.
Sir Hugo Swire: In retrospect, does the hon. Lady regret the SNP’s peddling of the myth during the Brexit campaign that Scotland alone could somehow remain in the EU without any of the sanctions in the Lisbon treaty—joining the single currency of the euro and so on? Does she regret proposing that to the Scottish people as a fact, rather than as fiction, which is what it was?

Ms Ahmed-Sheikh: The only myths in the independence referendum in Scotland were those peddled by the right hon. Gentleman’s friends in the Conservative party and those in the Labour party—that is where the myths came from. I am grateful to him for reminding the Committee, and indeed all those who are watching, that that is precisely the case.

The First Minister of Scotland has laid out a number of options, which are included in the paper my colleagues will refer to. However, I would remind hon. Members that, before the independence referendum, the Scottish Government produced a 670-page document called “Scotland’s Future”. We knew then, and we know now, that we can make a success of an independent Scotland. Hon. Members should compare and contrast that with page 65 of the so-called White Paper, where this Government are already talking about failure and “passing legislation as necessary to mitigate the effects of failing to reach a deal.”

That does not instil much confidence in anybody.

Specifically on the amendments and new clauses, new clause 26—the teamwork clause—would, if accepted, mean that article 50 was not triggered until the Team UK approach was agreed by each individual member of the team. Is that not what the Prime Minister said? On that basis, I hope we will have support on both sides of the Committee for the new clause.

Mr Rees-Mogg: Could the hon. Lady clarify whether new clause 26 would effectively give the First Minister of Scotland, if she refused to agree, a veto over the exercise of article 50?

Ms Ahmed-Sheikh: I am grateful to the hon. Gentleman, whose interventions are always astute. I refer him to the wording of the new clause, which refers specifically to “a UK wide approach to, and objectives for, the UK’s negotiations”. Those are the Prime Minister’s words.

New clause 139 would require a substantive vote on this matter to be held in each of the devolved Parliaments prior to article 50 being invoked, further strengthening the democratic mandate for that action. New clause 144 sets out a mechanism to ensure that all devolved Administrations will have direct representation in negotiations on leaving the EU, enabling the negotiating team to have expert input from each constituent part of the UK. Given what we have seen so far, this Government are in need of some expert input. Following that, new clause 145 would set in legislation what we already understand to be possible and deliverable—the negotiation of a differentiated agreement for Scotland, so that it can retain its vital access to the single market by remaining part of the European economic area.

Amendment 46 further strengthens the role of the devolved Parliaments in this process, while amendment 55 would specifically ensure that the people of Northern Ireland are represented in this process by the newly elected Northern Ireland Executive following the upcoming election. Amendment 60 would ensure formal cross-border discussion of the Government’s proposal to maintain a frictionless land border with Ireland. Lastly, amendment 63 would give Scottish Parliament, Northern Ireland Assembly and Welsh Assembly Members the same opportunity to hear the Prime Minister address them on Brexit as she afforded members of the US Congress who attended the Republican party awayday in Philadelphia last month. That is only fair.

We know from last week’s brief White Paper that the Government still believe there should be a special deal for Northern Ireland in our negotiations with the EU. A frictionless border between the UK and Ireland remains their priority. We also know that the UK car industry and the City of London, to which my hon. Friend the Member for Airdrie and Shotts (Neil Gray) alluded, have also been singled out for special attention in the negotiations. It is becoming clearer with each passing day that the Government will be willing to pay through the nose to secure a special arrangement where that is in their political or economic interests.

Patrick Grady (Glasgow North) (SNP): I hope my hon. Friend will press all these provisions to a vote, because everyone here loves trooping through the Lobby and exercising their parliamentary sovereignty. However, does she agree that a differentiated deal for Scotland, with Scotland retaining its access to the single market, would benefit the rest of the United Kingdom? The Government are very keen to retain a land border with the EU on the island of Ireland, so why would they not want a land border on the actual island of Great Britain so that England could trade over that border into the single market in Scotland?

10 pm

Ms Ahmed-Sheikh: As usual, my hon. Friend makes very salient comments, although I suspect they will fall on deaf ears, and we know what the result of that might well be.

The Scottish Government have been clear that they are willing to make fundamental compromises to ensure that we can agree a UK-wide approach. The Scottish Government’s White Paper, “Scotland’s Place in Europe”, sets out a series of options that could be taken, if this House so wished, to protect the precious Union that Members talk about so often—to protect Scotland’s political, social and economic interests in Europe while also remaining part of the United Kingdom. It is now time for this Whitehall Government to start to treat Scotland seriously and with respect. We know that such a differentiated deal is possible. Only yesterday, the Secretary of State for Scotland, who I am delighted to see in his place, said during a BBC interview—well, not much about anything in particular, but we did get this from it—that it is “not impossible” to have a differentiated deal for the constituent parts of the UK. The amendments tabled by the SNP set out a framework for us to work together in the interests of Scotland to deliver this.

We welcome the UK Government’s White Paper, which acknowledges the role of the Joint Ministerial Committee and states that it is in place to “Seek to agree a UK approach to, and objectives for... negotiations”.

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I refer the hon. Member for North East Somerset (Mr Rees-Mogg), in relation to new clause 26, to those words of the Prime Minister. However, it simply was not acceptable for the Prime Minister to seem to dismiss the Scottish Government’s plan out of hand in her speech at Lancaster House before the JMC had even met to discuss it. The SNP does not believe that “involving” the devolved Administrations ends with the JMC. We want to see real, tangible efforts to develop a proposal acceptable to all the UK, not a toothless talking shop.

That is why we have tabled an amendment calling for the devolved Administrations to have direct representation in the negotiations as we come to an agreed UK-wide deal.

Tomorrow the Scottish Parliament will vote on the triggering of article 50. The Prime Minister should respect that outcome. We also believe that the Prime Minister—

Mr Vara: The hon. Lady talks about the Prime Minister respecting a decision. Will the hon. Lady respect the unanimous decision of the Supreme Court that the Prime Minister—

Ms Ahmed-Sheikh: The hon. Gentleman has already made that intervention and was given an answer. Is it his position that the Scotland Act 2016 has no meaning—no value? Is it his position that notwithstanding the terms of the Scotland Act he is going to ignore the wishes of the Scottish Parliament and the other devolved legislatures?

Mr Vara rose—

Ms Ahmed-Sheikh: No, the hon. Gentleman has had more than enough time.

Mr Vara rose—

Ms Ahmed-Sheikh: I am not taking any more interventions. I have answered the hon. Gentleman’s question.

We also believe that the Prime Minister should not trigger article 50 before the Northern Irish Assembly election on 2 March has taken place, and that there must be a meeting of the British-Irish Council to discuss urgently the immediate effect of the UK’s exit from the EU on the Irish border. That is because such a deal is not just possible but absolutely essential to Scotland, in a number of ways. It is essential for Scottish business. The British Chambers of Commerce’s “International Trade Survey” is further evidence of the damaging impact that the threat of a Tory hard Brexit is already having on Scottish and UK businesses. [Interruption.] It is not rubbish, as the hon. Gentleman says, unless he wants to rubbish the results of that survey, and with it the British Chambers of Commerce. I suspect not, hence he is still in a sedentary position. Published today, it reveals that of the 1,500 businesses surveyed, nearly half, or 44%, said that the devaluation of sterling since the EU referendum was having a negative impact on domestic sales margins, while over two thirds, or 68%, expect the fall in the pound to increase their cost base in the coming year, with more than half of companies—54%—expecting to have to increase the prices of their products as a result.

Such a deal is also essential for Scottish exports.

Mr Peter Bone (Wellingborough) (Con): The hon. Lady is making a very passionate speech, but clearly if the pound devalues, that is very good for exporters, including exporters in Scotland. There are two sides to that coin.

Ms Ahmed-Sheikh: I am grateful to the hon. Gentleman, as ever, for his recognition of a passionate speech, although I wish he would pay more attention to the words that I am using while I am delivering it. Is it the Tory Government’s policy to continue with a devalued pound? Is that their vision for the economy of the United Kingdom? That is my answer to the hon. Gentleman’s question.

Michael Gove: Will the hon. Lady give way?

Ms Ahmed-Sheikh: I am not going to give way just now, if the right hon. Gentleman does not mind.

In relation to Scottish exports, new figures published by the think-tank Centre for Cities last weekend show just how vital the EU single market is for Scotland’s four largest cities. Exports to the EU from Aberdeen, Dundee, Edinburgh and Glasgow alone total nearly £7 billion. The report also stated that 61% of Aberdeen’s exports go to the EU, which shows the importance of that export market to Scotland. It is also essential to maintain Scotland’s skilled workforce.

Michael Gove: Will the hon. Lady give way?

Ms Ahmed-Sheikh: I am not going to give way just now; allow me a few minutes to make some progress.

This morning, Holyrood’s cross-party Europe Committee published its latest report on Brexit, in which it recommended a bespoke Scottish immigration system—almost on cue: I believe, from memory, that that was something propagated by someone on the Government Benches during the campaign. We now know that those who campaigned to leave the EU, like those who campaigned against Scottish independence, were prepared to say anything to win the day and leave the rest of us to pick up the consequences. The findings of the report were based on extensive evidence heard by the Committee, which detailed the demographic crisis that Scotland would face without its EU citizens.

Ian Paisley: I have been listening very carefully to the points that the hon. Lady made with regard to Northern Ireland. If I heard her right, she indicated that until a new Northern Ireland Executive is established, the Government should not trigger article 50. Northern Ireland is at a difficult crossroads at the present time. If no Executive is ultimately established after 3 March, does she seriously believe that the whole United Kingdom should be held to ransom until that conundrum is resolved?

Ms Ahmed-Sheikh: I am grateful to the hon. Gentleman for making that point, which I understand. However, I would also ask: why is the whole United Kingdom
being held to ransom by the Prime Minister’s selection of some random date, with no view to the consequences for the whole of the country? We are required to work to that date, but it came about on a whim.

A deal such as I have described is essential for the fishing industry. I mention the fishing industry because for too long it has been ignored by this Government, who have not stood up for it in Europe. The White Paper seems to confirm the worst fears of our fishermen, who now believe that without a specific Scottish deal, their interests will be negotiated away once again, as they have been before.

It is clear that a differentiated deal for the constituent parts of the UK is optimal, deliverable and essential to protecting our interests. Now is the time for the Prime Minister of the United Kingdom to keep her promises to Scotland—as she said, a “UK approach” for all of “Team UK”. Be under no illusions; my colleagues and I were elected by our constituents to stand up for Scotland, and that is exactly what we will do. One way or another, Scotland’s interests will be protected.

The amendments and new clauses that we have tabled would strengthen the UK’s future negotiating position with the EU and provide a framework to serve the best interests of its constituent parts. Our proposals crystallise in legislative specifics the grand platitudes that the Prime Minister and others have spouted about Scotland’s interests will be protected. One way or another, Scotland’s interests will be negotiated away once again, as they have been before.

Michael Gove: The hon. Lady referred earlier to the impact of the pound being devalued. Could she tell us which currency an independent Scotland would have? Would it be the pound, the euro or some other currency of her invention, or of the invention of the right hon. Member for Gordon (Alex Salmond)?

Ms Ahmed-Sheikh: As my colleagues are saying from a sedentary position, the right hon. Gentleman does not believe in expert opinion anyway. Perhaps he will agree—his mention of another independence referendum speaks to this fact—that the question that was posed to the people of Scotland in 2014 was about a United Kingdom different from the one that exists now. Of course, it is in the gift of the Government and Members from across the House to agree to our proposals. They offer a compromise position, if the right hon. Gentleman does not want another independence referendum. But if we do have one, the arguments will be put forward to the people of Scotland for them to make that decision. The proposals give the Government an opportunity to put their money where their mouth is when it comes to respecting Scotland and the devolution process.

Quite simply, the UK is either a country that respects all its constituent parts or it is not—the question is as simple as that—and this Government need to decide today one way or another. We are waiting for our answer and, indeed, we are ready to respond, but if the UK Government decide to turn their back on the Scottish Government and the Scottish Parliament, voters in Scotland will be left under no illusion about how this Government intend to deal with Scottish interests in future negotiations. If the Scottish people can no longer trust the UK Government to act in their interests, it will be for the people of Scotland to decide the best way to rectify this unsatisfactory situation of an increasingly disunited kingdom.

John Redwood: I support the remarks of my right hon. Friend the Member for Forest of Dean (Mr Harper). I thought he took the Committee patiently through a number of important amendments tabled by Opposition parties, and he explained why some of them are needless because the Government are perfectly well intentioned in relation to the other parts of the United Kingdom and wish to consult very widely, and how some of them would be positively damaging because they are designed as wrecking amendments to impede, delay or even prevent the implementation of the wishes of the people of the United Kingdom.

My disappointment about both the Labour and the Scottish National party amendments is that there is absolutely no mention of England in any of them. To have a happy Union—I am sure the Scottish nationalists can grasp this point—it is very important that the process and solution are fair to England as well as to Scotland. I of course understand why the Scottish nationalists, who want to break up the Union, would deliberately leave England out of their considerations of their model for consulting all parts of the United Kingdom. That is deliberate politics, as part of their cause to try to find another battering ram against the Union.

In the case of Labour, however, I find that extraordinarily insouciant and careless. The Labour party is now just an England and Wales party, with only one representative left in Scotland and none in Northern Ireland. Yet it seems to be ignoring the main source of its parliamentary power and authority because it does not say anything in its amendments that would give a special status to England alongside Scotland, Wales and Northern Ireland and provide proper consultation throughout all parts of the UK. The Labour spokesman, the hon. Member for Darlington (Jenny Chapman)—she spoke very eloquently, and in a very friendly way—did not mention the word “England”, and she had no suggestion about how England should be properly represented and England’s views properly taken into account in the process that is about to unfold.

Joanna Cherry: May I assure the right hon. Gentleman that if we were minded to bring forward any amendments dealing with his concerns about England, we would give them serious consideration?

John Redwood: I have not done so, because I agree with my right hon. Friend the Member for Forest of Dean and Government Front Benchers that the Government will, of course, do a perfectly good job in consulting and making sure that all parts of the UK are represented, and I am quite sure that Ministers who represent English constituencies will want to guarantee that the view of England is properly considered.

Mark Durkan rose—

Ian Blackford rose—

Tommy Sheppard (Edinburgh East) (SNP) rose—

John Redwood: If we take the referendum as a national, UK-wide referendum, we will of course take into account the views of everybody because we are following the mandate of the United Kingdom referendum, in which a very large number of English votes are rather important—
The Temporary Chair (Sir Roger Gale): Order. I am sorry to interrupt the right hon. Gentleman. The conventions are absolutely clear: the right hon. Gentleman will give way as and when he wishes, and on hon. Members seeking to intervene should not remain standing.

John Redwood: I am very grateful to you, Sir Roger. I was trying to deal with the previous intervention. As a courtesy to the hon. Gentleman, I thought other Members should listen to my answer to her before I took another intervention. I am now happy to take another intervention.

Mark Durkan: The right hon. Gentleman has indicted the Labour party and the SNP for not, in this group of amendments, addressing questions in relation to England. Does he recognise that the grouping is headed, “Devolved administrations or legislatures”?

10.15 pm

John Redwood: I am well aware of that, and I am well aware that we have different arrangements around the country, but it is still an injustice to England that under the model proposed by Opposition Members, the biggest part of the Union by far would not be consulted on the same basis as the rest of the United Kingdom. I quietly remind them that to have the happy Union that I want, that all Government Members want and that, I think, a lot of Labour Members want, when we change the arrangements and have special arrangements for some parts, we have to make sure that they are fair to England as well.

Ian Blackford: We must reflect on what we were told in 2014, and that is that we were asked to lead the Union. If we are to have respect for this place, which we do, this House has to respect that the people of Scotland have given a particular judgment. This is about the House reaching a compromise not with us as SNP MPs, but with the people of Scotland. I cannot see why the Government and Conservative Back Benchers see that as so difficult. Quite frankly, if they cannot reach that accommodation with the people of Scotland, the people of Scotland will make their own conclusion.

John Redwood: Some of the SNP Members do protest too much. I seem to remember that they actively fought two referendums in recent years and managed to lose both of them. For my part, I am very happy with the result of both referendums; I managed to find myself on the winning side in both cases. I believe in respecting the views of the Scottish people, who decided that they wished to remain part of the Union of the United Kingdom, and in respecting the views of voters in the United Kingdom, who said they did not wish to remain part of the European Union. That is a very clear set of messages.

This Union Parliament, in the interests of the special Scottish considerations, said that only Scottish voters would decide whether Scotland stayed in the Union or not. Although many of us had strong views and were pleased that they decided to stay, we deliberately decided that it was appropriate to let Scotland decide, because in a democracy, a country cannot be in a union that does not volunteer freely to belong to that union. The Scottish nationalists, by the same logic, must see that people like myself—the 52%—have exactly the same view on the European Union that they have on the Union of the United Kingdom. There has to be voluntary consent. When the point is reached where the majority of a country no longer wishes to belong to the European Union, it has to leave.

I would have been the first to have said, had the Scottish nationalists won the Scottish referendum, that I wanted the United Kingdom to make all due speed with a sensible solution so that Scotland could have her wishes. I think I would have wanted rather more independence for Scotland than the Scottish nationalists, because I think that if a country is going to be a properly independent—

Patrick Grady: On a point of order, Sir Roger. I keep hearing the right hon. Gentleman talking about the “Scottish nationalist party”. I do not know what party that is, but the Members on these Benches belong to the Scottish National party.

The Temporary Chair (Sir Roger Gale): The hon. Gentleman will understand that that is not a point of order for the Chair.

John Redwood: I am delighted that another advert has been given for the Scottish National party. We understand the point that its Members are making: they are not happy with the result of either referendum. However, in a democracy, when we have trusted the Scottish people to decide whether they wish to leave our Union and we have trusted United Kingdom voters to decide whether they wish to leave the European Union, it is my view and the view of practically all my right hon. and hon. Friends, and many Labour MPs, that we need to respect both results.

Paul Flynn (Newport West) (Lab): The memory of the right hon. Gentleman serving as the governor-general of Wales is treasured because of his memorable attempt to sing the Welsh national anthem, but he did that job without the legitimacy of a single Welsh vote. Does he not recall that this House can now act as an English Parliament under the EVEL rules? However, that is a path to the break-up of the United Kingdom.

John Redwood: Yes, the United Kingdom, through this Parliament, has decided that there will be differential arrangements for different parts of the United Kingdom. To Scotland we have given a Parliament; to Wales and Northern Ireland we have given an Assembly; and to England we have given absolutely nothing. That, so far, is our constitutional settlement. We have accepted exactly what the SNP spokeswoman was seeking: special treatment for Scotland through a more powerful Parliament.

One of the disappointments about this debate on devolution is that the myriad amendments do not, as I understand them, deliver more devolved powers to the Scottish Parliament or to the Welsh or Northern Ireland Assemblies, yet that opportunity will be there for the taking as we proceed with the process of leaving the European Union.

I despair at the pessimism of so many people about this very exciting process of recreating an independent, democratic country. The SNP should understand that an area such as agriculture, which the hon. Member for
Rhondda (Chris Bryant) wrongly told us was fully devolved —of course, it is not fully devolved but almost completely centralised in Brussels, which makes all the crucial decisions and budgetary dispositions, which we then have to execute—

Chris Bryant: It is now.

John Redwood: The hon. Gentleman says it is now, but we are still in the EU, and that is the position we are about to change. This gives us a huge opportunity to devolve that power from Brussels. Some of it might go to the Union Parliament, some to the Welsh Assembly and some to the Scottish Parliament. That is to be decided, but would it not be a good idea if the SNP joined in positively the discussion about the appropriate areas to take those powers?

Sir Hugo Swire: Does my right hon. Friend believe, like me, that the SNP will join in the discussion if, on exiting the EU, more money becomes available to spend in the UK? If more is spent in England, it will want a dividend for Scotland as well, through Barnett.

John Redwood: I suspect that that is exactly right. I look forward to the day when the SNP accepts the verdict of the Union and the wisdom of the majority of Union voters, and sees that there is more power in it for devolved Parliaments and Assemblies—and potentially more money, once we no longer have to send the net contributions—and that we have a great opportunity to develop the devolved version of Scotland that the Scottish people voted for, if not always the one that the SNP would like.

Ian Blackford: Will the right hon. Gentleman therefore join me and my colleagues in demanding that powers that might come back to this Parliament, in respect of agriculture and fisheries, be handed over to Scotland and that we get the money that should be coming to us? As part of that process, why do the UK Government not start by handing over the convergence uplift money from the EU that is supposed to come to Scottish farmers and crofters but which the UK has kept?

John Redwood: It is not my job as an English MP to make that case, but I am glad that at last the SNP is welcoming back control over things such as fishing, or at least the possibility of getting it, but would prefer to leave it in Brussels? It would prefer to leave fisheries policy in Brussels, rather than grabbing the opportunity coming our way to sort out our own fishing resources.

Mrs Anne Main (St Albans) (Con): Does my right hon. Friend share my puzzlement that the SNP is not welcoming back control over things such as fishing, or at least the possibility of getting it, but would prefer to leave it in Brussels? It would prefer to leave fisheries policy in Brussels, rather than grabbing the opportunity coming our way to sort out our own fishing resources.

John Redwood: Fishing is a prime example of a deeply damaging policy pursued over 45 years during our term in the EU. It has done a lot of damage to the Scottish industry, as well as to the English industry. Is there not a case for common cause here, to work on a Union-wide fishing policy, with appropriate devolution, so that we might all be better off and protect our fisheries better, ensure that more of the fish taken is landed and sold, ensure proper conservation, ensure a bigger Scottish, English and British component in the catch taken, and ensure proper and sensible national limits on our waters, which we have not been allowed to have in the EU?

Alex Salmond: The right hon. Gentleman will remember the famous civil service memo when Britain was negotiating entry into the Common Market that said that in the light of Britain’s wider European interests, “they”—the Scottish fishermen—were “expendable”. If that was the attitude on the way in, why will it not be the attitude of the British Government on the way out?

John Redwood: Because the British people have advised the British Government to be much more sensible on the way out than they were on the way in. As someone who opposed the way in and voted against it as a young man at the time, I am certainly not to blame for the enormous damage visited on the Scottish industry, which the right hon. Gentleman and his party have acquiesced in over many years by always saying that we should stay in the EU, which delivered that very bad policy for Scottish fishermen. I found, going around the country and making the case for our fishing industry, that this was an extremely potent issue, inland as well as in our coastal ports. It was a great sadness to me that so many stalwart defenders of the EU were prepared to sacrifice the Scottish and the British fishing industry.

Michael Gove: I speak as the son and grandson of fish merchants, and I should point out that it was the Scottish nationalist party—[Interruption]—that wanted to keep us in the EU and to maintain the common fisheries policy, which has destroyed jobs and industries, and which is why 54% of people in the parliamentary constituency of Banff and Buchan voted to leave. [Interruption.]

John Redwood: I am grateful to my right hon. Friend for making a powerful point and for making the Committee even noisier than I was able to make it by my modest remarks.

My final point—I am conscious of the time and I have taken a lot of interventions—is that a big confusion about single markets underlies the SNP amendments. We have this strange contradiction in their logic whereby staying in the single market of the European Union is crucial to the health of the Scottish economy, whereas leaving the single market with England, Wales and Northern Ireland would be fine as part of the process of independence. Far more of Scotland’s business, of course, is done with the single market of the United Kingdom than is done with the single market of the EU. Some SNP Members try to justify it by saying, “Well, of course we would be allowed to stay fully in the single market with the rest of the UK, so we would want to do exactly the same thing with the EU.” That would be a matter for discussion and negotiation, if there were to be a second referendum and if SNP Members were ever to get to the point where they could win one—two things that look extremely unlikely today.

SNP Members need to look very carefully at their contradictory position. My view in both cases is that what matters is access to the market, not membership of...
the market, because membership comes with budget contributions, acceptance of law making, acceptance of court powers and all the rest of it, which is true of our single market in the UK just as it is of the single market as designed in the EU. Successful independent trading countries just need very good access to markets, which is what can be got under most favoured nation rules under the WTO and probably even better access through the negotiation of a special free trade agreement. It should be much easier to negotiate a free trade agreement where there is already one de facto, because it is not necessary to remove tariffs that are difficult to remove. They have already been removed; we are just trying to protect them.

I thus urge the Scottish nationalists to think again about this issue and to understand that we are all on the same side: we want maximum access for Scottish whisky as well as for English beef or whatever the product. There is every possibility that we can achieve a good deal, and we are much more likely to achieve it without the amendments tabled by SNP Members, and with a concerted view from this place that we are going to get on with implementing the wishes of the United Kingdom.

There is every possibility that we can achieve a good deal, and we are much more likely to achieve it without the amendments tabled by SNP Members, and with a concerted view from this place that we are going to get on with implementing the wishes of the United Kingdom voters. Their message to us is, “Just do it.” That should be the message from this week’s debate in this Chamber.

Conor McGinn (St Helens North) (Lab): I rise to speak to new clause 109, tabled in my name and those of my right hon. and hon. Friends. I shall also speak to amendment 86 and new clause 150, tabled in the names of my hon. Friends the Members for Belfast South (Dr McDonnell), for Foyle (Mark Durkan) and for South Down (Ms Ritchie). I will be brief, because I want to allow Members from Scotland, Wales and, of course, Northern Ireland to speak on these matters.

Before I come on to my substantive point about my new clause, I want to say that as a Member of Parliament representing an English constituency, I hope that my hon. Friends the Members for Feltham and Heston (Seema Malhotra) gets a chance to speak to her new clause 168. In Merseyside and Greater Manchester, directly elected Mayors will be in place by the end of this May. My constituents in St Helens North, people in Greater Manchester, in the Liverpool city region and indeed people across the north-west of England will expect their views and those of their elected representatives to be taken into account as part of this process.

The Good Friday agreement is, for me, at the heart of progress made in Northern Ireland and with respect to relations between Britain and Ireland. The progress made over the last number of decades has been forged by and through our common membership of the European Union. In speaking to my new clause, I am of course cognisant of the fact that this debate is taking place in the context of the implications of the referendum held last May. I voted in this Parliament to hold a referendum; I took part in that campaign; and I lost. Those who argued for a remain vote lost. I respect that fact, and I voted accordingly last week. I want to be constructive about working with the Government to get the best possible Brexit that we can for my constituents and for the United Kingdom.

However, I am also cognisant of the need for respect to be shown to a different referendum, the one that took place in Northern Ireland in 1998 on support for the Good Friday agreement. On the same day, there was another referendum which resulted in Ireland’s withdrawal of its territorial claim over Northern Ireland. That goes to the heart of the amendments tabled by my hon. Friends in the Social Democratic and Labour party. So the people of Northern Ireland, through a referendum, endorsed the Good Friday agreement. Subsequent agreements have been made between the Governments of the United Kingdom and Ireland, supported by the efforts of my hon. Friends in all the Northern Ireland parties—and I call them my hon. Friends deliberately.

10.30 pm

Ian Paisley: May I ask the hon. Gentleman a question about new clause 109? He is asking Her Majesty’s Government to commit themselves to the principles that are enshrined in the various agreements, but given that he accepts that they have committed themselves to all those principles—as, indeed, have Her Majesty’s Opposition—why is the new clause necessary?

Conor McGinn: I think it important to bear in mind the uncertainty that has been caused by the vote to leave the European Union, and the fact that the drafting and signing of the Good Friday agreement, and all the architecture surrounding it, were in the context of both the United Kingdom and Ireland being members of the European Union. Let me also say gently to my hon. Friend that people in Northern Ireland, like people in Scotland, voted to remain in the European Union. The vote that I cast in the House on article 50 was based on the vote in the United Kingdom as a whole, but I think that that is worth bearing in mind as well.

I hope that the Government will commit themselves to ensuring that some of the provisions of the Good Friday agreement will remain in place when the United Kingdom leaves the European Union, and to upholding them in both letter and spirit. The first, which is the most practical and obvious, is the free movement of people, goods and services on the island of Ireland. Trade and tourism have increased. People in the United Kingdom, in Ireland and, indeed, in the world as a whole do not lead their lives, or inhabit their communities, on the basis of boundaries. I see very little difference between crossing the boundary between my local authority in St Helens and the local authority in Knowsley and crossing the border between Derry and Letterkenny, or between Newry and Dundalk.

My second point concerns citizenship rights, specifically in relation to Northern Ireland, although my new clause 108, which was included in the previous group, refers to the status, rights and privileges of the Irish community in Great Britain. As the chair of the all-party parliamentary group on Ireland and the Irish in Britain, I would welcome an assurance from the Government. Migration from Ireland was taking place before we simultaneously joined the European Union. Although Irish citizens will still be EU citizens after the UK leaves the EU, it would be good to know that the rights, status and entitlements that they have enjoyed through legislation and through custom and practice over the last century—and for many centuries—will be maintained.

This is also about the rights of people who were born in Northern Ireland to choose to be Irish or British, or to choose to be both. I choose to exercise both those
rights; some people choose to exercise, exclusively, one of them; but I think it important for those who wish to be Irish citizens, and will be EU citizens, who reside in and were born in Northern Ireland to be very much in the Government’s thoughts as they negotiate our withdrawal.

The third point is about the preservation of institutions relating to strands 2 and 3 of the Good Friday agreement, namely the North South Ministerial Council and the north-south bodies. The north-south bodies deal with, for instance, food safety, trade and business, inland waterways, the Ulster Scots and the Irish language. One would imagine that when the United Kingdom leaves the European Union, the Special EU Programmes Body, which was set up to distribute European Union funds, will cease to exist. It was set up under strand 2 of the Good Friday agreement, which was passed by a referendum, and which is enshrined in legislation passed by the House of Commons.

In the context of strand 3, I think it crucially important for east-west relations between the United Kingdom and Ireland to continue. There is a new dynamic following devolution and the creation of the Welsh Assembly and the Scottish and Welsh Governments, who play a role in the British-Irish Council and in forums such as the British-Irish Parliamentary Assembly. It is absolutely critical that this engagement continues. Taking on board the point of the hon. Member for North Antrim (Ian Paisley), these engagements are taking place in the context of our joint European union, which has made all of this just so much easier. That is an indisputable fact.

One area that concerns me greatly in terms of the UK leaving the EU is the Good Friday agreement’s provisions on human rights and equality, given the Government mood music around the European convention on human rights. That is of course separate from and outside membership of the EU, but it is worrying that the Government have intimated that they would seek to roll back or reverse some of the commitments given on human rights in terms of both Northern Ireland in relation to this new clause and people across the UK as a whole.

Dame Rosie Winterton (Doncaster Central) (Lab): Does my hon. Friend agree that it would be very inappropriate if the Minister tonight confirmed that the Government are not going to leave the European convention on human rights and the Council of Europe, because there are strong feelings on both sides of the House about that and about leaving our place in the world somewhat exposed? It is important that the Minister gives an undertaking on that tonight.

Conor McGinn: I agree entirely and pay tribute to my right hon. Friend for the valuable and important work she does in representing this place on the Council of Europe; we are very lucky to have her in that position.

On the principle of consent, having previously alluded to the Irish Government withdrawing their territorial claim, there is now no dispute—the Good Friday agreement makes this clear—by any parties in the Northern Ireland Executive or any parties in this House about the fact that Northern Ireland will remain part of the United Kingdom until such time as the majority of people there decide otherwise. That is what is enshrined in the principle of consent, but it is for people in Northern Ireland and the island of Ireland as a whole to exercise that. My slight concern is that Northern Ireland leaving the European Union is a constitutional change that has been done without the consent of people in Northern Ireland, because they voted to remain. That again unsettles what has been a very delicate political balance that both Labour and Conservative Governments have sought to protect.

The new clause tabled by my hon. Friends the Members for Foyle, for South Down and for Belfast South goes to the heart of this as well. There is no provision for a part of a country that leaves the EU to re-join the EU. We must be explicitly clear on that, in respecting the principle of consent. If the wishes of people in Northern Ireland change and they wish to join a united Ireland, provision should be made for them to immediately become members of the EU, having expressed their wish to join the rest of the island of Ireland in a union.

Finally, it is very important to maintain the status of the Irish language. It is a full EU recognised language, and particular reference is made to it in the Good Friday agreement in terms of its being a regional and minority language.

I have tried to be constructive in my amendment, and I hope that what I have said tonight is constructive. I have huge respect for hon. and right hon. Friends from Northern Ireland. I understand that on this we will have different views, but in doing so I seek to protect the Good Friday agreement and the peace process, which I believe has given me and many others like me opportunities that we would not otherwise have had.

Jonathan Edwards (Carmarthen East and Dinefwr) (PC): It is a pleasure to serve under your chairmanship, Sir Roger. I congratulate the hon. Member for St Helens North (Conor McGinn) for his considered and well-made speech; it was a pleasure to listen to it. I know that time is of the essence and I will therefore speak briefly to Plaid Cymru’s amendments in this group; they are new clauses 158, 159, 160 and 162 and amendment 90. With your permission, Sir Roger, we hope to press new clause 158 to a vote.

The Bill as it stands will be the biggest job-killing Act in Welsh economic history. It may be short, but it is loaded—loaded with a Brexit that pays no regard to the promises made during the Vote Leave campaign. This is not a Bill that ratifies the referendum result; it is a Bill that endorses the UK Government’s Brexit plan. We do not accept that the Prime Minister’s extreme Brexit is what drove people to vote leave. They were swayed by a torrent of false promises, and new clause 158 is designed to hold the Brexiteers’ feet to the fire. It would allow for proper scrutiny of the Government’s plans to uphold their pledge of continued levels of funding for Wales before triggering article 50.

Mr Mark Williams (Ceredigion) (LD): The hon. Gentleman represents a rural constituency, as do I. Would he like to remind the House of the promises that were made to our rural communities, especially bearing in mind the fact that 90% of our exports go to the single market?
Jonathan Edwards: The hon. Gentleman has made a point that I shall make later in my speech. We were promised absolutely no detriment; that pledge was made to the people of Wales.

Stephen Doughty: I wholeheartedly support new clause 158. It is a shame that my new clause 157 was not selected; it had a similar intent. Does the hon. Gentleman share my concern that, despite repeated questions to the Government, they have refused to guarantee that Wales will not be left a penny worse off as a result of leaving the European Union?

Jonathan Edwards: I thank the hon. Gentleman for his intervention, and for his new clause, which we would have been delighted to support. That is exactly the point that I shall be making during my contribution on new clause 158.

Nick Thomas-Symonds (Torfaen) (Lab): Further to the point that my hon. Friend the Member for Cardiff South and Penarth (Stephen Doughty) has just made, does the hon. Gentleman agree that the Government have failed to guarantee EU funding post-2020, which is what was promised in the referendum?

Jonathan Edwards: That is a pertinent point, and I am happy that colleagues will support us in the Lobby if we get the opportunity to vote on my new clause later.

The UK Government’s White Paper, which was published only last Thursday, was a complete whitewash in relation to those pledges. Unsurprisingly, it made no commitment to uphold the funding pledges, which were no doubt very persuasive in Wales during the referendum. Let us remember that the estimated net benefit—I emphasise “net benefit”—to Wales from the EU in 2014 was around £245 million, or £79 per head. We will not accept a penny less from the UK Government, because that was the specific pledge by the leave campaign in our country. Not one single penny less.

Just over a week before the vote, amid huge publicity, the leader of the Conservatives in Wales said that “funding for each and every part of the UK, including Wales, would be safe if we vote to leave.” That statement was made following an open letter written by Tory Front Benchers, some of whom have now been promoted to the Cabinet and hold Brexit portfolios. They made the same promise.

Albert Owen (Ynys Môn) (Lab): I, too, will be supporting the hon. Gentleman’s new clause 158 in the Lobby this evening if a vote is called. I would also have supported new clause 157. He is making an important point. Does he agree that the Joint Ministerial Committee would be a vehicle for the Welsh First Minister, on behalf of the Welsh Assembly, to make that case and hold the Government to account?

Jonathan Edwards: I welcome the hon. Gentleman’s intervention, and I will be supporting the new clause tabled by the Labour Front Bench if it is pushed to a vote. He is completely right. At the moment, UK Government Ministers might as well go into those Joint Ministerial Committee meetings with their iPods on and their headphones in. They are not going to listen to a word that the Welsh or Scottish Governments say, or to the representatives from Northern Ireland. There is no leverage to what is discussed in those JMC meetings. We need to firm up those processes.

The extreme Brexit favoured by the UK Government takes no account of the geographical economic divergence that exists within the British state. The Welsh economy is heavily driven by exports, and two thirds of our goods go to Europe. To willingly block those vital economic arteries would be an act of calamitous self-harm, given that 200,000 jobs in Wales are sustained by our trade with Europe. As someone whose job it is to represent the interests of my constituents and compatriots, I have a responsibility to do all I can to mitigate this Bill’s intentions.

That brings me to new clause 159, which would require the Government to explore a differentiated deal for Wales within the European economic area. The unprecedented task that lies ahead for the UK will inevitably require flexibility and, indeed, imagination. We have made it clear on a number of occasions that if the UK Government give us the assurance that Wales will keep its membership of the single market and the customs union, we will support the Bill. The Government have already conceded, rightly, that flexibility will be required to avoid a hard border between the Republic of Ireland and Northern Ireland. The joint Welsh Government-Plaid Cymru White Paper makes the case for the continuation of full participation—that is, membership—for Wales in the single market and the customs union.

Paul Flynn: Does the hon. Gentleman agree that the extraordinary attitude taken by the Government and the Prime Minister today on the status of the United Kingdom is entirely false? The United Kingdom does not exist as far as agriculture is concerned. The powers are exercised by the Welsh Government and the EU. If this goes through, it will be an attempt by the Government to take back powers that have already been devolved to Wales, Scotland and Northern Ireland.

10.45 pm

Jonathan Edwards: The hon. Gentleman is correct, as always, and I will come to that point later in my speech when I talk about shared competence and some of the constitutional reforms that will have to be made following Brexit.

In a similar manner, concessions have reportedly been made in certain sectors of the economy. We have already heard about Nissan in Sunderland and, as we would expect, the City of London. New clause 159 calls on the Government to show Wales a similar level of consideration by committing to consult on a territorial exemption when the Prime Minister drags the UK out of the single market.

Mrs Madeleine Moon (Bridgend) (Lab): Last week, I asked about guarantees about tariffs, specifically that there be no tariffs on Ford engines built in my constituency and exported out of Wales. I was told that there was no guarantee but that there was a commitment. Is a commitment good enough for Wales? Is it good enough for the United Kingdom given that we are now £1.8 trillion in debt—a national debt that is growing by more than £5,000 a second?
Jonathan Edwards: The hon. Lady is right to mention the fears about Ford because it is a major employer. I pay tribute to her for having the courage of her convictions when she voted against the Labour Whip last week.

Vote Leave campaigned on a platform of sovereignty, claiming that it wanted decisions made as closely to the people as possible. New clause 160 would allow precisely that by requiring the National Assembly for Wales to endorse any final agreement on the terms of exiting the European Union, thereby ensuring that Wales is fully involved in the process and that its needs are met. The Supreme Court ruling, which concluded that the Sewel convention holds no legal weight, confirms our long-held suspicion that devolution, and the principles it champions, is built on sand. Indeed, the UK Government went out of their way in their submission to the Court to emphasise the supremacy of this Westminster Parliament over the devolved Parliaments. Within the UK, it seems as though some Parliaments are more equal than others. Indeed, the Supreme Court ruling is why new clause 160 is necessary. If the British state is a partnership of equals, this is an opportunity for the UK Government to prove it.

The Prime Minister obviously recognises her political duty to consult the devolved Administrations—if only to save her own reputation. After all, she does not want to go down in history for breaking up two unions. Without the leverage of a vote on the final terms, Wales’ input holds no weight. The Brexiteers are ploughing ahead with the hardest of brutal Brexits. The Prime Minister’s “plan” speech on 17 January came before Plaid Cymru and the Welsh Government had an opportunity to submit their White Paper for consideration.

New clause 162 and amendment 90 deal with repatriated powers and the constitutional future of the British state. On the UK’s withdrawal from the EU, powers will be repatriated to the UK, as mentioned by the hon. Member for Newport West (Paul Flynn), and a determination will need to be made about powers in devolved areas. At the moment, there is little experience within the British state of shared competence. Serious thought and consideration must be given to the future of the UK’s constitutional structures. If not, we are in danger of constitutional turmoil.

Stephen Doughty: The hon. Gentleman makes an important point. Does he agree that the problem with some speeches from Government Members is that they simply do not get that this is not a unity constitutional state anymore? We have separate Administrations, for example. How will the UK’s internal single market work? Have the Government given any thought to such matters? I do not think they have. Does he agree?

Jonathan Edwards: I completely agree. That is why new clause 162 is important in that wider debate. Government Members are riding roughshod over the views of Members of Parliament representing Wales and Scotland and setting a dangerous precedent.

Charlie Elphicke: In all the hon. Gentleman’s remarks, he skates over the fact that it was a referendum of the United Kingdom. The people of the United Kingdom voted to leave the European Union. What is more, the people of Wales voted to leave the European Union. He ought to respect the people of Wales, who made that decision as much as did the people of the United Kingdom.

Jonathan Edwards: I am not questioning the referendum result. I am trying to work out what happens next in the interests of all the people I represent in Carmarthenshire and the people of my country, Wales.

Powers repatriated that straddle both devolved and reserved subject areas must be dealt with effectively, and the National Assembly must retain its autonomy. By “taking back control” the Prime Minister must not mean rolling back on devolution. New clause 162 would provide an avenue for that by committing the UK Government to conduct a review of the UK’s constitution.

Tommy Sheppard: Does the hon. Gentleman agree that the likely rejection of his amendment by Government Members, along with their put-down of every attempt to get some meaningful consultation with Ministers in Scotland, Wales and Northern Ireland, belies a deep arrogance? They actually think that this process means that British Ministers can override Ministers in Scotland, Wales and Northern Ireland on matters that pertain to those countries.

Jonathan Edwards: I agree exactly with the hon. Gentleman, but I would go further. My great fear is that Brexit will be used by the UK Government and by the Conservative party to derail and undermine devolution in its entirety.

In a similar manner to new clause 162, amendment 90 seeks clarity on laws repatriated from the EU.

Wayne David (Caerphilly) (Lab): I hear what the hon. Gentleman is saying, but does he agree that we need more than anything else at this moment is mutual respect of the devolution settlements and that we should do our best to achieve consensus wherever possible?

Jonathan Edwards: I fully agree with the hon. Gentleman. The amendments tabled by the SNP, Plaid Cymru and Labour endeavour to achieve that, and it is a source of great regret tonight that they have been taken so badly by Government Members.

I do not usually make a habit of quoting the leader of the Conservatives in Wales, but in this instance he has made another fitting statement, and I will hold his party to account on it. He said in an LBC interview last month:

“No, this won’t be the last Wales Bill…. Brexit will require devolution changes to realign those responsibilities.”

There we have it. A devolution settlement meant to last a generation, which received Royal Assent only last week, is already redundant.

I finish by reiterating that on 23 June nobody voted to lose their job or to become poorer. My colleagues and I will be doing everything possible to avoid that and to ensure that the interests of the people of Wales are protected.

Mr Owen Paterson (North Shropshire) (Con): I have listened to the debate with interest, but I had not intended to contribute, so I will be brief because other Members want to speak.
I wish to put on the record again the fact that in five years neither I, nor my right hon. Friend the Member for East Devon (Sir Hugo Swire), my stalwart Minister of State, can remember a single meeting with an EU official. That just puts into perspective the importance of the EU. I recall having the German ambassador to a successful dinner at Hillsborough where we talked about investors, but I honestly cannot recall a meeting with the EU. I did come in after the settlement had gone through and perhaps Labour Members who were involved remember interventions, but for me the key players in this were the UK security forces, the two main parties here, the two main parties in Dublin and the two main parties in Washington.

Ian Murray: The right hon. Gentleman used the term “shedloads”. Will he tell the House how much “shedloads” is? Is it more or less than the £350 million for the NHS that was plastered on that now infamous bus?

Mr Paterson: The latest figure I saw was about £10 billion, so significant funds from the EU pass through the UK. Government and those funds could be either spent at the same level or increased should we wish to do so. I therefore do not see that the money side will destabilise the peace process. We have heard talk that the process is unhelpful for Northern Ireland, but it has moved on to a completely different position. The main thing to concentrate on in Northern Ireland is getting the economy moving, and that is where the real efforts should be. It is also worth thinking about the position of the Republic—

Ms Ritchie: Does the right hon. Gentleman understand or accept that direct negotiations would have taken place between EU officials and the Northern Ireland Executive and the Ministers therein, rather than the Secretary of State or his deputy, because those EU matters were devolved matters?

Mr Paterson: Yes, I am perfectly happy to accept that. That was in the negotiation before I arrived. I worked closely with the former Member for St Helens South when he was Secretary of State and I was his shadow. As shadow, I spent a lot of time going to Dublin, talking to both parties, and to Washington, and that continued when I became Secretary of State. The point I am making is that in the time I have been around, the EU has not played a key negotiating role. Money has been going in that we can easily replicate and the peace process has moved on. I want to correct the narrative that the EU played a key role in the whole process.

11 pm

It is interesting that the Republic of Ireland is now moving on as well. I had an interesting letter from Anthony Coughlan, the associate professor emeritus in social policy at Trinity College, Dublin. He has produced an interesting paper on why Brexit should be accompanied by Irexit—Ireland exit. To give the House a feel for it, the third paragraph of his letter says:

“Now that the Republic has become a net contributor to the EU Budget, and the fact that it will be doing nearly two-thirds of its foreign trade with English speaking countries outside the EU when the UK leaves, as well as for the other reasons set out in the report, it is clearly in its best interests that it should leave the EU at or around the same time as the UK does.”
That shows that there are forward-thinking people in Dublin, and brings attention to the extraordinarily close relations we currently have with Dublin, which will continue.

We have clear indications in the White Paper about the common travel area. There will be continued close relations and close movement, which is to the advantage of all citizens in Northern Ireland and the Republic.

Danny Kinahan (South Antrim) (UUP): Does the right hon. Gentleman agree that a lot of the changes and things that must happen in future will have to come from the EU? We need article 50 to go through quickly so we can get on with it, but we need the EU to start looking after Ireland and fighting its corner so that we can all work together to find the best solution.

Mr Paterson: I am not sure that the words “looking after Ireland” will be that welcome in a proud independent state, but the hon. Gentleman is absolutely right. He has taken the point I made: uncertainty is not good for Northern Ireland, and I shall happily vote against all the amendments, because they would lead to uncertainty. If EU funds have been provided, we can pick them up. The key players are the two main parties in this House, the two main parties in the Dail, and the two main parties in Washington. Those are the real guarantors of the peace process. With that, I look forward to voting against the amendments.

Mark Durkan: The real guarantors of the peace process were the people of Ireland when they voted by referendum in May 1998 to choose and underpin the agreement. Neither of the two main parties in this House had a vote in that referendum, and nor did the two parties in Washington, so let us be clear on who the real guarantors are. In the context of a debate in which we are told we have to go by the imperative of the referendum that took place on 23 June last year, let people recognise that there is still an imperative that goes back to the joint referendum—that articulated act of self-determination by the Irish people, who chose to underpin and agree to the Good Friday agreement.

The right hon. Member for North Shropshire (Mr Paterson) says he does not want uncertainty, but as far as the Good Friday agreement is concerned, the uncertainty is being created by Brexit. Neither he nor anyone else in this House should be surprised when they start to hear that the negotiations that take place after the Assembly elections will not just deal with the questions of scandal, the lack of accountability and transparency, and the smugness and arrogance displayed by the parties in government, but will go to the core of the implications for the agreement as a result of Brexit.

The fact is that although the Good Friday agreement has been wrongly dismissed by others, the EU is mentioned in it. It is there in strands 1 and 2—one of the most expansive references is in relation to the competence of the North South Ministerial Council; it is there in strand 3; and, of course, it is there in the key preamble of the agreement between the Government of the UK and the Government of Ireland, which refers to their common membership of the EU. As John Hume always predicted, that provided both the model and the context for our peace process.

It is no accident that when John Hume, who drove so much of the principles and method into the Good Friday agreement, was awarded the Nobel peace prize—well, just look at that speech and how many references there were to the signal role of Europe and the special contribution it had made and would make, and to the role that the experience of common membership of the EU would play. That is why he said:

“I want to see Ireland—North and South—the wounds of violence healed, play its rightful role in a Europe that will, for all Irish people, be a shared bond of patriotism and new endeavour.”

When he enunciated those words in 1998, he was not talking about a new concept. We can look across the Chamber and see the plaque commemorating Tom Kettle, a former Member of this House who gave his life in the first world war. Before that war, he said that his programme for Ireland consisted in equal parts of home rule and the 10 commandments. He said:

“My only counsel to Ireland is, that to become deeply Irish, she must become European.”

Before he gave his life in the war, he said:

“Used with the wisdom that is sewn in tears and blood, this tragedy of Europe may be and must be the prologue to the two reconciliations of which all statesmen have dreamed, the reconciliation of Protestant Ulster with Ireland, and the reconciliation of Ireland with Great Britain.”

That reconciliation was best achieved and best expressed when we had the Good Friday agreement, which was so overwhelmingly endorsed in this House and in the referendum of the Irish people, north and south of the border. We know that some people did not endorse it, and that some have held back their endorsement and refused to recognise that referendum result. Some of them are the same people who are telling us now that we have to abide by the referendum result in respect of Brexit and that we have to ignore the wishes of the people of Northern Ireland in respect of remaining in the EU. It is the same as when they said that we had to ignore the wishes of the people in Northern Ireland in respect of the Good Friday agreement.

No one should be under any misapprehension that there are implications for the Good Friday agreement. When we hear this lip service that we get from the Government, the rest of us are meant to lip synch along with it and talk about frictionless borders and the common travel area. All those things about the border experience and the common travel area predate the agreement itself, so if we address those issues and those concerns, we must understand that the terms in which they are addressed are not reliable and that they are not relevant to protecting some of the aspects of the agreement itself, which is why the amendments in this group that we have tabled are so important.

The right hon. Member for Forest of Dean (Mr Harper) has already referred to new clause 150, which appears on page 74 of the amendment paper. We have also tabled a key amendment, amendment 86, to which the hon. Member for St Helens North (Conor McGinn) referred when he addressed new clause 109. There are also amendments 88 and 92, which deal with questions around the competence of the devolved Assembly, and the need for consent in respect of any changes to the competence of that Assembly or of devolved Ministers. Those amendments are not about the question of the Assembly giving consent to the triggering of article 50, so it is not about the same question that went to the
Supreme Court—but it is about issues and principles that were addressed and are expressed in the judgment of the Supreme Court that too many people have sought to ignore.

As a supposed co-guarantor of the Good Friday agreement, the UK Government are meant to have a duty to protect and develop that agreement. Indeed, various Ministers have told us that they have no intention of allowing Brexit to undermine the agreement. If that is so, there should be no difficulty in having that commitment in the Bill. Politically, we all have to conclude from the Supreme Court judgment that no matter what principles have been agreed or established, none of us can have recourse to their legal adherence without their explicit inclusion in legislation and/or a treaty. We therefore have a duty to be vigilant against any legislative terms that could be used to relegate the crucial importance of the Northern Ireland Act 1998 and/or the Belfast agreement more widely.

Those sponsoring and supporting this Bill do so arguing the need to respect the outcome of the referendum on 23 June. We make no apologies for highlighting the primacy that has to be accorded to the overwhelming endorsement in our referendum, when, on 22 May 1998, nearly 72% of people in Northern Ireland and 96% in the south of Ireland voted in favour of the Good Friday agreement.

Sir Hugo Swire: The hon. Gentleman is talking about some extraordinarily challenging and difficult issues, which could have very serious implications in Northern Ireland. It seems to me that it is our duty—all of us who want to see Northern Ireland prosper and go forward—to recognise the fact that the UK is exiting the EU and that we have to make the most of it. Will he commit to the House that he will not make divisions over Brexit part of the SDLP campaign during the Northern Ireland elections?

Mark Durkan: The right hon. Gentleman has some neck to ask the Social Democratic and Labour party not to make divisions over Brexit an issue in the election. The wishes of the people of Northern Ireland, which were clearly expressed in the referendum last year, are being ignored. Are we now also to tell the people, “Ignore your own wishes”? The right hon. Gentleman obviously expects a party like the SDLP, which honourably fought a campaign to remain, to say, “Ignore your wishes. Set them aside. You have to be slaves to the impulses of a vote in England in response to some crazy argument.”

Clause 1(2) denies any regard whatever to protecting the constitutional, institutional or rights provisions of the Good Friday agreement or their due reflection in the Northern Ireland Act 1998, which is why we tabled amendment 86. Clause 1(2) seeks to ensure that the Bill is not restricted by any other legislation whatever. Amendment 86 would create an exception for the Northern Ireland Act 1998. Crucially, it would uphold the collateral principles in the other part of the Good Friday agreement, which is between the Governments of the UK and Ireland, and is not fully reflected in the 1998 Act. The amendment would also exempt section 2 of the Ireland Act 1949 from the override power in the Bill or its outworkings. I admit that the amendment would act as a boundary to the powers provided to the Prime Minister by clause 1(1) and would galvanise the protection for the agreement but, given that the Prime Minister is trying to tell us that she would observe those boundaries, why should she fear that being on the face of the Bill?

New clause 150 draws on key language from the Good Friday agreement, as I made clear to the right hon. Member for Forest of Dean. It is intended to ensure that any future UK-EU treaty—we are told today that the Government want to negotiate a new UK-EU treaty—will make explicit reference to upholding the fundamental constitutional precept of the Good Friday agreement, which is the principle of consent that affords a democratic route to a united Ireland if that ever becomes the wish of a majority of people in Northern Ireland. In the case of any such future referendum, no uncertainty whatever must hang over Northern Ireland’s direct admission to the EU as a consequence of a vote for a united Ireland. Nor, indeed, must there be any uncertainty over Ireland’s terms of membership of the European Union.

Such uncertainty was deployed during the Scottish independence referendum, when people said, “Don’t make assumptions about Scotland having an automatic place in the EU or that the process will be easy. Article 49 will make it very difficult.” The difference for Northern Ireland is that it does not have the choice of becoming a new state. Under the Good Friday agreement, its only choice is membership of the United Kingdom or membership of a united Ireland. That agreement was made at a time when both countries had common membership of the EU. Any future referendum will not take place in that situation. Lots of people can place question marks over whether Northern Ireland would have straightforward entry to the EU in that context. Under the terms of the Good Friday agreement, that could constitute an external impediment to the exercise of that choice or even to the choice of having a referendum.

The Taoiseach identified this issue at the MacGill Summer School last year. It will be an issue for the Irish Government, as one of the 27 member states, when they negotiate their side of the treaty. It would be an odd position for the Irish Government as a co-guarantor of the Good Friday agreement to want this to be reflected in a new UK-EU treaty. This is not just an issue for the British Government as a co-guarantor of the Good Friday agreement; it should be something that they are equally and comfortably committed to.

Let us remember that the key precept of the principle of consent and the democratic choice for a united Ireland, as reflected in a referendum in 1998, was the key point that turned it for those people who had locked themselves on to the nonsense idea that they supported violence sourced from a mandate from the 1918 election. That was the key for quite a number of people to say, “Physical force has no more place in the course of Irish politics.” Physical force is now parked because the Irish people as a whole have, in this generation, by articulated self-determination, upheld this agreement, and that gives them the right, by further articulated self-determination, to achieve unity in the future. Anything that diminishes or qualifies or damages that key precept will damage the agreement. People need to know the difference between a stud wall and a supporting wall: just knocking something through because it is convenient and gives a bit more space might be grand and might do, but if at
some future point, when other pressures arise, things start coming down around us, people should not complain. We have to be diligent and vigilant on these matters.

11.15 pm

I would also point out that the German precedent, which some people have told us would apply automatically, would not apply. That was under a different treaty. We should also remember that the German precedent partly relied on the fact that the West German constitution, recognised by the then EC treaty, included a territorial claim of jurisdiction over all of Germany—the basic law applied. That is not the case now in respect of Ireland, because articles 2 and 3 were changed, rightly and properly, in the context of the Good Friday agreement. Those things should not be confounded because of the way in which Brexit takes its course over the years to come. That is why we have to take care of these things now. It is not just the Taoiseach who raised this issue last summer; it is quite clear that the Joint Oireachtas Committee of the Doyle and the Seanad is also prioritising it, and I believe it will feature in one of the Committee's reports.

I advise Ministers that amendment 86, and quite possibly new clause 150, will also be tabled in the House of Lords. That will be tabled by Lord Murphy—Paul Murphy who piloted the 1998 Act through this House. He also chaired the strand 1 negotiations. Everybody thinks George Mitchell chaired all the negotiations to do with the Good Friday agreement, but he did not chair strand 1, which included some of the most detailed negotiations. Paul Murphy chaired strand 1, and he represented the British Government for most of the time in the strand 2 negotiations as well. If someone of his experience and insight—both from that time and from the role he played as Secretary of State—can see the importance of this and the salient, crucial need to protect the agreement through something such as amendment 86 and new clause 150, who are people in this House to dismiss that point, that experience and that insight, as well as dismissing the clear wishes of the people of Northern Ireland?

Finally, I want to address amendments 88 and 92, which make provision for any change to the legislative competence of the Assembly or to the executive competence of the Executive to require the assent of the Assembly. They address issues that found expression in the Supreme Court judgment. There has been a false shorthand around the Supreme Court judgment that has basically said that no aspect of Sewel can ever apply in any way, but that is not what the Supreme Court actually said. At paragraph 151, it said:

"we do not underestimate the importance of constitutional conventions, some of which play a fundamental role in the operation of our constitution. The Sewel Convention has an important role in facilitating harmonious relationships between the UK Parliament and the devolved legislatures."

The point is a simple one: if this House does not uphold this convention at this time on such an important change in the governance of Northern Ireland, what, then, is left of that convention?

We need to remember that the Good Friday agreement is based not just on the principle of consent but on the promise and the exercise of trust and reliable adherence. We have a situation now where this Parliament is not being seen to keep its side of what was assumed to be the bargain and the understanding in the compact between all the people of Northern Ireland and the people of Ireland, and between the Governments of these islands. That is why we have tabled amendments 88 and 92.

On amendment 92, I want Members to understand that it is important that the Government indicate that they understand what new changes there will be to the competency of the Northern Ireland Assembly and when those will happen. If, as we are being told—this came up in exchanges between hon. Members from Wales—the great repeal Bill, when it comes, involves competencies over rights or environmental standards being held in some sort of holding pattern here before subsequently being devolved, that could do serious injury to rights protections and promises under the Good Friday agreement. If we have dilution of those rights or standards before devolution, the Northern Ireland Assembly will not be able to top them back up to the pre-existing EU standards without cross-community support, which will probably be denied courtesy of the DUP, just as it has abused and misused the parallel consent principles—the petition of concern—to block other rights. A mechanism that was meant to be there to protect rights has actually been used to frustrate rights. We have to make sure that in the journey of the transfer of powers and competences from Brussels to the UK, it is clearly a case of “Devolution, straight to devolution, do not pass Go, do not collect £200”, and that there is no dirty work at the crossroads in relation to diluting rights and standards. That is why these issues are being addressed.

That will be a key issue in strand 1 and it will become an issue in the negotiations that take place after the election. Those negotiations will touch on the petition of concern itself, but also the context that has been created by Brexit in terms of further powers that might be coming to the Assembly. Similarly, as the hon. Member for St Helens North said, the question of strand 2 will arise in the negotiations, because the Good Friday agreement made a commitment that there would be at least six implementation bodies, on a cross-border basis. The six that were created after the Good Friday agreement were, by the insistence of the Ulster Unionist party, which was the only Unionist party negotiating by that stage, all related to areas that dealt a lot with European funding or dealt with questions of common compliance with European standards. If we no longer have common European funding or the issues of common compliance, then the rationale for those existing bodies has gone and there will have to be six new bodies. That opens up a whole area of negotiation. It brings us essentially into a review of the Good Friday agreement.

Sir Hugo Swire: Does the hon. Gentleman and I are fully pledged to doing that. Nobody worked harder to create the principles and the precepts of the agreement and to get those institutions established and up and running—and we did so, I have to tell the right hon. Member for North Shropshire, with very good assistance from the EU. As someone who was a Minister in Northern
Ireland—both a Finance Minister and a Deputy First Minister—I had many negotiations with many people in the EU, including Michel Barnier, who was very constructive and helpful in relation to a number of funding issues. Yes, he had his particularisms about which one had to be careful and understand where he was coming from, and certainly his officials had to understand where he was coming from, but it was a useful and constructive contribution—one of many—from the EU.

Mark Durkan: I point out to the hon. Gentleman that it was his party that said, “If we are going to go ahead and agree these implementation bodies, the cover has to be that the way in which we can show that they meet our test of mutual benefit is that they deal with matters that largely transpose EU business and involve questions of common compliance.” There is the Food Standards Agency, and Waterways Ireland and the Loughs Agency have some environmental compliance issues—and of course there is also the question of EU funding. As the hon. Member for St Helens North said, the role of the Special EU Programmes Body is not going to exist if no common EU funding is to be available any more.

If the rationale and justification for the existing bodies is wounded and weakened, those of us who negotiated and supported the agreement have the right to say, “We’ve already had nearly 20 years of this limited area of implementation co-operation. It now needs to be developed and expanded as the agreement promised it could be.” If the existing bodies are wounded and winged by the fact of Brexit, and if they limp along and struggle for relevance, clearly there must be—in the context of a review at least of strand 2, if not the wider context of a review at least of strand 2, if not the wider struggle for relevance, clearly there must be—in the

Charlie Elphicke: It is a pleasure to speak under your chairmanship, Sir Roger, and to follow the hon. Member for Foyle (Mark Durkan). Whenever he speaks, he gives us an interesting perspective on how politics is going in Northern Ireland. It seems to me that Sinn Féin might be doing slightly well at the moment.

We are talking about a matter that is important not just for Northern Ireland but for the whole United Kingdom, and I particularly want to address new clause 4. My right hon. Friend the Member for Forest of Dean (Mr Harper) set out cogently the lack of consensus in respect of the devolved Administrations. The drafters and presenters of the new clause know very well that consensus is almost impossible to achieve, as the shadow Minister admitted.

Less focus has been given to subsection (1). The new clause would operate after article 50 has been triggered. The risk is that having triggered article 50, negotiated with the European Union and thought that we had a deal, the machinery might prevent us from closing that deal. The new clause might have the unintended consequence of making any deal hard to achieve, because it contains a whole mechanism for having two months before signing any agreements and needing to seek to achieve consensus before entering any agreements.

The best way forward is to have a clean Brexit with a clean Bill that simply puts article 50 through and lets the Government get on with it. The Government have already said that they are going to involve the House in what is happening and in the negotiations. It is a United Kingdom reserved matter and a United Kingdom decision, and it would be wrong, as a matter of principle, for this important negotiation and decision to be hamstrung by the risk that consensus could not be achieved.

Susan Elan Jones (Clwyd South) (Lab): We have already spoken about the validity of the devolved Administrations in issues relating to the European Union. Does the hon. Gentleman not respect the existence of the devolved Administrations, elected as they were by referendum? Does he not recognise that new clause 4 is a very moderate clause, and that consensus should be sought? Why are the Government seeking to oppose it?

Charlie Elphicke: Of course I respect the devolved Administrations. I respect the constituent nations of this country, I respect my constituents and I respect the fact that the people of Wales voted to leave the European Union. It is important that referendums that take place in this nation are respected. That goes for the Scottish nationalist party as well, which disrespects every single referendum.

Ian Blackford: The Temporary Chair (Sir Roger Gale): Order. I have no power to impose time limits on Committee stage debates. A lot of Members wish to speak. Back-Bench contributions to this debate will have to end at 11.45 pm to allow the Front Benchers any time at all to wind up. It is patently obvious that not all Members are going to get in. I urge extreme brevity, please.

Charlie Elphicke: It says to the hon. Gentleman before I give way to him that he should calm himself. He jumps up and down with such vigour that he will do himself harm.

Ian Blackford: Does the hon. Gentleman not recognise that 62% of people in Scotland voted to remain in Europe? If he respects the nation and the people of
Scotland, why do the Government that he supports not compromise with the Scottish people and the Scottish Government and allow us to achieve what we voted for, which is to remain in the single market?

Charlie Elphicke: The hon. Gentleman should know that the biggest single market that Scotland is part of is the United Kingdom; that is its biggest single market.

[Interruption.] Some Members are telling me to answer the question, so let us look at the record of the Scottish nationalists when it comes to referendums. In No. 1, the alternative vote referendum, they backed a yes vote and they lost. They will not respect that. In No. 2, they backed an independence referendum—they lost. They will not respect that either. In No. 3, they fought on the United Kingdom-wide referendum we have just had—it covered the United Kingdom that the people of Scotland voted to remain a part of—and they will not respect its outcome. Now, they are blustering that they will have another independence referendum, even though over half the people of Scotland say they do not want one, and although they know they will lose it by the same margin as they lost it last time.

11.30 pm

Alex Salmond: May I tell the hon. Gentleman that I think his memory is faulty on the AV referendum? It was on the same day as the Scottish parliamentary elections in 2011—understandably, we were concentrating on them—when the SNP won an overall majority under a proportional system.

Charlie Elphicke: The right hon. Gentleman likes to talk about the elections to the Scottish Parliament, but we are discussing the referendums of this country.

Michael Gove: On a point of order, Sir Roger. Immediately preceding the intervention by the right hon. Member for Gordon (Alex Salmond), his neighbour the hon. Member for Rotherham and Hamilton West (Margaret Ferrier) sought to intervene, but he moved to tell her to sit down so that he might intervene instead. Is such sexist behaviour in order in this Committee?

The Temporary Chair (Sir Roger Gale): Happily, as the right hon. Gentleman knows, that is not a matter for the Chair.

Charlie Elphicke: I want to conclude my remarks by saying that it is high time the Labour party respected the fact that the people of Wales and the people of England voted to leave the European Union, it is high time that the Scottish National party respected a referendum—it has, despite the interesting explanation given by its former leader, disrespected three referendums—and it is high time that we have a clean Brexit with a clean Bill and that we send the Bill to the House of Lords unamended.

Seema Malhotra: I am grateful for the chance to speak in this important debate about how we can engage more with the devolved Administrations and legislatures in relation to our future discussions and negotiations.

I want to speak to my new clause 168, which calls on the Government to establish a new national convention to advise Her Majesty’s Government on their priorities during negotiations with the EU on the terms of the UK’s withdrawal from the EU. It calls on Ministers of the Crown to take into account the views of the national convention before signing any agreements with the European Commission on the terms of the UK’s withdrawal from the EU. I propose that the national convention should convene representatives from across different levels of government, the regions—including, in case anybody has missed this, all the English regions—and various sectors to meet and produce a report recommending negotiating priorities that would better reflect the needs of the regions of the UK.

Dame Rosie Winterton: Does my hon. Friend agree that the Secretary of State for Brexit said there would be some kind of meeting in York, where the Government would bring together representatives of the regions. That was some time ago, and since then we have heard nothing about it. That would fit completely with her idea of a national convention, so it would be helpful if the Minister put some flesh on the bones of what the Secretary of State was talking about.

Seema Malhotra: My right hon. Friend makes a very important point. Indeed, the lack of engagement with the regions has been highlighted in the work of the Exiting the European Union Committee.

Catherine McKinnell (Newcastle upon Tyne) (Lab): The Secretary of State actually said that he would get “the mayors of the north to come and have a meeting in York”.—[Official Report, 17 January 2017; Vol. 619, c. 802.]

That was a very vague statement. My concern is that it does not seem to provide any clarity about how the Government are going to engage with regions that will not have elected Mayors by May, such as the north-east. Indeed, such Mayors will be elected only in May, which will be far too late for these negotiations.

Seema Malhotra: My hon. Friend makes a very important point. It comes down to how much the Government are really committed to and interested in hearing from differing voices across the country as we move forward. That is why I want the convention to include elected Mayors, representatives of civil society and local government, and MEPs—they have great expertise and experience—as well as representatives of the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly.

Anna Soubry: Will the hon. Lady give way?

Seema Malhotra: I will make some progress first.

The national convention would include a wider set of voices, each with an important contribution to make to the debate, including universities and higher education representatives, business organisations, trade unions, trade bodies and other representatives of different sectors.

The referendum demonstrated the alienation that many people feel from politics as a whole. The result showed a nation split down the middle. Seven out of 10 18 to 24-year-olds voted remain, while two thirds of over-65s voted leave. Cities tended to vote remain, while small
towns and rural areas tended to vote leave. England and Wales voted leave, while Scotland and Northern Ireland voted remain.

Anna Soubry: The hon. Lady says that Members of the European Parliament would sit in the national convention. Does that include Mr Nigel Farage?

Seema Malhotra: We need to have a way in which the expertise of our many long-standing Members of the European Parliament can be shared with the nation. I am not saying that I would have one or the other. What is important is that there is a continuing dialogue and that we engage the nations and the regions across the country in a far more diverse debate than we are currently having.

Sammy Wilson: Will the hon. Lady give way?

Seema Malhotra: I will make some progress, because we have only a few moments left and other Members wish to speak.

Yesterday in my constituency, I held a roundtable with people who voted leave and those who voted remain, from people in their 20s to those in their 80s. It was a useful discussion that engaged people in the choices and dilemmas ahead. They said why they voted leave or remain. Their reasons included the commitment of £350 million for the NHS, housing and immigration, to leave or remain. Their reasons included the commitment that there is a continuing dialogue and that we engage the nations and the regions across the country in a far more diverse debate than we are currently having.

Sir William Cash: Will the hon. Lady give way?

Seema Malhotra: I am afraid that we are running short of time.

People wanted more information and more debate. One person even asked me what article 50 was. The level of understanding is very low and it is vital that we continue to engage people. People had a vote in a referendum, but going forward there is no forum for people to understand and engage in the journey we are on.

The national convention that I propose would fill an important gap. It would give English cities and regions a voice alongside Scotland, Wales and Northern Ireland in a strong national conversation about where we go next. It would recognise and harness the expertise of our councillors and the vast experience and expertise of many other sectors and, yes, our MEPs.

Brexit will have different effects on different communities, sectors, regions and nations. The needs of farmers in Cornwall will be different from those of the nuclear industry in Cumbria, the media and tech sectors in Manchester, the financial services in Scotland and London, and car manufacturing in the north-east. Those differences should be shared and those needs should be understood in a public forum. In evidence to the Exiting the European Union Committee, on which I sit, the Secretary of State for Exiting the European Union admitted that not enough had yet been done on regional engagement.

Many of us were deeply disappointed with the quality of the referendum debate. The setting up of the national convention would inform and shape a mature national debate during the negotiation period and help to unite the country. New clause 168 is an opportunity and a test for the Government. If they are serious about a Brexit that works for everyone, they should welcome this opportunity to take the discussion out of Whitehall and engage the country.

Sammy Wilson: Can the hon. Lady clear something up for me? She is proposing a national assembly, the purpose of which is to advise Her Majesty’s Government on their priorities, and its report would not be received, according to proposed subsection (7), for 15 months. Is she saying that we wait 15 months—in which case she wants simply to delay—or is she saying that the report would come after the negotiations are over?

Seema Malhotra: Perhaps I can clear this up. The maximum time is to encourage engagement over the period of the negotiations, assuming that they last for two years. This is a process to engage the regions and nations far more effectively in a national conversation. If there is one thing that this debate and the referendum outcome have taught us, it is that people want to be listened to.

Joanna Cherry: I rise to speak in support of amendment 46, which stands in my name and that of my hon. Friends, but before that I would like to take the opportunity to thank Conservative Members who have spoken this evening for their quite extraordinary display of hubris and contempt towards amendments, laid by several different parties, that simply seek to make sure that the reality of the modern British constitution and devolved settlement is respected. Those of us who believe that Scotland would be better off managing its own affairs as an independent member of the EU will have received a huge boost this evening from their behaviour. It was a pleasure to listen to the speech of the hon. Member for Foyle (Mark Durkan). I am sure he will forgive me if I say that I suspect that the cause of a united Ireland has also received a boost this evening. I very much hope so.

I will be brief so that others from my party might have a chance to speak. The purpose of amendment 46 is to require the Prime Minister to obtain the legislative consent of the Scottish Parliament, the Welsh Assembly and the Northern Irish Assembly before she triggers article 50. It is a pleasure to have the opportunity to correct the hon. Member for North West Cambridgeshire (Mr Vara) and his woeful misunderstanding of what the Supreme Court did and did not say in relation to legislative consent motions. It said that, as currently framed in the Scotland Act, they are not legally enforceable. I did not say that they had no meaning whatsoever. The hon. Member for Foyle quoted paragraph 151 of the judgment, and I very much suggest that Conservative Members read the judgment, rather than simply taking from it what they want. It said:

“The Sewel Convention has an important role in facilitating harmonious relationships between the UK parliament and the devolved legislatures. But the policing of its scope and the manner of its operation does not lie within the constitutional remit of the judiciary”.

Mr Vara rose—
Joanna Cherry: I am not going to give way. I am going to—

The Chairman of Ways and Means (Mr Lindsay Hoyle): Order. I ask the hon. and learned Lady to take her seat. I have been very kind in bringing in the SNP, and I ask that she not take advantage of the time—[Interruption.] Order. I wanted to share the time, so I hope that she is coming to an end, so that we can get one more speaker in, as I promised I would do by allowing her to speak.

Joanna Cherry: The purpose of the amendment is to require the Government to do what they said they would do when they introduced the Scotland Act, which was to make the Scottish Parliament the most powerful devolved Parliament in the world, and give it a say in a process that will fundamentally affect the rights of Scottish citizens and Scottish business. [Interruption.] I noted that Government Members were given as much time as they wanted to make their points, and I intend to take as much time, as is my right, to make my points.

The Chairman of Ways and Means (Mr Lindsay Hoyle): Order. I think that the hon. and learned Lady’s speech has come to an end. Let us now please hear from the Minister.

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker): Thank you, Mr Hoyle. [Interruption.] The Chairman: Mr Salmond, you should know better. [Interruption.] Order. One second.

11.45 pm

Alex Salmond: On a point of order, Mr Hoyle. It is clear that my hon. and learned Friend the Member for Edinburgh South West (Joanna Cherry) had not resumed her seat, Sir. Being in the Chair accords you many privileges, but you cannot reinterpret the wishes of an hon. Member who is on her feet.

The Chairman: As the occupant of the Chair, I have the right to make decisions in this Committee. [Interruption.] Just a moment. I rightly wanted to bring in the hon. and learned Lady, which I did. When the SNP Whip comes and asks me to give a couple of minutes to ensure that the SNP has another voice, which I did, I certainly do not expect advantages to be taken of the Chair on the agreement that I met. That is the issue. Sit down.

Mr Walker: Thank you for your chairing of this debate, Mr Hoyle. [Interruption.]

The Chairman: Order. Calm down, Mr Wishart. This is a very serious matter. It is so serious that I want to hear what the Minister has to say in response to the debate. It is very serious and I want to hear it.

Mr Walker: This is a hugely important debate. [Interruption.]

The Chairman: Order. Mr Salmond, will you clarify something for me?
Dover (Charlie Elphicke), but because it provides a neutral forum for confidential discussions, which this new clause would undermine.

When it comes to the new clauses and amendments, we take very seriously our responsibility to ensure that we get the best deal for every part of the United Kingdom—Scotland, Wales, Northern Ireland and indeed, as my right hon. Friend the Member for Wokingham (John Redwood) said, England—as well as for the UK as a whole.

Ian Murray rose—

Mr Walker: I will give way to the hon. Gentleman, but I can give way only once.

Ian Murray: I am delighted that the Minister has been able to give way. I wonder whether he and other Ministers will take it on board that Members who tabled amendments in all good faith have not even been able to speak to them because of the programme motion tabled by the Government. The Government have been forced kicking and screaming by the Supreme Court to the Chamber to present the Bill. It is about time that they thought again, and gave us more time for debate.

Mr Walker: The House voted for a programme Order, and that programme Order has been followed by the Chair.

We have not yet made final decisions about the format for direct negotiations with the European Union. That is a matter for the Prime Minister, representing the interests of the whole United Kingdom. Moreover, it is important to recognise that there are two sides to the negotiation, and we cannot say for certain how our side will progress until we know how the EU side will approach it. In the context of amendments 46, 55 and 88 and new clause 140, it is important to note that Supreme Court ruled—I quote from the summary—

“Relations with the EU and other foreign affairs matters are reserved to UK Government and parliament, not to the devolved institutions.”

The summary went on to state:

“The devolved legislatures do not have a veto on the UK’s decision to withdraw from the EU”.

While that provides welcome legal clarity, it in no way diminishes our commitment to working closely with the people and the devolved Administrations of Wales, Scotland and Northern Ireland as we move towards our withdrawal from the European Union.

I have made it clear that the Government will negotiate on the right approach for the whole United Kingdom. I pay tribute to the hon. Member for St Helens North (Conor McGinn), who made a passionate speech, and to the hon. Member for Foyle (Mark Durkan). They made important points about the significance of the Belfast agreement and its successors. I must emphasise to them that the position of the UK Government remains unchanged. Our absolute commitment to those matters is reflected in our White Paper, which mentions the Ireland Act 1949, as well as a commitment to the common travel area and our bilateral relations with the Republic of Ireland. While I accept all the points that the hon. Member for St Helens North made so well about the importance of respecting those agreements, I can assure him that the Government respect them, and I do not think that his new clauses are necessary.

We have heard a range of suggestions from Members on both sides of the House about how to engage the devolved Administrations and, indeed, every part of our United Kingdom. The Government will continue to do that through the JMC process, which is firmly established and which functions on the basis of agreement between the UK Government and the devolved Assemblies. We have also heard suggestions for huge constitutional reforms which are beyond the scope of the Bill. New clause 168 proposes that the Government establish a national convention on exiting the European Union. Amendment 91 requires a duty to consult representatives at every level of government, regions and the sectors.

I have already spoken about the role of the JMC, and Ministers throughout the Government are organising hundreds of meetings, visits and events involving businesses in more than 50 sectors across the United Kingdom. They are consulting a number of representatives, including the Mayor of London, who is mentioned in some of the amendments. New clause 168 would get in the way of those established processes, and the idea of a national convention would cause unacceptable delay to a timetable that the House has clearly supported.

We are committed to engaging closely with the devolved Administrations and all parts of the country to secure a deal that is in the best interests of the whole United Kingdom. However, as the Supreme Court ruled, relations with the EU are not a devolved matter, and no part of the UK is entitled to a veto. I urge Members not to press their new clauses and amendments, so that the Bill can make progress in the interests of the United Kingdom as a whole.

Jenny Chapman: The Minister opened his remarks by saying that the JMC was not on a statutory footing. That is precisely the point of our new clause. He has given us warm words and platitudes about his respect for the devolved Administrations, but I am afraid they are not enough, and we will press the new clause to a Division.

Ian Murray: Given that we have not reached the moment of interruption, Mr Hoyle, may I move new clauses 23 and 24 and amendment 8, which stand in my name?

The Chairman: Unfortunately not.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 276, Noes 333.

Division No. 138

AYES

Abbott, Ms Diane
Abrahams, Debbie
Ahmed-Sheikh, Ms Tasmina
Alexander, Heidi
Ali, Rushanara
Allin-Khan, Dr Rosena
Anderson, Mr David
Arkless, Richard
Ashworth, Jonathan
Austin, Ian
Bailey, Mr Adrian
Bardell, Hannah
Barron, rh Sir Kevin
Beckett, rh Margaret
Benn, rh Hilary
Berger, Luciana
Betts, Mr Clive
Black, Mhairi

[11.54 pm]
Blackford, Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Blenkinsop, Tom
Blomfield, Paul
Boswell, Philip
Brabin, Tracy
Bradshaw, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buckland, Mr David
Burnham, rh Andy
Burnham, rh Andy
Burnham, rh Andy
Byrne, rh Liam
Cadbury, Ruth
Cameron, Mr David
Campbell, rh Mr Alan
Carmichael, rh Mr Alistair
Chapman, Sarah
Chapman, Douglass
Chapman, Jenny
Cherry, Joanna
Clegg, rh Mr Nick
Coaker, Vernon
Cooper, Julie
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowan, Ronnie
Cowell, Linda
Cranston, Mr Tim
Cryan, Mr Tim
Danczuk, Simon
David, Wayne
Davies, Geraint
Dey, Martyn
De Piero, Gloria
Docherty-Hughes, Martin
Donaldson, Stuart Blair
Doughty, Stephen
Dowd, Jim
Dowd, Peter
Dromey, Jack
Dugher, Michael
Durkan, Mark
Eagle, Ms Angela
Eagle, Maria
Edwards, Jonathan
Efford, Clive
Elliott, Julie
Ellman, Mrs Louise
Elmore, Chris
Esterson, Bill
Evans, Chris
Farrelly, Paul
Farron, Tim
 Fellows, Marion
Ferrier, Margaret
Ferriby, Robert
Fletcher, Colleen
Flint, rh Caroline
Flynn, Paul
Fovargue, Yvonne
Foxcroft, Vicky
Furniss, Gill
Gapes, Mike
Gardiner, Barry
Gethins, Stephen
Gibson, Patricia
Glindon, Mary
Goodman, Helen
Grady, Patrick
Grant, Peter
Gray, Neil
Green, Kate
Greenwood, Lilian
Griffith, Nia
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Hanson, rh Mr David
Harman, rh Ms Harriet
Harris, Carolyn
Hayward, Helen
Hayman, Sue
Healey, rh John
Hendrick, Mr Mark
Hendry, Drew
Heburn, Mr Stephen
Hermon, Lady
Hillier, Meg
Hodgson, Mrs Sharon
Holburn, Anne
Holmes, Stewart
Huq, Dr Rupa
Hussain, Imran
Jarvis, Dan
Johnson, rh Alan
Johnson, Diana
Jones, Gerald
Jones, Graham
Jones, Mr Kevin
Jones, Susan Elan
Kane, Mike
Keeley, Barbara
Kendall, Liz
Kerevan, George
Kerr, Calum
Kinloch, Stephen
Kyle, Peter
Lamb, rh Norman
Lammy, rh Mr David
Lavery, Ian
Law, Chris
Leslie, Chris
Lewis-Buck, Mrs Emma
Lewis, Clive
Lewis, Mr Ivan
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Mahotra, Seema
Mann, John
Marris, Rob
Marsden, Gordon
Maskell, Rachael
Matheson, Christian
Mc Nally, John
McCabe, Steve
McCaig, Callum
McCarthy, Kerry
McDonagh, Siobhan
McDonald, Andy
McDonald, Steward Malcolm
McDonald, Stuart C.
McDonnell, Dr Alasdair
McDonnell, rh John
McFadden, rh Mr Pat
McGarry, Natalie
McGinn, Conor
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McLaughlin, Anne
McMahon, Jim
Meale, Sir Alan
Miliband, rh Edward
Monaghan, Carol
Monaghan, Dr Paul
Moon, Mrs Madeleine
Morden, Jessica
Mulholland, Greg
Mullin, Roger
Murray, Ian
Nandy, Lisa
Newlands, Gavin
Nicholson, John
O’Hara, Brendan
O’Reilly, Sarah
Onn, Melani
Onwurah, Chi
Osamar, Kate
Oswald, Kirsten
Owen, Albert
Paterson, Steven
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Pound, Stephen
Powell, Lucy
Pugh, John
Qureshi, Yasmin
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Rachel
Reynolds, Emma
Reynolds, Jonathan
Rimmer, Marie
Ritchie, Ms Margaret
Robertson, rh Angus
Robinson, Mr Geoffrey
Rotheram, Steve
Ryan, rh Joan
Salmond, rh Alex
Saville Roberts, Liz
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheppard, Tommy
Sheriff, Paula
Shuker, Mr Gavin
Siddiq, Tulip
Skinner, Mr Dennis
Slaughter, Andy
Smeeth, Ruth
Smith, rh Mr Andrew
Smith, Cat
Smith, Nick
Smith, Owen
Smyth, Karin
Spellar, rh Mr John
Starker, Keir
Stephens, Chris
Stevens, Jo
Streeting, Wes
Tami, Mark
Thewliss, Alison
Thomas, Mr Gareth
Thomas-Symonds, Nick
Thompson, Owen
Thomson, Michelle
Thornberry, Emily
Timm, rh Stephen
Trickett, Jon
Turley, Anna
Turner, Karl
Twigg, Derek
Twigg, Stephen
Umunna, Mr Chuka
Vaz, rh Keith
Vaz, Valerie
Watson, Mr Tom
Weir, Mike
West, Catharine
Whiteford, Dr Eilidh
Whitehead, Dr Alan
Whitford, Dr Philippa
Williams, Hywel
Williams, Mr Mark
Wilson, Corri
Wilson, Phil
Winnick, Mr David
Winterton, rh Dame Rosie
Wishart, Pete
Woodcock, John
Wright, Mr Iain
Zeichner, Daniel
Tellers for the Ayes:  
Jeff Smith and  
Thangam Debbonaire

NOES

Bacon, Mr Richard
Baker, Mr Steve
Baldwin, Harriett
Barclay, Stephen
Baron, Mr John
Barwell, Gavin
Bebb, Guto
Bellingham, Sir Henry
Benyon, Richard
Beresford, Sir Paul
European Union (Notification of Withdrawal) Bill

6 FEBRUARY 2017

European Union (Notification of Withdrawal) Bill

Elphicke, Charlie
Ellwood, Mr Tobias
Ellison, Jane
Ellwood, Mr Tobias
Elphicke, Charlie
Eustice, George
Evans, Graham
Evans, Mr Nigel
Evennett, rh David
Fabricant, Michael
Fallon, rh Sir Michael
Fernandes, Suella
Field, rh Mark
Foster, Kevin
Fox, rh Dr Liam
Francois, rh Mr Mark
Frazier, Lucy
Freeman, George
Freer, Mike
Fuller, Richard
Fysh, Marcus
Garnier, rh Sir Edward
Garnier, Mark
Gauke, rh Mr David
Ghani, Nusrat
Gibb, rh Mr Nick
Gillan, rh Mrs Cheryl
Glen, John
Goodwill, Mr Robert
Gove, rh Michael
Grahame, Richard
Grant, Mrs Helen
Gray, Mr James
Grayling, rh Chris
Green, Chris
Green, rh Damien
Greening, rh Justice
Grieve, rh Sir Dominic
Griffiths, Andrew
Gummer, rh Ben
Gyimah, Mr Sam
Hafon, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harrington, Richard
Harris, Rebecca
Hart, Simon
Haselhurst, rh Sir Alan
Hayes, rh Mr John
Heald, rh Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Hinds, Damien
Hoare, Simon
Hollingbery, George
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Mr Adam
Hopkins, Kris
Howarth, Sir Gerald
Howell, John
Howlett, Ben
Hudleston, Nigel
Hunt, rh Mr Jeremy
Hurd, Mr Nick
Jackson, Mr Stewart
James, Margot
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkins, Mr 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
Kennedy, Seema
Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi
Lancaster, Mark
Latham, Pauline
Leadsom, rh Andrea
Lee, Dr Phillip
Lefroy, Jeremy
Leigh, Sir Edward
Leslie, Charlotte
Letwin, rh Sir Oliver
Lewis, rh Brandon
Lewis, rh Dr Richard
Liddell-Grainger, Mr Ian
Lidington, rh Mr David
Lilley, rh Mr Peter
Lopresti, Jack
Lord, Jonathan
Loughton, Tim
Lumley, Karen
Mackinnay, Craig
Mackintosh, David
Main, Mrs Anne
Mak, Mr Alan
Malthouse, Kit
Mann, Scott
Mathias, Dr Tania
May, rh Mrs Theresa
Maynard, Paul
McCartney, Jason
McCaul, rh Sir Robert
McLoughlin, rh Sir Patrick
McPartland, Stephen
Menzies, Mark
Merron, Johnny
Merriman, Huw
Metcalfe, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Mordaunt, Penny
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mowat, David
Mundell, rh David
Murray, Mrs Sheryll
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, Caroline
Norman, Jesse
Nuttall, Mr David
Offord, Dr Matthew
Opperman, Guy
Osborne, rh Mr George
Paisley, Ian
Parish, Neil
Patel, rh Priti
Paterson, rh Mr Owen
Pawsey, Mark
Penning, rh Mike
Penrose, John
Perry, Andrew
Perry, Claire
Philp, Chris
Pickles, rh Sir Eric
Pincher, Christopher
Poulter, Dr Daniel
Pow, Rebecca
Prentis, Victoria
Prisk, Mr Mark
Pritchard, Mark
Pursglove, Tom
Quin, Jeremy
Quince, Will
Raab, Mr Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Mary
Rosindell, Andrew
Rudd, rh Amber
Rutley, David
Sandbach, Antoinette
Scully, Paul
Selous, Andrew
Shannon, Jim
Shapps, rh Grant
Sharma, Alok
Shelbrooke, Alec
Simpson, David
Simpson, rh Mr Keith
Skidmore, Chris
Smith, Chloe
Smith, Henry
Smith, Julian
Smith, Royston
Soames, rh Sir Nicholas
Solloway, Amanda
Soubry, rh Anna
Spelman, rh Dame Caroline
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, Ian
Stewart, Rory
Streeter, Mr Gary
Stride, Mel
Stuart, rh Ms Gisela
Sturdy, Julian
Sunak, Rishi
Swayne, rh Sir Desmond
Swire, rh Sir Hugo
Syms, Mr Robert
Thomas, Derek
Throup, Maggie
Timpson, Edward
Tohur, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David
Trevelyan, Mrs Anne-Marie
Truss, rh Elizabeth
Tugendhat, Tom
Turner, Mr Andrew
12.7 am

More than seven hours having elapsed since the commencement of proceedings, the proceedings were interrupted (Programme Order, 1 February).

The Chair put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83D).

New Clause 26

Agreement of the Joint Ministerial Committee on European Negotiation

“The Prime Minister may not exercise the power under section 1(1) until at least one month after all members of the Joint Ministerial Committee on European Negotiation have agreed a UK wide approach to, and objectives for, the UK's negotiations for withdrawal from the EU.”—[Ms Ahmed-Sheikh.]

Brought up. Question put, That the clause be added to the Bill.

The Committee divided: Ayes 62, Noes 333.

Division No. 139

[12.07 am]

AYES

Ahmed-Sheikh, Ms Tasmina
Arkless, Richard
Bardell, Hannah
Black, Mhairi
Blackford, Ian
Blackman, Kirsty
Boswell, Philip
Brock, Deidre
Brown, Alan
Cameron, Dr Lisa
Chapman, Douglas
Cherry, Joanna
Cowan, Ronnie
Crawley, Angela
Day, Martyn
Docherty-Hughes, Martin
Donaldson, Stuart Blair
Durkan, Mark
Edwards, Jonathan
Farrelly, Paul
Ferron, Margaret
Gethins, Stephen
Gibson, Patricia
Grady, Patrick
Grant, Peter
Gray, Neil
Hendry, Drew
Whittaker, Craig
Whittingdale, rh Mr John
Wiggin, Bill
Williams, Craig
Williamson, rh Gavin
Wilson, Mr Rob
Wilson, Sammy
Wollaston, Dr Sarah
Wragg, William
Wright, rh Jeremy
Zahawi, Nadhim

Tellers for the Noes:

Mark Spencer and Graham Stuart

Thomson, Michelle
Vaz, rh Keith
Weir, Mike
Whiteford, Dr Eilidh
Whitford, Dr Philippa
Williams, Hywel

Wilson, Corri
Wishtart, Pete

Tellers for the Ayes:

Marion Fellows and Owen Thompson

NOES

Davies, Byron
Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Dr James
Davies, Mims
Davies, Philip
Davis, rh Mr David
Dinenage, Caroline
Djanogly, Mr Jonathan
Dodds, rh Mr Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Dorries, Nadine
Double, Steve
Downing, Oliver
Doyly-Price, Jackie
Drax, Richard
Drummond, Mrs Flick
Duddridge, James
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Dunne, Mr Philip
Elliot, Tom
Ellis, Michael
Ellison, Jane
Elwood, Mr Tobias
Ephicke, Charlie
Eustice, George
Evans, Graham
Evans, Mr Nigel
Evennett, rh David
Fabricant, Michael
Fallon, rh Sir Michael
Fernandes, Suella
Field, rh Mark
Foster, Kevin
Fox, rh Dr Liam
Francois, rh Mr Mark
Frazer, Lucy
Freeman, George
Freer, Mike
Fuller, Richard
Fysh, Marcus
Garner, rh Sir Edward
Garnier, Mark
Gauke, rh Mr David
Ghani, Nusrat
Gibb, rh Mr Nick
Gillan, rh Mrs Cheryl
Glen, John
Goodwill, Mr Robert
Gove, rh Michael
Graham, Richard
Grant, Mrs Helen
Gray, Mr James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Greening, rh Justine
Griffine, rh Mr Dominic
Griffiths, Andrew
Gummer, rh Ben
Question accordingly negatived.

**New Clause 158**

Continued levels of EU funding for Wales

"Before the Prime Minister exercises the power under section 1, the Secretary of State must lay a report before—

(a) Parliament, and

(b) the National Assembly for Wales outlining the effect of the United Kingdom’s withdrawal from the EU on the National Assembly for Wales’ block grant."—(Jonathan Edwards.)

This new clause would require the UK Government to lay a report before the National Assembly for Wales outlining the effect of the UK’s withdrawal from the EU on Welsh finances, before exercising the power under section 1. This would allow for scrutiny of the Leave Campaign’s promise to maintain current levels of EU funding for Wales.

Brought up.

Question put. That the clause be added to the Bill.

The Committee divided: Ayes 267, Noes 330.

**Division No. 140**

[12.21 am]

**AYES**

Abbott, Ms Diane
Abrahams, Debbie
Ahmed-Sheikh, Ms Tasma
Alexander, Heidi
Ali, Rushanara
Alian-Khan, Dr Rosena
Anderson, Mr David
Arkless, Richard
Ashworth, Jonathan
Austin, Ian
Bailey, Mr Adrian
Bardell, Hannah
Barron, rh Sir Kevin
Becket, rh Margaret
Benn, rh Hilary
Berger, Luciana
Betts, Mr Clive
Black, Mhairi
Blackford, Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Blenkinsop, Tom
European Union (Notification of Withdrawal) Bill

6 FEBRUARY 2017

Honourable Members:

The European Union (Notification of Withdrawal) Bill was read a Second Time, and agreed to.

Debate Followed.

The following voted for the Ayes:

Blomfield, Paul
Boswell, Philip
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
Burton, Richard
Burnham, rh Andy
Butler, Dawn
Byrne, rh Liam
Cadbury, Ruth
Cameron, Dr Lisa
Campbell, rh Mr Alan
Campbell, Mr Ronnie
Carmichael, rh Mr Alistair
Champion, Sarah
Chapman, Douglas
Chapman, Jenny
Cherry, Joanna
Clegg, rh Mr Nick
Coaker, Vernon
Cooper, Julie
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowan, Ronnie
Coyle, Neil
Creasy, Stella
Craddock, Jon
Cryer, John
Cunningham, Judith
Cunningham, Alex
Cunningham, Mr Jim
Dakin, Nic
Danczuk, Simon
David, Wayne
Davies, Geraint
Day, Martyn
De Piero, Gloria
Debono, Thangam
Docherty, Hugh
Donaldson, Stuart Blair
Doughty, Stephen
Dowd, Jim
Dowd, Peter
Dromey, Jack
Durkan, Mark
Edwards, Jonathan
Efford, Clive
Elliott, Julie
Ellman, Mrs Louise
Elmore, Chris
Esterson, Bill
Evans, Chris
Farrelly, Paul
Farron, Tim
Ferreir, Margaret
Fiello, Robert
Fletcher, Colleen
Flint, rh Caroline
Flynn, Paul
Fovargue, Yvonne
Foxcroft, Vicky
Furniss, Gill
Gapes, Mike
Gardiner, Barry
Gethins, Stephen
Gibson, Patricia
Glindon, Mary
Goodman, Helen
Grady, Patrick
Grant, Peter
Gray, Neil
Green, Kate
Greenwood, Lilian
Greenwood, Margaret
Griffith, Nia
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Hanson, rh Mr David
Harman, rh Ms Harriet
Harris, Carolyn
Hayes, Helen
Hayman, Sue
Healey, rh John
Hendrick, Mr Mark
Hendry, Drew
Heppurn, Mr Stephen
Hillier, Meg
Hogdson, Mrs Sharon
Hollem, Kate
Hosie, Stewart
Huq, Dr Rupa
Hussain, Imran
Jarvis, Dan
Johnson, rh Alan
Johnson, Diana
Jones, Gerald
Jones, Graham
Jones, rh Mr Kevan
Jones, Susan Elan
Kane, Mike
Keeley, Barbara
Kendall, Liz
Kerevan, George
Kerr, Calum
Kinnock, Stephen
Kyle, Peter
Lamb, rh Norman
Lammy, rh Mr David
Lavery, Ian
Law, Chris
Leslie, Chris
Lewell-Buck, Mrs Emma
Lewis, Clive
Lewis, Mr Ivan
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Mann, John
Marris, Robin
Maskell, Rachael
Matheson, Christian
Mc Nally, John
McCabe, Steve
McCaig, Callum
McCarthy, Kerry
McDonagh, Siobhain
McDonald, Andy
McDonald, Bharram
McDonald, Stuart
McDonnell, Dr Alasdair
McDonnell, rh John
McFadden, rh Mr Pat
McGarry, Natalie
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McLaughlin, Anne
McMahon, Jim
Meale, Sir Alan
Miliband, rh Edward
Monaghan, Carol
Monaghan, Dr Paul
Moon, Mrs Madeleine
Morden, Jessica
Mulholland, Greg
Mullin, Roger
Murray, Ian
Nandy, Lisa
Newlands, Gavin
Nicolson, John
O’Hara, Brendan
O’Neill, Sarah
Onn, Melanie
Onwurah, Chi
Osamor, Kate
Oswald, Kirsten
Owen, Albert
Paterson, Steven
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Pound, Stephen
Powell, Lucy
Pugh, John
Qureshi, Yasmin
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Rachel
Reynolds, Jonathan
Rimmer, Marie
Ritchie, Ms Margaret
Robertson, rh Angus
Robinson, Mr Geoffrey
Rotheram, Steve
Ryan, rh Joan
Saville Roberts, Liz
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheppard, Tommy
Sherriff, Paula
Shuker, Mr Gavin
Siddiq, Tulip
Skinner, Mr Dennis
Slaughter, Andy
Smith, rh Mr Andrew
Smith, Cat
Smith, Jeff
Smith, Nick
Smith, Owen
Smyth, Karin
Spellar, rh Mr John
Starmer, Keir
Stephens, Chris
Stevens, Jo
Streeting, Wes
Tami, Mark
Thewlis, Alison
Thomas, Mr Gareth
Thomas-Symonds, Nick
Thomson, Michelle
Thornberry, Emily
Timms, rh Stephen
Trickett, Jon
Turley, Anna
Turner, Karl
Twigg, Derek
Twigg, Stephen
Umunna, Mr Chuka
Vaz, rh Keith
Vaz, Valerie
Watson, Mr Tom
Weir, Mike
West, Catherine
Whiteford, Dr Eilidh
Whitehead, Dr Alan
Whitford, Dr Philippa
Williams, Hywel
Williams, Mr Mark
Wilson, Corri
Wilson, Phil
Winterton, rh Dame Rosie
Wishart, Peter
Woodcock, John
Wright, Mr Iain
Zeichner, Daniel

Tellers for the Ayes: Marion Fellows and Owen Thompson

NOES

Bebb, Guto
Bellingham, Sir Henry
Benyon, Richard
Beresford, Sir Paul
Berry, Jake
Berry, James
Bingham, Andrew
Blackman, Bob
Blackwood, Nicola
Blunt, Crispin
Bone, Mr Peter
Borwick, Victoria
Bottomley, Sir Peter
Bradley, rh Karen
Brady, Mr Graham
Brazier, Sir Julian
The occupant of the Chair left the Chair (Programme Order, 1 February).

The Speaker’s opinion as to the decision of the Question being challenged, the Division was deferred until Wednesday 8 February (Standing Order No. 41A).

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Motion made, and Question put forthwith (Standing Order No. 118(6)).

Question agreed to.

**EUROPEAN SCRUTINY COMMITTEE**

Ordered.

That Dr Paul Monaghan be discharged from the European Scrutiny Committee and Chris Stephens be added.—(Bill Wiggin, on behalf of the Committee of Selection.)

**FINANCE COMMITTEE**

Ordered.

That Kwasi Kwarteng be discharged from the Finance Committee and William Wragg be added.—(Bill Wiggin, on behalf of the Committee of Selection.)

Motion made, and Question put forthwith (Standing Order No. 118(6)).

**High Speed 2: Yorkshire**

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

12.35 am

Edward Miliband (Doncaster North) (Lab): I am grateful, even at this late—or should I say early—hour, to discuss the very important decisions to be made about HS2 and its route through Yorkshire, and particularly South Yorkshire. What this debate loses by the hour at which it occurs, it gains from the quality of the Members who are present.

Jon Trickett (Hemsworth) (Lab): On both sides of the House.

Edward Miliband: On both sides of the House.

I am grateful to all my right hon. and hon. Friends who have supported the debate, and particularly to my right hon. Friends the Members for Rother Valley (Sir Kevin Barron), for Wentworth and Dearne (John Healey) and for Doncaster Central (Dame Rosie Winterton), my hon. Friends the Members for Hemsworth (Jon Trickett) and for Rotherham (Sarah Champion), and indeed all my hon. Friends.

I want to make it clear right at the outset that I have always supported the principle of HS2, and I still do. But the whole reason for it must be to seek to do something about the deep inequalities our country faces, and my colleagues and I fear that that will not be the outcome of the decisions currently being advocated. We have called this debate because HS2, having supported the Sheffield Meadowhall route year after year, has changed its mind and is now recommending what is called the M18 route through my constituency, with a spur to Sheffield Midland. In my remarks, I want to take on the issue of whether that makes sense. I do not believe it does make sense in terms of maximising the economic benefits of HS2 or tackling the deep inequalities in our country, connectivity and value for money. I hope the Minister, and indeed the Secretary of State, will be as fair minded as we have been in listening to the arguments that have been made.

There are five arguments that HS2 is making. The first is around what it calls the conflicting demands of the region. In considering this issue, it is worth remembering why Meadowhall was originally chosen—it was because of its excellent connections to the rest of the region, why Meadowhall was originally chosen—it was because of its excellent connections to the rest of the region, with a journey time to London of 68 minutes and five trains an hour. This is what Sir David Higgins himself said in October 2014 about the alternative option, which he now recommends. HS2 examined “a spur terminating at Sheffield Midland station. While this provided limited benefits for the city centre market, it did not provide the connections and journey times necessary to serve the wider Sheffield city region effectively, particularly Rotherham and Barnsley.”

I could not have put it better myself. He went on to say that this approach would not deliver “an equitable approach across the North or meet the vision of a truly high speed network for the country.”

So HS2 is currently recommending an approach it describes as worse for equity, connectivity, capacity and journey times.
Given all that, Members might think that the M18 option was better for Sheffield city centre. My colleagues from Sheffield will obviously take their own view on that, but I contend that that is not the case. Why do I say that? The so-called city centre option that is now being recommended actually means slower journey times from London to Sheffield city centre than the previous Meadowhall option. The House should not take my word for it; it should listen to HS2's own figures.

According to HS2, the old Meadowhall route meant a journey time into Sheffield Midland from London of 79 minutes, even with a change of trains. The time on the new route is somewhere between 85 and 87 minutes, and could actually be longer. Not only that, but there would have been five trains an hour—now there will be a maximum of two. The trains will be half the length of HS2 trains, and they will not be on the HS2 track; they will be on what HS2 euphemistically calls “classic” track—I think that means the old track, which is subject to all the delays and problems that exist. I believe that Sheffield and South Yorkshire are being sold a pup on this route. That is true whether we look at the economic benefit or the passenger numbers; on all the issues that matter, the benefits of Sheffield Meadowhall are much greater than those of the Midland option.

The second argument HS2 makes is around city centre connectivity—the need to go from Leeds city centre to Sheffield city centre, for example. When I have asked HS2 about this, it has said, “Well, Transport for the North”—hon. Members will know about that organisation—“has really changed our thinking on this.” So last week I rang up the head of Transport for the North, David Brown, who was bemused, to say the least, to hear that he had driven this change. He told me that he certainly had not expressed a view about which option was better. He actually said that it was disingenuous to claim that he had driven this change. That is not surprising, because the old Meadowhall route meant a journey time from Leeds city centre into Sheffield city centre of 27 minutes, which is under the half an hour that is the ambition that Transport for the North has for this city centre connectivity.

There is an even more serious problem with the Sheffield Midland option that my hon. Friend the Member for Sheffield South East (Mr Betts) has exposed with persistent questioning—whether there is the engineering capacity at Sheffield Midland to meet the ambitions of Transport for the North for up to 20 trains an hour. There are real doubts about this. I would like the Minister to tell us—because I have asked HS2 and it has not given a straight answer—what the engineering constraints are at Sheffield Midland. Currently two trains an hour are being proposed, and there is the potential for two more if other links are built.

The third argument that HS2 makes is about demand. This basically says that there is not the demand in South Yorkshire that justifies the five trains an hour that would have run to Meadowhall, so instead there will be up to two trains an hour, which could of course be one or two—and we have to remember that they are half the size of the old HS2 trains. I think that this is the same as the defeatism that the proponents of HS2 often accuse its critics of. In other words, it is saying, “This kind of economic intervention isn’t going to make a big difference so we are talking about one fifth of the capacity of the original Meadowhall proposal.” That is defeatist and wrong. It is downgrading South Yorkshire, and that is the wrong thing to do.

Mr Clive Betts (Sheffield South East) (Lab): My right hon. Friend is right to be concerned about the capacity of Sheffield Midland station, particularly if we want to increase the number of trains to Manchester, for example. There is an additional problem that he might like to mention, which is that the electrification of the midland main line is not going to go ahead in the mainstream programme, and there is no money in anybody’s budget to fund this, as I understand it.

Edward Miliband: That is an incredibly important point. I will come on to the vexed question of costs, because that will obviously be a concern of the Minister, and I understand the reasons for that.

HS2’s fourth argument is about what it calls local constraints—that is, the urban industrial density and the environmental challenges of the Meadowhall route. However, HS2 itself admits in its most recent document that what it calls the constructability issues at Meadowhall can be overcome, and, as I have said, the engineering challenges of the city centre are completely unanswered.

Karl McCartney (Lincoln) (Con): Is the right hon. Gentleman aware of the woefully inadequate evidence that HS2 gave to the Transport Committee when it was called to give evidence? It was questioned quite closely in its witness statements on this particular issue and did not give any semblance of a proper answer.

Edward Miliband: I thank the hon. Gentleman for that. I noticed the hon. Member for Colne Valley (Jason McCartney) nodding from a sedentary position: I know that he raised this issue in the Transport Committee as well. It is also something that my constituents have raised with me.

The other thing I would say about the challenges and constraints is that we are not comparing like with like. We are comparing three or four years of work on the Meadowhall route with, frankly, back-of-a-fag packet calculations in relation to the M18 route. My constituents with houses that are going to need to be demolished have not had letters saying that their houses would need to be demolished. There is a whole range of issues. A whole new housing estate, the Shimmer estate in Mexborough in my constituency, is threatened with demolition. Some of the most distinctive countryside around villages in my constituency such as Hickleton, Barnburgh, Clayton and Hooton Pagnell is under threat. Our argument is not simply about the local effect—it is a wider argument about the benefits to South Yorkshire. However, I do think that that is relevant, and proper work has not been done on the constraints of this route.

Mrs Cheryl Gillan (Chesham and Amersham) (Con): As somebody who has opposed HS2 right from the beginning, I have a great deal of sympathy with the case the right hon. Gentleman is making. Although I do not want to intervene on the merits of the M18 route or Meadowhall, does he agree that there is a serious problem with the governance of HS2 Ltd? It has had five Secretaries of State, four permanent secretaries and three chief executives. Now, even the former permanent secretary
to the Treasury, Lord Macpherson, has said that HS2 is not good value for money for the taxpayer and the money could be better spent on other road and rail projects that would benefit Yorkshire and the rest of the country.

Edward Miliband: The right hon. Lady has a long track record of campaigning on this issue. Although she and I may differ on the principle around HS2—I support it—the point that she makes about its inconsistency of approach is deeply troubling. It was recommending the Meadowhall route not just in October 2014 but, as we discovered thanks to FOI, in late 2015 and as late as February 2016. I was going to call this debate—partly in order to attract more people to it—“The mystery of HS2 in Yorkshire”, because it is a mystery to me what changed. In February, HS2 was saying that Meadowhall was the right option. By April or May, the previous Secretary of State was walking around my constituency looking at the other route.

Sir Kevin Barron (Rother Valley) (Lab): I spoke to David Higgins in July last year when this occurred, and he said that there was no consensus for Sheffield Meadowhall. It is quite clear to me the damage that the M18 route will do to three villages in my constituency. If M18 goes ahead, the sub-regional economy of South Yorkshire will lose out massively on the benefit and the jobs that HS2 said two years ago would result from Meadowhall going ahead. It is inconceivable, in my view, that that should not happen, and it has not been written off.

Edward Miliband: My right hon. Friend makes an important point, and I hope that the Minister will be open-minded. Although the Secretary of State has said that he is minded to go ahead with the M18 route, he has kept the Meadowhall option open.

I come now to the issue of cost. HS2 has been careful to say that the claimed £1 billion of savings is not the motivation for the route change, but I totally understand why the Minister and the Secretary of State would care about the cost. Unfortunately, it turns out that the claimed savings are simply illusory. This £1 billion of so-called savings excludes a whole number of costs. It excludes the electrification of the northern loop to Leeds, which will cost £300 million and which is essential for any link to Leeds, because it is not built into the plan. It excludes the cost of a parkway station, which HS2 is suggesting could cost somewhere between £200 million and £300 million; that is not in the plan. It excludes any re-engineering of Sheffield Midland; that is not in the plan. It excludes potential electrification of the Sheffield line; that is not in the plan. It excludes the optimism bias that the National Audit Office called the Government out on. My right hon. Friend the Member for Don Valley (Caroline Flint), in her role on the Public Accounts Committee, has been assiduous in looking at these issues. When we look at the so-called £1 billion of savings, we found that it disappeared. I ask the Minister to come back to me on that if he disagrees.

That is half the problem, but there is another half to the problem. The Government and HS2 have been talking about the capital costs of the project, but when we look at the fine print, we might wonder why they have not been talking about the operating costs. There is a very good reason why they have not done so. The operating costs of the M18 route—this comes from the Government’s own figures—are a staggering £1.7 billion higher than those of the Meadowhall route. Not only do the savings disappear, but the route turns out to be more expensive by £1 billion or more over the lifetime of the project. I hope that one thing that we can establish today is that the Minister and HS2 really should stop saying that the route saves money, because it does not. It does not save money when we look at the capital costs, and it certainly does not save money when we throw in the operating costs as well.

When I go through the arguments about the benefits to South Yorkshire and look at whether we believe this economic intervention will help South Yorkshire and do so properly—there are issues of connectivity, demand, local constraints and costs—I am afraid that I do not believe the M18 route adds up. Some people have said that the problems can be solved by having a parkway station on the M18 route—for example, in a village or town in the Dearne valley—but I do not believe that. An afterthought parkway station will provide a maximum of one or two trains an hour, not five. It would be likely to have all the same connection problems as the city centre option, and it raises the most profound infrastructure challenges.

Andrew Bridgen (North West Leicestershire) (Con): HS2 adversely affects my constituency, and I have always voted against it. Does the right hon. Gentleman agree with me that HS2 is now so desperately over budget and so desperate to make savings that we have ended up with a railway that does not connect with HS1 or Heathrow, and goes from nearly London to nearly Birmingham? I am not surprised that it is not delivering what he expected for Doncaster.

Edward Miliband: The hon. Gentleman makes an important point. I understand that Governments will always want to look for savings, but I do not believe there will be any savings. The final argument I want to address is consensus. The Minister and I have discussed the issue, and I know he is concerned about it. One explanation HS2 has offered is that there was no consensus for the Meadowhall route. That was true because Meadowhall was advocated by Doncaster, Barnsley and Rotherham, while Sheffield advocated the Victoria option. However, I really hope the Minister hears today that there was no consensus for Meadowhall, there is far less support for the M18 route. I believe that this is now an idea without allies. It is not supported in Doncaster, Barnsley or Rotherham, and many people in Sheffield have growing doubts. Indeed, I think Sheffield has been sold a pup by HS2.

Last of all, I say to the Minister that the Secretary of State has said he is minded to adopt the M18 proposal, but has not closed the door on Meadowhall. Whatever the reasons for this bad recommendation, I want the Minister to listen to what he is hearing—the facts and the evidence—and not sell South Yorkshire down the river. I want HS2 to work for South Yorkshire, but the M18 route does not work. The answer, in my view, should be to return to the original Meadowhall route, by all means with better connectivity to the centre of Sheffield. If reason and rationality matter, the M18 route cannot go ahead; if making our country more equal matters, the M18 route should not go ahead; and
if the views of the people of South Yorkshire matter, it cannot go ahead. I hope and trust that the Minister and his Secretary of State will listen and act when the time comes.

12.52 am

**The Parliamentary Under-Secretary of State for Transport** (Andrew Jones): I congratulate the right hon. Member for Doncaster North (Edward Miliband) on securing this debate. I think HS2 is a very exciting project, and I am grateful to him for his overall support in principle, but we obviously have issues to resolve in South Yorkshire.

HS2 is long overdue for our national rail system. It will provide the capacity for our congested railways, improve connections between our biggest cities and regions, and generate the jobs, skills and economic growth that will help us to build an economy that works for all. A key part of that is closing the geographical, sector and skills gaps in our country, and not leaving people behind.

By providing new fast lines for inter-city services, HS2 will free up space on our existing railways for more services, including more regional services for commuters and more freight services. It will create better connections and more seats for passengers overall. Even people who never travel by train stand to benefit from fewer lorries on the roads, and from the thousands of local jobs and apprenticeships that will be created by HS2. It will create opportunities for skills and employment, and it will promote UK leadership and expertise in construction and engineering. We are looking at 2,000 new apprenticeships, 25,000 private sector jobs to build the railway and 3,000 jobs to operate it. Over 70% of the new jobs created directly by HS2 are outside London.

Toby Perkins (Chesterfield) (Lab): I think we all support the principle, but we want to talk about this particular route. From the perspective of Chesterfield, may I tell the Minister that we were actually quite pleased with the change, because it brings in the whole north Derbyshire area, and up to about 400,000 people? Whatever comes out of this, can we make sure that Chesterfield is served either by the route he is now proposing, or by the route to the east of Chesterfield?

Andrew Jones: The hon. Gentleman’s very interesting point highlights the dilemma we are facing in South Yorkshire and the surrounding area, but I think the benefits will be significant.

Let me get into the detail. I am still asked every day whether this scheme will happen. Of course it will happen. The Bill went through on its Third Reading in the House of Lords only last week, with the biggest majority of events being held.

Sir Kevin Barron: Will the Minister give way?

Andrew Jones: We will run out of time pretty shortly.

Sir Kevin Barron: I will be very brief. HS2 has said that there are nine areas where there could be a parkway station, but today I have heard that it could be two areas. Why is that not out for consultation as well?

Andrew Jones: HS2 is still working on the proposals. It will provide its recommendations to us when it has done the assessment in April and May of this year, so there is nothing yet to consult upon.

There are 30 information events along the line of route on the current proposals. This is a genuine consultation and we are listening. The right hon. Member for Doncaster North asked whether we are listening and we are. The way in which changes have been made in response to previous consultations shows that the process is open and by no means finished.

In response to concerns raised by the local community in Crofton, HS2 Ltd has identified options for alternative locations for the proposed New Crofton depot, some of which the Secretary of State could consider in his response to the route refinement consultation.

The entire HS2 programme has benefited from close engagement with communities, businesses, local authorities and passengers. The engagement events have been extremely well attended, so we are listening. We are working closely with local authorities and stakeholders along the line of route to find the best solutions.

After listening to consultation responses and considering alternatives to the proposed viaduct in the Aire and Calder area, we changed the route to pass under Woodlesford in a tunnel. In Leeds, we moved the location of the HS2 station 500 metres to the north to create a major transport hub with a single concourse. Again, we are listening. The point is that people in Leeds came together to suggest a solution. It would be great if that were possible in the Sheffield city region, so that the region spoke with one voice to the Government and decided where the station should be.

Jason McCartney (Colne Valley) (Con): What needs to happen to get the Meadowhall option back on the table? That is on the Huddersfield-Penistone-Sheffield line that goes through my constituency, so it has the added benefit of connectivity to Huddersfield and the surrounding towns.

Andrew Jones: As ever, my hon. Friend makes a good point about connectivity and the services that would benefit his constituency.
Let me get into the points that have been made. We know that we have to get the decision on the M18 route refinement and the Meadowhall options right. This is more than a Government-led proposal; it requires collaboration from regional and local stakeholders.

The original 2013 consultation proposed serving South Yorkshire with a route along the Rother valley and an HS2 station at Meadowhall, about 6 km from Sheffield city centre. Since 2013, opinion among local people about the best location for the station has remained divided and no consensus has been reached. Indeed, it does not look like a consensus will be reached. That has made the decision about how HS2 can best serve the region very challenging, and the factors around the decision are finely balanced. In addition, there have been new developments since that time, including the northern powerhouse rail aspiration for fast and frequent services between city centres.

In the light of those developments and the feedback received in response to the 2013 consultation, HS2 Ltd continued to consider a range of options for how HS2 could best serve South Yorkshire while maintaining the integrity of the service to the larger markets of Leeds, York and Newcastle.

As part of the changes, Sir David Higgins recommended that a 9.4 km southern spur at Stonebroom be built off the HS2 main line, enabling HS2 trains to run directly into Sheffield city centre along the main network, and that the main north-south route follows a more easterly alignment over some 70 km between Derbyshire and west Yorkshire.

Mr Betts: From whose budget will the cost of electrification of the HS2 main line into Sheffield Midland station come?

Andrew Jones: We are still working up the proposals for northern powerhouse rail, as the hon. Gentleman knows. We are looking at that all the time.

Building a northern connection would result in Sheffield being served by a loop rather than a spur, enabling services stopping at Sheffield Midland to continue on to destinations further north, and this connection could allow journeys between Sheffield and Leeds of 25 minutes—well within the northern powerhouse rail ambition of 30 minutes. The proposed M18 route has additional benefits, in that it affects fewer properties, generates less noise pollution than the Meadowhall alternative, is less congested, and avoids businesses and the risk from the mining legacy. I can see many attractions to a city centre location such as Leeds, Birmingham or Manchester.

On the parkway station recommendation, the Government have commissioned HS2 Ltd to conduct an options study that will review rail demand in the South Yorkshire region, and alternative options for meeting that demand, including the parkway station, as well as potential service extensions to places beyond Sheffield Midland, such as Meadowhall, Rotherham and Barnsley. That work is under way. We look forward to the results in the spring. Alongside the route refinement and property consultation, the study will be used to inform a decision on HS2 in South Yorkshire later this year.

I agree with everybody here that we want to secure the benefits of HS2 in South Yorkshire and right across our country. It will be a major challenge to get the scheme right for South Yorkshire, but already we can see some benefits, including funding to help with the development of a growth strategy. The region can start to benefit from HS2 even before it is built, through long-term plans for regeneration. Several contracts have been let, and further major contracts worth up to £11.8 billion for civil engineering work between London and Birmingham are expected to be let this year.

HS2 is going ahead. The programme is moving at pace. The question is how to minimise the disruption during the build and, most importantly, maximise the benefits when HS2 arrives. I want people to be thinking about that, including in South Yorkshire. I have met colleagues from South Yorkshire, and I will meet them again—I think that dates are already in the diary; I am happy to receive all representations. I think that we can take this debate as part of the consultation exercise, and I hope that we can achieve a consensus around the proposal in South Yorkshire.

Edward Miliband: Will the Minister answer a simple question: is Meadowhall still on the table?

Andrew Jones: Yes. We have not ruled options out, although the Government have said that they are minded—but only minded—to go ahead with the proposal from Sir David Higgins. HS2 Ltd has run the largest public consultation in British Government history. We have sought to listen to communities and to take on board their comments and concerns at every stage, and that will continue, but HS2 is not just about improving transport; it is about exactly what the right hon. Gentleman said—building a better Britain and creating a legacy of prosperity for future generations. That especially applies in Yorkshire, which stands to benefit enormously from the new line, which is why I, as a Yorkshire MP, am proud to be part of this fantastic scheme.

Question put and agreed to.

1.3 am

House adjourned.
Mr Ben Bradshaw (Exeter) (Lab): Is it not a coincidence that, whenever we hear about disastrous figures for NHS performance and a huge deterioration in waiting times, as we did at the weekend, the Government re-announce yet another measure to crack down on health tourism? Is not the main problem with our health and social care system the fact that it is chronically underfunded, and that this Government are doing nothing about it?

Mr Hunt: I will tell the right hon. Gentleman what we are doing about the underfunding. We are raising three times more from international visitors than when he was a Health Minister, and that is paying for doctors, nurses and better care for older people in his constituency and in all our constituencies.

Dr Sarah Wollaston (Totnes) (Con): Given the Government’s stated objective of reducing health inequalities, will the Secretary of State set out how he will guarantee that those who are, for example, homeless, or who have severe enduring mental illness—the most disadvantaged in our society, who are unlikely to have the required documentation—will receive the treatment they need?

Mr Hunt: I can absolutely reassure my hon. Friend. What we are doing is based on good evidence from hospitals such as Peterborough hospital, which has introduced ID checks for elective care and has seen absolutely no evidence that anyone who needs care has been denied it. This is not about denying anyone the care they need in urgent or emergency situations; it is about ensuring that we abide by the fundamental principle of fairness so that people who do not pay for the NHS through their taxes should pay for the care we provide.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): Has the Secretary of State actually been recently to a clinical commissioning group like ours in Huddersfield, where one more duty would really break the camel’s back? We have just heard that the CCG is changing its constitution, excluding GPs and totally changing the nature of the CCG. Like most of them, our CCG is under-resourced and under stress, and asking it to do something else like this, which will be complex, difficult and perhaps impossible, will kill the poor bloody animal.

Mr Speaker: With reference to foreign nationals, and including a question mark at the end of the hon. Gentleman’s observations.

Mr Hunt: I very much hope that the extra money we raise from international visitors will help all Members of this House because it will lead to more funding for the NHS, including for Huddersfield CCG.

Mr Peter Bone (Wellingborough) (Con): When I was in the travel industry, I learned that anyone wanting to travel to, say, America had to have medical insurance. Could it not be a requirement for people coming into this country to ensure that they had such insurance?

Mr Hunt: We looked at this extremely carefully, and I have a lot of sympathy with what my hon. Friend is saying. People do not have to have medical insurance if they visit countries such as America as a tourist, and we
do not want to insist on that for visitors to this country because of our tourism industry here. We concluded that it was better to have a system in which people who get a visa to come and live here have to pay a surcharge. That is why we have introduced the visa health surcharge, which raises several hundred million pounds for our NHS.

Helen Jones (Warrington North) (Lab): I have always supported the view that we are not running an international health service, but as well as directing his energies towards that question will the Secretary of State direct them towards stopping the waste of money that occurs elsewhere in the NHS when highly trained surgeons and theatre teams are forced to wait to operate because beds are not available for their patients and have to spend their time doing nothing? How much is wasted in that way because of the chronic underfunding that this Government have introduced?

Mr Hunt: The constant accusations of underfunding would have a little more credibility if Labour was actually promising any more money for the NHS. Instead, at the last election it committed to £5.5 billion less than this Government.

Post-polio Syndrome

2. Rehman Chishti (Gillingham and Rainham) (Con): What progress his Department is taking to support people with post-polio syndrome. [908622]

The Parliamentary Under-Secretary of State for Health (David Mowat): My hon. Friend will be aware that polio was eradicated from the UK in the 1980s. However, between 25% and 80% of sufferers go on to development post-polio syndrome, a condition that, although not life-threatening, can be debilitating. The NHS response centres on structured self-management and pain relief and increasing referrals to both physio and occupational therapy.

Rehman Chishti: As parliamentary ambassador for the British Polio Fellowship, I know that 93% of people are unaware of post-polio syndrome. Low awareness among GPs, and in the NHS more generally, is leaving patients waiting for up to six years for a diagnosis. Will the Government agree to fund a PPS awareness campaign?

David Mowat: I congratulate my hon. Friend on his work for the British Polio Fellowship, which is a good charity that makes a real difference. He is right that the condition is difficult to diagnose; the symptoms are vague and there is no definitive test. NICE is updating its best practice, and the British Polio Fellowship has developed guidelines that we all need to use to build GP awareness of the condition.

Jim Shannon (Strangford) (DUP): As the Minister said, there is no specific test for diagnosing PPS, so will he outline what information is offered to medical professionals to diagnose and treat the syndrome to ensure that the symptoms are correctly collated and not put down to other untestable issues, such as fibromyalgia?

David Mowat: As I said, the symptoms are vague and there is no definitive test. As my hon. Friend the Member for Gillingham and Rainham (Rehman Chishti) pointed out, awareness of the condition among GPs is not as high as it could be, so we need to do more, with the NICE guidelines and the work of the British Polio Fellowship, on GP education, training and information.

Hospitals (Special Measures)

3. Chris Green (Bolton West) (Con): What progress he has made on improving hospitals in special measures. [908623]

10. Lucy Frazer (South East Cambridgeshire) (Con): What progress he has made on improving hospitals in special measures. [908631]

The Secretary of State for Health (Mr Jeremy Hunt): In the last four years, 31 trusts have been put into special measures—more than one in 10 of all NHS trusts. Of those, 16 have now come out, and I congratulate the staff of Addenbrooke’s and all at Cambridge University Hospitals NHS Foundation Trust, which came out of special measures last month.

Let me also take this opportunity to thank Professor Sir Mike Richards, who has announced his retirement as chief inspector of hospitals. His legacy will be a safer, more caring NHS for the 3 million patients who use it every week. He can feel extremely proud of what he has achieved.

Chris Green: Royal Bolton hospital was in special measures four years ago, but it has since come out following a huge amount of hard work. The trust is now running a surplus, which is being reinvested into patient care. Will my right hon. Friend join me in congratulating all the staff on their excellent hard work?

Mr Hunt: I am happy to do so. It is a fantastic example of what is possible in challenging circumstances with a lot of pressure on the frontline, so the staff should feel proud. Trusts put into special measures go on to recruit, on average, 63 more doctors and 189 more nurses and see visible improvements in the quality of patient care.

Lucy Frazer: The Secretary of State is right to congratulate Addenbrooke’s, which came out of special measures last month due to the dedication of its staff, but we still need to reduce pressure on the A&E. One way of doing that is to increase care locally in rural hubs. Does the Secretary of State agree that money spent on the minor injuries unit at Ely’s Princess of Wales hospital would be money extremely well spent?

Mr Hunt: I remember visiting my hon. Friend in Ely last autumn, and I know how much she campaigns and cares for her local health services. The Cambridgeshire and Peterborough CCG knows the importance of Ely’s minor injuries unit. It is setting up some public engagement meetings, but if any changes are deemed necessary, I reassure her that there will be a formal consultation before anything happens.

Heidi Alexander (Lewisham East) (Lab): The Heath Secretary’s self-congratulatory tone is astonishing. In the last year, the number of people waiting longer than four hours in A&E has increased by 63%, the number of people waiting on trolleys has gone up by 55%, and the number of delayed discharges is up by 22%. While all of
us want hospitals in special measures to improve, what is the Health Secretary’s answer to those urgent problems that affect the NHS across the board?

Mr Hunt: I will tell the hon. Lady what is happening in the NHS compared with when her party was in power: 130 more people are starting cancer treatment every single day; 2,500 more people are being seen in A&Es within four hours every single day; and there are 5,000 more operations every single day. None of that would be possible if we cut the NHS budget, which is what her party wanted to do.

Neil Coyle (Bermondsey and Old Southwark) (Lab): Norfolk and Suffolk NHS Foundation Trust has been taken out of special measures, despite continued growth in the number of people with mental health problems dying in unexpected or avoidable circumstances from things such as suicide. “Panorama” and the Health Foundation have shown that in 33 trusts the number of avoidable deaths has doubled in the last three years as those trusts have collectively experienced a real-terms cut of £150 million. What specific measures is the Secretary of State taking to tackle the problem of avoidable deaths of people with mental health problems?

Mr Hunt: We have committed, and the Prime Minister affirmed the commitment only last month, to spend £1 billion more every year on mental health services, but we recognise that it is not just about money. It is also about having a proper suicide prevention plan—we have updated the plan—and making sure that, across the NHS, we properly investigate and learn from avoidable deaths. That is why, following the tragedy of what happened at Southern Health, we have now started a big new programme—the first of its kind in the world—whereby every trust will publish its number of avoidable deaths quarterly.

Mr Hunt: I agree with the hon. Lady. That is why, following the tragedy of what happened at Southern Health, we have now started a big new programme—the first of its kind in the world—whereby every trust will publish its number of avoidable deaths quarterly.

21. Huw Merriman (Bexhill and Battle) (Con): A year ago, East Sussex Healthcare NHS Trust was rated inadequate. Thanks to the hard work, dedication and care of all its staff, the hospitals are now good on many measures, albeit further improvements need to be made. Will the Secretary of State join me in thanking the staff? Does he agree that we need to talk up our successes, as well as recognising challenges?

Mr Hunt: I join my hon. Friend in doing that. It is really important, contrary to what the former shadow Health Secretary, the hon. Member for Lewisham East (Heidi Alexander), says, that we praise NHS staff when they do remarkable things. There is a lot of pressure everywhere in the NHS, and praising NHS staff is not being self-congratulatory; it is recognising when a good job is being done.

Luciana Berger (Liverpool, Wavertree) (Lab/Co-op): Further to the very important question of my hon. Friend the Member for Bermondsey and Old Southwark (Neil Coyle), Members on both sides of the House may have seen “Panorama” last night. Frankly, it was shocking and disgusting. I am ashamed to live in a country where, in the past year there have been over 1,000 more unexpected deaths under the care of our mental health trusts. That is not a reflection of a country that cares equally about mental health and physical health. In spite of what the Secretary of State just told us, the money is not getting to where it is intended. What is he actually going to do to ensure that no person in our country—not a single person—loses their life because they have a mental health condition for which they are not being treated properly?

Mr Hunt: I agree with the hon. Lady. That is why, following the tragedy of what happened at Southern Health, we have now started a big new programme—the first of its kind in the world—whereby every trust will publish its number of avoidable deaths quarterly.

Mental Health: Children and Young People

4. Simon Hoare (North Dorset) (Con): What steps is the Secretary of State taking to prevent mental illness and provide mental health support for children and young people?

The Secretary of State for Health (Mr Jeremy Hunt): Last month the Prime Minister made a major speech in which she made it clear that improving the mental health of children and young people is a major priority for this Government. My Department will work with the Department for Education to publish an ambitious Green Paper outlining our plans before the end of the year.

Simon Hoare: I am grateful to my right hon. Friend and the Prime Minister for their commitment to this important area of health and the parity that the Government are giving it. Does the Secretary of State agree that, as well as providing mental health support in both schools and colleges, community hospitals, due to their locality, status and scale, can often provide a useful forum for providing these vital services?

Mr Hunt: I am pleased that my hon. Friend raises that point, because when we discuss mental health we often talk about services provided by mental health trusts but do not give enough credit to the work done in primary care, both in community hospitals and by general practitioners, who have a very important role as a first point of contact. He is absolutely right to make that point.

Dame Rosie Winterton (Doncaster Central) (Lab): Will the Green Paper look at the role that educational psychologists could play not only in providing support and assistance to young people with mental health problems but in preventive work? Cuts in local authority budgets have meant that the service has become quite fragmented, but there are practical ways in which it could be improved to help young people with mental health problems.

Mr Hunt: The right hon. Lady is absolutely right. We have looked into this and realised that there are two issues when it comes to improving children’s and young people’s mental health. The first is improving access to specialist care for those who need it. The other is
Mr Charles Walker (Broxbourne) (Con): I welcome the Secretary of State’s focus on child and adolescent mental healthcare, but what is he going to do about out-of-area transfers, which too often mean that children are found beds 200 or 300 miles away from their home? That is not in anyone’s interest, and it certainly is not in a child’s interest to be that far away from their support network.

Mr Hunt: I thank my hon. Friend for his continuing campaign on mental health issues. He is right to say that this situation is completely unacceptable, not least because if we want a child to get better quickly, the more visits from friends and family they can have, the better it is and the faster their recuperation is likely to be. We have commissioned 56 more beds, so the total number of beds commissioned for children is at a record 1,442, but we are determined to end out-of-area treatments by the end of this Parliament.

Ian Austin (Dudley North) (Lab): No one is going to disagree with what the Secretary of State has said, but it is not going to help people at Dove house in Dudley, which has been helping people with mental health problems since the 1970s but faces closure this year, for the want of quite a small amount of money. Will he look at this personally and do everything he can to keep this valuable facility open? It is closing because Dudley is losing 20% of its funding, which compares with the figure of just 1% in Surrey, which he represents.

Mr Hunt: Dudley CCG has seen its funding go up, and we are asking all CCGs to increase the proportion of their spend on mental health. I am happy to look into the situation the hon. Gentleman talks about, but I will be very disappointed if increasing resources are not going into mental health provision in Dudley.

Mark Pawsey (Rugby) (Con): Will the Secretary of State say a little more about how children’s mental health services can work more closely with schools and the education system more broadly?

Mr Hunt: I am happy to do that. Some interesting innovation is going on in many parts of the country. In Hove, a school I visited has a CAMHS—child and adolescent mental health services—worker based full-time in the school. That had a transformational effect, as it meant teachers always had someone they knew they could talk to and their understanding of mental health improved. That is the kind of innovation we want to encourage.

Mr Gregory Campbell (East Londonderry) (DUP): Further to that, what pressure and persuasiveness is the Minister bringing to bear in the education system, particularly in primary schools, where young people have, on occasion, had this kind of a diagnosis and problems have been created within the school environment?

Mr Hunt: This is a very important issue because, as the hon. Gentleman knows, half of all mental health conditions are diagnosed before or become established before people are 14, and the sooner we catch them, the better the chance of giving someone a full cure. We therefore need to find a way whereby there is some mental health expertise in every primary school, so we can head off some of these terrible problems.

Barbara Keeley (Worsley and Eccles South) (Lab): As my hon. Friends the Members for Bermondsey and Old Southwark (Neil Coyle) and for Liverpool, Wavertree (Luciana Berger) have already said, last night’s “Panorama” showed that mental health services are not funded properly. At the Norfolk and Suffolk mental health trust funding cuts led to community teams being disbanded, a loss of staff and the loss of in-patient psychiatry beds. Most disturbing of all is to hear parents talk of what happens to their children when they are denied support in a crisis—when they are self-harming or suicidal but there are no in-patient beds. One parent called it a “living nightmare”. We do not need any more warm words from this Secretary of State—we need action to make sure that mental health services are properly funded and properly staffed.

Mr Hunt: Let me tell the hon. Lady what action is happening this year. The proportion of CCG budgets being assigned to mental health is increasing from 12.5% to 13.1%, which is an increase of £342 million. That is action happening today because this Government are funding our NHS.

Surrogacy

5. Craig Williams (Cardiff North) (Con): What plans the Government have to bring forward new legislative proposals on surrogacy.

The Parliamentary Under-Secretary of State for Health (Nicola Blackwood): The Government recognise the value of surrogacy in helping people who cannot have children to create a family. Surrogacy legislation is now more than 30 years old. In view of changes across society, it is time for an independent review of the legislation, so we have asked the Law Commission to include a project about surrogacy in its proposed work programme for 2017 to 2019.

Craig Williams: The Minister will be aware of the work of my constituent Nicola and Surrogacy UK, to which I pay tribute. I very much welcome the Minister’s answer, but will she say something specifically about the remedial order to address the situation for single parents, for which my constituent Nicola is waiting?

Nicola Blackwood: My hon. Friend has raised this difficult case with me before, and my sympathies go to his constituent. He is right that the High Court has judged that the current provisions for parental orders are discriminatory. The Government are obliged to act within a reasonable timescale, so we will be introducing a remedial order this spring. I am pressing for that to happen by May, but I am in the hands of the business managers. I shall keep the House and my hon. Friend updated.

Naylor Review

6. Karin Smyth (Bristol South) (Lab): What plans he has to ensure that the implementation of recommendations in Sir Robert Naylor’s review on the NHS estate is compatible with local sustainability and transformation plans.

Craig Williams: The Minister will be aware of the work of my constituent Nicola and Surrogacy UK, to which I pay tribute. I very much welcome the Minister’s answer, but will she say something specifically about the remedial order to address the situation for single parents, for which my constituent Nicola is waiting?
The Minister of State, Department of Health (Mr Philip Dunne): Sir Robert Naylor’s report on the NHS estate will be published shortly. In developing his recommendations, he has worked and engaged with leaders from across the NHS. This will ensure that his recommendations are informed by sustainability and transformation plans, and are designed to help to support their successful delivery.

Karin Smyth: I look forward to seeing the report, which has been due “shortly” for a while. Knowle West health park in my constituency is exactly the sort of community-based model that we should be promoting in STPs. It was established by the NHS and the council to prevent illness, to promote good health and to assist recovery after medical treatment. However, the NHS Property Services regime means that its bill has increased more than threefold—from £26,000 to £93,000. What assurances can the Government give that the Naylor report will ensure that there is co-operation on estates planning so that my constituents, who rely on the health park’s contribution to preventing ill health, can face the future with confidence?

Mr Dunne: We have already accepted one of Sir Robert Naylor’s recommendations ahead of the publication of his report, which is to look into bringing together NHS Property Services and other estates services in the NHS. With regard to allocations to the clinical commissioning group, the Department of Health has provided £127 million to CCGs precisely to contribute towards increases in the move towards market rents for property.

22. [908644] James Duddridge (Rochford and Southend East) (Con): When the Minister looks at the estates and transformation plans, will he ensure that arrangements for travelling to different sites are taken into account for healthcare professionals, patients and, importantly, patients’ visitors?

Mr Dunne: My hon. Friend consistently expresses concern about the arrangements in Essex as we consider a possible reconfiguration of urgent emergency care arrangements. Ensuring that there is good access to A&Es is as vital in that county as it is everywhere else.

Keith Vaz (Leicester East) (Lab): In Leicester, the CCG is proposing to close a walk-in centre in North Evington and move it to another part of the city. Rather than being a walk-in centre, it will become a drive-in centre. Does the Minister agree that it is important that local people are consulted fully on the proposals?

Mr Dunne: As the right hon. Gentleman knows, service reconfigurations require public consultation. I am not sure whether that particular walk-in centre qualifies, but I am happy to have a look at that. A number of walk-in centres were established under the previous Government in a random way, and they need to be located more appropriately for local people.

Sir Simon Burns (Chelmsford) (Con): Does my hon. Friend agree that the driving force of STPs is to improve and enhance patient care for our constituents? With regard to the STP for mid-Essex, will he confirm that no proposal that has been put forward involves any closure of an A&E and that, far from downgrading the existing A&Es, this is about upgrading the quality of care for my constituents?

Mr Dunne: My right hon. Friend is a regular attender at Health questions, and I am pleased to be able to confirm to him, once again, that the success regime for mid-Essex is looking at the configuration of the three existing A&Es, none of which will close, and each of which might develop its own specialty.

Justin Madders (Ellesmere Port and Neston) (Lab): Analysis of the STPs by the Health Service Journal this week found that a substantial number of A&E departments throughout the country could be closed or downgraded over the next four years. The Royal College of Emergency Medicine has described that approach as “alarming”. Over the past month, we have all seen images of A&E departments overflowing and stretched to the limit, so surely now is not the time to get rid of them. Will the Minister pledge today that the numbers of both A&E beds and A&E departments will not be allowed to reduce below their current level?

Mr Dunne: The hon. Gentleman is right to point out that the STPs are looking at providing more integrated care across localities. A number of indicative proposals have to be worked through. At the moment, NHS England is reviewing each of the STPs, and the results will be presented to the Department for its consideration in the coming weeks and months. On bed closures, I gently remind him that, in the past six years of the previous Labour Government, more than 25,000 beds were closed across the NHS. In the six years since 2010, fewer than 14,000 were closed by this Government and the coalition.

Social Care Budgets

7. Marie Rimmer (St Helens South and Whiston) (Lab): What assessment he has made of the effect of changes to local authority social care budgets on demand for health services.

Mr Dunne: I look forward to seeing the report, which is to look into bringing together NHS Property Services and other estates services in the NHS. With regard to allocations to the clinical commissioning group, the Department of Health has provided £127 million to CCGs precisely to contribute towards increases in the move towards market rents for property.

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means that people from homes are going into the hospitals and choosing to leave the patients with the most complex needs, because they cannot afford the staff to look after them—

Mr Speaker: Order. I apologise for interrupting the hon. Lady, but we must have a question: one sentence and a question mark, thank you.

Marie Rimmer: There is no comfort for our elderly people. It is not too late for the Government to act. I ask the Minister to look at protecting social care funding. Will he bring forward the £6 billion and the £700 million—

Mr Speaker: Order. I am sorry, but there is a lot to get through. It is not fair on other colleagues.

Marie Rimmer: It is not fair on the elderly.

Mr Speaker: Order. I am sorry. I say to the hon. Lady without fear of contradiction that we must spread things out evenly.

David Mowat: I agree that budgets make a difference, which is why we are increasing spending by £7.6 billion over this Parliament, but so do leadership, grip and best practice. Some 50% of all delayed transfers that are due to social care delays occur in 24 local authorities. Many other local authorities have virtually no delays. I recently visited the IASH team—Integrated Access St Helens—in the hon. Lady’s own constituency, which, working with Whiston hospital, has achieved spectacular results and some of the best outcomes in the country. I am sure that she will want to join me in congratulating those responsible.

Liz McInnes: My local council of Rochdale has had to make cuts of £200 million in the past six years. It has a further £40 million of cuts to implement, which will pile the pressure on our social care budgets. The 2% precept will raise only £1.4 million, which is a drop in the ocean when our total adult social care budget is £80 million. With our hospitals reporting a 70% increase in delayed discharges, I call on the Minister to bring forward the better care fund scheduled for the end of this Parliament so that our social care services can cope now.

David Mowat: As a direct answer to the hon. Lady’s question on the improved better care fund, let me tell her that it will be allocated in such a way that the combination of the fund and the precept will address real need. That is what we will be doing during the remainder of this Parliament, starting from April. We spend more on adult social care in this country than Germany, Canada and Italy, but it is very important that we spend it well.

Helen Whately (Faversham and Mid Kent) (Con): It was good to hear my hon. Friend referring to the University of Kent’s research.

Under the guidance of the vanguards and the sustainability and transformation plan, NHS and social services in Kent are working closer together than ever before, although there is still further to go. Does my hon. Friend agree that it is vital that we overcome the barriers between social services and the NHS so that they operate more as one system, meaning that patients can get the sort of care they need in the right place, preferably at home?

David Mowat: My hon. Friend makes a good point about the success of the vanguard in Kent. Last week I visited the care home vanguard in Sutton, which has achieved a 20% reduction in A&E admissions due to better integration and the sort of things that she mentions as being successful in Kent.

Andrew Stephenson (Pendle) (Con): If the Minister watched BBC News last night, he might have seen footage showing the extreme demand for treatment in Royal Blackburn hospital’s A&E department and the pressure that it is under. We could point to social care changes but, in reality, the situation is down to the closure of Burnley general hospital’s A&E department in 2008 under the previous Labour Government. What more can we do to support and reduce pressure on A&E departments?

David Mowat: My hon. Friend is correct in so far as two thirds of all delayed transfers of care are a consequence of internal NHS issues, not issues between the NHS and councils. The issue regarding Blackburn and Burnley is part of that.

Barbara Keeley (Worsley and Eccles South) (Lab): Recent figures on delayed transfers of care ranked Salford 105th out of 154, with 533 delayed days in November 2016. Sir David Dalton has said that overcrowding at Salford Royal hospital is due to its “inability to transfer patients safely to an alternative care setting”, and that changes to social care funding are “urgently required”. Salford Council’s budget has been cut by 40% since 2010, leading to the loss of £18 million from social care budgets. Salford royal hospital, rather than the council, is now providing social care. I know that the Health Secretary respects Sir David. Does Minister accept Sir David’s view about the need for funding changes, or will he continue to find people to blame for cuts inflicted by his Government?

David Mowat: Conservative Members very much respect Sir David Dalton. I remind the hon. Lady that she stood for election on a slogan of not a penny more for local government, so it is entirely inappropriate for her to say different things now. There is now an opportunity in Manchester, through the devolution deal, to integrate care and the NHS more effectively, and I expect that to happen.

GP Appointments

8. Paul Blomfield (Sheffield Central) (Lab): What assessment he has made of trends in the availability of GP appointments.

The Parliamentary Under-Secretary of State for Health (David Mowat): Best trend data come from the GP patient survey, which collates feedback from more than 2 million patients biannually. The most recent results show that 92% of patients found their appointment to be convenient—a slight increase on previous results—and that 86% of respondents rated their overall experience of their GP’s surgery as good.
Paul Blomfield: The Minister knows that there was a 30% rise in waiting times in 2016—that is one of the key concerns that constituents raise with me. Local GPs tell me that one of the main pressures they face is the failing social care system. The Minister knows that the answers he gave a moment ago do not address the problem, so will he commit to doing something meaningful?

David Mowat: The answer I gave a moment ago was the results of the GP patient survey. The Government and I accept that the country needs more GPs. GPs are the fulcrum of the NHS, and we have plans for a further 5,000 doctors working in primary care by 2020. We intend to add pharmacists, clinical pharmacists and mental health therapists as part of the solution.

David Mowat: The Government are committed to GPs offering appointments seven days a week, 8 am until late, by 2020. By 2018, we will have rolled that out in London. Part of this is about GPs working smarter in integrated hubs of between 30,000 and 40,000 patients, thus enabling them to spread out and to offer services such as pharmacy, physio and social care.

Joan Ryan (Enfield North) (Lab): In a survey of Enfield North residents that I conducted, 58% agreed that it is difficult to get a GP appointment. The Royal College of General Practitioners has calculated that Enfield needs 84 more GPs by 2020, but between 2010 and 2014, we lost 12 practices and had only one opened. If the 5,000 GPs appear by 2020, what will the Minister do to ensure that Enfield gets those it needs?

David Mowat: As I said earlier, we will have 5,000 further doctors working in general practice by 2020. A chunk of those will be available for every part of the country, and we have included in that. I do accept that the GP system is under stress and that we need more GPs, and the points that the right hon. Lady makes are correct.

David Mowat: The answer I gave a moment ago was the results of the GP patient survey. The Government and I accept that the country needs more GPs. GPs are the fulcrum of the NHS, and we have plans for a further 5,000 doctors working in primary care by 2020. We intend to add pharmacists, clinical pharmacists and mental health therapists as part of the solution.

14. John Howell (Henley) (Con): [908635] It is not just the need for GPs that is relevant. Surely there is a requirement for GPs to work at weekends, and that should be included in the assessment of demand for their services. GPs should also work with better technologies and work together as groups.

David Mowat: The Government are committed to GPs offering appointments seven days a week, 8 am until 8 pm, by 2020. By 2018, we will have rolled that out in London. Part of this is about GPs working smarter in integrated hubs of between 30,000 and 40,000 patients, thus enabling them to spread out and to offer services such as pharmacy, physio and social care.

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Dr Andrew Murrison (South West Wiltshire) (Con): Employing more GPs is, of course, important, but the Minister is right to say that so is collaboration. How far have we got with spending the £1 billion earmarked by the Chancellor in 2014 for improving GP surgeries? Does the Minister share Ara Darzi’s vision of more polyclinics, which will enable GPs to work more closely together?

David Mowat: The vision set out in the GP five year forward view is of substantially more spend in the community and of an increase, as a proportion, in the amount of money in the NHS going to people in primary care. Part of that will be in polyclinics and the estate generally. As I say, one of the most innovative things we have found in the GP vanguards is that when they start to put together groups of 30,000, 40,000 and 50,000 patients in a GP hub, the quality of care increases dramatically. We are going to accelerate that.
of this important issue and giving support to all the thousands of families in which children or other family members are tube fed?

Nicola Blackwood: I thank the hon. Gentleman for drawing our attention to this issue. Sometimes the simplest solutions are the most effective. We want to make sure that such innovations are driven across the NHS more effectively, which is exactly what our academic health service networks are there for.

17. [908639] Pauline Latham (Mid Derbyshire) (Con): Now that four failures have been recorded of the main drug used to protect UK patients from malaria, and scientists are warning for the first time that resistance may be increasing, will the Minister outline what further steps are being taken to tackle antimicrobial resistance in the coming years?

Nicola Blackwood: AMR is a global issue. We are world leaders in this, and we are working proactively with international partners to identify new and innovative approaches to the treatment of a range of challenging resistant infections, including malaria.

Breast Cancer Drugs

11. Siobhain McDonagh (Mitcham and Morden) (Lab): What assessment he has made of how the accelerated access review will improve access to breast cancer drugs.

The Parliamentary Under-Secretary of State for Health (Nicola Blackwood): We are absolutely determined that we will improve access to cost-effective, innovative medicines, including breast cancer drugs. That is exactly why we introduced the cancer drugs fund.

Siobhain McDonagh: The Minister will know that “cost-effective” is not an easy thing to define. Many women will not get access to the breast cancer drugs they need unless there is a review of how NICE assesses cost-effectiveness. Will she support an independent review of those processes, and will she say something about off-patent cancer drugs?

Nicola Blackwood: The hon. Lady and I have debated this in the House before. It is worth looking at our record. The cancer drugs fund has helped 95,000 people to access cancer drugs, to the tune of £1.2 billion, and NICE has approved three breast cancer drugs, while there are others that it has not yet approved. It is important that politicians do not intervene in this debate, as these are very difficult decisions that will always be challenging in the situation where the NHS has a finite budget.

Mr Speaker: If the hon. Member for Brecon and Radnorshire (Chris Davies) were standing because he has a cancer-related question, I would call him, but if he is not, I will not. He is, so I will.

18. [908640] Chris Davies (Brecon and Radnorshire) (Con): I am delighted to do so, Mr Speaker—thank you very much. Given that there is no general hospital in my constituency and a large number of my constituents have to travel many miles for cancer treatment, what discussions has my hon. Friend had with the Welsh Government to persuade them to fund mobile cancer treatments?

Nicola Blackwood: We have continual discussions with the Welsh Government to make sure that these issues are kept under review. I shall definitely write to my hon. Friend about this. I shall also be happy to meet him if he would like to discuss it in further detail.

Jo Churchill (Bury St Edmunds) (Con): Does the Minister agree that not one subject that we have discussed today would not be improved by the better transfer of patient data? How is the Department working towards linking social care with the acute sector, with GPs, with mental health services, with innovation and with cancer drugs in order to understand where we can best target patient outcomes and spend our resources?

Nicola Blackwood: My hon. Friend has a leading role with her private Member’s Bill so she is well aware that we are working very hard to improve the connection of patient data, particularly through the role of the national data guardian and her 10 safeguarding rules, which will make sure that we not only protect patient data more effectively but are able to share it in an effective way that improves patient care.

Mr Speaker: Time is against us, but I would like to make a little further progress with Back Benchers’ questions. I call Michelle Donelan.

Nursing

12. Michelle Donelan (Chippenham) (Con): What steps his Department is taking to increase routes into nursing.

The Minister of State, Department of Health (Mr Philip Dunne): Developing a variety of routes into nursing is a priority to widen participation and reflect the local populations served by nurses. That is why we have developed a new nursing associate role and nursing degree apprenticeships, which are opening up routes into the registered nursing profession for thousands of people from all backgrounds and allowing employers to grow their own workforce locally.

Michelle Donelan: Are there any plans to roll out the associate role to include Wiltshire, and to enable the new nursing degree apprenticeship schemes to be offered in larger further education colleges so that counties like Wiltshire that have no university can still make that provision?

Mr Dunne: We have announced the first 1,000 nursing associates. In fact, the first cohort commenced at the beginning of this month. I visited, in Queen’s hospital, Romford, the first very enthusiastic group of nursing associates. We have announced a second wave of 2,000 associate roles. I regret to say that Wiltshire does not have any of those at the moment, but that will not stop it bidding for them in future. I will look at my hon. Friend’s point about further education colleges.

Andy Burnham (Leigh) (Lab): When the Secretary of State scrapped the nursing bursary, he claimed that his reforms would lead to an increase in nursing applications. Last week, figures from UCAS showed that there had been a drop in nursing applications of 23%—a worrying
trend when the demands of Brexit will mean that we need more home-grown nurses. Will he scrap this disastrous policy or, at the very least, give Greater Manchester the ability to opt out of it and reinstate the nursing bursary?

Mr Dunne: I urge the right hon. Gentleman not to indulge in scaremongering about the number of people applying to become nurses. There are more than two applications for each of the nursing places on offer to start next August. He needs to be careful about interpreting this early the figure for applications from EU nationals, which has gone down significantly, because it coincided with the introduction of the language test for EU nationals.

Dr Philippa Whitford (Central Ayrshire) (SNP): With the reduction of 23% in applications to English nursing schools, the Minister might want to re-look at the policy. There has been a significant drop—a 90% drop—in EU nationals applying. With one in 10 nursing posts in NHS England vacant and a cap on agency spend, who exactly does the Minister think should staff the NHS?

Mr Dunne: I say gently to the hon. Lady that there are 51,000 nurses in training at present. The number of applications through the UCAS system thus far suggests that there will be more than two applicants for each place. As I have just said to the right hon. Member for Leigh (Andy Burnham), the reduction in application forms requested by EU nationals has coincided with the introduction of a language test.

Dr Whitford: Language test applications were more than 3,500 last January, so the reduction after the language test was from that to 1,300. In December, there were only 101 applications. This cannot all be blamed on the language test, so what is the Minister going to do to protect nursing numbers?

Mr Dunne: There are over 13,000 more nurses working in the NHS today than there were in May 2010. As I have just said to the hon. Lady, the language test came into effect from July last year, since when the number of applicants has been somewhat steady. It is down very significantly, but that is because, frankly, we have had applications from nurses from EU countries who have not been able to pass the language test.

Prostate Cancer

13. Rob Marris (Wolverhampton South West) (Lab): What proportion of prostate cancer patients wait for more than two months to begin cancer treatment after the hospital has received an urgent GP referral. [908634]

The Parliamentary Under-Secretary of State for Health (David Mowat): The national standard is that we expect 85% of all cancer patients to receive initial treatment within two months of an urgent referral. For cancer overall, the most recent data indicate that we achieve 82%, and for prostate cancer around 78%, against that standard. The lower figure for prostate is due to the fact that the pathways are more complex than average.

Rob Marris: I am disappointed by the figures, but at least they are available. When I asked this as a written question last month, the information was not available, nor was information available about the number of vacancies for prostate cancer surgeons, their training or the equipment that they use, because that information, I am told, is not collected centrally. When will the Department collect adequate information to run the health service properly?

David Mowat: More information was published on cancer by clinical commissioning groups since the back end of last year than at any time in the history of the NHS. [Interuption.] The hon. Gentleman is right to say that prostate is grouped with neurological cancers in general, and that is the type of surgeon being employed. But the fact is that the Government have been incredibly transparent in terms of information published on cancers.

Mrs Sharon Hodgson (Washington and Sunderland West) (Lab): Last Saturday was World Cancer Day. The theme was unity, and I am still wearing my unity band with pride. We must do all we can to beat cancer, yet the Government are coming to their three-year anniversary of not meeting the 62-day wait target. Treatment quickly after diagnosis is crucial for tackling all cancers. Will the Minister outline what he is doing to ensure that that target is once again met so that patients receive timely treatment?

David Mowat: The volume has increased greatly, and there are something like 2,000 more people being diagnosed every day. The hon. Lady is right: of the eight cancer standards against which we judge ourselves, we meet seven, and the 62-day one has not been met. We need to do more to achieve that, and the cancer strategy set out a pathway for doing so. We have particularly invested in the early diagnosis component; we have invested £200 million in early diagnosis and getting a 31-day all-clear or referral for treatment. That is the pathway to meeting the 62-day target. She is right to raise this, because it is an important indicator and we need to do better.

Topical Questions

T1. [908611] Pauline Latham (Mid Derbyshire) (Con): If he will make a statement on his departmental responsibilities.

The Secretary of State for Health (Mr Jeremy Hunt): We know that a strong primary care system is the bedrock of the NHS, which is why I am pleased to announce today that NHS England will publish the new GP contract, agreed by the Government, NHS England and the British Medical Association. It will see almost £240 million extra invested in GP services; require GPs to establish whether overseas visitors are eligible for free care, allowing the NHS to better recoup the costs of that care; and improve access for patients by removing extra funding if GPs regularly close for afternoons during the working week.

Pauline Latham: Will the Secretary of State consider putting a GP in every A&E department so that they can additionally triage patients who are not so ill and advise them to go home and see their own GP on another occasion?

Mr Hunt: My hon. Friend is absolutely right. Actually, the policy is that all A&Es, where space is available, should do that. The hospitals that do it have by far the most successful results—not least Luton and Dunstable, which has pioneered that model.
Jonathan Ashworth (Leicester South) (Lab): With respect to A&Es, diverts have been at twice the level of last year; 4,000 people have had urgent operations cancelled, 18,000 people a week in January were waiting on trolleys in corridors, and nine out of 10 hospitals have been overcrowded and are at unsafe levels. I have even read in the Secretary of State’s local paper that his local hospital had to put patients in the gym overnight. Does the Secretary of State agree with the Prime Minister that the crisis facing our NHS amounts to a “small number of incidents”?

Mr Hunt: The NHS is under a lot of pressure, but what we never get from the hon. Gentleman is any solutions. Our solution is 600 more A&E consultants since 2010, 1,500 more A&E doctors, 2,000 more paramedics, and 2,500 more people being seen within four hours every day. His solution at the last election was to cut the NHS budget by £1.3 billion.

Jonathan Ashworth: The Secretary of State’s solution has been to blame everybody else but never take responsibility himself.

What is the Secretary of State going to do about the crisis that we are now facing in staffing? Last week, we learned that half of junior doctors are abandoning specialist training. We have already heard that applications for nursing degrees are down by a quarter following the axing of the student bursary and we heard today that there is a shortage of midwives. I know that the right hon. Gentleman has been in the US and that he will try to give us his alternative facts, but when will he give us an alternative plan and deal with the staffing crisis—an issue that the Minister of State, the hon. Member for Ludlow (Mr Dunne), could not respond to a few moments ago?

Mr Hunt: Let us look at the reality, instead of the hon. Gentleman’s rhetoric. In his own local trust in Leicester, there are 246 more nurses than in 2010 and 313 more doctors. Some 185 more patients are being seen in A&E every day and next year a new £43 million emergency floor will open at the Leicester Royal Infirmary. That is because we are backing the NHS instead of wanting to cut its budget.

T2. [908612] Mr John Baron (Basildon and Billericay) (Con): The recently introduced one-year cancer survival rate indicator is a beacon of light in a system still too focused on process targets. What more can the Government do to hold underperforming clinical commissioning groups to account for that outcome indicator, given that we are still failing to catch up with international averages when it comes to our survival rates?

The Parliamentary Under-Secretary of State for Health (David Mowat): My hon. Friend is right to say that we now publish one-year survival rates for every CCG in the country, and I agree that that is a beacon of light and a transformative step. It also shows differences of more than 10% between the best and the worst, which is unacceptable. The transparency itself will bring improvement, but we have also recently established 16 cancer alliances, whose sole job is to roll out best practice and investigate and bear down on poor performance.

T4. [908614] John Pugh (Southport) (LD): Will the Minister update the House about NHS litigations, which rocketed to £1.4 billion last year? Are they anything like under control?

Mr Hunt: The hon. Gentleman is absolutely right; this issue is a very big concern. The only way, in the long run, to reduce those litigation costs is to have safer care. That is why the Government have prioritised safety in everything we do.

David Mowat: The current stroke strategy was produced in 2007 and our priority is to implement it fully. Frankly, in my time as a Minister, I would prefer to have detailed implementation plans and not more strategies. My hon. Friend refers to the great differences in performance across the country, in particular in access to speech and language therapy, and we need to achieve better on that.

T5. [908615] John Mc Nally (Falkirk) (SNP): My Falkirk constituents, Michelle and Justin Young, have been through the lengthy treatment approval process for their son, Michael, to access the Duchenne muscular dystrophy treatment Translarna. Thankfully, Michael is now receiving it. With a growing number of emerging treatments for rare diseases expected in the forthcoming years, what action are the Government taking to increase the capacity of the Medicines and Healthcare Products Regulatory Agency when the UK leaves the EU? Most importantly, will the Secretary of State or the Minister agree to meet Muscular Dystrophy UK—

Mr Speaker: We got the thrust of it.

The Parliamentary Under-Secretary of State for Health (Nicola Blackwood): I pay tribute to the work of the charity the hon. Gentleman mentioned, which does very important work, and have sympathy for the case he mentioned. The UK’s rare diseases strategy has 51 recommendations, which are driving changes through the NHS and improving the life chances of patients with rare diseases. Our genomics work is also bringing life-changing improvements to patients with rare diseases by diagnosing them faster and improving their chances of receiving treatment quicker.

T6. [908616] Mark Menzies (Fylde) (Con): People in Lancashire will be pleased that the emergency department in Chorley has reopened, providing access for people 12 hours a day. Will my hon. Friend welcome that good news and thank everyone involved?

The Minister of State, Department of Health (Mr Philip Dunne): I am grateful to my hon. Friend for recognising the work that went into reopening the A&E at Chorley last month. I am delighted, in particular, by the work that was done by the Deputy Speaker and my hon. Friend the Member for South Ribble (Seema Kennedy).
Mr Hunt: I recognise that it is not a sustainable position to have to do that. Pressures on the frontline meant that it had to happen, but we do need to invest for the future and I agree with the hon. Lady. Lady that capital budgets are very important.

Andrew Selous (South West Bedfordshire) (Con): Young people with severe anxiety can spend years out of school and become very isolated. Does the Secretary of State agree that we need to think more imaginatively about community and voluntary solutions to reach out to those young people, whose futures we must not give up on?

Mr Hunt: I absolutely agree. About 3% of schoolchildren have severe anxiety, but if we get treatment to them quickly, often we cure the condition and it does not have severe anxiety, but if we get treatment to them.

Mr Hunt: May I gently tell the hon. Lady that I do not think our debates on the NHS are helped by her taking my comments out of context? I was quoting Chris Hopson, from NHS Providers, talking about a specific week when he said there were, in that week, a small number of incidents. We recognise the pressures across the NHS, which is why this Government are backing the NHS with record funding.

Mr Steve Baker (Wycombe) (Con): A small business in my constituency was driven out of business by slow payments for relatively small sums by NHS providers. Will he ensure strict compliance with the guidelines for timely payments?

Mr Dunne: My hon. Friend will be aware that best practice for NHS bodies is to pay within 30 days. I am pleased to be able to tell him that figures for the quarter ending in September show that the Department of Health paid 98.4% of our bills within five days—one of the best performances across government.

Steven Paterson (Stirling) (SNP): The Royal College of Psychiatrists warns that half of all child and adolescent mental health training posts are unfilled. With 11% of trainees being EU nationals, how do the Government plan to avoid a Brexit-inspired staffing crisis?

Mr Hunt: Because, as we have said many times, post-Brexit this country will remain open to the brightest and the best.

Dr Tania Mathias (Twickenham) (Con): My constituent, Nicola Johnson, has had primary breast cancer. The secondary was discovered at 10 months. Will the Minister meet me and Nicola, because she falls within the six-month to 12-month period? She is eligible for neither pertuzumab nor trastuzumab emtansine.

Nicola Blackwood: I shall be very happy to meet my hon. Friend about that very difficult case.

Ms Margaret Ritchie (South Down) (SDLP): What further efforts have been made to increase the level of nurses’ pay, many of whom have high levels of training, expertise and qualifications?

Mr Dunne: We recognise that nurses and other health workers deserve a cost-of-living increase. As the hon. Lady will be aware, the NHS pay review body is due to make its recommendations in a few weeks. We will be looking at them closely.

Several hon. Members rose—

Mr Speaker: Demand dramatically exceeds supply, as usual, but we will have one last question. I call Tom Pursglove.

Tom Pursglove (Corby) (Con): Thank you, Mr Speaker. Corby and east Northamptonshire is taking thousands and thousands of new homes. What reassurance can Ministers give to my constituents that GP services will keep up with housing growth?

Mr Hunt: I can absolutely reassure my hon. Friend that we take that into account in all the funding we give for NHS primary care, but it depends on having a strong economy. That is something this Government will always do for the NHS.
Housing White Paper

12.37 pm

The Secretary of State for Communities and Local Government (Sajid Javid): With permission, Mr Speaker, I would like to make a statement on the Government’s housing White Paper “Fixing Our Broken Housing Market”, copies of which I have placed in the Libraries of both Houses. I had hoped, Mr Speaker, that this housing White Paper would dominate the headlines this morning, but it seems that someone else has beaten me to it. [Laughter.] 

Mr Speaker: Let me just gently say to the right hon. Gentleman that I did make my statement to the House first. [Applause.] We should not have clapping, as the hon. Member for Colne Valley (Jason McCartney), a strict proceduralist, correctly points out. I am glad that the right hon. Gentleman is in such fine fettle and good humour.

Sajid Javid: Touché, Mr Speaker.

Our housing market is broken. Since 1970, house price inflation in Britain has far outstripped that in the rest of the OECD. The idea of owning or renting a safe, secure place of one’s own has, for many, now become a distant dream. Over the past seven years the Government have done much to help. We have taken action on both supply and demand, and the results have been positive. Last year saw a record number of planning permissions granted, and the highest level of housing completions since the recession. Between 1997 and 2010, the ratio of average house price to average income more than doubled, from 3.5 to 7. In the five years to 2015, however, it crept up to just over 7.5—just a little but still heading in the wrong direction.

Behind the statistics are millions of ordinary working people. I am talking about the first-time buyer who is saving hard but will not have enough for a deposit for almost a quarter of a century, or the couple in the private rented sector handing half of their combined income straight to their landlord. The symptoms of this broken market are being felt by people in every community, and it is one of the biggest barriers to social progress that this country faces, but its root cause is simple: for far too long, we have not built enough houses. Relative to population size, Britain has had western Europe’s lowest rate of house building for three decades. The situation reached its nadir under the last Labour Government, when, in one year, work began on just 95,000 homes—the lowest peacetime level since the 1920s.

Thanks to the concerted effort of central and local government, last year 190,000 new homes were completed, but it is still not enough. To meet demand, we have to deliver between 225,000 and 275,000 homes every year. In short, we have to build more of the right houses in the right places, and we have to start right now. Today’s White Paper sets out how we will go about doing just that. House building does not just happen. Meeting the unique needs of different people and different places requires a co-ordinated effort across the public and private sectors. There is no magic bullet; rather, we need action on many fronts simultaneously.

First, we need to plan properly so that we can get the right homes built in the right places. To make this happen, we will introduce a new way of assessing housing need. Many councils work tirelessly to engage their communities on the number, design and mix of new housing in their area, but some duck the difficult decisions and fail to produce plans that meet their housing need. It is important that all authorities play by the same rules. We need to have a proper conversation about housing need, and we need to ensure that every local area produces a realistic plan that it reviews at least every five years.

Once we know how many homes are needed we need sites on which to build them, so the White Paper contains measures to help identify appropriate sites for development—not simply empty spaces but useable, practical sites where new homes are actually required. I can reassure the House that this will not entail recklessly ripping up our countryside. In 2015, we promised the British people that the green belt was safe in our hands, and that is still the case. The White Paper does not remove any of its protections.

Government should not be in the business of land banking, however, so we will free up more public sector land more quickly. We will increase transparency around land ownership, so that everyone knows if someone is unfairly sitting on a site that could be better used. Moreover, people need a say on the homes that are built in their area, so everywhere must have a plan in place and ensure that communities are comfortable with the design and appearance of new homes.

The second area of focus is all about speeding up the rate of build-out. At the moment, we are simply not building quickly enough. Whether that is caused by unacceptable land banking or slow construction, we will no longer tolerate such unjustified delays. We will speed up and simplify the completion notice process; we will make the planning system more open and accessible; we will improve the co-ordination of public investment in infrastructure and support timely connections to utilities; and we will tackle unnecessary delays caused by everything from planning conditions to great crested newts.

We will give developers a lot of help to get building, and we will give local authorities the tools to hold developers to account if they fail to do so. Local authorities also have a vital role to play in getting homes built quickly, and I am therefore looking again at how they can use compulsory purchase powers. We will also introduce a new housing delivery test to hold them to account for house building across their local area.

Finally, the White Paper explains how we will diversify the housing market. At present, around 60% of new homes are built by just 10 companies. Small independent builders can find it almost impossible to enter the market. This lack of competition means a lack of innovation, which in turn leads to sluggish productivity growth, so we will make it easier for small and medium-sized builders to compete. We will support efficient, innovative and underused methods of construction such as off-site factory builds. We will also support housing associations to build more and explore options to encourage local authorities to build again, including through accelerated construction schemes on public sector land. We will encourage institutional investment in the private rented sector, and we will make life easier for custom builders who want to create their own home.
Together, these measures will make a significant and lasting difference to our housing supply. It will, however, take time, but ordinary working people need help right now. We have already promised to ban letting agents’ fees, and this White Paper goes further. We will improve safeguards in the private rented sector, do more to prevent homelessness and help households that are currently priced out of the market. We will tackle the scourge of unfair leasehold terms, which are too often forced on hard-pressed homebuyers. We will work with the rental sector to promote three-year tenancy agreements, giving families the security that they need to put down their roots in a community.

In the past few years, we have seen almost 300,000 affordable home units built in England. We have seen housing starts increase sharply, and we have seen more people getting on the property ladder, thanks to schemes such as Help to Buy. We now need to go further—much further—and meet our obligation to build many more houses of the type that people want to live in in the places where people want to live. That is exactly what this White Paper delivers. It will help the tenants of today who are facing rising rents, unfair fees and insecure tenancies; it will help the homeowners of tomorrow to get more of the right homes built in the right places; and it will help our children and our children’s children by halting decades of decline and fixing our broken housing market. It is a bold, radical vision for housing in this country, and I commend it to the House.

12.46 pm

John Healey (Wentworth and Dearne) (Lab): I thank the Secretary of State for the customary copy of his statement just beforehand, but really, I have to say, “Is this it?” When the Housing Minister himself admits that the Government’s record on housing is feeble and embarrassing, we had hoped for better. In fact, we have heard a boast beforehand of radical action from the Secretary of State, but it has been waters down the promise to help those who need help to get a first foot in the housing market. I thus say to the Secretary of State: why not reverse the cuts to investment in new affordable homes to buy that has resulted in the number of new low-cost homes built falling to just 7,500 a year? Why not stop those earning over £100,000 getting help through Help to Buy, and make it available only to first-time buyers, not to second-time or subsequent buyers?

Secondly, there is homelessness. After being cut to record lows under Labour, the number of people sleeping rough on our streets has more than doubled, but we did not hear a single mention of that in the statement. Why can the Secretary of State not accept that this shames us all in a country as decent and well off as ours, and why will he not adopt the Labour plan to end rough sleeping within a Parliament?

Thirdly, we need action to help renters. How will simply working “with the rental sector to promote three-year tenancy agreements” help the country’s 11 million current renters? Why will the Secretary of State not legislate for longer tenancies, tied to predictable rent rises and decent basic standards?

Finally, there is the need to build more homes. The Government have pledged to build a million new homes by 2020, but last year the total number of newly built houses was still less than 143,000, while the level of new affordable house building has hit a 24-year low. We need to see all sectors—private house builders, housing associations and councils—firing on all cylinders to build the homes that we need. Why will the Secretary of State not drop the deep Tory hostility to councils, and let them build again to meet the needs of local people?

It is tragically clear from the statement that seven years of failure on housing are set to stretch to 10. We were promised a White Paper, but we have been presented with a white flag. This is a Government with no plan to fix the country’s deepening housing crisis.

Sajid Javid: Today, the right hon. Member for Wentworth and Dearne (John Healey), as shadow Housing Minister, had a chance. He had a chance to adopt a cross-party approach, to behave like an adult—a mature person—and to help with the difficulties that have faced so many people, under many Governments, for more than 30 years. Instead, he chose to play cheap party politics.

I could respond in the same way. As I said in my statement, work began on only 95,000 homes—the lowest number since the 1920s—in a particular year, and I believe that the right hon. Gentleman was the Housing Minister at the time. However, that is not what people want to hear. People want to hear the truth. They want to hear Governments, and politicians more generally, recognise the size of the problem. They want them to recognise that at this moment, in every one of our constituencies, young people are staring into the windows of estate agents, their faces glued to them, dreaming of renting or buying a decent home, but knowing that it is out of reach because prices have risen so high. The vast majority of that rise in prices took place when Labour was last in power, more than doubling as a ratio to income, from 3.5 times to 7. But people also want to know what we are doing about it, and that is what is in the White Paper.
The right hon. Gentleman asked a number of questions. He mentioned home ownership. Home ownership declined as a percentage under Labour: it declined sharply, because not enough homes were being built. It is time the right hon. Gentleman took responsibility for that. He asked about homelessness. Just over a week ago, on a Friday, we debated the Homelessness Reduction Bill in the House. It was Labour shadow Ministers who tried to destroy that Bill by tabling fatal amendments, and the only reason they backed off was that they were begged to do so by housing and homelessness charities, including Crisis. That is where Labour stands on homelessness.

The right hon. Gentleman talked about renters. We have recognised in the White Paper that we should have a policy that meets the needs of not only those who want to own their own homes, but those who want to rent decent homes. Finally, the right hon. Gentleman talked about councils, and what he said proved that he had not listened to any of my statement. He came into the Chamber with a pre-written speech, not wanting to listen to any part of the debate. If he had listened carefully, he would know that what he wanted me to say was exactly what I said.

The truth is that the right hon. Gentleman had a chance and he flunked it. I do not think that many of his colleagues are with him on this issue. I sense that many of them want a cross-party approach: they want a Government to work with politicians on both sides of the House to deal with the issue once and for all. I certainly know, having dealt with many of his colleagues on local councils, that local Labour leaders are working with the Government because they have given up on this excuse for an Opposition.

**Mr Andrew Mitchell** (Sutton Coldfield) (Con): There is much to be welcomed in the White Paper. It is essential for us to build new communities and new homes, but to build them in the right places. I am also pleased that the Government have decided not to relax the green belt rules further. The Secretary of State has rightly described those rules as sacrosanct. However, does he understand the deep anger that is felt throughout Sutton Coldfield, where the reasonable views of 100,000 people have been totally ignored by a Labour council during a deeply flawed process involving the unnecessary building of 6,000 homes on our green belt, and their frustration at the fact that the Government have not been able to stop that process?

**Sajid Javid**: I know that my right hon. Friend feels passionately about this issue, and I am pleased that he pointed out that the White Paper refers to the retaining of protections for the green belt. He referred to a particular case in his constituency. When local authorities have made a proper assessment of housing need and that assessment has been signed off by an independent planning inspector, it is important for us not to get in their way.

**Alison Thewliss** (Glasgow Central) (SNP): I thank the Secretary of State for giving me advance sight of his statement, and for providing me with a copy of the White Paper. I must say that it is pretty thin. I have it here: this bit is the substance, and this bit is the consultation. However, it was good to hear the Secretary of State acknowledge the gap between the Tory Government’s rhetoric on house building and their actual record. It is always nice to observe a recognition of failure on their part.

We have embarked on another year, and we have yet another housing Bill, with no solutions in sight. We should contrast that with what is being done by the Scottish Government—[HON. MEMBERS: “Oh no!”] The Tories would do well to listen to what I am saying, because we have a record of success. Having exceeded our targets for the previous Parliament, our Housing Minister, Kevin Stewart, has set a target of 50,000 affordable homes in the current Session. We already have local housing strategies and strategic housing investment plans—comprehensive five-year plans which each local authority is required to produce. The Secretary of State might want to have a look at the Glasgow SHIP, which was published recently.

In his statement, the Secretary of State mentioned building on brownfield land. It must be recognised that contaminated, derelict brownfield land may need significant Government investment to make it ready for use, and the £1 billion fund will not go far enough to deal with the contamination that exists. The statement referred to ways of achieving progress in respect of land planning applications. Quality is also important, as is place-making. We need only look at the example of North Kelvin Meadow in Glasgow. The local community felt that what was being proposed was not good enough, and had to take their objection all the way through the Scottish Government’s planning process.

The Secretary of State mentioned types of innovative house building. The Commonwealth games village in Glasgow was built through the use of such innovative methods, and there are other great examples in Scotland that show what can be done. I am glad to note that insurance issues are being considered, because they are incredibly important.

Finally, may I ask the Secretary of State to consult the Private Housing (Tenancies) (Scotland) Act 2016 for examples of good practice? Will he acknowledge the existence of the elephant in the room—the continual ideological pursuit of the right to buy, which is ruining people’s opportunities to gain access to affordable housing?

**Sajid Javid**: I want all the people of the United Kingdom to have access to decent homes, to rent or to buy, and that, of course, includes the people of Scotland. As the hon. Lady knows, my remit is only for England, and that is the focus of the White Paper. She mentioned a number of English policies, including the right to buy. We are very proud of that policy, whether it relates to council homes or to our commitment to housing association tenants. I think it right for us to support people who want to own their homes, as well as those who want to rent decent homes. However, there is one thing that both Scottish and English people require in order to have access to decent homes, and that is a decent income, which means having a job. I think that the situation would have been very different for Scottish people if the hon. Lady had had her way and Scotland had become independent.

**Mr Peter Lilley** (Hitchin and Harpenden) (Con): I congratulate my right hon. Friend on bringing a Macmillan-like sense of urgency to tackling the housing crisis, which causes or aggravates most of the social
problems we face. The first step is being honest about how many homes we need and where we need them, so I welcome his bringing forward a new standard methodology for assessing housing need. Can he reassure me that that will include the affordability of housing, so that it deals with the places where the pressure is most acute?

Sajid Javid: My right hon. Friend makes a very important point. The starting point has to be that every local authority makes a realistic assessment of need, and in order for it to be realistic, it must look at the market pressures locally, which of course include affordability.

Mr Clive Betts (Sheffield South East) (Lab): I welcome the Government’s recognition that the housing need in this country cannot be met by building homes for sale alone, and that we also need homes that people can afford to rent. May I therefore seek two points of clarification? In the case of schemes that receive public money, will the Homes and Communities Agency, councils and housing associations be allowed to negotiate the right tenure mix for each scheme, including through funding being made available for social housing where that is appropriate? Secondly, on section 106 agreements, will councils now be free to negotiate with developers the right types of affordable housing in each scheme, and will the requirement to give preference to starter homes be dropped?

Sajid Javid: I always listen carefully to what the Chair of the Select Committee on Communities and Local Government has to say, and he highlights an important issue. He asked two specific questions. On tenure mix and the use of public money, we will certainly make sure that that money is used to help promote homes that are available for rent, whether through the HCA or by working with councils and housing associations. We will also require all local authorities, when they go through their plan-making process, to think about the tenure and the mix that is required in the area, and to allocate accordingly. That will also stretch to when section 106 agreements are applied.

Sir Nicholas Soames (Mid Sussex) (Con): Mid Sussex District Council is keen to build homes, and many people in my constituency work diligently to produce neighbourhood plans, only for them to be undermined by the ruthless behaviour of some rogue developers. Does my right hon. Friend agree that if we are to deliver the imaginative vision he has outlined to the House today, we need to curb that sort of behaviour?

Sajid Javid: My right hon. Friend highlights the importance of neighbourhood plans. I know that he is aware of the current Bill going through Parliament, the Neighbourhood Planning Bill, which is strengthening that part of the plan-making process, but I think he will also be pleased to see in this White Paper the further steps that we are taking to achieve precisely what he wants: local communities being taken more seriously through their neighbourhood plans.

Ms Karen Buck (Westminster North) (Lab): Constituencies such as mine will be stripped of desperately needed social housing by the proposals in the Housing and Planning Act 2016 for the forced sale of high-value properties. In the spirit of what the right hon. Gentleman is saying today and the White Paper, can he confirm that he will no longer proceed with that policy?

Sajid Javid: I cannot confirm that, because we are committed to allowing people who live in housing association homes the right to buy. We have started a process of pilots, as I think the hon. Lady will be aware; some 3,000 homes, I think, are involved in that. Once that is complete, we will decide how exactly to take the policy forward.

Mr Richard Bacon (South Norfolk) (Con): What lessons can we learn from the Netherlands and Germany, and how can we encourage land pooling, as in Germany, where local authorities work in collaboration with landowners to make serviced plots of land available so that individuals and families can bring forward their own self-build and custom house building schemes?

Sajid Javid: I thank my hon. Friend for the work he has done to promote self-build and custom build. That is certainly one lesson we can learn from the Netherlands and Germany, and I have seen some good examples in those countries. He also mentioned land pooling, and there are some fantastic examples in the Netherlands; I went to see them, and they were so good that I put them in the White Paper.

Tim Farron (Westmorland and Lonsdale) (LD): I hope the Secretary of State will forgive me, but I think he flatters himself if he thinks that even on a quiet news day this White Paper would have deserved headlines: it is an unambitious and disappointing paper. I want to pull out one particular aspect of it. The paper refers to a family outside London in the market for an affordable home as being on an average income of £80,000 a year. I wonder if I may respectfully ask what planet he is living on. Average incomes in my constituency are £26,000 a year. Does that not prove that what we really needed was a commitment to genuinely affordable homes and the building of 1 million new council homes? Will the Secretary of State instead commit the capital funding to do that, and to lift the borrowing cap so that councils can build again?

Sajid Javid: First, may I thank the hon. Gentleman for turning up today? The answer to his question is more supply—whether it is council homes, housing association homes or private sector homes, we need more supply. That is the only way to tackle affordability.

Anna Soubry (Broxtowe) (Con): Conservative-run Broxtowe Borough Council is doing everything it can to defend our green belt, but that is very difficult because the previous Labour-Lib Dem administration approved a plan for thousands of houses on our green belt. But the biggest problem the council has is that many small builders are having real problems getting access to finance, particularly because of the risk weighting. What steps is my right hon. Friend taking to make sure that small and medium-sized builders have better access to financing, so that, when we can, we build those new homes?

Sajid Javid: My right hon. Friend makes a very good point. I have talked about the importance of having more small builders. With finance, one particular way that we are helping is through the new home building fund, launched in September with £3 billion of funding.
much of it available to the small and medium-sized house building sector. There are also a number of other measures beyond finance in the White Paper to help that sector, and I know that when my right hon. Friend sees them, she will welcome them.

**Kate Hoey (Vauxhall) (Lab):** Does the Secretary of State have any special plans to deal with the very difficult situation in inner-city areas, particularly along the river, such as in my constituency, where we have owners coming from way outside this country and leaving flats empty for a very long time? Are the Government not prepared to buy up some of that land themselves and allow local councils to build truly affordable housing?

**Sajid Javid:** The hon. Lady might be aware that some of the type of land she refers to will be public land—it might be owned by different Departments or even local government—and there is a lot in the White Paper on what is called the accelerated construction programme, whereby Government can work together with councils and the private sector to develop more quickly.

More generally, the hon. Lady talks about empty homes, but in fact the number of empty homes in England has fallen to its lowest level since records began—the figure is just over 200,000; there is still more to do—and that is partly because of some of the changes we made to the new homes bonus, which gives local councils incentives to bring those homes back into use.

**Mr Mark Harper (Forest of Dean) (Con):** Conservative-run Forest of Dean District Council is working hard to get its local plan in place. It gives out planning permissions, they need houses.

Mr Mark Harper: Does the Secretary of State think about whether we also need changes in tenure that are set out in the document. Will the Secretary of State think about how he intends to strengthen the measures beyond finance in the White Paper to help that sector, and I know that when my right hon. Friend sees them, she will welcome them.

**Mr Mark Harper (Forest of Dean) (Con):** Conservative-run Forest of Dean District Council is working hard to get its local plan in place. It gives out planning permissions, they need houses.

**Ms Hoey:** No, I do not believe that the Secretary of State has any plans to deal with that situation in inner-city areas, particularly those along the river, such as in my constituency, where we have, as I say, landlords coming from outside this country who are leaving flats empty for a very long time. Are the Government not prepared to buy up some of that land themselves and allow councils to build truly affordable housing?

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when people buy a stand-alone home—not a flat—on a leasehold basis. I have seen some of the agreements relating to how the ground rents work, and I am looking into the matter. A consultation has been announced in the White Paper.

Fiona Mactaggart (Slough) (Lab): House prices in Slough have risen by 39% over the past two years, which is faster than anywhere else in the country, and our affordability ratio is something like double the one that the Secretary of State quoted. What is he going to do for places such as Slough that are built up to their boundaries but are surrounded by Conservative councils that simply will not provide homes in their areas? We are now housing people who commute to London, but we cannot find homes that the local nursery nurses, street cleaners and other people that our community really needs can afford.

Sajid Javid: One thing that we can do better across the country is to take density more seriously. We need to use the available land that is not green belt much more efficiently. Many cities and big urban areas across Europe have managed density a lot better than we have, and the White Paper contains a requirement that, when local authorities put plans in place, they start to take density seriously. We will even be setting out indicative requirements for provisions that could really help in some urban areas.

Mark Pritchard (The Wrekin) (Con): I welcome the Secretary of State’s statement, and the protection in the White Paper for greenfield sites and the green belt. I have a question on the issue of appeals. The Muxton ward in my constituency currently has three public inquiries taking place, and a fourth might be coming along. What further reforms to the appeals process could be introduced while ensuring that developers and local authorities can still use the right of appeal under planning legislation?

Sajid Javid: My hon. Friend makes a good point. People have a right to appeal, and many cases go to appeal in our constituencies, but frankly, some of them are frivolous cases that really should not be appealed. One reason why that happens is that there is currently no cost attached to making an appeal. It is free, so many people do it. That is going to end, and we have announced in the White Paper that we are introducing a fee.

Ann Coffey (Stockport) (Lab): Some councils have fallen short of meeting their housing need for years because their local plans have protected the green belt, limiting the supply of land. If that is also the Secretary of State’s priority, how is he going to achieve his ambition for safe, secure homes, particularly for families who do not want to live in high-rise flats, on the scale that he has outlined today?

Sajid Javid: Approximately 13% of the land in England is green belt. There is therefore a huge amount of land that is not, and that land should be the priority. We should use brownfield land, we should increase density and we should encourage better co-operation with the neighbours. That should always be the priority. There are cases when a local authority decides that the tests for using the green belt have been met, and when that is properly done and the site has been inspected by the planning inspectorate, the local community can decide to build there, but that should not be the priority. The priority must be brownfield sites and better use of density.

Sir Desmond Swayne (New Forest West) (Con): If it is not in the interests of builders to sufficiently reduce price by increasing supply to the necessary extent, is not the answer to afford greater empowerment to the public sector?

Sajid Javid: There are lots of answers to that question. My right hon. Friend is absolutely right that there is an important role for the public sector to play, whether indirectly through housing associations or through councils. There are excellent examples of councils with house building programmes. A diversity of supply is required, and the public sector has a role to play in that.

Lucy Powell (Manchester Central) (Lab/Co-op): I am pleased that the Government have finally recognised that the housing market is broken, but I disagree with the Secretary of State’s prescription that supply is the only answer. In Manchester, we have built thousands of new homes and upgraded all the council homes to a decent standard, but far and away the worst-quality housing in Manchester is in the private rented sector. It is unfit for human habitation, infested, damp and dirty, and it is being paid for, by and large, by the taxpayer through housing benefit. When will the Government intervene in that broken market?

Sajid Javid: Whether homes are made available to rent or to buy, certain standards must be met. It is important that we apply high standards and that we do not have a race to the bottom. I beg to differ from the hon. Lady’s assertion, however, because Manchester also has a supply problem—[Interruption.] The No. 1 problem is a supply problem. Manchester, like so many other parts of Britain, has not built enough homes.

John Penrose (Weston-super-Mare) (Con): Will the Secretary of State confirm that the White Paper encourages building up, not out, in urban areas? That should reduce the pressure on the green belt, regenerate urban centres, cut commuting times and make rents and mortgages more affordable. What assessment has he made of the number of new urban sites that could be released for housing in that way, and of the size of the corresponding fall in development on greenfield sites?

Sajid Javid: I can confirm to my hon. Friend that that is an important measure in the White Paper. I also want to congratulate him on his work to promote density. He has shared with me and others many examples from around the world of this being done properly. One thing that I am particularly interested in—it is in the White Paper—is making better use of our transport hubs. They often have huge car parks, for example, and much of that space could be used to create high-density housing in a location that people would find highly desirable, with the car parks being put underground. That is among the good examples from around the world, and I am glad that my hon. Friend is encouraging such plans.
Mr Barry Sheerman (Huddersfield) (Lab/Co-op): The big lie at the heart of our housing policy is that we can create new houses on brownfield land. All the research shows that the brownfield land that is good for building has already been used. The fact is that we have to build on greenfield land to give people the chance of having a decent home. Why does the Secretary of State not have the courage to build on greenfield land?

Sajid Javid: A colourful one-sentence question, Mr Speaker. I do not agree with the hon. Gentleman. Take Madrid, for example, where the housing density is more than four times that of London. I do not know whether the hon. Gentleman has been to Madrid, but he would find that it is a perfectly beautiful, well-designed city that shows what can be done with density.

Mr Speaker: Pithiness from a philosopher perhaps? I call Sir Oliver Letwin.

Sir Oliver Letwin (West Dorset) (Con): I hugely welcome this well-balanced package, but may I invite the Secretary of State to be a bit more optimistic about the prospects for consensus? Did he notice, as I did, that despite the sound and fury the shadow Housing Minister remarkably did not actually disagree with anything in the White Paper?

Sajid Javid: My right hon. Friend points out that the shadow Minister has realised what he could actually have done when he was Housing Minister.

Tracy Brabin (Batley and Spen) (Lab): The Secretary of State says that people yearn for honesty and truth. Travelling around my constituency, I am frequently shocked by the standard of the private housing stock. The English housing survey reveals that 29% of private rented homes are still non-decent. In the spirit of honesty and truth, why did the Government block Labour’s proposal to require landlords to let properties that are fit for human habitation?

Sajid Javid: The legislation already contains requirements and standards for housing, including for rented accommodation. If we start frivolously introducing unnecessary new regulations, that will just increase the burdens on house builders and push up costs even further.

Robert Jenrick (Newark) (Con): Some of the large developments around Newark have gained a bad name with my constituents due to the common practice of large developers, such as Persimmon, selling freehold properties but then ensuring that residents pay rip-off prices for many years for management company rents, the cost of putting up a satellite dish, and so on. It is an outrageous practice that is hurting the working people of this country, so will the Secretary of State consider banning it?

Sajid Javid: Yes.

Mr Iain Wright (Hartlepool) (Lab): Will the Secretary of State outline how the White Paper aligns with the industrial strategy? How will the Government collaborate with the construction industry on skills, the supply chain, innovation and regional imbalances to ensure that the house building challenge can be met?

Sajid Javid: There is an important link, and one example relates to skills. I mentioned earlier the importance of factory build and its promotion. That requires a different type of skill set, and the Government need to support that, but it will help more generally with the skills challenge. We will have a new immigration policy following our departure from the European Union, so we must think carefully about that and the link with the construction industry.

Sir Peter Bottomley ( Worthing West) (Con): The majority of the new homes that my right hon. Friend has announced will be leasehold; many leaseholders are subject to abuse. May I ask that his consultation on the abuse and misuse of leasehold includes changing commonhold procedures so that they actually work, so that those with unfair conditions get stopped by the Competition and Markets Authority, and landlords gain nothing by trying to exploit leaseholders?

Sajid Javid: I can confirm that that is in the White Paper as part of the consultation on leasehold, which is partly due to my hon. Friend’s work in this area.

Melanie Onn (Great Grimsby) (Lab): Modular housing will not be the panacea to this country’s housing crisis. Traditional house building will provide the majority of housing in the immediate future in which people want to live. There is no mention in the White Paper of the critical shortage of skilled people in the building industry, so how will the Secretary of State build and meet his targets without the people to do it?

Sajid Javid: No one is saying that modular homes and factory build will be the panacea, but they do have an important contribution to make. Traditional building remains important and that will remain the case for many years to come. Part of trying to get more skills into the sector involves the apprenticeship levy, which comes into place in April. I was proud to introduce it as Business Secretary and have already heard about construction companies’ plans to take on more apprentices.

Kit Malthouse (North West Hampshire) (Con): I welcome the standardisation of the calculation of housing supply for local authorities. Will the Secretary of State confirm that that means that no permission should be granted outside the envelope of approved local and neighbourhood plans?

Sajid Javid: That is what it means.

Mr Ivan Lewis (Bury South) (Lab): My constituents are worried about proposals to build on the green belt, but we need more affordable homes. What will the
White Paper do to force developers that are sat on brownfield sites and refusing to develop them to get on with building?

Sajid Javid: The White Paper contains several measures to deal with that. There is no easy answer, but there can sometimes be good reasons, such as if a developer has another project to go on once it finishes the current one. Some developers do take too long to turn planning permission into homes, however, so the measures in the White Paper include changes to completion notices and the ability to attach conditions to planning permission. We are also consulting on a new measure for large developments to allow local authorities to take into account a developer’s track record.

Crispin Blunt (Reigate) (Con): Will my right hon. Friend confirm that it is still Government policy that London’s green belt is a priceless asset for both the nation and London? Will he further confirm that if a local authority ducks difficult decisions and fails to produce a local plan, it cannot short-cut its way out of that through a £2.5 billion development where the green belt is at its narrowest around London, earning a nice little £1 billion for the developer and the landowner?

Sajid Javid: It would be inappropriate for me to discuss a particular planning application, but I can confirm that protections for green belt are as strong as ever. In fact, the White Paper sets out for the first time much more clearly the steps that we expect a local authority to take before it even considers the green belt, including having to show that it has looked at all reasonable alternatives.

Peter Dowd (Bootle) (Lab): How does the Secretary of State intend to help local authorities purchase land under compulsory purchase orders when he has devastated their budgets by up to 60%? He should be holding himself to account for his failures, not local authorities.

Sajid Javid: We are specifically consulting on the possibility of local authorities holding auctions using a compulsory purchase order, so they would not necessarily be buying land themselves.

David Mackintosh (Northampton South) (Con): In high-growth areas, such as my constituency, the key issue is ensuring that we have the infrastructure for schools, healthcare, transport and community facilities. Will my right hon. Friend please give us more details of how the infrastructure fund for housing will work in practice to provide and ensure that we have both housing and infrastructure?

Sajid Javid: The £2.3 billion fund, which was announced in the autumn statement, will be launched in April and will be run by DCLG. It will involve a bidding process, through which local councils and possibly other parties can bid directly for the necessary infrastructure. I am conscious that many colleagues are eager to get more details, so we will publish them as soon as possible.

Andy Burnham (Leigh) (Lab): My hon. Friend the Member for Manchester Central (Lucy Powell) is right that it is time to take much tougher action against absent private landlords who rake in housing benefit but do not reinvest a penny of that money into the upkeep of their properties. Councils should be given much simpler powers to issue CPOs when properties are below a decent standard. We should send a clearer message to landlords: respect our communities or get out of Greater Manchester.

Sajid Javid: The right hon. Gentleman will know that what we want all landlords, whether offering rented accommodation or homes for sale, to meet certain standards, but the underlying problem is that one reason why landlords can sometimes extract a higher rent or set more difficult terms is the lack of supply of homes. That applies to Manchester as much as anywhere else.

Mary Robinson (Cheadle) (Con): I am pleased to hear the Secretary of State reiterate that the green belt is safe in our hands. In Stockport, however, the Greater Manchester spatial framework has proposed plans to build more than 4,000 houses on the green belt in my constituency. Will he reassure me, my constituents and the 3,600 people who signed my petition that the green belt is safe in our hands and that there are no plans to remove any restrictions on it?

Sajid Javid: We have made it clear in the White Paper that the green belt will retain all the protections that it enjoys today. For the first time, we have clearly set out what we expect a local authority to go through to demonstrate that it has looked at all other reasonable alternatives.

Helen Hayes (Dulwich and West Norwood) (Lab): Can the Secretary of State confirm whether he remains committed to the definition of an affordable home as one costing up to 80% of market rent or £450,000 to buy in London? Can he confirm what now counts as a starter home? Will local authorities still be subject to draconian compliance directives if they fail to deliver them?

Sajid Javid: We want to see more starter homes being rolled out. A process has already begun that will include homes sold at a 20% discount, but it will also include other types of affordable homes for ownership.

Oliver Dowden (Hertsmere) (Con): My constituency is entirely green belt, apart from developed areas, and it provides vital protection against London urban sprawl. Can the Secretary of State therefore confirm that, if my local council makes a determination that it cannot meet its needs assessment without sacrificing the green belt, the plan must be upheld by planning inspectors?

Sajid Javid: My hon. Friend understands that I cannot confirm that we have thought very carefully about measures that will help areas, such as his constituency and mine, that have huge amounts of green belt. As part of that, we are asking all local authorities to do more to co-operate with their neighbours. One of the requirements in the White Paper is a statement of common purpose, which we will consult on. Every single local authority will be required to talk to its neighbours and come up with a statement of common purpose.

Caroline Lucas (Brighton, Pavilion) (Green): In Brighton and Hove alone there are 26,000 people on the housing waiting list, so why will the Secretary of State not lift
the borrowing cap so that councils can start building again? He keeps talking about supply, and here he has a very practical way of doing it. Building on the green belt has risen fivefold in the past five years. How is he going to protect the green belt?

Sajid Javid: The councils asked for more borrowing powers two years ago so that they could build homes. We did that in last year’s Budget, and there is still lots of headroom—I think it is almost £300 million.

Jason McCartney (Colne Valley) (Con): I welcome the philosophy of the right houses in the right places, but what advice can the Secretary of State give to my constituents who keep seeing Labour-run Kirklees building the wrong four-bedroom detached houses in the wrong places on greenfield sites with scant regard for school places, infrastructure and collection of section 106 money?

Sajid Javid: We expect all councils to come up with the right plans for their area. One of the tests that we apply is to ask the independent Planning Inspectorate to look at those plans, which cannot be adopted until they have gone through that process. When my hon. Friend looks at the changes, he will welcome how we have become more robust about that.

Lilian Greenwood (Nottingham South) (Lab): Nottingham City Homes recently won national recognition for Palmer Court, its newly built scheme for older people in Lenton, but across our city vulnerable tenants in supported housing are deeply worried by the proposal to cap local housing allowance. If the Secretary of State is serious about providing safe and secure homes, why does he not take this opportunity to drop that proposal?

Sajid Javid: One of the things the hon. Lady will find in the White Paper is a requirement for all local authorities to account in their plans for everyone in their community, including older people and disabled people. She specifically asks about how we can help supported housing, and there is an ongoing consultation. We are carefully looking at all the issues.

Mims Davies (Eastleigh) (Con): There is a wild west, adversarial, Lib Dem, lazy planning attitude in my constituency, and I welcome page 63 of the White Paper, which says that disabled people’s needs and older people’s needs will be considered. I also welcome the protection of ancient woodland because, at the moment, the only answer in Eastleigh is “out of space” development dropped on ancient woodland.

Sajid Javid: I agree with my hon. Friend on both counts. First, the words “Lib Dem” and “lazy” do go well together. Secondly, she is right about ancient woodland. She has spoken to me about that on a number of occasions, and in the White Paper I did not see why ancient woodland should have less protection than the green belt, as is the case currently. That is why we are upgrading the protection of ancient woodland to the same level as green belt.

Mr Speaker: The hon. Member for Leeds North West (Greg Mulholland) is not lazy. He is hyperactive.

Greg Mulholland (Leeds North West) (LD): Thank you, Mr Speaker. For the Secretary of State to call anyone lazy when these few pages are the best he can do is pretty pathetic. It is also pathetic that he has done nothing in his term to ensure that the right houses are being built in the right places. Will he speak to Bramhope & Carlton and Pool in Wharfedale parish councils about why they are facing yet more development of greenfield and green-belt land for the kind of housing that is not necessary? Will he speak to local Conservative councillors who oppose his planning policies?

Sajid Javid: Not a day goes by when I do not speak to councillors across the country. What many of them will welcome today is the requirement for everyone to play by the same rules. They all understand the need for homes in their area, and I suggest the hon. Gentleman does the same.

Bob Blackman (Harrow East) (Con): I welcome the White Paper’s measures to combat homelessness, but part of the solution is direct commissioning of housing. The progress on direct commissioning is not very good so far. What action can my right hon. Friend take to make sure that that is speeded up so that homes are provided for the people who desperately need them?

Sajid Javid: I commend my hon. Friend’s work on homelessness, particularly through his Homelessness Reduction Bill, which is making its way through Parliament. He is right about the importance of commissioning, which has a role to play and is something that I am looking at carefully.

Meg Hillier (Hackney South and Shoreditch) (Lab/Co-op): The National Audit Office estimates that the total Government spend on housing in the last financial year was £28 billion, but a staggering £20.9 billion of that total was spent on housing benefit. Is that not a demonstration that rents are too high and that even people in work cannot afford them? Did the Secretary of State give any consideration to reforming housing benefit when putting together the White Paper?

Sajid Javid: The hon. Lady will know that housing benefit has already been reformed, but she is right to make the link between housing benefit and high rents. Again, that is a symptom of the fact that for far too long we have not been building enough homes.

John Glen (Salisbury) (Con): I warmly welcome today’s White Paper, which has a balanced, pragmatic range of solutions. Will the Secretary of State give consideration to situations where local authorities find themselves held to ransom by developers who refuse to make concessions in the section 106 agreement process and frustrate local communities by subsequently not delivering the infrastructure that they said they would deliver?

Sajid Javid: That is often a problem, and my hon. Friend makes a good point. In the White Paper he will see that we refer to some changes that will come about, following the consultation that has already happened, both to section 106 and the community infrastructure levy payments. I think that will help.
Jonathan Reynolds (Stalybridge and Hyde) (Lab/Co-op): We desperately need new houses, but development is not always popular with the public. The key issue is infrastructure. The best proposal I have ever seen is building new garden villages and putting in schools, roads and infrastructure at the same time. The Government have had a pilot, but is it something that they will take forward?

Sajid Javid: Yes, it is.

Iain Stewart (Milton Keynes South) (Con): What flexibility does the White Paper propose for places such as Milton Keynes? Milton Keynes wants to expand properly as part of the Oxford to Cambridge corridor, but housing developments are now being proposed to meet short-term housing targets that risk undermining the planning for long-term growth?

Sajid Javid: My hon. Friend makes a good point. When plans are put together, they should look at the long-term land supply—not just over the following five years but beyond that to the required need. Also, there should be more co-operation with neighbouring local authorities on putting together the plans, which is where the proposed new statement of common purpose will help.

Kerry McCarthy (Bristol East) (Lab): I am glad the Minister eventually came around to realising the need to tackle land banking and developers sitting on properties, so the moves on completion notices and compulsory purchase are very welcome. But when will he start to listen to council leaders, who, despite his answer to the hon. Member for Brighton, Pavilion (Caroline Lucas), are still saying they need the borrowing cap lifted? They need the freedom to borrow more so that they can build more houses.

Sajid Javid: We have increased local councils’ borrowing ability, but where the most ambitious councils that have good, sensible plans want to come forward to do a deal with central Government, we are listening. That invitation is in the White Paper.

William Wragg (Hazel Grove) (Con): Can a self-imposed housing target become the exceptional circumstance to build on the green belt?

Sajid Javid: My hon. Friend helps me to highlight, again, the way in which we have tackled the green belt in this White Paper by keeping all its existing protections and demonstrating, for the first time, exactly all the hoops a local authority has to go through to show us categorically that it has looked at all other reasonable options.

Steve McCabe (Birmingham, Selly Oak) (Lab): Further to the point raised by my hon. Friend the Member for Nottingham South (Lilian Greenwood), surely the Minister has to accept that his plans are going to lead to a reduction in the supply of supported housing in the midlands but an increase in London? That is a problem he could fix; that is a market he is breaking.

Sajid Javid: A consultation on supported housing is going on at the moment and the results will be out in due course.

Mr Peter Bone (Wellingborough) (Con): Does the Secretary of State agree that housing demand would fall if we could reduce the third of a million people coming into this country each year?

Sajid Javid: I have looked at this issue carefully and I am not sure it makes the kind of difference my hon. Friend believes it does. Two thirds of housing demand has nothing to do with immigration; it is to do with natural population growth, particularly through people living longer, and that will have to be catered for regardless. Even if immigration was to fall to zero, we would still have a deficit of some 2 million homes and people would still be in overcrowded homes, so we would still have to keep building.

Rachael Maskell (York Central) (Lab/Co-op): Not a single new social home has been commissioned in York under this Tory Government and the Tory-led council, and we have no local plan because the proposals were so unworkable. How will this White Paper help to deal with York’s housing crisis?

Sajid Javid: It will help York in many of the ways in which it will help across the country, for example, through the requirement for every local authority to undertake an honest assessment of need and plan on that basis.

James Berry (Kingston and Surbiton) (Con): My constituents are shocked at Lib Dem and residents association-controlled Elmbridge Borough Council’s proposals to allow mass development on the green belt by Surbiton. I therefore welcome my right hon. Friend’s protection of the green belt, but will he confirm that building on the green belt is and will remain possible only in defined exceptional circumstances?

Sajid Javid: Yes, I can absolutely confirm that.

Kate Green (Stretford and Urmston) (Lab): I note with alarm that the White Paper says the Secretary of State plans to review the size standards, as we know from University of Cambridge research in 2014 that house sizes in this country are among the smallest in Europe. We do not want to move to building lots of rabbit coops that are not good for young families, so will he offer the House assurances that he will proceed with great caution in this area?

Sajid Javid: Yes, I can offer that assurance. This is why we are having this consultation; it is in response to some of the innovation taking place in the industry. It is right to look at this, but it is also important that we do not have a race to the bottom.

Mr Speaker: The ever-vigilant Speaker’s Secretary has just pointed out that from the Government Benches I called Mr Wragg followed by Mr Bone. It was not in any way calculated.

Dr Tania Mathias (Twickenham) (Con): I very much welcome the White Paper. What support is the Secretary of State giving to key workers who are trying to access homes in areas with very high property prices?
Sajid Javid: There are two parts to my answer on that. First, I point to our commitment to help with the creation of more affordable homes, both for rent and to buy. A lot of that will be through the support provided through housing associations, including the £1.4 billion of extra funding in the last autumn statement. In the longer term, we have the issue of pushing up supply, because that is the only way in which we shall tackle the affordability issue once and for all.

Derek Twigg (Halton) (Lab): My constituency is the most heavily urbanised in Cheshire. Most of the available brownfield sites have been built on, there is little green belt land and there is pressure on school places and on the local roads. Will the Secretary of State or his Minister therefore meet me to discuss the specific problems that areas such as mine, particularly small urban areas, have in meeting housing demands?

Sajid Javid: I am sure the Minister for Housing and Planning would be happy to meet. The hon. Gentleman should know that we would not be able to discuss the specific planning issue, but more general discussions would be welcome.

James Cartlidge (South Suffolk) (Con): The White Paper talks about sharpening the tools available to local authorities to deal with the massive gulf between the number of planning permissions given and the actual construction of homes. Are there any circumstances in which, if the local authority can provide evidence of land banking, my right hon. Friend would give it the power to levy council tax on unconstructed units if they were not delivered?

Sajid Javid: We have looked at this issue carefully, and we have to try to get the right balance. We need to respect the fact that there are legitimate reasons why the supply of any product would need to have a pipeline of inputs, including land, in the case of a house builder, but there is evidence of some firms taking advantage of that, as my hon. Friend mentions. There are many tools in this White Paper, and if after looking at them more carefully he thinks more needs to be done, I will be listening to him.

Mr David Nuttall (Bury North) (Con): If we are going to stop building on the green belt, as is proposed in Bury as part of the Greater Manchester spatial framework, does my right hon. Friend agree that the only way to increase the number of new homes will be to insist on higher density development on brownfield sites?

Sajid Javid: One way to increase the number of homes in brownfield areas is through density. This White Paper contains a lot on density and I know that when my hon. Friend takes a close look he will welcome it.

Martin Vickers (Cleethorpes) (Con): I welcome the Secretary of State’s determination to tackle the housing shortage, but he will be aware that housing need varies dramatically between provincial towns and rural areas, and London and the south-east. Can he assure my constituents that the policies and planning guidance will not be focused entirely on London and that there will be some allowance for local authorities to vary this in the more rural areas?

Sajid Javid: I can absolutely reassure my hon. Friend on that point. The White Paper contains a specific requirement on all local authorities to plan for the needs in their area, so if the demographics differ from area to area, as of course they will, that is exactly what will need to be catered for.

James Morris (Halesowen and Rowley Regis) (Con): As a constituency neighbour of mine, the Secretary of State will know that people in Halesowen value the amenity of the green belt around it. Does he therefore agree that the approach to house building in the Black country should very much be brownfield first, focusing on the remediation of existing sites for house building?

Sajid Javid: Yes, I very much agree with what my hon. Friend says.

Mr Stewart Jackson (Peterborough) (Con): Land availability is, in a sense, a side issue, because one impediment to expedient planning consents is the capacity of the planning department and the fact that there is no fiscal incentive for planners to grant permission, which is why these things take so long. Linked to that is the capacity issue and whether planners have the skills, knowledge and experience to deal with large-scale planning applications. On that point, is it not time we reviewed the capacity of local authorities to increase planning fees?

Sajid Javid: My hon. Friend has talked to me about this before and has helped, along with others, including many local leaders, to make a strong case about it. We have listened and local councils will be able to increase their planning fees by at least 20%.

Dr Andrew Murrison (South West Wiltshire) (Con): Local communities are often keen to support housing on exception sites if they feel the housing is for local need. Does the Secretary of State share their frustration that too often under the Housing Act 1985 those homes can then be swapped to somebody who does not have that local connection? Does he also share their frustration at the apparent easy waiving of section 106 agreements; as I referred to earlier, we have not yet made the final decisions, but that matter is subject to a separate consultation and we are looking at how we can improve it.

Sajid Javid: It is important that the local connection rules are appropriate and are working as we have set out. My hon. Friend also makes a link to section 106 agreements: as I referred to earlier, we have not yet made the final decisions, but that matter is subject to a separate consultation and we are looking at how we can improve it.

Nigel Mills (Amber Valley) (Con): What action does the Secretary of State propose to take against councils that fail to put in place a local plan?
Sajid Javid: The good news is that the vast majority of councils do have in place a valid local plan, but, of course, some still have not met their requirement. The biggest incentive on councils to do so is that while they do not have a local plan, the presumption in favour of development applies, and that is not fair on the local people they represent. People want to see a plan so that they can control where development takes place.

John Howell (Henley) (Con): I am pleased with what the Secretary of State said about neighbourhood plans. Will he confirm that they are an important part of the planning mix and are delivering more houses than expected?

Sajid Javid: Yes, I can confirm that. My hon. Friend speaks with some experience in this area, and the evidence is that the 200-odd neighbourhood plans that have been adopted so far are on average leading to 10% more development than was necessary.

Huw Merriman (Bexhill and Battle) (Con): On page 25 of the excellent White Paper there is an expectation that local authorities will have to consider small windfall sites off-plan. I suggest that often it is medium sites that will deliver not only more housing but the community benefits that would encourage the community to welcome such sites. Could we increase their number?

Sajid Javid: I can highlight to my hon. Friend a requirement, which I think is on the same page in the plan, that would help on just that point. There is a new requirement that, from now on, when local authorities set out their plan they have to allow a minimum of 10% of the site for small and medium-sized builders. These have to be small sites and small plot sizes that will particularly appeal to small and medium-sized builders.

Andrew Stephenson (Pendle) (Con): I was delighted to hear in January that Pendle Borough Council will be one of the first councils in the country to benefit from the Government’s £1.2 billion unlocking the land fund to bring forward brownfield land for starter homes. How will the White Paper further brownfield development in constituencies such as mine?

Sajid Javid: My hon. Friend will find in the White Paper a requirement on all local authorities that, before they can look at anything other than brownfield, they must show that they have fully exhausted the brownfield opportunities in their area. They must look at all the viable areas, but also at things such as density, to get the most out of brownfield.

Robert Courts (Witney) (Con): Does the Secretary of State agree that when planning permission is given for homes in places such as west Oxfordshire, it is important that developers build them, and quickly?

Sajid Javid: I absolutely agree with my hon. Friend. He will find in the White Paper several measures to help to tackle just that problem—for example, the changes we have made to completion notices.

Julian Sturdy (York Outer) (Con): Starter homes offer a realistic solution to difficult-to-deliver brownfield sites and low levels of home ownership among young people. Bearing in mind the possible change of focus for starter homes, is my right hon. Friend still committed to delivering on the requirement under the Housing and Planning Act 2016 to deliver 200,000 of them by 2020?

Sajid Javid: We are committed to delivering at least 200,000 homes for affordable ownership, and that 200,000 will include the starter homes with 20% discounts.

Chris Green (Bolton West) (Con): Urban sprawl creates excessive pressure on local road infrastructure in my constituency, which means Daisy Hill and Atherton stations have to have increased capacity at their car parks. Will the Secretary of State do all he can to ensure that we build up, not out, especially within walking and cycling distance of established public transport routes?

Sajid Javid: There are specific measures in the White Paper to help to do just that, especially around urban transport hubs and other transport hubs, in order to get a greater density and make much better use of the land.

Richard Drax (South Dorset) (Con): I welcome my right hon. Friend’s White Paper. Will he assure me that it will ensure that developers have to pay attention to the character of the area around which they are developing? So many developments are so ugly, but people have to live in them and others are less likely to object if the development is beautiful.

Sajid Javid: My hon. Friend is right to make that point. The change we have made to allow local authorities to increase their planning fees will help with that. Collectively, that 20% increase is worth £75 million. Many local authorities have told me that they would like to hire more resources in their planning departments to help with design, and this change will help to achieve just that.

Stuart Andrew (Pudsey) (Con): Thousands of homes have been built on brownfield in my constituency, but thanks to Labour’s excessive 70,000 housing target, we are now seeing swathes of green belt housing coming under threat. Does the standardised methodology for housing need offer hope to my constituents that we can have a realistic housing target review to meet housing demand?

Sajid Javid: I assure my hon. Friend that at the heart of the new methodology is a requirement to be more realistic and honest about the actual housing need in the area. Perhaps he will also be reassured by the words in the White Paper about making sure that, before anyone even looks at green belt, they have exhausted all other reasonable options.

Tom Pursglove (Corby) (Con): One market that never seems to be met is that for bungalows, which are perhaps the only truly lifetime property and which also free up properties for families. What role does the Secretary of State see bungalows playing in future supply?

Sajid Javid: My hon. Friend makes an important point. This comes back to the new requirement for local authorities to plan for every demographic in their area. I am sure that, like me, my hon. Friend has met constituents whose children have left and who live in a large home and would love to downsize, but there is not enough
choice in their local area. There is now a specific requirement in the White Paper to make sure that local authorities are planning for everyone, including older people.

Mr Speaker: I am most grateful to the Secretary of State and colleagues, whose pithiness enabled every would-be contributor to take part in the exchange on the statement.

Points of Order

1.57 pm

Sir Edward Leigh (Gainsborough) (Con): On a point of order, Mr Speaker. As we are a democratic assembly, the only way we can work is to respect the authority of the Speaker; otherwise, there would be complete chaos. Personally, I think that the Queen has issued an invitation to Mr Trump under the advice of her Ministers. He is the leader of the free world, and if we have entertained the President of China, we can entertain him. That is my view but, at the end of the day, we have to respect and support the office of Speaker.

Paul Flynn (Newport West) (Lab): Further to that point of order, Mr Speaker.

Mr Speaker: I am not sure that there is anything to add, but I shall take it and then come back to the hon. Member for Gainsborough (Sir Edward Leigh).

Paul Flynn: You may recall, Mr Speaker, that in business questions last week I raised the inability of ordinary Members of this House to express an opinion, through a vote, on what was an unprecedentedly quick invitation to a Head of State. We owe you a debt of gratitude for deciding that, in this case, such an invitation should not be supported by Members of this House. We know why this happened—it was done rapidly to avoid political embarrassment for the Prime Minister—but any invitation to this House should not be extended to such a person as Donald Trump.

Mr Speaker: First, in respect of the point of order raised by the hon. Member for Newport West (Paul Flynn), I thank him for what he said and add merely that I responded to a substantive point of order on this matter yesterday. I think it only fair to say that there is no need for me to provide a running commentary today.

In respect of the point of order raised by the hon. Member for Gainsborough, I also thank him for what he said. He does not mince his words. He says what he thinks, and always has done, and he is respected for that across the House. Sometimes he agrees with me and sometimes he does not, but his respect for and loyalty to the institutions of the country, including those within Parliament, is universally acknowledged. I thank him for that, and I think that others will, too.

Mr Peter Bone (Wellingborough) (Con): On a point of order, Mr Speaker. First, I agree entirely with what my hon. Friend the Member for Gainsborough (Sir Edward Leigh) says. Of course we respect the Speaker. I have not always agreed with the Speaker either.

Secondly, a worrying breach of etiquette has broken out over the past few months with Members clapping in this Chamber. Is there anything in your power, Mr Speaker, to do something about that?

Mr Speaker: Members should not do so, and the answer is that perhaps I should be even more robust—I usually am pretty robust. The point was made yesterday about clapping; it should not happen. All I say is that one has to deal with every situation as it arises, and sometimes it is better just to let a thing pass than to make a song and dance about it. I respect the hon.
Gentleman’s commitment to tradition. Of course if people want to change those traditions, they should argue the case for such change. I am no stranger to that phenomenon myself.

Alex Salmond (Gordon) (SNP): On a point of order, Mr Speaker. Just on that previous point, if ever a statement deserved clapping, yours did yesterday, in my opinion.

I want to raise the question of irrevocability. We are about to go into Committee of the whole House, and just about every amendment that we will discuss hangs on the question of whether article 50 is irrevocable. The Supreme Court was silent on that matter. The Brexit Secretary told a Committee:

“It may be revocable—I don’t know.”

There is not much guidance from the Government on the matter. Given the importance of the amendments that we are about to discuss, and given that they hang on the question of whether article 50 is irrevocable once invoked, can we get some guidance from the Chair or the Government—or anybody—before we move into a debate without that basic piece of information, which would be important for hon. Members?

Mr Speaker: The right hon. Gentleman raises an important point, but I am not convinced—I will explain why—that it is a point of order for the Chair. Moreover, I might be wrong about this, but I have a sense that, on this occasion, he is perhaps more interested in what he has to say to me than in anything that I might have to say to him. He has got his point on the record. The reason why I am not convinced that it is a matter for me—I am looking round for inspiration to people with legal expertise—is that, frankly, it is not for the Speaker to seek to interpret treaties. That does not fall within my auspices. My best advice to the right hon. Gentleman is that he should follow his own instincts and counsel. He has been doing so for some decades. Knowing what a persistent fellow he is, if he is dissatisfied with my answer, I rather imagine that he will be pestering the Government Front-Bench team about that matter in the upcoming debates.

Sir Gerald Howarth (Aldershot) (Con): On a point of order, Mr Speaker. Further to what my hon. Friend the Member for Gainsborough (Sir Edward Leigh) said—of course I entirely support him, and I have enjoyed a very good relationship with the Chair—yesterday did cause a number of us some concern. It was noticeable that there was great enthusiasm on the Opposition Benches and a rather subdued aspect on the Government Benches. We want to support you in the Chair, Mr Speaker. The relationship between the United Kingdom and the United States is an extremely important one, and the Prime Minister, in the view of many of us, managed to secure a very favourable outcome of what was undoubtedly a tricky visit. Although I was keen yesterday not to accuse you, Mr Speaker, of making an executive order in respect of another matter, I do hope that you will help us to ensure that we can have full confidence in your impartiality, because that is the way that this House has to proceed.

Mr Speaker: The hon. Gentleman is quite right in what he says about the required impartiality of the Chair. I do not want to rerun the debate. The only thing I will say to him—I say it in a very understated way—is this: I referred in the course of my response to the hon. Member for Cardiff South and Penarth (Stephen Doughty) to the locus and the responsibility of the Speaker in respect of the matter that he was raising with me. Therefore, although I completely understand that there can be different views on this matter—we have heard some of them—which should always and all be treated with respect, I was commentating on a matter that does fall within the remit of the Chair. The House has always understood that the Chair has a role in these matters. If the hon. Gentleman disagrees with the means of my exercising it, that is one point. If he does not always approve of my manner—I cannot think that he imagines me too robust for his liking as he is no stranger to blunt speaking himself—so be it. I was honestly and honourably seeking to discharge my responsibilities to the House. In the interests of the House, we should move on to other matters, but I thank him for what he says.
Crime (Assaults on Emergency Services Staff)

Motion for leave to bring in a Bill (Standing Order No. 23)

2.5 pm

Holly Lynch (Halifax) (Lab): I beg to move,

That leave be given to bring in a Bill that would offer our police officers, firefighters, doctors, nurses and paramedics greater protection from harm than that allowed under existing legislation.

I come to the Chamber once again to raise the profile of the risks facing those working on the frontline in our emergency services. I seek approval for a Bill that would offer police officers, firefighters, doctors, nurses and paramedics greater protection from harm than that allowed under existing legislation.

Having been out with all the emergency services in my constituency, may I start by paying tribute to the work that they do? Behind the uniforms are incredibly brave and dedicated individuals who, regrettably, face risks that they simply should not have to face on an almost daily basis. They routinely go above and beyond their duties to keep the public safe, yet when someone sets out deliberately to injure or assault an emergency responder, the laws in place must convey how unacceptable that is in the strongest possible terms. This Bill sets out to do just that.

I want to take this opportunity to thank the many Members who, on a cross-party basis, have lent their support to my “Protect the Protectors” campaign. I launched the campaign after spending a Friday evening in August out on patrol with West Yorkshire police in my constituency. I joined PC Craig Gallant, who was single crewed and responding to 999 calls. When a routine stop very quickly turned nasty, I was so concerned for his safety that I rang 999 myself to stress just how urgently he needed back-up. Thankfully, other officers arrived at the scene shortly afterwards to help to manage the situation. Although, amazingly, no injuries were sustained on that occasion, I saw the dangers for myself and understood just how vulnerable officers are when they are out on their own.

Following that incident, and having secured an Adjournment debate on this very issue, police officers from all over the country started to contact me with their harrowing stories of being attacked while on duty. What has shocked me, and what thoroughly depresses me, is that changes were made, which we all hope will give us a much more accurate picture.

During my Adjournment debate in October, I outlined the flaws in the Home Office’s then system for collecting data on just how many assaults there were on police officers. I welcome the fact that the Minister listened and that changes were made, which we all hope will give us a much more accurate picture.

Official Home Office statistics suggest that there were just over 23,000 assaults on police officers last year. That is 450 a week, and it equates to an officer being assaulted every 22 minutes. However, just this week the Police Federation published the results of its welfare survey, which was undertaken by 17,000 serving police officers. The survey revealed that there are actually closer to 6,000 assaults every day—an assault every 13 seconds—with the average police officer being assaulted 19 times a year.

In our Opposition day debate on police officer safety at the end of last year, my hon. Friend the Member for Newport East (Jessica Morden) told the Chamber about the mum she had met who told her children that their dad was the clumsiest man in the world. When walking to work, he bruised his ribs when he came home from work as a police officer. Although the figures sound incredibly high, they sound worryingly in line with the experiences of that family.

My Bill would protect not just police officers, but all blue-light emergency responders. A report published just before Christmas by Yorkshire ambulance service revealed that staff faced “violence and aggression” on a weekly basis. There was a 50% increase in reported incidents of verbal and physical attacks on staff, with 606 incidents reported in 2015-16. Richard Bentley, a paramedic in Leeds, told the BBC that he had faced three serious assaults in five years. He had been bitten, head-butted and threatened with a knife.

Members of West Yorkshire fire and rescue service have also reported being subject to assaults. On bonfire night, the service received 1,043 calls, with crews attending 265 incidents. It was disgraceful that, faced with such pressures on the busiest night of the year, firefighters in West Yorkshire were also subject to 19 attacks overnight.

The Bill would ensure that anyone who assaults an emergency service responder, doctor or nurse, and is charged with malicious wounding, grievous bodily harm, actual bodily harm or common assault, would be eligible for a tougher sentence because an assault on an emergency service worker is an assault on society. It is totally unacceptable that public servants who are working in their communities, protecting people and helping the vulnerable are subject to assaults as they go about their jobs. These changes would go some way towards reflecting that.

The second aspect of the Bill aims to deal with the hideous act of spitting at emergency service workers. As well as being horrible, spitting blood and saliva at another human being can pose a very real risk of transmitting a range of infectious diseases, some with life-changing or even lethal consequences. At an event organised by my hon. Friend the Member for Wolverhampton South West (Rob Marris), I met PC Mike Bruce and PC Alan O’Shea of West Midlands police. Both officers had blood spat in their faces while...
trying to arrest a violent offender. They both had to undergo antiviral treatments to reduce their risk of contracting communicable diseases, and they faced a six-month wait to find out whether the treatment had been successful. During that time, PC O’Shea was advised that he could not see his brother, who was undergoing cancer treatment, because the risk of passing on an infection was too high. He was also advised not to see his parents because they were in such regular contact with his brother.

PC Bruce had a false positive result for hepatitis B, and for six months until conclusive test results came through, he was understandably reluctant to be close to his wife or children, fearing for their wellbeing. I am pleased that PC Bruce and PC O’Shea are here today to lend their support to these changes which, had they been in place at the time, might have saved them such an agonising wait.

In previous speeches I have made on the issue, I shared with Members the story of Arina Koltsova, a police officer in Ukraine who died after contracting tuberculosis from an offender who spat at her while she was trying to arrest him. At the moment, if an emergency service worker is spat at, they can take a blood sample from an individual only if that person gives their permission. Needless to say that in the case of PC O’Shea and PC Bruce, the offender was not in a helpful mood, so they were subjected to antiviral treatments and a six-month wait.

Laws in Australia provide that refusal to give a blood sample can result in a $12,000 fine and a custodial sentence. My Bill would mean that refusing to provide a blood sample will, in itself, be a crime punishable by fine or custodial sentence. If an emergency service worker, doctor or nurse has already had to endure being spat at, this measure would hopefully save them having to endure a six-month ordeal of waiting to see if the consequences are much more serious.

It has been made very clear to me that the experience I had out on the streets of my constituency last summer was not an isolated incident. It reflected the daily challenge that our police officers face. Paramedics, firefighters, doctors and nurses are sadly also in need of these protections, yet it is worth remembering that when they find themselves under attack, it is the police who are called. I hope that this change in sentencing will go a small way towards giving these dedicated public servants the protections they should not require, but sadly do.

I am not naive to the nature of ten-minute rule Bills, and nor am I under any illusions about where we are in the parliamentary calendar, but I hope that the Policing Minister and the Home Office team have heard the details of my Bill and will reflect on its merits. I commend the Bill to the House.

Question put and agreed to.

Ordered.

That Holly Lynch, Conor McGinn, Rob Marris, Liz Saville Roberts, Anna Turley, Michael Dugher, Scott Mann, Hannah Bardell, Tom Blenkinsop, Tracy Brabin, Jim Shannon and Philip Davies present the Bill.

Holly Lynch accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 24 March, and to be printed (Bill 136).

European Union (Notification of Withdrawal) Bill

[2nd ALLOCATED DAY]

Further considered in Committee (Progress reported, 6 February)

[NATASCHA ENGEL in the Chair]

2.16 pm

Paul Farrelly (Newcastle-under-Lyme) (Lab): On a point of order, Ms Engel, I would be grateful if you explained not only to the Committee, but to the country that, of all the amendments grouped for debate, the Committee will only vote on new clause 1 today.

The Second Deputy Chairman of Ways and Means (Natasha Engel): I think the hon. Gentleman knows the answer to his question. This is very early for points of order, as we have not even started. As he knows, the grouping of amendments was the subject of the programme motion that was voted on last week. As he says, there will be a Division on the lead amendment. As for subsequent amendments, it depends on what happens in the rest of the debate.

New Clause 1

PARLIAMENTARY APPROVAL FOR AGREEMENTS WITH THE UNION

“(1) Where a Minister of the Crown proposes to conclude an agreement with the European Union setting out the arrangements for the withdrawal of the United Kingdom from the European Union—

(a) the Secretary of State must lay before Parliament a statement of the proposed terms of the agreement, and

(b) no Minister of the Crown may conclude any such agreement unless the proposed terms have been approved by resolution of both Houses.

(2) The requirements of subsection (1) also apply where a Minister of the Crown proposes to conclude an agreement with the European Union for the future relationship of the United Kingdom with the European Union.

(3) In the case of a proposed agreement setting out the arrangements for the withdrawal of the United Kingdom from the European Union, the statement under subsection (1)(a) must be laid before the proposed terms are agreed with the Commission with a view to their approval by the European Parliament or the Council.”—(Keir Starmer.)

This new clause requires Ministers to seek the approval of Parliament of any proposed Withdrawal Agreement before final terms are agreed with the Commission and prior to endorsement by the European Parliament and Council.

Brought up, and read the First time.

Keir Starmer (Holborn and St Pancras) (Lab): I beg to move, That the clause be read a Second time.

The Second Deputy Chairman of Ways and Means (Natasha Engel): With this it will be convenient to discuss the following:

New clause 18—New Treaties with the European Union—

“So far as any of the provisions of any new treaty with the European Union may depend for ratification solely upon the exercise of prerogative, they shall not be ratified except with the express approval of Parliament.”

This new clause would ensure that any future treaties made with the European Union must be ratified with the express approval of Parliament.
New clause 19—Future relationship with the European Union

“(1) Following the exercise of the power in section 1, any new treaty or relationship with the European Union must be subject to the express approval of Parliament.

(2) It shall be the policy of Her Majesty’s Government that, in the event of Parliament declining to approve such a new treaty or relationship, further time to continue negotiations with the European Union shall be sought.”

This new clause seeks to ensure that, if Parliament declines to give approval to any new deal or treaty following the negotiations in respect of the triggering of Article 50(2), that Her Majesty’s Government shall endeavour to seek further time to continue negotiations for an alternative relationship with the European Union.

New clause 28—Parliamentary sovereignty—

“Before exercising the power under section 1, the Prime Minister must undertake that a vote on the proposed agreement setting out—

(a) the arrangements for withdrawal, and

(b) the future relationship with the European Union

will take place in the House of Commons before any vote in the European Parliament.”

This new clause puts a requirement on the Prime Minister to ensure a vote on final terms takes place in the House of Commons before the European Parliament votes on the deal.

New clause 54—Negotiating timeframe—

“Before exercising the power under section 1, the Prime Minister must undertake that if Parliament does not approve the terms for withdrawal and the future relationship within 24 months of notifying the United Kingdom’s intention to withdraw from the EU, she will request that the European Council extends the time period for negotiations.”

This new clause makes provision for a situation in which negotiations have not been concluded or in which Parliament has not approved the deal either because of time constraints or because it has declined to give approval. In any of these situations the Prime Minister would seek extra time to continue negotiations with the EU.

New clause 99—Parliamentary approval of the final terms of withdrawal from the EU—

“The United Kingdom shall withdraw from the EU once either—

(a) Royal Assent is granted to an Act of Parliament that approves—

(i) the arrangements for withdrawal, and

(ii) the future relationship between the United Kingdom and the EU

as agreed to between the United Kingdom and EU, or

(b) Royal Assent is granted to an Act of Parliament that approves the United Kingdom’s withdrawal without an agreement being reached between the United Kingdom and the EU.”

This new clause aims to embed parliamentary sovereignty throughout the process and requires primary legislation to give effect to any agreement on withdrawal or for withdrawal without such an agreement.

New clause 110—Future relationship with the European Union—

“(1) Following the exercise of the power in section 1, any new Treaty or relationship with the European Union must not be concluded unless the proposed terms have been subject to approval by resolution of each House of Parliament.

(2) In the case of any new Treaty or relationship with the European Union, the proposed terms must be approved by resolution of each House of Parliament before they are agreed with the European Commission, with a view to their approval by the European Parliament or the European Council.”

This new clause seeks to ensure that Parliament must give approval to any new deal or Treaty following the negotiations in respect of the triggering of Article 50(2), and that any new Treaty or relationship must be approved by Parliament in advance of final agreement with the European Commission, European Parliament or European Council.

New clause 137—Future relationship with the European Union—

“(1) Following the exercise of the power in Section 1, any new treaty or relationship with the European Union must be subject to the express approval of Parliament.

(2) In the event of Parliament declining to approve the new treaty or relationship set out in subsection (1), Her Majesty’s Government shall seek to negotiate an alternative new agreement with the European Union.”

The Prime Minister has guaranteed that Parliament will have a vote on the final deal between the UK and the EU. This new clause is intended to make that vote meaningful by ensuring that if Parliament votes against the terms of such a deal, the Government shall try to negotiate an alternative future trading agreement and shall not default without agreement to the World Trade Organisation rules.

New clause 175—Request for Suspension of Authorisation—

“If Parliament has not approved terms on which the UK will leave the European Union within the two years specified in Clause 3 of Article 50 of the Lisbon Treaty, or any extension of the negotiation period agreed in accordance with that clause, then the Government must request the European Council to consider the notification authorised by this Act as suspended.”

This new clause would require that Her Majesty’s Government request the European Council to suspend the notification of the United Kingdom’s intention to leave the European Union if Parliament does not approve the terms of departure.

New clause 180—UK—EU membership: reset (No.2)—

“The Prime Minister may not exercise the power under section 1(1) until she has sought an undertaking from the European Council that failure by the Parliament of the United Kingdom to approve the terms of exit for the UK will result in the maintenance of UK membership on existing terms.”

New clause 182—Parliamentary approval for agreements with the Union—

“(1) Where a Minister of the Crown proposes to conclude an agreement with the European Union setting out the arrangements for the withdrawal of the United Kingdom from the European Union—

(a) the Secretary of State must lay before Parliament a statement of the proposed terms of the agreement, and

(b) no Minister of the Crown may conclude any such agreement unless the proposed terms have been approved by resolution of both Houses.

(2) The requirements of subsection (1) also apply where a Minister of the Crown proposes to conclude an agreement with the European Union for the future relationship of the United Kingdom with the European Union.

(3) In the case of a proposed agreement setting out the arrangements for the withdrawal of the United Kingdom from the European Union, the statement under subsection (1)(a) must be laid before the proposed terms are agreed with the Commission with a view to their approval by the European Parliament or the Council.

(4) In laying a statement before Parliament under subsection (1)(a), Her Majesty’s Government shall have regard to the requirements of Parliament for adequate time to consider the statement before the proposed terms are put to each House for approval under subsection (1)(b).”

This new clause is an alternative version of NC1 which provides for additional time being allowed for consideration by Parliament of the proposed terms of the agreement before the vote.
Amendment 50, in clause 1, page 1, line 3, at end insert—

“(1A) The Prime Minister may not notify under subsection (1) until a Minister of the Crown has published an assessment on whether such a notification can later be revoked, and laid a copy of the assessment before Parliament.”

Amendment 20, page 1, line 5, at end insert—

“(3) If the power is exercised under subsection (1), the Prime Minister’s commitment to hold a vote in both Houses of Parliament on the outcome of the negotiations with the European Union shall include the option to retain membership of the EU.”

Recognising that the Government wishes to begin negotiations on a deal to leave the EU, and recognising the Supreme Court ruling on the sovereignty of Parliament, this amendment provides a safety net, ensuring that there is a real vote on the outcome deal that provides the option of the UK staying in a reformed EU should the final terms of the deal be detrimental to the UK’s national interest.

Amendment 43, page 1, line 5, at end insert—

“(3) Before exercising the power under section 1, the Prime Minister must prepare and publish a report on the process for ratifying the United Kingdom’s new relationship with the European Union through a public referendum.”

Keir Starmer: In speaking to new clause 1, I will touch on other new clauses in the bucket. As we go through the debate on these amendments, which is probably the most important debate that we have had thus far and are going to have, it is important that we remind ourselves of the context. The negotiations that will take place under article 50 will be the most difficult, complex and important for decades—arguably, since the second world war. Among other things, it is important that we ensure the best outcome for our economy and jobs, and the trading agreements. As I have said on a number of occasions, what that entails is very clear: we must have tariff-free and barrier-free access to the single market, regulatory alignment, and full access for services and goods. In the White Paper published last Thursday, the Government accept the strength of those arguments about the trading agreements.

It is important that we have the right ongoing future relationship with our EU partners. Labour has been forceful in arguing for maintaining close collaboration with our partners in the fields of medicine, science, research, education, culture, security, policing and counter-terrorism. Although the Prime Minister and the Secretary of State maintain the idea that all this can be agreed within two years, leaving just an implementation stage, the reality is that we will have two deals: the article 50 agreement and a new UK-EU treaty setting out the new arrangements, along with transitional arrangements.

To be clear, we all have a vested interest, on behalf of all our constituents, in getting the right outcome, and that raises the proper role of Parliament in this process. That is why I have consistently argued for three elements of scrutiny and accountability, and this is a debate that, in a sense, has been going on for the last three months. The first element, which I started the argument for last October, was that, at the start, we should have a plan or White Paper—a formal document setting out the negotiating objectives. We should then have a system for reporting back during the negotiations, and we should have a vote at the end of the exercise. Those are the three elements of scrutiny and accountability that I have argued for.

Pete Wishart (Perth and North Perthshire) (SNP): Is it the case that if all the hon. and learned Gentleman’s proposals are rejected by the Government, the Labour party will simply endorse Third Reading and support the Government? What is the point, therefore, of making all this case for these proposals if he is just supine going to cave in to what the Government want on article 50?

Keir Starmer: I am not sure how helpful interventions like that are to a debate, which is actually really important, about scrutiny and accountability. Just to be clear, nagging away, pushing votes and making the argument over three months, we have got a White Paper, and it is important. Nagging away and making the arguments, we have got commitments about reporting back. Nagging away and making the arguments, we have got a commitment to the vote at the end of the exercise. So when the charge is levelled at the Opposition that they have not made the case, and are not succeeding on the case, for scrutiny and accountability, that simply does not match what has happened over the last three months.

Ms Angela Eagle (Wallasey) (Lab): My hon. and learned Friend is right to point out that progress has been made, but does he agree that to make a vote at the end of the process meaningful, we have to have meaningful scrutiny as the process goes on, and as a Parliament we have to have the chance to say to the Government, “You must go back and try to do better”? Having an all-or-nothing vote at the end, when all the discussions and negotiations are over, is not, in my definition, meaningful scrutiny. Does he agree?

Keir Starmer: I am grateful for that intervention, and I will come to that, but the central theme of the case I will seek to make this afternoon is that a vote in this House must be before the deal is concluded; that is the dividing line that makes the real difference here.

The Minister of State, Department for Exiting the European Union (Mr David Jones): I am grateful to the Secretary of State, and I think that this may be helpful—[Interruption.] Forgive me, the shadow Secretary of State. I hope that this will be helpful to him. He has mentioned the fact that the Government have made a commitment to a vote at the end of the procedure. Later, when I address the House, I will be outlining what I intend that vote shall be, but it may be of assistance to him now to know what is proposed. First of all, we intend that the vote will cover not only the withdrawal arrangements but also the future relationship with the European Union. Furthermore, I can confirm that the Government will bring forward a motion on the final agreement, to be approved by both Houses of Parliament before it is concluded. We expect and intend that this will happen before the European Parliament debates and votes on the final agreement. I hope that is of assistance.

Keir Starmer: Minister, I am very grateful for that intervention. That is a huge and very important concession about the process that we are to embark on. The argument I have made about a vote over the last three months is that the vote must cover both the article 50 deal and any future relationship—I know that, for my colleagues,
that is very important—and that that vote must take place before the deal is concluded, and I take that from what has just been said.

Anna Soubry (Broxtowe) (Con): Would the hon. and learned Gentleman—nearly said “Friend”; I will have to be careful—agree that it is really important that, as a nation and a House, we now come together, putting aside all the party political differences, to do the right thing by our country? But most importantly perhaps, on the very point he makes, does he share my concern that, in the event of no deal being reached, this House must also decide what happens next?

Keir Starmer: I am grateful for that intervention, and I do agree that we all have a responsibility to bring this country back together—we are deeply divided.

Several hon. Members rose—

Keir Starmer: I am dealing with this intervention, if you don't mind.

What is significant about what has just been said is that it covers the article 50 agreement and it covers any future relationship. That is the first time we have heard this. It is a very significant position by the Government, and I am grateful that it has been made. It is very important that it has been made, because, on both sides of the House, there has been real anxiety that it should cover both bases.

Whether it goes far enough for the fall-back position, I will reflect on. Ideally, of course, one would want that covered, but I do not want to underplay the significance of what has just been said about the two deals, because this is the first time that clarity has been given; it is the first time the point has been conceded. It is an argument I have been making for three months, and it is very important that it has now been conceded; it is important for my colleagues, and I am sure it is important for people across the House.

Equally important is the timing—that the vote should be before the deal is concluded. The great fear was that there would be a concluded deal, which would make any vote in this House meaningless.

What I hope can now happen on the back of that concession is that we will have a significant statement of the position, which meets in large part everything I have been driving at in new clause 1.

Mr Ben Bradshaw (Exeter) (Lab): I welcome, as my hon. and learned Friend does, the concession from the Government Benches, but does he agree that, as well as the timing, it is the scope of that vote that will be absolutely vital? As the right hon. Member for Broxtowe (Anna Soubry) says, if we are faced with a choice between a hard Brexit and World Trade Organisation rules, that is no choice—the Government will have to go back and renegotiate.

Keir Starmer: At the moment, I agree that we should have as big a say as possible on all of this, but I do not want to understate what has been conceded in the last 10 minutes. I do take the point, but where we have made significant progress on scrutiny and accountability, we should recognise where we have got to.

Mr Kenneth Clarke (Rushcliffe) (Con): While I echo what the hon. and learned Gentleman has said, would he agree that instantly leaping on a concession may be a little unwise until we are quite clear what it amounts to? I recall that a concession on a plan led to a speech in Lancaster House, which did not take us very much further. I would like to be persuaded that a major concession has been made. Does he agree that it would be helpful, as we will not know quite what we are debating if we continue now, if the Minister tried to catch the Chairman’s eye after the hon. and learned Gentleman has sat down, so that he can explain in more detail what he is proposing? The substance of the debate on this group of proposals will then be altogether better informed.

Keir Starmer: I am grateful for the intervention, and I accept that point. Far be it from me to say what the procedure should be, but that would be helpful because some of what has been said has been heard for the first time today, and we need to reflect on it.

2.30 pm

Alex Salmond (Gordon) (SNP): If this is indeed a significant concession, should it not be added to the Bill so that it can be properly examined and analysed and that by Report every Member has been able to look at it?

Keir Starmer: I recognise the strength of that point. There are of course other opportunities to examine what has been conceded, and to ensure that it might find its way into the Bill. I think it would be sensible to recognise the significance of what has been said, hear a little more detail if we can, and reflect on that during the course of the afternoon. Of course, the Bill does not complete its passage today, or in this House.

Robert Neill (Bromley and Chislehurst) (Con): The hon. and learned Gentleman is making a fair point. I think he and I would accept, as advocates, that if somebody says something to us in good faith, we take it on board, bank it, and sometimes do not push too hard—we take a valuable concession and recognise it for what it is.

Keir Starmer: I am grateful for that intervention. When an assurance is given in a debate such as this, it is a significant assurance. That said, of course having something in statute at some later point would be even better.

Lyn Brown (West Ham) (Lab): I came into the Chamber with the full intention of supporting new clause 1, and I still feel that we need to press it to a vote. I hear what my
hon. and learned Friend is saying—that he wants to trust and believe the Government. However, if we saw a manuscript amendment before the end of the afternoon, I would find it much easier not to have a vote on new clause 1. Does he agree that a manuscript amendment would be helpful?

Keir Starmer: That is in the hands of the Minister, but I certainly take the point.

Let me make some progress, because we have not got very far. [Interruption.] Well, I have not got very far. Looking again at the big picture, there is a commitment in paragraph 7.1 of the White Paper—this is important for trade unions, for working people and for constituents who have repeatedly raised these points—to convert all EU-derived rights, including workers’ rights, into domestic law. I do not think that commitment has been heard loudly enough. We certainly intend to hold the Government to that at every step of the way, along with other EU rights such as environmental and consumer rights.

I have consistently argued that the Prime Minister cannot, in the article 50 negotiations, negotiate to change domestic law or policy—that will require primary legislation. Paragraph 1.8 of the White Paper makes it clear that the Government do not accept that the Prime Minister would have that authority, and expressly refers to separate Bills on immigration and on customs. I highlight that because there is huge concern among my colleagues about the threat made by the Prime Minister to alter our social and economic model and turn the UK into a tax haven. That cannot happen without primary legislation. It is important that we note that.

Paul Farrelly: I rather agree with the right hon. Member for Broxtowe (Anna Soubry) and my right hon. Friend the Member for Exeter (Mr Bradshaw). Given the Government’s position, which has just been outlined, does my hon. and learned Friend agree that the only substantive reason now for the Government not to agree to our new clause 1 is to deny the other House a vote on a resolution, and that the Minister should explain why that is the position?

Keir Starmer: I hear what my hon. Friend says. I think we will have to wait to hear from the Minister.

So far as the vote is concerned, there has been a change of position, and it is important that I set that out. Initially, the Secretary of State for Brexit said back in October that he would observe the requirements of treaty ratification. Then in December, at the Dispatch Box, he almost said that we would get a vote—he said that it was “inconceivable” that we would not. Then, just before Christmas at the Liaison Committee, the Prime Minister appeared to back away from that altogether under questioning from the Chairman of the Brexit Committee, and the fact of a vote was only conceded after Christmas. Then in paragraph 1.12 of the White Paper, there was a commitment to a vote on the final deal. Today has taken us a lot further forward. That demonstrates how, by chipping away and arguing away, we are making progress on accountability and scrutiny.

Vytjie Cooper (Normanton, Pontefract and Castleford) (Lab): My hon. and learned Friend may have heard what the Minister said in more detail than I did. Was it clear whether we would get a vote in this House if there was no deal? If the Government failed to get a deal with the EU—one of us wants that to happen, but if it did—was it clear to him from what the Minister said whether we would still get a vote in Parliament?

Keir Starmer: No, and we need to press the Minister on that when he rises to speak.

Joanna Cherry (Edinburgh South West) (SNP): The hon. and learned Gentleman has ably outlined the Government’s position to date. He has ably shown all of us that the Government have made quite a major change in their position today. That change in position appears to have taken place when we are debating many differently nuanced amendments about the circumstances surrounding a final vote, so does he agree that it is important for the Government to commit to exactly what their concession is in writing, and to do so in the appropriate way, which would be by way of a manuscript amendment?

The Second Deputy Chairman of Ways and Means (Natascha Engel): Order. Could I ask that interventions be a bit more brief, because we have only four hours for this debate and a lot of people to get through?

Keir Starmer: I am grateful for the intervention by the hon. and learned Lady. It would be helpful if we had both clarification and, if possible, a written form of the concession that has been made so that we can all see what it is.

Vernon Coaker (Gedling) (Lab): On a point of order, Ms Engel. Given that, as the hon. and learned Member for Edinburgh South West (Joanna Cherry) said, we require some sort of information as to what the Government are putting forward, is there any way in which you can require the Government to put before us a manuscript amendment so that we actually know what we are debating for the rest of the afternoon?

The Second Deputy Chairman: The Minister will be speaking later, and I am sure that he will explain then.

Keir Starmer: I am sure that the Minister hears what is being said. What has been said, today is significant—there has been a concession, and it now needs to be put in writing. A great deal of this debate should now be spent probing the concession that has been made.

Geraint Davies (Swansea West) (Lab/Co-op) rose—

Seema Malhotra (Feltham and Heston) (Lab/Co-op) rose—

Keir Starmer: I am going to make some progress, because I barely got through two or three sentences before taking interventions. I do not think anybody could accuse me of not giving way.

In the end, there is stark choice for the House. If we are to have a vote, it will be either before the deal is concluded, or afterwards, in which case it will be a fait accompli. This concession appears to suggest that it will be before it is concluded. I recognise that there are other issues that flow off the back of that timing, but that is critical, because the sequence of events at the end of the
exercise is extremely important to what the House can meaningfully say or do about the agreement that is put to us for a vote.

Liz Kendall (Leicester West) (Lab): Does my hon. and learned Friend agree that we must consider not just the timing of the vote but what happens if the House declines to accept the deal that the Government have put forward? The Prime Minister said on 25 January:

“If this Parliament is not willing to accept a deal that has been decided on...with the European Union, then, as I have said, we will have to fall back on other arrangements.”—[Official Report, 25 January 2017; Vol. 620, c. 295.]

That does not guarantee that this House will have the final decision on our future relationship with the EU.

Keir Starmer: I am grateful for that intervention. I think the exchange that my hon. Friend has referred to is the cause of the concern about the vote being held before the deal is concluded. We will need greater clarification about the extent of the vote.

Mr Jacob Rees-Mogg (North East Somerset) (Con): Will the hon. and learned Gentleman give way?

Keir Starmer: I am going to press on, because I am not sure that my trying to explain what the Minister is going to tell us is working particularly well.

Mr David Jones: If it is of any assistance to the shadow Secretary of State and to the Committee, may I say that with your leave, Ms Engel, I hope to be able to speak immediately after him?

Keir Starmer: I have made the case for accountability and scrutiny, I have made the case for a White Paper, I have made the case for reporting back and I have made the case for a vote. We have got this concession, and I think the most helpful thing, in the circumstances, would be for hon. Members to be given the opportunity to test what the Minister has said.

Mr Jones: I had hoped to speak at the end of the debate, but it may be of assistance to the Committee if I deal with some of the matters that the shadow Secretary of State touched on. However, I do not want to go into the details of the various amendments that other hon. Members will no doubt wish to speak to. With your consent, Ms Engel, I will address them briefly at the end of the debate.

May I first repeat what I said to the shadow Secretary of State when I intervened on him a few moments ago? The Government have repeatedly committed from the Dispatch Box to a vote in both Houses on the final deal before it comes into force. That, I repeat and confirm, will cover not only the withdrawal agreement but the future arrangement that we propose with the European Union. I confirm again that the Government will bring forward a motion on the final agreement—

Mr Nick Clegg (Sheffield, Hallam) (LD): Will the Minister give way?

Mr Jones: I will just finish the sentence, because it is rather important. The Government will bring forward a motion on the final agreement to be approved by both Houses of Parliament before it is concluded, and we expect and intend that that will happen before the European Parliament debates and votes on the final agreement.

Mr Clegg: Will the Minister stress to the Committee again that that applies to both the withdrawal agreement and a final agreement on the future relationship between the UK and the EU? It is my view, which is shared by many others, that the former is feasible within two years but the latter is highly unlikely. What will happen if a withdrawal agreement is reached but not a new agreement between the UK and the EU?

Mr Jones: I must preface what I am about to say by saying that we do not expect that we will not achieve such an agreement, but my right hon. Friend the Prime Minister has already made it clear that if we cannot come to an agreement, we will have to fall back on other arrangements. The Government have consistently been clear about that.

Caroline Lucas (Brighton, Pavilion) (Green): This point goes back to the conversation we had yesterday about the importance of transitional arrangements. The Minister cannot guarantee that the new trade agreement will be concluded within two years. If we do not have a transitional agreement, it will be like jumping out of an aeroplane without a parachute. Why will he not agree to negotiate that transitional arrangement now in case we need it?

Mr Jones: What the hon. Lady says is, of course, true. An agreement has to be negotiated by two sides, and it is always possible that we will not be able to achieve such an agreement, but I believe that we will. We have also made it clear that we see it as important that during the negotiations for the new arrangements, whatever they are, we consider what implementation period may be necessary following the agreements.

Mr Kenneth Clarke: I am grateful to the Minister for speaking at this stage and enabling us to have the process that he is talking about, and I congratulate him on that. He says that Parliament will have a vote before the agreement is concluded. Does that mean before agreement has been reached with the other 27 countries, or after agreement has been reached but before it has been put into effect?

I believe that parliamentary sovereignty requires that Parliament should have the ability to influence the Government’s position before they conclude the deal, so that those with whom the Government are dealing—the other parties to the negotiations—know that the British Government have to produce an agreement that will get the support of Parliament. If the Government wait until hands have been shaken with all the other Europeans before coming here, Parliament will be told, “If you reject the agreement, you will have nothing and it will be a WTO disaster.” That would give the Government a majority, but not a very satisfactory conclusion.

2.45 pm

Mr Jones: I fully appreciate the points that my right hon. and learned Friend is making. This is clearly going to be a complex, lengthy and difficult—
Several hon. Members rose—

Mr Jones: May I first deal with the point that my right hon. and learned Friend has made? After I have done so, I will come back to the hon. Member for Swansea West (Geraint Davies).

This will be a difficult and complex agreement, and the negotiation will, from time to time, be subject to reports to the House, to the Exiting the European Union Committee and so on. What we are proposing, and what I am committing to from the Dispatch Box, is that before the final agreement is concluded—the final draft agreement, if you like—it will be put to a vote of this House and a vote of the other place. That, we intend, will be before it is put to the European Parliament. That is as clear as I can make it.

Geraint Davies: After we trigger article 50, the EU27 will decide a deal in their interests. If that deal comes to this House and we vote it down, and subsequently the Commission and the European Parliament agree it and say, “Like it or lump it,” what will we do then?

Mr Jones: I would have thought that, in the circumstance that this House had voted down the agreement, it would be highly unlikely that it would ever be put to the European Parliament. Of course, there are all sorts of scenarios to be considered.

Keir Starmer: Just for clarification, I think the Minister said that there would be a vote on, as it were, the final draft agreement. I just wanted to check that I had heard him correctly.

Mr Jones: Yes—before the agreement is finally concluded, in other words. That is the intention.

Mr Mark Harper (Forest of Dean) (Con): I want to come back to the point made by the right hon. Member for Sheffield, Hallam (Mr Clegg) about the timing of the two deals that are being negotiated in parallel: the exit deal and the framework for our future relationship. I think we can be a little more optimistic than he is. In article 50, it is envisaged that the negotiation for the exit agreement can only be done taking into account the framework for the future relationship. Article 50 envisages those two agreements being negotiated in parallel, so I think that what the Minister has set out has every prospect of coming to fruition.

Mr Mark Harper (Forest of Dean) (Con): Can he be absolutely clear about what he meant by “fall back on other arrangements.”—[Official Report, 25 January 2017; Vol. 620, c. 295.]

Can he be absolutely clear about what he meant by falling back on other arrangements?

Mr Jones: It would depend on precisely what was agreed, but if there were no agreement at all, which I think is an extremely unlikely scenario, ultimately we would be falling back on World Trade Organisation arrangements. That is nothing new. It has been made very clear previously, including by my right hon. Friend the Prime Minister.

Alistair Burt (North East Bedfordshire) (Con): Can the Minister clarify a point that was raised by the shadow Secretary of State and that is important to us all? An agreement at the end of the process might be an agreement that there is no agreement at all, and that we will go to the default position. I believe that what the Minister has announced will give the House a vote if there is a deal, or indeed if there is no deal. Can he confirm that the House would get a vote in those circumstances, which is what I understand the assurance to be?

Mr Jones: It is very hard to see what meaningful vote could be given if there had been no deal at all. Having said that, I have no doubt at all that in the absence of any agreement whatever, that absence of agreement would be the subject of statements to this House.

Alex Salmond: The Minister is inflating and deflating people as he goes along. May we get back to the manuscript amendment? If the concession is as significant as the Minister is leading us to believe, it is really important that it comes forward as an amendment. If the Government are not prepared to make that happen, surely the message to the other place is that what the Minister has announced will give the House a vote if all? An agreement at the end of the process might be an agreement at the end of the two-year period. If the Government do not then conclude an agreement to bring it to the House after that, but before it goes to the European Parliament, we could end up with no deal at all. The Minister may agree that the Government have a real dilemma. It is important that the House should understand those limitations, because they go fundamentally to the question of whether an amendment can be reasonably crafted to meet that situation.

Mr Dominic Grieve (Beaconsfield) (Con): Is not the problem that the Government and the House have the fact that we do not know at what stage the negotiations will be concluded? They could be concluded, with months to go, within the two-year timeframe. In those circumstances, I would expect the House to be able to consider the agreement—even, perhaps, before it was provisionally agreed with the Commission, because there would be no time pressure.

Equally, however, we could end up in a situation where the agreement is made at one minute to midnight at the end of the two-year period. If the Government do not then conclude an agreement to bring it to the House after that, but before it goes to the European Parliament, we could end up with no deal at all. The Minister may agree that the Government have a real dilemma. It is important that the House should understand those limitations, because they go fundamentally to the question of whether an amendment can be reasonably crafted to meet that situation.
Mr Jones: My right hon. and learned Friend makes a very fair point. As we proceed, we have to keep reminding ourselves that we are where we are because the United Kingdom has voted to leave the European Union. What we are seeking to achieve is a departure from the European Union on the best possible terms. I strongly believe that what the Government are proposing is as much as possible in terms of a meaningful vote at the end of the process.

Several hon. Members rose—

Mr Jones: I give way to the right hon. Member for Wolverhampton South East (Mr McFadden).

Mr Pat McFadden (Wolverhampton South East) (Lab): Timing is significant only if it further empowers Parliament to have a meaningful say on the negotiations. Can I ask the Minister again: what will happen if the House declines to approve the draft agreement that he intends to bring before us?

Mr Jones: I think that I have already answered that extremely clearly. There will be a meaningful vote. The vote will be either to accept the deal that the Government will have achieved—I repeat that the process of negotiation will not be without frequent reports to the House—or for there to be no deal. Frankly, that is the choice that the House will have to make. That will be the most meaningful vote that one could imagine.

Several hon. Members rose—

Mr Jones: I will take one further intervention, from the hon. Member for Streatham (Mr Umunna).

Mr Chuka Umunna (Streatham) (Lab): The point is that if this is to be a meaningful concession, the House needs the opportunity to send the Government back to our EU partners to negotiate a deal if one has not been reached. Going to World Trade Organisation rules will be deeply damaging for our economy and wholly unacceptable.

Mr Jones: I hear what the hon. Gentleman says, but frankly I cannot think of a greater signal of weakness than for the House to send the Government back to the European Union saying that we want to negotiate further. That would be seized on as a sign of weakness and therefore I cannot agree with it at all.

Several hon. Members rose—

Mr Jones: I would like to make further progress. I have taken a large number of interventions and I am sure that other hon. Members wish to speak.

Let me say this. It will be a meaningful vote. As I have said, it will be the choice between leaving the European Union with a negotiated deal or not. To send the Government back to the negotiating table would be the surest way of undermining our negotiating position and delivering a worse deal. In any case, we cannot unilaterally extend—

Several hon. Members rose—

Mr Jones: I give way for the final time to the right hon. Member for Leeds Central (Hilary Benn).

Hilary Benn (Leeds Central) (Lab): When the Minister first revealed his concession to the shadow Secretary of State, there was a bit, which he has not read out in the speech that he has just been giving, that referred to timing, intention and the position of the European Parliament. Will he please repeat what he said the first time round? I think it important that the House should be able to hear that.

Mr Jones: I will, if that will be of assistance to the right hon. Gentleman, although I did, in fact, read out the same words twice. I will read them again so that he fully understands the commitment that the Government have made. The Government have committed to a vote on the final deal in both Houses before it comes into force. This will cover both the withdrawal agreement and our future relationship with the European Union. I can confirm that the Government will bring forward a motion on the final agreement, to be approved by both Houses of Parliament before it is concluded. We expect and intend that that will happen before the European Parliament debates and votes on the final agreement.

Several hon. Members rose—

Mr Jones: I will not take any further interventions; I have already been more than generous.

I turn to the amendments. The shadow Secretary of State has referred to his new clauses 1, 18, 19, 28, 54, 110, 137, 175 and 182, which all seek, in one way or another, to ensure that Parliament will have a vote on the final deal that we agree with the European Union. Let me assure Members again, as I have said in answer to interventions, that the House will be involved throughout the entire process of withdrawal. Again, I remind the House of the extent of the Secretary of State’s engagement.

Edward Miliband (Doncaster North) (Lab): I have a very brief question for the Minister. If the European Parliament votes down the deal, Europe will carry on negotiating. He is saying that if the British Parliament votes down the deal, that will be the end of the negotiations. We pride ourselves on our sovereignty in this House; the Minister’s position seems to be a denial of that sovereignty.

Mr Jones: With huge respect, I am not entirely sure that the right hon. Gentleman understands the process. At the end of the day, the role of the European Parliament will be to grant or withhold consent to the deal agreed by the European Council, and there can be no assurance that there would be further negotiations. May I say that we are some considerable way away from that position. As I have said, as the negotiations proceed, there will be very many more opportunities—many, many more—for this House and the other place to consider the negotiations.

Mr Harper: May I tempt my right hon. Friend to give way one more time?

Mr Jones: I am afraid not; I have already been very generous.

I was reminding the House of what the Secretary of State has already done in terms of engagement. He has made six oral statements and there have been more than 10 debates—four in Government time. More than 30 Select
Committee inquiries are going on at the moment. Furthermore, there will be many more votes on primary legislation between now and departure from the European Union.

I suggest that the amendments that I have referred to are unnecessary, I reiterate that both Houses will get a vote on the final deal before it comes into force and I can confirm, once again, that it will cover both the withdrawal agreement and our future relationship. However, we are confident that we will bring back a deal that Parliament will want to support. The choice will be meaningful: whether to accept that deal or to move ahead without a deal.

Alex Salmond: I rise to speak to new clause 180 and amendment 50, in my name and those of my hon. Friends. I also want to speak very favourably about new clause 110, which is in the name of the hon. Member for Nottingham East (Chris Leslie). It is the strongest of the other amendments, although I should say that any amendments from this group that are put to the vote will have our support as they are all trying to increase parliamentary supervision of the process.

Before the Minister led us through the dance of the seven veils, I was going to question him on the irreversibility or revocability of article 50. I still think that that goes to the heart of what we are debating. However, I say directly to the Minister, with regard to what he described as a “serious announcement”, that if one makes a serious announcement in the course of the Committee stage of a Bill of this importance, it should be followed by an amendment. If we were here debating the Dangerous Dogs Bill, which I remember debating some time ago, and a serious announcement was made, that serious announcement would be followed by an amendment to the Bill. If that is good enough for a Bill of that description, how much more important is it to have such an amendment when we are debating the biggest constitutional change facing this country for half a century.

3 pm

Mr Harper: Will the right hon. Gentleman give way?

Alex Salmond: Not just now.

We thank the Minister for his announcement and the apparent concession. We do not doubt for a second the seriousness with which he makes his serious announcement, but I think that most of us—including the Minister himself—would think that such an announcement should be followed by an amendment to the Bill so that it could go through the proper processes, with hon. Members being able and willing properly to debate an announcement of such seriousness.

I give way to the former Chief Whip, who seems through these proceedings so anxious to regain his previous elevated position.

Mr Harper: I assure the right hon. Gentleman that I am very content being able to speak in the House on these important matters. The reason it might not be sensible to have a detailed amendment is that, as is clear from the range of interventions from colleagues, a large number of scenarios may arise, which will have to be dealt with politically. I do not want detailed legislation that means that this matter goes back to the courts. I want it to be debated in this House, not by a judge.

Alex Salmond: At least the right hon. Gentleman is consistent: when he was Chief Whip he did not want detailed amendments either, in case democracy prevailed in these matters. Most people, on hearing a serious announcement from the Front Bench, would expect it to be followed by an amendment, so that it could be properly debated and tested.

Ms Angela Eagle: I agree with the right hon. Gentleman about a manuscript amendment—it would make things a lot clearer for all of us. Does he agree that the announcement that we may have a Hobson’s choice at the end of the process means that there will not really be a proper choice?

Alex Salmond: I very much agree with the hon. Lady, and she conveniently leads me right on to my next point.

John Redwood (Wokingham) (Con): Will the right hon. Gentleman give way?

Alex Salmond: In a minute or two.

The hon. Lady’s point goes to the heart of the dilemma the House will find itself in, unless we take action to the contrary. It strikes at the question of whether article 50, once invoked, is irrevocable or not. In my point of order earlier, I tried to give a flavour of the Government’s confusion, but it was a brief point of order and I want to give the full flavour of the Government’s confusion.

The Brexit Secretary said in the Exiting the European Union Committee, when asked about this specific point, that

“one of the virtues of the article 50 process is that it sets you on way. It is very difficult to see it being revoked. We do not intend to revoke it. It may not be revocable—I don’t know.”

That is the basis on which we are being asked to take this fundamental decision that will affect the future of this country. We have to know these things, because they will determine the position the House finds itself in.

If article 50 is irrevocable—if after the two years, unless there is a unanimous agreement from the other 27 members of the European Union, the negotiations stop, the guillotine comes down and we are left with a bad deal or no deal—any vote in the House against that sword of Damocles hanging over the House will not be a proper, informed judgment.

Geraint Davies: Does the right hon. Gentleman agree that triggering article 50 on the basis of its possible revocability is like walking down the M4 in the middle of the night and hoping you will not get killed—you might not, but it is better not to walk down there in the first place?

Alex Salmond: The hon. Gentleman promised me that he would change the motorway when he next made that point, but the analogy is there.

Of course, the noble Lord Kerr of Kinlochard, who drafted article 50, believes it to be revocable. Presumably, he had that in mind when he drafted the article in the first place.

Sir William Cash (Stone) (Con) rose—

John Redwood rose—
Alex Salmond: I promised the right hon. Member for Wokingham (John Redwood), who entered the House on the same day as I did, if I remember correctly, that I would give way to him.

John Redwood: I am very grateful. Perhaps I can clarify the matter by saying that the Attorney General was very clear in his submission to the Supreme Court, as was the lawyer on the other side of the case, that article 50 is irrevocable, and the judgment was based on that proposition. Does the right hon. Gentleman therefore agree that it is irrevocable?

Mr Grieve: No.

Mr Grieve: I give way to the former Attorney General.

Alex Salmond: The two Members should talk among themselves before they come to the House with an agreed position. However, both those amazingly talented people are on the Back Benches, so it does not really matter if they have an informed and learned debate after proceeding to agreement. What matters is the confusion on the Front Bench. Whatever they think, the Brexit Secretary did not know whether it was revocable or not.

Mr Grieve: The concession of the Government in the Supreme Court was merely for the purpose of those proceedings. I say to my right hon. Friend the Member for Wokingham (John Redwood) that we can derive nothing from that as to whether article 50 is revocable or not. Indeed, there is powerful legal argument that it is capable of being revoked.

Alex Salmond: The two Members should talk among themselves before they come to the House with an agreed position. However, both those amazingly talented people are on the Back Benches, so it does not really matter if they have an informed and learned debate after proceeding to agreement. What matters is the confusion on the Front Bench. Whatever they think, the Brexit Secretary did not know whether it was revocable or not.

Sir William Cash: The right hon. Gentleman is pursuing this matter relentlessly. Will he explain why he is doing so? I suggest that it is because he knows that the answer to the question he is putting depends on whether the European Court of Justice gets its hands on this matter. That is what it is about, as I am sure he will accept.

Alex Salmond: To be told I am pursuing something relentlessly by the hon. Gentleman is a compliment that I shall treasure. This is not about the European Court of Justice; it is about this House having a genuine choice at some stage. It must be able to look at what the Government have negotiated and say yes or no, without the sword of Damocles of a bad deal or no deal. It is a serious matter.

Angela Smith (Penistone and Stocksbridge) (Lab): Is not one of the problems with the concession that has just been made that it tacks together in one votable motion the withdrawal agreement and the potential trade agreement? If Members do not like the trade agreement, they will face the unpalatable option of voting down the withdrawal agreement, thereby bringing us back to where we are now with the outcome of the referendum.

Alex Salmond: The hon. Lady makes a very astute point, but I think the issue is even more fundamental: we have to know what happens when we say no before we go ahead at the present moment.

Mr Rees-Mogg: Will the right hon. Gentleman give way?

Alex Salmond: Not just now.

We make an effort to solve the problem in new clause 180, which we call the reset amendment. It asks the Prime Minister to seek from the European Council an agreement that if this House and the other place refuse to agree the terms negotiated, we will reset to our existing membership of the European Union on the current terms and try again. We would then approve a deal only once we believed its terms were in the interests of this country. The Prime Minister should be prepared to present us not with a bad deal or no deal—not a bad deal or World Trade Organisation terms—but a deal that we know is in the interests of our constituents and the country. That is fundamental to this debate.

I know and understand the exigencies of political leadership, but the date of the end of March came about at the Tory conference because Brexiteers were beginning to get a bit flappy about whether the Prime Minister was a born-again Brexiteer or still a secret submarine remainer. I cannot understand why people think—even on the Brexit side, because presumably the Brexiteers want success for this country and its economy—that it is a good idea to invoke article 50 before we know what the destination will be. Similarly, I cannot believe that it is a good idea to leave the European economic area, which is governed by different agreements and instruments, until we know what the alternative is. Instead of giving these points away and putting all the negotiating power in the hands of those we are negotiating with—they are our partners now, but in any negotiation there is a tension between two parties—any negotiation depends on the cards in your hand. If the other side know that after two years the sword of Damocles comes down, it puts them in a much more powerful position in the negotiation.

Mr Jim Cunningham (Coventry South) (Lab): I agree with most of what the right hon. Gentleman is saying. It is very important to have an amendment, so that the House and the Government know exactly where we are going. Why do we not put those on the Government Front Bench on a TUC course to learn how to negotiate?

Alex Salmond: The hon. Gentleman makes an astute point. There is a lot to be learned about a negotiating position. The prime point is not to put yourself in a position of weakness with the European Union. On the whole, they are honourable people who want what is in the interests of the continent of Europe. Certainly, it is not a good idea for the Government to put themselves in a position of weakness with the new President of the United States, who will take every possible advantage from an opponent he senses—as he will sense—is negotiating from a position of weakness.

I argue strongly for the new clause and the amendments we have tabled, which aim to secure the position at the end of the negotiations before we embark on something that will leave this House not just with a bad deal or no deal, but with a metaphorical gun pointed at our head when we address these serious questions. We have to know the end position before we embark on that fundamentally dangerous course.
John Redwood: I agree fully with the right hon. Member for Gordon (Alex Salmond) that we should not wish to do anything that weakens or undermines the British negotiating position. All the efforts of this House, as we try to knit together remain and leave voters, should be designed to maximise our leverage, as a newly independent nation, in securing the best possible future relationship with our partners in the European Union. That is why I find myself in disagreement with many of the well-intentioned amendments before us today. I think they are all, perhaps inadvertently, trying to undermine or damage the UK’s negotiation—[Interruption.] One of my hon. Friends says, “Nonsense,” but let me explain why it would be dangerous to adopt the amendments.

We are being invited to believe that if the House of Commons decided that it did not like the deal the Government negotiated for our future relationship with the EU and voted it down, the rest of the EU would immediately say sorry and offer us a better deal. I just do not think that is a practical politics. I do not understand how Members believe that that is going to happen. What could happen, however, is that those in the rest of the EU who want to keep the UK and our contributions in the EU might think that it would be a rather good idea to offer a very poor deal to try to tempt Parliament into voting the deal down, meaning that there would then be no deal at all. That might suit their particular agenda.

Robert Neill: Why is my right hon. Friend so worried about the House of Commons having a vote? His analysis might be right, but is it not right and proper that we have a choice, informed or otherwise? What is wrong with that? Why is he scared?

John Redwood: I support the Government offering this House a vote. They cannot deny the House a vote—if the House wants to vote, the House will vote—but it is very important that those who want to go further and press the Government even more should understand that this approach could be deeply damaging to the United Kingdom’s negotiating position. It is based on a completely unreal view of how multinational negotiations go when a country is leaving the European Union. I find it very disappointing that passionate advocates of the European Union in this House, who have many fine contacts and networks across our continent, as well as access to the counsel and the wisdom of our European partners, give no explanation in these debates of the attitudes of the other member states, the weaknesses of their negotiating position and what their aims might be. If they did so, they could better inform the Government’s position, meaning that we could do better for them and for us.

Mr Clegg: The right hon. Gentleman is, as ever, making an articulate case from his point of view about the dangers of a vote at the end of the process. Can he explain why, on 20 November 2012, in a very interesting blogpost entitled, “The double referendum on the EU”, he advocated a second referendum with the following question:

“Do you want to accept the new negotiated relationship with the EU or not?”

How on earth and why on earth has he changed his mind since then?

3.15 pm

John Redwood: I do not disagree with that at all. I am very happy for the House to have a vote on whether the new deal is worth accepting, but that would be in the context of leaving the EU. I agree with my right hon. Friend the Prime Minister that no deal is better than a bad deal. If the best the Government can do is a bad deal, I might well want to vote against that deal in favour of leaving without a deal. That is exactly the choice that Government Ministers are offering this House. It is a realistic choice and a democratic choice. It is no choice to pretend that the House can re-run the referendum in this cockpit and vote to stay in the EU. We will have sent the article 50 letter. The public have voted to leave. If this House then votes to stay in, what significance would that have and why should the other member states suddenly turn around and agree?

Geraint Davies: If the right hon. Gentleman had wanted to maximise negotiating leverage, would it not be better to delay article 50 until after the elections of the new German Government in October and the new French Government in May? We will have only two years, so that would give us the power of having more time to negotiate while we are member, instead of giving that up. If we were to offer a referendum to the people before we trigger article 50, European countries might think that we could stay in, so they might come to the table before article 50 was triggered.

John Redwood: I do not think we should have two referendums on whether or not we leave. The issue is our future relationship. The House is perfectly capable of dealing with whether we accept the future relationship that the Government negotiate.

The point that Opposition Members and their amendments miss is that once we send the article 50 letter, we have notified our intention to leave. If there is no agreement after two years, we are out of the European Union. The right hon. Member for Gordon (Alex Salmond) rightly asked whether the notification is irrevocable, but he did not give his own answer to that. I found it very disappointing that the SNP, which takes such a strong interest in these proceedings, has no party view on whether it is irrevocable. Personally, I accept the testimony of both the Attorney General and the noble Lord who was the advocate for the remain side in the Supreme Court case that it is irrevocable. The House has to make its decision in light of that.

As far as I am concerned, this is irrevocable for another democratic reason: the public were told they were making the decision about whether we stayed in or left the EU. Some 52% of the public, if not the others, expect this House to deliver their wishes. That was what the Minister told this House when we passed the European Referendum Act 2015. Every voter in the country was told by a leaflet sent at our expense by the Government: “You, the people, are making the decision”. Rightly, this House, when under the Supreme Court’s guidance it was given the opportunity to have a specific vote on whether to send the letter to leave the European Union, voted to do so by a majority of 384, with just the SNP and a few others in disagreement. It fully understood that the British people had taken the decision and fully understood that it has to do their bidding.
Paul Farrelly: Is the right hon. Gentleman not assuming that, as we walk into the room, all the people we are negotiating with are our adversaries? Is that perhaps not the wrong standpoint to take? Is it not the case that a meaningful vote on the substance of any deal might equally focus the Government’s mind on what they can sell to this House to unite it, as well as the people we represent, in a very divided country?

John Redwood: The hon. Gentleman has won that argument. We will have a vote in this House on whether we accept the deal and I hope that that works out well. My criticism is not of the Government’s decision to make that offer. I think it was a very good offer to make in the circumstances. My criticism was and is of those Members who do not understand that constantly seeking to undermine and expose alleged weaknesses damages the United Kingdom’s case. It is not at all helpful. As many of them have talent and expertise through their many links with the EU, it would be helpful if they did rather more talking about how we can meet the reasonable objectives of the EU and deal with the unreasonable objectives held by some in the Commission and a number of member states.

Alex Salmond: Despite the right hon. Gentleman’s certainty about irrevocability, the person who drafted the clause, Lord Kerr, thinks that notification is revocable. The right hon. and learned Member for Beaconsfield (Mr Grieve), the former Attorney General, who is sitting to the right hon. Gentleman’s right, is not absolutely sure but does not agree with him, and the Brexit Minister does not know. Does this not remind us of a certain question in European history, where of those who knew the answer one was mad, one was dead and the other had forgotten? Is this the basis on which he wants to take us over the cliff edge?

John Redwood: I have attempted to give the House a clear definition and to show that there is good legal precedent for my argument, based on senior lawyers and the Supreme Court. I note that the SNP does not have a clue and does not want to specify whether the notification is irrevocable.

Joanna Cherry: I remind the right hon. Gentleman that the Supreme Court did not rule on the matter.

John Redwood: It clearly did rule on the matter. It found against the Government because it deemed article 50 to be irrevocable. It would not have found against the Government if it had thought it revocable.

Mr Rees-Mogg: I am grateful to my right hon. Friend for giving way on this supreme red herring. It does not matter whether the ECJ thinks article 50 is irrevocable; the British people have determined that it is an irrevocable decision.

John Redwood: I thank my hon. Friend for that helpful intervention, although there is this legal wrangle. It is the wrong standpoint to take! It is not the case that those who wish to resist, delay or cancel our departure from the EU are now flipping their legal arguments from three or four weeks ago, when they were quite clear that this was irrevocable.

Anna Soubry: My right hon. Friend is a man of courage with a long, fine history of supporting the sovereignty of this place. He says that the Government will give us a vote in the event of a deal, but why does he not agree with those of us, on both sides of the House, who want the same vote, so that we ensure the sovereignty of this place, in the event that the Government cannot strike a deal, despite their finest efforts?

John Redwood: That is exactly the vote we had on Second Reading. If Members are at all worried about leaving the EU, they should clearly not have voted for the Bill on Second Reading. That is the point of the debate about irrevocability.

Tim Farron (Westmorland and Lonsdale) (LD): May I take the right hon. Gentleman back to his comments on his blogpost in November 2012, when he argued in favour of a referendum at the beginning and at the end of the process? He has just said that he does not think that there should be a referendum on whether we leave the EU—we can disagree on that—but he did not exclude a referendum on the terms of the deal. Will he clarify whether he thinks that the people should have the final say on the terms of the deal?

John Redwood: No, not on this occasion, because 2012 was 2012, and we were trying all sorts of things to get us out of the EU—we found one that worked, and I am grateful for that. However, now is now, and we have to speak to the current conditions and the state of the argument.

Mr Harper: On a referendum, it depends what the options are. The hon. Member for Westmorland and Lonsdale (Tim Farron) is clear that his two choices are that we accept the deal or we stay in the EU. I was on the remain side of the argument, but the question on the ballot paper was unconditional: leave or remain. I accept that my side lost and we are leaving. He wants to rerun the referendum all over again, but that is not acceptable.

John Redwood: I agree with that.

People are trying to make these negotiations far more complicated and longwinded than they need be. Because of the Prime Minister’s admirable clarity in her 12 points, we do not need to negotiate borders, money, taking back control, sorting out our own laws, getting rid of ECJ jurisdiction and so on. Those are matters of Government policy mandated by the British people—they are things we will just do. We will be negotiating just two things. First, will we have a bill to pay when we leave? My answer is simply: no, of course not. There is no legal power in the treaties to charge Britain any bill, and there is no legal power for any Minister to make an ex gratia payment to the EU over and above the legal payments in our contributions up to the date of our exit.

Secondly, the Government need, primarily, to sort out our future trading relationship with the EU. We will make the generous offer of carrying on as we are at the moment and registering it as a free trade agreement. If the EU does not like that, “most favoured nation” terms under WTO rules will be fine. That is how we trade with the rest of the world—very successfully and at a profit.
Members should relax and understand that things can be much easier. There will be no economic damage. The Government have taken an admirable position and made wonderful concessions to the other side, so I hope that those on the other side will accept them gratefully and gracefully, in the knowledge that they have had an impact on this debate.

Helen Goodman (Bishop Auckland) (Lab): I rise to speak to new clauses 28, 54 and 99, standing in my name and those of other right hon. and hon. Members. New clause 28 deals with the sequencing of votes on the final terms—the issue on which we have had a concession this afternoon from the Minister; new clause 54 is about how to secure extra time if we need it in our negotiations with the EU; and new clause 99 embeds parliamentary sovereignty in the process.

I am pleased to follow the right hon. Member for Wokingham (John Redwood), but I am disappointed that he has not come clean to the Committee on the fact that he has identified an alternative process he hopes to use to secure the kind of Brexit he wants. He did not refer to another blog he wrote recently, in which he said: “Being in the EU is a bit like being a student in a College. All the time you belong to the College you have to pay fees... When you depart you have no further financial obligations”.

This is a somewhat outmoded view of the way student finances work, but putting that to one side, he evidently has not read the excellent paper by Alex Barker of the Financial Times pointing out that the obligations on us will fall into three categories: legally binding budget commitments; pension promises to EU officials; and contingent liabilities, which indeed are arguable.

Sir Oliver Letwin (West Dorset) (Con): Will the hon. Lady give way?

Helen Goodman: I will make a little more progress, if the right hon. Gentleman does not mind.

The right hon. Member for Wokingham has also pointed out that Ministers can only authorise spending and sign cheques with parliamentary approval. He is right about that, and it is right that we have that say, but he is hoping to use that moment to veto the withdrawal arrangements and scupper the chances of a more constructive and productive future relationship. On Second Reading, the right hon. Member for Tatton (Mr Osborne) said—this was astute if somewhat tasteless—that it “will be a trade-off, as all divorces are, between access and money.”—[Official Report, 1 February 2017; Vol. 620, c. 1035.]

For the right hon. Member for Wokingham and his friends, there is no trade-off—he does not want access or money.

New clause 54 calls for extra time. Hon. Members have already raised the need for extra time if Parliament declines to approve the final terms. The new clause adds a scenario in which the Government have not managed to complete the negotiations within the 24 months specified in article 50. This is more likely than not. Almost everyone who has looked at the matter in detail is incredulous that we can complete these negotiations in 24 months. The record on completing trade deals is not good, and there are many more strands to this negotiation. It would be patently absurd to flip to a damaging situation without an agreement, if we can see, once we are in the negotiations and have the detailed work schedule, that a further six or 12 months would bring us to a successful conclusion. Similarly, it is possible that the Minister’s optimism is well founded but that, while the negotiations have been completed, the parliamentary process has not. In that instance, too, we ought to have extra time.

New clause 99 addresses a different matter. It would embed parliamentary sovereignty in the process of approving the final terms of withdrawal and ensure that the UK withdrew on terms approved by Parliament. Bringing back control and restoring parliamentary sovereignty were a major plank of the Brexit campaign. The new clause is the fulfilment of that promise—the working out in practice of what was promised. The Prime Minister has already said that Parliament should have a vote at the end of the process, and new clause 99 strengthens that promise by requiring primary legislation to give effect to any agreement on arrangements for withdrawal and, even more importantly, on the future relationship. This is important, so that Parliament does not have to give only a metaphorical thumbs-up, which could, as my hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer) has said, be meaningless. Instead, Parliament can undertake line-by-line scrutiny. Brexit has major constitutional, political, economic and social consequences. It is right for Parliament to approve the way in which it is done. This new clause will improve the dynamic of the negotiations and strengthen the Prime Minister’s hands. She can say to the EU, “Parliament won’t agree to that.”

3.30 pm

Paragraph 1 of article 50 states: “Any Member State may decide to withdraw from the Union in accordance with its own constitutional requirements.”

The Supreme Court said in its judgment:

“Withdrawal makes a fundamental change to the UK’s constitutional arrangements... The UK constitution requires such changes to be effected by Parliamentary legislation”.

In line with the Supreme Court judgment, new clause 99 embeds parliamentary approval as a constitutional requirement, which the EU must respect.

The new clause deals with the issue raised at the beginning of the debate by the right hon. Member for Broxtowe (Anna Soubry): what to do in the absence of any agreement. Either the Prime Minister’s negotiations will succeed in reaching a satisfactory conclusion or they will not. New clause 99 provides for both scenarios—legislation in the second as well as the first instance—so that Parliament is in control and is able to decide the basis for leaving. The new clause does not block Brexit; it does not slow down the negotiations. I voted to give the Bill a Second Reading, and my constituents are leave voters. This is about Parliament having sovereign control over the process.

Mr Bradshaw: I am grateful to my hon. Friend for tabling and speaking to this new clause, which I think is important in view of the concerns expressed on all sides of the Committee about the so-called concession offered earlier by the Government Front-Bench team. Will my hon. Friend confirm that she will press her new clause to a vote?

Helen Goodman: I may wish to test the will of the Committee on this new clause when we reach the end of the debate.
I think most rational people would say that the new relationship is more important than the terms of withdrawal.

Sir Oliver Letwin: The hon. Lady said a moment ago that new clause 99 did not seek to delay or derail the leaving process. In the event of paragraph (b) of the new clause coming about—namely, no deal—if Parliament voted against it, would the effect not clearly be that we would stop the process of leaving, thereby denying the effect of the referendum?

Helen Goodman: I do not think it does mean that. It would depend on whether or not extra time had been agreed with the European Union. If the right hon. Gentleman referred back to article 50, he would see that we might get an extension if the other member states agree to provide us with it unanimously. They may; they may not. As we stand here today, it is quite difficult to project ourselves forward into the situation we will find in two years’ time.

Sir Oliver Letwin: I am doubly grateful to the hon. Lady. Does she not agree that in the event that we are not given extra time by mutual agreement, and in the event that Parliament has rejected withdrawal without an agreement, the effect of paragraph (b) of the new clause would clearly be the negation of the result of the referendum by Parliament? Does that not go against what she has voted for?

Helen Goodman: I do not think it does, because it leaves open the possibility of the Government’s going back to the drawing board and making a further new arrangement. As I say, for us now, when we have not yet embarked on the process and we do not know what the deals will be and what is going to be offered, it is extremely difficult for us to foresee.

Ms Angela Eagle: Does my hon. Friend agree that many of the other 27 countries will be going to their Parliaments for approval with respect to their approach to these negotiations, so that it would surely strengthen our Government’s hands if they involved themselves in a process that could through this Parliament maximise the support coming on all sides for our Government’s approach? Why is that not seen as a strength?

Helen Goodman: I could not agree more with my hon. Friend. We know that Angela Merkel has to get a parliamentary mandate for how she conducts herself in all her negotiations in the European Union. Some of us have tried over the years to improve the quality of our European scrutiny, but it seems that we are focusing it now only on the moment when we are about to leave.

Geraint Davies: Assuming that the Committee agrees to this amendment, that we trigger article 50 on 31 March and that we vote against the deal, what could we do about it if the Commission and the European Parliament said, “Sorry, but that’s the deal you’re going to get, like it or lump it”? They do not care; we do not have the sort of power necessary to stop them imposing the deal they want once article 50 has been triggered.

Helen Goodman: My hon. Friend is arguing along the same lines as the right hon. Member for Wokingham—that article 50 is irrevocable. It is the same point as was raised by the right hon. Member for Gordon (Alex Salmond) as well. As I have said, paragraph 3 of article 50 includes the words “unless the European Council, in agreement with the Member State concerned, unanimously decides to extend this period.” That can happen, and it will depend on how the negotiations are undertaken, on where we have got to, and on their tone.

Tim Loughton (East Worthing and Shoreham) (Con): The treaty of Lisbon clearly sets out the two-year term. Whether or not article 50 is irrevocable comes down to the weakness of the treaty of Lisbon itself, not the legal interpretation. Does the hon. Lady not agree that some of the best deals reached with the EU have been at the 11th hour, and that the one thing that will concentrate the minds of all involved in these negotiations is the fact that they have to happen by March 2019—otherwise, it will go on and on and on?

Helen Goodman: I do not think that the threat of the cliff edge is a positive in these negotiations. I note that the Chancellor of the Exchequer has described this as a second-best option and that the White Paper also says that crashing out is a second-best option. Actually, I think it is the worst option, and new clause 99 levels the playing field so that as well as having the vote on the terms of withdrawal and the money, this House will be able to have detailed scrutiny of the future relationship.

I have consulted my constituents on the kind of Brexit they want: they do not want the cliff-edge option, and there are all sorts of things about Europe that they like, even though the majority voted to leave. They like the customs union; they like the social chapter; they like co-operation and collaboration: and they particularly like the European arrest warrant.

John Redwood: The hon. Lady says that she would like collaboration to support the Government’s negotiations. Does she think that in a negotiating situation it is a good idea to say, “We think we owe you lot some money; tell us how much?”; or does she think it would be better to say, “I do not think that we owe you anything”?

Helen Goodman: In my experience of negotiation, one of the most important things is to understand what the people on the other side of the table think, and I believe that that is fundamental to our success in this negotiation. It is not to say that we are going to give the people on the other side of the table everything they want, but we need to be willing to listen to what they want as the negotiation proceeds.

Mr Harper: May I return the hon. Lady to what she said about the different approaches that European states adopt to negotiation? I am not a lawyer, and I hesitate to express an opinion in the face of such eminent legal presence in the Chamber, but my understanding is that treaties made in countries such as Germany, which has a monist legal culture, are directly applicable without further legislation, whereas because ours is a dualist system, we have to legislate to put them into effect. Do not those countries take a tougher approach to their
negotiation before authorising it because once their Governments are signed up to a treaty, it becomes law automatically?

Helen Goodman: I do not see this as an opportunity for a seminar on the political institutions of the Federal Republic. New clause 99 is about embedding what is basic to the British constitution, as found by the Supreme Court, which is parliamentary sovereignty throughout the process. In the end, the referendum was about trust. It was about the kind of settlement that most voters wanted. I know what kind of Brexit deal my voters want, and I think that new clause 99 provides the best way of giving it to them.

Sir William Cash: I hope the Committee will allow me to mention that today, 7 February, is 25 years to the day since the signing of that fateful Maastricht treaty. I see that my right hon. and learned Friend for Rushcliffe (Mr Clarke) is looking at me with a wry smile on his face. I do not doubt for a minute that he will recall that he once said—I hope I am not mistaken—that he had not read the treaty. Perhaps he never said anything of the kind, and I should be more than happy to accept his assurance to that effect from a sedentary position.

At the time, I tabled some 150 amendments, and I voted against the treaty 47 or 50 times. I have to say that I will not vote against this Bill in any circumstances whatsoever. Indeed, this will be the first occasion on which I shall not have voted against European legislation since 1986. The legislation passed during that year included the Single European Act. When I tabled the sovereignty amendment to that legislation, I was not even allowed to speak to it because it was not selected for debate, which I found difficult to accept at the time. However, we have now moved well ahead. We have had a referendum, the proposal for which was accepted by six to one in the House. We have also had a vote on the principle of this very Bill, which was passed by 498—500 if we include the tellers—to 114.

In deference to the other Members who wish to speak, I shall not go through the intricacies of this vast number of new clauses. I do not think that that would help us much, for a very simple reason—the bottom line is that they would effectively provide for a veto to override the result of the referendum. It is as simple as that.

Claire Perry (Devizes) (Con): My hon. Friend said that he had tabled 150 amendments off his own bat. Surely he is contradicting his own argument. The whole point of this place is to challenge what we do not believe in, on the basis of principle. That is what we are trying to do, and my hon. Friend should be supporting us.

Sir William Cash: I am so glad that my hon. Friend has made that point. The difference between what I was doing in those days and what is happening now is that we were arguing against the Government’s policy of implementing European government, which is what the Maastricht treaty was about—incidentally, the electorate made it clear in the referendum that they now accept that. Moreover, we were arguing in favour of a referendum, which we have now had. My amendments were moving in the right direction, in line with what the Government have now agreed following the referendum and in line with what the people themselves agreed.

Paul Farrelly: The hon. Gentleman—my next-door neighbour from Stone—is clearly enjoying his days in the sun. Like the right hon. and learned Member for Rushcliffe (Mr Clarke), I did not vote for the referendum legislation. Will the hon. Gentleman tell us what regard he has had, over his 40 years of campaigning, for the two thirds of people who, at the time when he started his campaign, voted for the UK to remain in the European Union?

Sir William Cash: I can only say that, in our democratic system, six Members to one in the House of Commons, and indeed the House of Lords, voted in favour of a referendum, by means of a sovereignty Act of Parliament, to give the people a say in the hon. Gentleman’s constituency as well as mine next door to it—not to mention in Stoke-on-Trent Central, where quite an interesting test will take place in a few days’ time. The fact is that the decision was given to the people by an Act of Parliament, and they made the decision to leave. That is definitive. I see no purpose in wasting time on the intricate arguments we have heard so far, many of which go around in circles. The real question is: do we implement the decision of the United Kingdom or not? The answer is that we do, and we must. That was conceded by this House, and by almost everybody—I say, with great respect, to my right hon. and learned Friend for Rushcliffe that he did not, but the bottom line is that we are giving effect to the decision of the United Kingdom electorate.

3.45 pm

Alex Salmond: Unless my memory betrays me, the hon. Gentleman himself was one of the two thirds back in 1975 when he voted for the European Community, so all these years he was campaigning against the sovereignty of that decision; indeed, he was campaigning against his own sovereignty and his own decision.

Sir William Cash: That is politics, as the right hon. Gentleman knows only too well, because he has a similar experience in his position with regard to Scotland.

The bottom line is that we are faced with a simple decision, which is going to be decided in a vote later today, I imagine—it might be in part tomorrow as well, and then there will be Third Reading. I hope that all these attempts to, in my judgment, produce different versions of delay will effectively be overridden by the vote taken by the House as a whole, in line with the decision taken by the British people. That is the right way to proceed.

I would like to add one further point, with respect to the Bill itself. I am in no way criticising the selection of amendments, because I think it is entirely right that we should have an opportunity to look at a variety of permutations before the main vote is cast. But I have to remind the Committee that the Bill, which was passed by 498 to 114, simply says that it will “confer power on the Prime Minister to notify, under Article50(2) of the Treaty on European Union, the United Kingdom’s intention”, as expressed by the referendum itself, “to withdraw from the EU.”

Clause 1 simply says this, and no more:

“The Prime Minister may notify, under Article 50(2) of the Treaty on European Union, the United Kingdom’s intention to withdraw from the EU.”
I am glad to see that it goes on to say—just to put this matter to bed, in case anybody tries to argue that, somehow or other, this could be overridden by some other European Union gambit—that “This section”, which we have already passed in principle, “has effect despite any provision made by or under the European Communities Act 1972 or any other enactment.”

In other words, nothing that emanates from the European Union is to stand in its way. That is a very simple proposition. The Bill is short because it should be short.

I would just like to make one last point, looking back at what the Supreme Court said. The Supreme Court made a judgment on one simple question: should we express the intention to withdraw and notify under article 50 by prerogative or by Bill? There was a big battle, and many people took differing views. We respect the Supreme Court decision, and that is why we have this Bill. The fact is that that is final.

In paragraphs 2 and 3 of the judgment, the court itself made it clear what the judgment was meant to be about, which was whether this should be done by Bill or prerogative. The court said it should be done by Bill. It added—these are my last words on the subject for the moment—that it was about one particular issue, which was the one I have mentioned. The court then said the judgment had nothing to do with the terms of withdrawal, nothing to do with the method, nothing to do with the timing and nothing to do with the relationship between ourselves and the European Union. Yet new clause 1 spends its entire verbiage going into the very questions ourselves and the European Union. Yet new clause 1 is inconsistent both with the Supreme Court decision and with the decisions taken on Second Reading.

Ms Angela Eagle: On a point of order, Ms Engel. Surely new clause 1 is in order; otherwise, we would not be debating it.

The Second Deputy Chairman of Ways and Means (Natascha Engel): I do not think that that is a point of order; it is not a matter for the Chair.

Sir William Cash: I am sure that it is in order. The problem is whether we vote for it, and there are extremely good reasons for not doing so. New clause 1 and the other amendments have been tabled by honourable people—hon. Members on both sides of the House, and some right hon. Members—but they know perfectly well what they are doing. They are trying to delay, to obstruct and to prevent the Bill from going through, and I say, “Shame on you!”

Tim Farron: It is an honour to follow the hon. Member for Stone (Sir William Cash), who has fought his corner for 40 odd years. I intend to fight mine, but hopefully not for as long as that. I rise to speak to amendment 43, which is in my name and those of my right hon. and hon. Friends. It concerns the issue of democracy at the end of this process as well as at the beginning, and it would require the Prime Minister to look at the overwhelming case for a people’s vote on the final exit package that the Government negotiate with Brussels after triggering article 50.

On 23 June last year, a narrow majority voted to leave the European Union. I deeply regret that outcome, but I am a democrat and I accept it. However, voting for departure is not the same as voting for the destination. The Government should now give the British people a decision referendum, to be held when the EU negotiations are concluded. I admit that “mandate referendum” and “decision referendum” are not terms that I have used before in this context. They are not really my words; they are the words that were used by the Secretary of State for Exiting the European Union when he eloquently made the case in 2012 for holding a referendum on the deal at the end of the process, which is Liberal Democrat policy today.

James Berry (Kingston and Surbiton) (Con): When the hon. Gentleman said on 11 May last year that this was a “once-in-a-generation decision”, was he being straightforward with the voters?

Tim Farron: As it stands, the Government intend it to be a once-in-a-generation opportunity. As the hon. Member for Stone has proved, however, we sometimes have to fight for two generations for the thing that we believe in. If we have the courage of our convictions, we will keep going.

I want to quote the Brexit Secretary directly. I do not want to paraphrase him or risk misquoting him in any way. Describing the strategy of having two referendums—a mandate referendum and a decision referendum—he said:

“The aim of this strategy is to give the British people the final say, but it is also to massively reinforce the legitimacy and negotiating power of the British negotiating team.”

I shall not say this often during this process, but I completely and utterly agree with the Brexit Secretary on that. As we have learned, his words were endorsed the following day by the right hon. Member for Wokingham (John Redwood) on his blog, although we have now discovered that he did not really mean it; he was just saying that as a ruse.

Richard Benyon (Newbury) (Con): The hon. Gentleman and I were on the same side in the referendum, but I want to tell him why he is completely wrong on this matter. If we were to place a second referendum in the Bill at this stage, it would tie the hands of our negotiators. We could only be offered a bad deal, and it would be in the hands of the people we were negotiating with to drive the British people to reject it. It would be a failed policy from the start.

Tim Farron: If we follow the logic of the hon. Gentleman’s argument, the Minister should not have made his offer for the House to have a say at the end of the deal. If someone is about to go over a cliff, not giving themselves the opportunity to do otherwise is the ultimate negotiating weakness, as the Brexit Secretary rightly pointed out four and a bit years ago.

John Redwood: The hon. Gentleman really must correct the record. I did not make the offer in 2012 flippantly or without intending to see it through; it was a fair offer that was not taken up. My colleagues and I then made a different offer in 2015, which was accepted and we are pursuing it.
Tim Farron: In no way do I wish to impugn the right hon. Gentleman’s integrity—I am sure that he meant that—only. What I think he said earlier on when I intervened on him was that that was effectively a ruse, plot, method or attempt at that point to try to get a certain outcome. I suppose he is therefore the hard Brexit equivalent of Malcolm X—“by any means necessary.”

Several hon. Members rose—

Tim Farron: If I can make a little progress, I will be grateful.

It is true that this argument began with democracy, but it cannot now end with a stitch-up. That is especially true given that the leave campaign offered no plan, no instructions, no prospectus and no vision of what “out” would look like. At no point did it produce any credible or unified position on what the UK would look like outside the European Union.

Several hon. Members rose—

Tim Farron: I will give way to the hon. Member for Cheltenham (Alex Chalk).

Alex Chalk (Cheltenham) (Con): I was also a remainder and I regret the result, but does the hon. Gentleman agree with the view of Vince Cable, the former Business Secretary, that a second referendum raises “a lot of fundamental problems”?

Tim Farron: We are dealing with many fundamental problems in any event.

Forgive me if I am being pedantic, but the reality is that we are not talking about a second referendum. One could argue that the referendum on 23 June was the second referendum. We are arguing for a referendum on the terms of the deal, which has not been put to the British people.

Mr Kevan Jones (North Durham) (Lab): The hon. Gentleman says that we would reach a cliff edge, but his offer of a referendum involves no choice. People would either have to vote for it or against it. If they vote against it, what would that leave? There would be that cliff edge that people are trying to avoid.

Tim Farron: We are offering the British people an opportunity not only to have the final say on the terms of the deal, but to say, having looked over the cliff edge, “No thanks,” and to remain in the European Union. That is a perfectly legitimate democratic offer for a party to make. While it is thoroughly legitimate to have an alternative point of view, that is fully democratic.

Several hon. Members rose—

Tim Farron: I want to make a clear point and a little progress.

A few of them are here now, so I want to give a little credit to our SNP colleagues. During the Scottish independence referendum, they were able to produce a 670-page White Paper on exactly what leaving the United Kingdom would look like. Of course, I did not agree with them, but at least the people of Scotland knew what they were voting for or what they would be rejecting. If that vote in 2014 had gone the other way, there would have been no need for a second vote on the independence deal.

This Government are going to take some monumental decisions over the next two years. I still believe that it will be impossible for them to negotiate a deal that is better than the one we currently have inside the European Union, but the negotiations will happen and a deal will be reached. When all is said and done, someone will have to decide whether the deal is good enough for the people of Britain. Surely the only right and logical step is to allow the people—not politicians in Whitehall, Brussels or even this House—to decide whether it is the right deal for them, their families, their jobs and our country. No one in this Government, House or country has any idea of what deal the Prime Minister will negotiate with Europe. It is completely unknown.

Caroline Lucas: Does the hon. Gentleman share my surprise at the resistance to his perfectly sensible suggestion of a ratification referendum? The hallmark of the leave campaign was “taking back control” but surely that means control for the British people, not just for the MPs in charge.

Tim Farron: Once again, the hon. Lady makes an excellent point. It seems utterly bizarre that having claimed that we were “taking back control”—that effective slogan—they now want to cede control to those occupying the smoke-filled rooms of Brussels and Whitehall in the 21st century and to have a stitch-up imposed upon the British people. The hon. Member for East Worthing and Shoreham (Tim Loughton) has been very persistent, so I will give way to him.

Tim Loughton: The hon. Gentleman will remember that his predecessor produced a leaflet that said only the Liberal Democrats would offer a “real referendum.” I presume that the Liberal Democrats had absolutely no idea of the implications if the people had actually voted to come out at that stage. The hon. Gentleman said that this is a once-in-a-generation vote, and he is now saying that we should have a mandate referendum and a terms referendum. If those two referendums go through, when will he be asking for an “Are you really sure about that?” referendum?

4 pm

Tim Farron: The hon. Gentleman seems to be under the impression that democracy is a one-hit game and that, somehow, a person who believes passionately in what they believe in has to give in. He and I both sat on the Opposition Benches during the last five years of the Labour Administration. When the Labour party won its big majorities in 1997, 2001 and 2005, did he give in and say that, somehow, it would be frustrating the will of the people to carry on fighting the Conservative cause? No, he did not. The reality is simply this: it is right to respect the will of the people, but it is to disrespect democracy to cave in and give up when we passionately believe in something.

Charlie Elphicke (Dover) (Con): I have said before that the hon. Gentleman’s approach is like Hotel California: you can check out but you can never leave. He is like the SNP, because he just wants people to vote, vote and
vote again until he gets the result he agrees with. The British people have voted. We have to leave the European Union and implement the will of the British people.

Tim Farron: I will come on to that in a moment, but it is not in any way enacting the will of the British people consistently to refuse the British people the right to have a say on a deal that will affect generations to come and that none of us here knows what it will look like.

Owen Smith (Pontypridd) (Lab): I support the position that the hon. Gentleman articulates with amendment 43 but, in light of the concession we heard from the Government today, does he share my concern that, at the end of the negotiation, the choice that this Parliament will have will be between accepting the deal that the Government offer—possibly a bad deal—or falling out of the European Union on WTO terms at a cost of £45 billion to our gross domestic product? Does he not think that the British people might be worried about that and might want to have a say?

Tim Farron: The hon. Gentleman continues to make a strong case, and he is bold in putting it across, and not just today. There is no doubt that, whatever the British people voted for on 23 June, they certainly did not vote to make themselves poorer. It would be absolutely wrong for that game of poker to end with our dropping off a cliff edge without the British people having the right to have their say.

Mr Harper: The hon. Gentleman’s argument would have force if the question on 23 June had been to give the Government a mandate to negotiate and bring back a deal, but it was not a conditional question. The question asked, “Do you want to leave, or do you want to remain?” People listened to all the arguments about all the risks, and they decided to leave. He cannot accept that, and a democrat should be able to accept it.

Tim Farron: The right hon. Gentleman is quite wrong, because undoubtedly—I have said this very clearly—the majority of people voted on 23 June to leave the European Union. That is the direction of travel that the Government have a mandate to follow at this point. What the British people did not do, because they were not asked, is decide on the destination. As the Brexit Secretary rightly said in his speech just over four years ago, destination and departure are different things. It is right for democrats to make the case that the British people should not have their will taken from them and should not have a stitch-up imposed upon them.

Mr Kevan Jones: What would happen if we did have a second referendum and the British people rejected the offer? Where would that leave us?

Tim Farron: The wording on the ballot paper would be up for discussion, but our vision is that the United Kingdom would either accept the terms negotiated by the Government or remain in the European Union.

Jonathan Edwards (Carmarthen East and Dinefwr) (PC): Will the hon. Gentleman give way?

Tim Farron: I will give way one last time.

Jonathan Edwards: Plaid Cymru has no problem supporting the hon. Gentleman’s new clause. If the UK Government have 65 million people behind their negotiating position, as they state in their White Paper, what are they afraid of?

Tim Farron: The hon. Gentleman makes a strong point. It troubles me that those who argued for the sovereignty of Parliament, for the sovereignty of this country and for the enforcement of the will of the people, and all of that, are now so scared of the people. It makes me worry that they do not have the courage of their convictions.

Several hon. Members rose—

Tim Farron: I will make some progress because other Members need to get in. The deal must be put to the British people so that they can have their say, because that is the only way to hold the Government to account. We already know that, in all likelihood, 48% of the British people will not like the outcome of the deal. We now know the kind of Brexit that this Prime Minister intends to pursue, and we can pretty much bet that perhaps half of the 52% will not like it, either. They will feel betrayed and ignored, and the only way to achieve democracy and closure for both leave and remain voters is for there to be a vote at the end.

The Government claim to be enforcing the will of the people, but that is nonsense. If I was being very generous, the best I could say is that the Government are interpreting the will of the people; some would say they are taking the result and twisting it to mean something quite different. The Conservatives won a mandate in the May 2015 general election, having made two promises on this in their manifesto. The first was to hold a referendum on Britain’s membership of the European Union. The second was to keep Britain in the European single market. That second pledge was not caveated, time-limited or contingent on the outcome of any referendum. It was a clear pledge and the Government are now breaking it.

Several hon. Members rose—

Tim Farron: I have given way an awful lot. The Government are making a choice, one that the British people have not given them permission to make. This choice is not just damaging to our country, but divisive. The Prime Minister had the opportunity to pursue a form of Brexit that united our country, achieved consensus, reflected the closeness of the vote, and sought to deal with and heal the divisions between leave and remain. Instead, she chose to pursue the hardest, and most divisive and destructive form of Brexit. She is tearing us out of the single market and leaving us isolated against the might of world superpowers.

I passionately believe that ending our membership of the world’s biggest free market will do untold damage to this country and to prospects and opportunities, especially for young people, who voted so heavily to remain. This market is vital for our economy, which is why my party refuses to stop making the case that this deal must include membership of the single market. Those who settle for access to the single market rather than membership are, I respectfully suggest, waving the white flag to this assault on British business and on the cost of living for every family in the country.
Given that the Government are making a set of extreme and arbitrary choices that were not on the ballot paper last June, the only thing a democrat can do is to give the people the final say. If the Prime Minister is so confident that what she is planning is what people voted for, why would she not give them a vote on the final deal?

Charlie Elphicke rose—

Tim Farron: I am not going to give way, as I have given way many times and I want to bring my remarks to an end, for everybody else's sake. [HON. MEMBERS: 'Hear, hear.'] I thought Members would like that.

The final deal will not be legitimate, it will not be consented to and our country will not achieve closure if it is imposed on the British people through a stitch-up in the corridors of power in Brussels and Whitehall. Democracy means accepting the will of the people at the beginning of the process and at the end of the process. Democracy means respecting the majority and it also means not giving up on one's beliefs, rolling over and conceding when the going gets tough. You keep fighting for what you believe to be right and that is what Liberal Democrats will do. So we agree with the Brexit Secretary: let us let the people have their say. Let us let them take back control.

Sir Oliver Letwin: Let me start by correcting the record. I had something to do with the production of our manifesto, which clearly the hon. Member for Westmorland and Lonsdale (Tim Farron) was unable to read in the time available to him. It made no assertion such as he suggests. It was perfectly clear that what it said about the single market would be superseded were there a referendum with the unanticipated result of the British people taking us out of the EU as a whole. I regret that decision—I voted and campaigned to remain—but the British people voted to leave.

The interesting thing about this interesting debate is that it is one of those moments when the cloak of obscurity is lifted from an issue and the dynamic that is there a referendum with the unanticipated result of the British people taking us out of the EU as a whole. I deny that that is a translation to which the English language is susceptible.

Given that the alternative is just to instruct the Government to negotiate a better deal. The phrase in the Conservative manifesto, which the right hon. Gentleman did not write, was: "We say: yes to the Single Market."

Sir Oliver Letwin: Not at all; at that moment we were a member of the EU and we said yes to the single market. I campaigned for the single market and I campaigned to remain part of the EU. That was the Government's position in the referendum. But we also committed to a referendum, and the point of committing to a referendum, which we made perfectly clear not only in the manifesto but in a range of speeches around it, was that if the British people voted to leave, we would leave. It seems to me perfectly clear that the word leave means leave. It does not mean remain. The right hon. Gentleman is an expert parliamentarian, and he has been arguing in many ways, over a long time—the leader of the Liberal Democrats has been arguing it more explicitly—that leave ought to be translated as remain. I deny that that is a translation to which the English language is susceptible.

It seems to me to be perfectly clear that those of us who campaigned to leave and those of us who campaigned to remain have a choice: we can either accept the referendum result or reject it. I accept it, and some Opposition Members also take that view. It may be that some take the view that we should reject the referendum result, and that is a perfectly honourable view. The leader of the Liberal Democrats was effectively arguing, more openly, that we should reject the referendum result. I do not in any way decry his ability to argue that, but everybody who is arguing that should come out openly to that effect, as he did, and not pretend that they are trying to invent some method of parliamentary scrutiny. They are doing nothing of the kind; they are trying to invent a means of undoing the result of the referendum. This House has voted conclusively not to undo the result of the referendum. I think the House was right to do that, but whether it was right or not, it should do that with its eyes open and should not be gullible by anybody into passing amendments that have an effect that it has not signed up to openly.

Tim Farron: I want to clarify that from my point of view it is absolutely clear that this place, Parliament as a whole and, indeed, the courts have no right whatsoever to bar the will of the people. It would be absolutely wrong to overturn the outcome of the referendum last June. I am merely asking for the British people to have the final say on the deal, and that if they reject it, we should stay in the EU. I should also point out that voting to say we leave the EU means leaving the EU; it does not mean leaving the single market—it does not mean that for Norway and Switzerland.
There are two points at issue. First is the question of whether leaving the EU means leaving the single market. As I argued throughout the referendum to those I was seeking to persuade to remain, it does inevitably mean leaving the single market. I have always taken and continue to take the view that leaving the EU does entail leaving the single market. I regret that, but that is what it entails, in my view.

Leaving that aside, however, I accept that the Liberal Democrat proposition is that it should be not this House directly that countermands the referendum, but a second referendum. The proposition of the hon. Member for Westmorland and Lonsdale (Tim Farron), which is perfectly decent and honourable, is that however many times it takes, the British people should go on being asked to reverse their original decision, and that one should never give up trying to do so because the right answer is to remain. That is a perfectly respectable proposition, but it is not the proposition of a democrat.

It is the proposition of a clerisy that knows the answer and believes that people who vote otherwise are misguided and need to be led, time after time, to revise their opinion by whatever means until at last they give the answer that is required.

Unfortunately, that is the very dynamic that has given rise to this whole problem. We are at this juncture today, because our Government passed the Maastricht treaty against the will of the British people and without consulting them, and took us into a form of the European Union to which the people had never consented. That eventually produced the democratic result that the hon. Gentleman and I both dislike. His answer to that is to go on with that logic until at last the British people totally lose faith in any semblance of democracy in this country. Personally, I cannot accept that proposition. In the end, much as I would have preferred to remain, I would rather be in a country that is run as a democracy and that has faith in its governance. We can only achieve that today by fulfilling the terms of the referendum.

I want to turn briefly to the new clauses; by comparison it is a minor point. New clause 1 is fairly innocuous. I am delighted that my right hon. Friend the Minister has am dedicated that my right hon. Friend the Minister has

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the United Kingdom are the Standing Orders of the House of Commons. That is not a frivolous remark by those authorities; it is true.

Such a situation has arisen because we have resisted having legislation that governs the House of Commons in order to avoid the judges becoming the judges of what should happen in the House of Commons. We have invented, over a very long period, the principle of comity—that the judges do not intervene in the legislature, and the legislature does not intervene in the decisions of the judiciary. To legislate for how the House of Commons proceeds would move over a dangerous line. I am therefore with my hon. Friend the Member for Dover (Charlie Elphicke) in hoping that we will not accept new clause 1. I am just saying that if we were tempted at all to introduce any piece of new legislation at any stage, it should certainly look like new clause 1, not new clauses 99 and 110. Those new clauses would subvert the referendum, and we cannot allow that.

**Chris Leslie (Nottingham East) (Lab/Co-op):** I have some respect for the right hon. Member for West Dorset (Sir Oliver Letwin), but I have been in enough Bill Committees over my short time in Parliament to have heard some of those arguments. When I hear hon. Members resorting to mentioning the drafting of a particular phrase—particularly when the right hon. Gentleman came to the phrase “subject to approval” of both Houses, as if it were somehow an alien concept to be resisted in all circumstances—I hear the last refuge of the parliamentary barrel scraper. If he has substantive arguments against new clause 110, which I advocate as it is in my name, it is better to engage with those, rather than dancing around trying to find second or third order arguments against.

It has been an interesting debate so far. There was a moment of frisson and excitement—well, excitement in parliamentary terms—at the beginning when the Brexit Minister, the right hon. Member for Chwyd West (Mr Jones), who is still in his place, stood up and breathlessly said, “Let me give you a concession. I’ll indicate that something here is substantively different.” At the Dispatch Box, he clarified a little further—not much further—than the Prime Minister did in her speech at Lancaster House the timing of the vote that Parliament will have, but the right hon. and learned Member for Rushcliffe (Mr Clarke) quickly spotted that, in the definitions of when a negotiation is concluded and when it is signed off, there is still a grey area as to what the timing would be.

I suppose it is some small mercy that many hon. Members might say that this is some level of progress, but having been marched up to the top of the hill in the expectation that this was a great concession, I am afraid that, as the minutes have ticked by, we have marched back down the hill again. Through the probing of many hon. Members on both sides of the House, we have discovered a number of things about the vote, and we should not forget that we are trying in this section of the debate to secure a properly meaningful vote at the end so that parliamentary sovereignty can come first, as the Supreme Court emphasised in its judgment.

When pressed, the Minister had to admit that if we ended up with no deal, the House would not get a vote on that circumstance. That is deeply regrettable because new clause 110 deliberately talks about a “new Treaty or relationship”. A relationship, of course, involves the connection between two entities. That connection can be a positive new one, but it can also be one with a disjoint within it. We should have a vote if that relationship includes no deal.

The Minister said we would not be having a vote if there was no deal. That is extremely disappointing; it is not in the spirit of the concession being sought. We were looking for a concession on not just the timing of the parliamentary vote but the scope—in other words, the circumstances in which, having gone through the negotiations, we would be able to vote.

It is a little like travelling for two years down that road of negotiation, getting to the edge of the canyon and having a point of decision: are we going to have that bridge across the chasm—that might be the new treaty, which might take us to that new future—or are we going to decide to jump off into the unknown and into the abyss? Parliament should have the right to decide that. That is the concession I think many hon. Members were seeking, and it is not the concession we received.

**Sir Oliver Letwin:** The hon. Gentleman has given an extraordinarily important clarification of his new clause. As I suspected and speculated, “relationship” includes the potential for no relationship. Therefore, he is advancing the proposition that Parliament should be able to reverse the effect of the referendum and prevent the United Kingdom from being able to leave the EU.

**Chris Leslie:** No. As we saw on Second Reading, it is quite clear to all concerned that we will be leaving the European Union. That was the judgment in the referendum, that was the question on the ballot paper and the House came to that point of view. But it is important that Parliament reserves the right, as the Prime Minister has sort of indicated, to have a say on the final deal. This is our opportunity—potentially our final opportunity—to set out on the face of the Bill precisely what the circumstances would be.

**Mr Harper:** Will the hon. Gentleman give way?

**Chris Leslie:** No, I will not give way, because a lot of hon. Members want to get in.

What was particularly disappointing and deflating in the Minister’s so-called concession, which now feels quite hollow, was that he went on to say that if Parliament did decide to vote against a draft deal, he would not go back into negotiations—that the Government would feel that this was somehow “a sign of weakness”. I think that is entirely wrong; if Parliament says, “With respect to the Government, this is not quite good enough. Please go back and seek further points of clarification and further concessions in the negotiation,” that should be a source of strength for the Government. Quite frankly, I believe it strengthens the arm of the Government for them to be able to say, “You know, we would like to do this, but Parliament is really keen for a better deal.” It is quite useful for the Prime Minister to have that.

New clause 110 is helpful to the Prime Minister. It is disappointing that the Minister did not just say this in response to pressure from hon. Members but had it in his script. He had pre-prepared the circumstances where he was going to say that he was not prepared to go back into negotiations if Parliament declined to give support to the new arrangements. We can see that the concession is not quite all that it was meant to be.
4.30 pm

Claire Perry: One of the things that is troubling me is the principle of equivalence. As I understand it, the European Parliament has the opportunity to vote on the deal before it is presented to the European Council, and so, in effect, has a right of veto. I interpret that to mean that the deal is therefore sent back to the negotiating team for further negotiation. Does the hon. Gentleman agree that one of the strong points that we have to ensure is that those who voted to leave the EU, whose decisions we respect, have at least equivalence in terms of what their Parliament can do as compared with the European Parliament?

Chris Leslie: I commend the hon. Lady for making an incredibly important point in defence of the sovereignty of our Parliament. This is about putting Britain first, making sure that we defend and safeguard the rights of our constituents, and ensuring that the European Parliament does not have an advantage that we would not. If the European Parliament has the opportunity to reject the new arrangements, then so should we: it is a very simple point.

The Minister could make that verbal concession. He is a very able Minister, but Ministers can be here today and gone tomorrow; they come and they go. Having such clarity enshrined in the Bill is really important for hon. Members. This is a question that transcends party political issues. The Minister should hear the voice of Members in all parts of the Committee. We recognise that we are going to be leaving the European Union, but we want the best possible deal for Britain, and Parliament is sovereign here. Yes, we have Ministers who lead on the negotiations, but they cannot cut Parliament out of this altogether. That should be a source of strength for them.

Mr Harper: There is something I do not understand—I have been thinking about it since it was raised by the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper). The hon. Gentleman asks whether we could have a vote in a situation of not having a deal. The leader of the Liberal Democrats has been clear in his view that if we said no to the deal, we would remain in the European Union. In a vote in no deal situation, what are the two choices? Would one of them be remaining in the European Union?

Chris Leslie: My understanding is that we remain in the European Union until such time as the article 50 two-year period expires, after which, potentially, there is the famous cliff edge.

Now that we have had partial acceptance from the Government that the vote needs to take place in Parliament sufficiently early on the draft arrangements, I hope that Parliament would then have a sufficient period of time to say to Ministers, for example, “We like 90% of the deal that you’ve done, but we’d like you to go back again, within the time that remains, to get a slightly better deal.” This is simply the role that Parliament should have. Taking Parliament out of that process altogether would be a great shame.

Geraint Davies rose.

Chris Leslie: I would like to move on because other hon. Members want to get into this discussion.

The wording of new clause 110 is very deliberate in talking about the new relationship as well as a new treaty. It is important that we take the opportunity that the Supreme Court has given us. Not only that, but we should listen to the entreaties of the Prime Minister herself in her own White Paper, where the 12th of her 12 points said that we would not aspire to a cliff edge—that we would try to get a deal. This new clause simply seeks to facilitate, in many ways, the role that Parliament could have in achieving the very thing that the Prime Minister has said that she wants.

I am afraid to say to the Minister that Hobson’s choice, take-it-or-leave-it style votes are not acceptable and not good enough for Parliament. We must have a continued say in this. I urge members of the Committee, across the parties, to consider the role that new clause 110 could play in making the vote meaningful.

Mr Grieve: It is a pleasure to participate in the debate. I agree with one comment that the hon. Member for Nottingham East (Chris Leslie) made when he spoke to new clause 110: the problem that bedevils this debate is that we are in a grey and murky environment when it comes to ascertaining how the process will or should unfold. As somebody who campaigned to remain, that was one of the things that worried me at the time, but I have to accept that the electorate have spoken. For me, the key issue is how I can help the Government to navigate some of the reefs that seem to be present so that we can achieve a satisfactory outcome and try to give effect to the expressed will of the electorate.

Our problem is that we cannot predict what the situation will be in two years’ time. We have no idea what the political landscape will be in this country. We do not know what the economic conditions will be, and we do not know whether we will be doing very well in the run-up to Brexit or very badly. We cannot predict the political landscape on the European continent or the state of the European Union, and how that might affect the negotiations. Nor can we predict the wider security situation on our continent.

That is why the idea that the House in some way forgoes its responsibility to safeguard the electorate’s interests because a referendum has taken place is simply not a view to which I am prepared to subscribe. In such circumstances, we need to have regard to the situation and to the difficulties that the Government face because of its unpredictability, but we must rule nothing out.

To pick up a point that has been made—I repeat it, because it is my position and I shall hold to it until the end—public opinion on this matter may change radically, and the House would be entitled to take that into account. Equally, I accept that at the moment there is no such evidence, and it is our duty to get on with the business of trying to operate Brexit.

How do we introduce safeguards into the process? Of course there is an ultimate safeguard, as the House has the power to stop the Government in their tracks, but that tends to be a rather chaotic process that leads, usually, to Governments falling from office. It is an option that one can never entirely rule out in one’s career in politics, but it is not one that I particularly want to visit on my Front-Bench colleagues. However, this is an important matter, and one of the risks that they undoubtedly run in this process is that it could happen to them. We cannot exclude that possibility.
It is very much better that we should have some process by which Parliament can provide input and influence the matter in such a way as to facilitate debate and enable us collectively to reach outcomes that we can, at least, accept and that may be in the national interest.

Alex Chalk: On a point of clarification, will my right hon. and learned Friend indicate whether he perceives new clause 110 to be a potential vehicle for blocking Brexit and keeping us in the European Union? At the moment, that is not clear to me.

Mr Grieve: New clause 110 is certainly very well meaning, but I happen to think that there are some problems with it, and I will explain what they are in a moment.

One point that should be made is that it is usual for Government to bring important treaties to the House for approval before signing them. That is a common phenomenon; it is not unusual. There is a long history of doing that with important treaties, so we cannot simply say, “Normally, we ratify them after they are signed.” The obvious course of action, sequentially, is for the Government to publish the White Paper—I am delighted that we succeeded in securing one, because it sets out a plan—and then to get on with the treaty negotiations. In an ideal world, I would like the Government to come back before anything is concluded to ask the House for its approval and to indicate what they have succeeded in achieving. The House will have to make judgments at that time in relation to the overall situation.

Mr McFadden: I am grateful to the right hon. and learned Gentleman for giving way while he is taking us through this sequence. The Minister indicated at the beginning of the debate that the Government were bringing forward a concession that would make the process more meaningful. I do not expect him to comment, but it appears that No.10 is now briefing that there is no real change and that the concession is not a concession.

Mr Grieve: With characteristic sagacity, the right hon. Gentleman goes to the heart and nub of the problem. Is it readily possible to put into the Bill the intention read out at the Dispatch Box by the Minister? In fairness to the Minister and the Government, there are, I am afraid, some really good reasons why that presents difficulties.

The most obvious difficulty is the finite nature of the negotiating period under article 50. One of the things I was interested in was whether we could secure from the Government an undertaking that we would have a vote at the end of the process—before, in fact, the signing of the deal with the Commission. Contrary to what is set out in new clause 110, the Council of Ministers and the Commission are not two separate processes. The Commission will sign the initial agreement when the Council of Ministers gives it the authority to do so, and it then goes to the European Parliament for ratification or approval—call it what you will. Those are not two separate things.

Our problem is that if the negotiation follows the pattern that we have often come across in the course of EU negotiations—running to the 11th hour, 59th minute and 59th second—and we are about to drop off the edge, I confess that I do not particularly wish to fetter the Government’s discretion by insisting that at that precise moment they have to say, “We’re terribly sorry, but we can’t give you a decision until 48 hours after we have dropped off” because we have to go back and get approval from both Houses of Parliament.” That is a real problem inherent in what to my point of view is the ghastly labyrinth into which, I am afraid, we have been plunged. We have to try to work our way through it with common sense.

Yvette Cooper: Was it the right hon. and learned Gentleman’s understanding that the Minister said that the deal would be presented to Parliament after it had been agreed by the Commission and the Council, but before it had been agreed by the European Parliament? If so, that sounds like a really late stage in the process.
Does he think it is a problem if the European Parliament can send the deal back for negotiation, but the UK Parliament cannot?

4.45 pm

**Mr Grieve:** There are bound to be difficulties because the whole process of negotiations under article 50, as the right hon. Lady will be aware, is rather one-sided. That is an inherent difficulty. Let us suppose for a moment that the negotiations are concluded in 18 months. I would rather hope in those circumstances that the Minister would say, “Thank you very much, but we will not even make the first agreement. We want to go back to the both Houses of Parliament even before we agree with the Commission because we have time to do so.” However, if it is the 11th hour, 59th minute and 59th second, I accept that the Government have a problem that is not taken into account by new clause 110.

**Mr Kenneth Clarke:** My right hon. and learned Friend knows this—that doing right hon. and learned Friend knows this—that doing so is rather difficult. By means of an amendment would be rather difficult. I certainly do not wish to fetter the Government in their ability to carry out the negotiation. It has always seemed to me that it would be a great error to do that, because we might undermine the ultimate outcome, to our own detriment. That has worried me throughout the process.

I do not want to take up more of the Committee’s time. Although I have had great difficulty over this matter today and in the days leading up to this debate, my inclination, for the reasons I have given, is to accept the assurance given by my right hon. Friend the Minister, which seems to me to be a constructive step forward. However, he has to face up to the fact that this issue will not go away. Even when we have enacted this Bill and triggered article 50, this will be a recurrent theme throughout the negotiating process that will come back much, much harder as we get closer to the outcome and as it becomes clearer, from all the leaks that will come from Brussels, what sort of deal or non-deal we will have, so the Government had better have a strategy. If their strategy is to avoid this House, I have to say to the Minister that they will fail miserably. I do not want that to happen. I want to guide this process as best I can, as a former Law Officer, towards a satisfactory conclusion.

**Alistair Burt:** My right hon. and learned Friend has played a considerable part in this process. Does he agree that the remarks of the Minister put the onus on the Government to ensure that the reporting process for the negotiations is meaningful? We cannot have a vote at the end of the process after 18 months of radio silence. The reporting process must be sensible and relevant. It must give the House a feel of what will happen because, if that is not the case, the vote at the end will mean very little.

**Mr Grieve:** I agree entirely with my right hon. Friend. I hope that the Government will listen because, as I say, this issue will not go away. It will keep coming back to dominate our politics until we have resolved it satisfactorily. That said, I would be being curmudgeonly towards the Minister if I did not thank him for having listened on this issue, for which I am grateful.

**Sir Oliver Letwin:** My right hon. and learned Friend has thanked the Minister, but I think that the Committee ought to thank my right hon. and learned Friend. He has set out the responsible version, which we did not hear from Opposition Members, of how to deal with this issue.

**Mr Grieve:** I am grateful to my right hon. Friend. He made some of the points that I might have made in his speech. He and I approach the issue from a similar angle.

**Geraint Davies:** The right hon. and learned Gentleman’s whole speech seems to be predicated on the idea that the Government can go to and fro, and somehow finesse and negotiate something that Parliament might be happy with. Is it not the case, however, that it will be the EU 27 that decide what we get? They will say, “You’ve triggered article 50, so here’s what you’re getting,” so is not this whole discussion cloud cuckoo land?

**Mr Grieve:** I have to say to the hon. Gentleman that I do not know. I actually think that none of us knows. We can make some broad assumptions that there appears to be some goodwill to try to reach a sensible agreement, and we can see how that could be easily derailed by political pressures and considerations within other EU states. We can also see that the United Kingdom is at a disadvantage in the negotiations for reasons that are...
plainly obvious. Having embarked on this course, however, we have to try collectively to apply common sense. I regret to say that I often do not hear common sense on this issue. Frequently, I do not hear it from some Conservative Members who seem fixated on ideological considerations that will reduce this country to beggary if we continue with them. We have to be rational in trying to respond to the clearly stated wishes of the electorate until such time as they show—they might, just as they showed between 1975 and last year—that they have changed their mind on the subject. Even then, the view might be of a completely different future and not a return to the past.

I will do my best to support the Government and I welcome the Minister’s comments. In the circumstances, having looked at the amendments, those comments are the best solution we have this evening. However, that does not mean that the Government will not have to continue thinking about how they involve the House. Otherwise, this House will simply involve itself.

Owen Smith: It is a genuine pleasure to follow the excellent and characteristically shrewd speech by the right hon. and learned Member for Beaconsfield (Mr Grieve). I agree wholeheartedly with one point he made towards the beginning of his speech: we cannot allow the fact that there has been a referendum to absolve this House of its duty to scrutinise the Government’s progress in the negotiations, and to act in the national interest. I wholeheartedly agree with him on that. That view is conditioning my entire approach to this debate.

I disagreed with the right hon. and learned Gentleman, however, on the substantive point he made in respect of the concession made by the Brexit Minister. I disagree that the Government have made a substantive concession today. I confess that I am far less sanguine than some of my right hon. and hon. Friends about that. It does not feel to me that we have moved much beyond where we were in the Lancaster House speech. What is being offered to the House is a debate right at the end of the process, at a point—we do not know when exactly—seemingly in the dog days of the process. A choice at that point will be between the deal on offer, which in my view is likely to be a bad deal—one predicated on our leaving the single market and the customs union; the rock hard Brexit we all feared—and no deal. If there is no deal, the Minister confirmed today that the country will face exiting the European Union on WTO terms. What does that mean for the country? According to the view might be of a completely different future and one that many across the House feel could have been dramatically improved with greater scrutiny and care. Why did we not offer that scrutiny? I do not think that many Members on either side of the debate seriously thought we would lose. There was a widespread view that the referendum was agreed for ideological reasons—to solve the culture wars that have raged in the Tory party for 30-odd years—and it was not considered carefully enough.

The House has an opportunity to make amends for the mistake that we—not the people—made. The people voted on the terms and the question we offered them, with the information we provided and on the basis of the 50%-plus-1 margin we put into statute. We have an opportunity to rectify some of those mistakes, and I feel that we should. We should follow the view of the Brexit Secretary when he was on the Back Benches, and, as the hon. Member for Westmorland and Lonsdale said, we should have a final confirmatory referendum.

We had a mandate referendum, the result of which was that we should leave the EU, but we do not know what the terms of that leaving will be. It is perfectly legitimate for us to consider what they might be. It would not be to deny democracy to do that; it would be to double down on it. The problem with simply pushing for a vote in this place on the terms of the deal is that we run the risk of leaving the people doubly dissatisfied. It is perfectly possible for this House to reject the prospect of our falling out of the European Union on WTO terms, because of the costs that will become apparent when we see the extra costs for our car production, for
[Owen Smith]

chemicals, for financial services and for all the other things that would see their tariff price rise for export out of this country. It is perfectly possible, as the right hon. and learned Member for Beaconsfield said, that we start to see a change in the country’s views in respect of Brexit when those things happen.

5 pm

Let me be clear. Why do I ask for this? I do so because I hope the country does change its mind. I am not shy about saying that. I feel Brexit is a mistake that will damage the future of our children, and that it is not in our national interests. Although the people have voted for it, I think we have a duty to scrutinise the Government’s management of this process and to give clarity to the people about what it is really going to mean for them. I do not mean the projections, the promises, the £350 million lies scrawled on a bus or some of the so-called threats from “Project Fear”, but the reality of what Brexit is going to mean in pounds, shillings and pence for my children and for all our children. At that point, we will be doing our duty if we not only scrutinise and vote in this place, but use that vote to give the people the final say on the final terms of the deal.

Anna Soubry: Let me say from the outset that it is really important that we all step back from the way we have done politics arguably for too long and to the detriment of British politics. I mean the idea that there are “concessions” to be made, that the people have bottled things, that briefings from No. 10 say that no concessions have been made, that concessions have been given and that they are this or that, that it is wonderful that one viewpoint has been triumphant over another or that the hard-line Brexiters or the remoaners have been seen off. I find that not only tedious and inaccurate but something that does none of us any favours. Most of all, it does not do our constituencies any favours, either. I, for one, am sick and tired of it.

I think it was back in September or October when a number of people on these Benches said that what now happens, as we leave the EU—for the referendum result has been accepted—transcends normal party political divides because it is so important. It is important, frankly, not for my generation but for my children and the grandchildren to come. As others have said—possibly on the Opposition side; I do not care, and I will give credit to whoever said it—this is the most important set of negotiations that we have entered for decades, and it is critical that we get them right because of the consequences for generations to come.

Can we, in effect, stop the sort of—I nearly said willy-waving, Mr Howarth, but that might not be a parliamentary term. However, that is actually what it is, and it is not acceptable any more. Let us try to come together to heal the divide. This needs to be said. Let me extrapolate from the vote, not just in my constituency but in Nottingham and with a look to Ashfield. The borough is bigger than my constituency and excludes Eastwood and Brinsley—wonderful places well worth a visit, but I will not go into the demography. In short, I think that the vote for leave in my constituency was about the national average—perhaps 51%, possibly as much as 52%. Some of my constituents voted to leave the European Union, as indeed did people across the country, because they wanted, and were adamant about this place having true sovereignty, or true parliamentary sovereignty.

The awful irony is that, since the vote—I am going to be very honest about this—many people feel that Parliament has been completely excluded. The Government had to be brought here. This Bill is before us because some brave citizens—and they were brave—went to court to say that parliamentary sovereignty must mean that: it must be sovereign and it must exceed the powers of the Government and the Executive. It has felt, as I say, as though this place has been excluded at all stages. And so it has come about that we are leaving the single market, and we have abandoned free movement. We have abandoned long-held beliefs in all parts of the House, with no cross-party divide. In some instances, we have voted against everything that we have believed in for decades.

Last week, when we voted to translate the result of the referendum into action, we did not vote according to our consciences or our long-held beliefs. I did not vote with my conscience, and if I am truthful about it, I am not sure that I voted in the best interests of my constituents. That upsets me, because I did not come here for the sake of a career; I came here because I wanted to represent my constituents and do the very best for them. I genuinely do not know whether I did that last week. However, I was true to the promise that I had made to my constituents. I had promised them that if they voted leave, they would get leave, and that is what drove me through the Lobby last week with a heavy heart and against my conscience.

I do believe that I did the right thing, and I can look myself in the mirror every morning believing that I have been true to the promise that I made to my constituents; but I am jiggered if I am not now going to be true to my belief in parliamentary sovereignty. I do not want to vote against my Government. I have never been disloyal to my Government, even though at times—well, we won’t go into that. I have always been true and loyal to them. In this instance, however, I think that new clause 110 embodies admirable objectives. Goodness me, anyone would think that the new clause was revolutionary. All it would do is ensure that whatever happens—be it a deal or something else—Parliament must approve it, and I certainly support my Government and my Prime Minister in all their efforts to secure that deal.

I thank the Minister for the concession that he has made. If Members do not like the word “concession”, I will abandon it, but what the Minister has said has been the right thing to say. I completely agreed with the excellent speech made by my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve). This is progress, and it is the right thing to do. What concerns me is what will happen if, despite their best efforts, the Government fail, through no fault of their own, and we have no deal. How revolutionary is it to say, in the event of no deal, and at the right and meaningful time as we proceed to that new relationship, “Please could we have a say—not on behalf of Parliament, but on behalf of all our constituents”? That is why we come to this place.

Stephen Doughty: The right hon. Lady has got to the nub of the issue. I, too, would like new clause 110 to be pushed to a vote. Throughout this process, my constituents have seen Parliament sidelined and presented with a
Anna Soubry: I agree with much of what the hon. Gentleman says, but I am also reminded of what was said by my right hon. and learned Friend the Member for Beaconsfield. As he rightly asked, who knows where we may be in two years’ time? No one seems to have thought about the issue in those terms. God forbid, but we may not have our Prime Minister then: we may have another Prime Minister, for whatever reasons. We may not have the same Secretary of State, or, indeed, the same Minister of State. Those circumstances could change, and other circumstances could change, such as the economy or the mood in Europe.

There may indeed be circumstances—and the hardline Brexiteers have surely missed this point—from which they may want to protect themselves. They may then want that debate. It is also possible that WTO tariffs and the other developments that the hon. Gentleman and I fear would be in our best interests. That is the whole point: we do not know where we shall be in two years’ time. It is right for us to keep our options open, and it is right for us to have a debate and a vote.

Mr David Lammy (Tottenham) (Lab): The right hon. Lady is making her points with her usual eloquence. Does she agree that another context that has clearly changed since 23 June is the geopolitics of the world? We have a new leader in the United States, and some very serious concerns have been raised about Putin in Russia. We certainly do not know where we might be in two years’ time.

Anna Soubry: I absolutely agree, and that is exactly the point that many Members across this House are now making.

Mrs Madeleine Moon (Bridgend) (Lab): The right hon. Lady is making her points with her usual eloquence. Does she agree that another context that has clearly changed since 23 June is the geopolitics of the world? We have a new leader in the United States, and some very serious concerns have been raised about Putin in Russia. We certainly do not know where we might be in two years’ time.

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Anna Soubry: I absolutely agree, and that is exactly the point that many Members across this House are now making.

Yvette Cooper: I commend the right hon. Member for Broxtowe (Anna Soubry) for her speech, much of which I agreed with. Like her, I voted to trigger article 50 on...
[Yvette Cooper]

Second Reading because I think we should respect the referendum result, but like her, I campaigned for us to remain. I also agree that we have a responsibility across Parliament to get the best possible Brexit deal, and that we should all be involved in the process because so much has yet to be decided about the kind of deal we will get and the terms on which we will leave the EU. That is why I support new clauses 1, 99 and 110.

5.15 pm

Everyone has agreed today that a parliamentary vote should be meaningful, but what the Minister has said does not provide any assurance on that. So far, the Government are not prepared to put the Minister’s offer in the Bill, and as the right hon. Lady said, if the Government were to change, we would have no reassurance that the vote would happen at the right time or that its outcome would be respected in the right way.

Also, if there is no deal, there will be no vote. That matters, because it would be possible for the Executive, with power concentrated in their hands, to decide to reject a deal from the EU that Parliament might have accepted. The Executive would have the power to decide simply to go down the WTO route rather than going for any of the many alternatives, without giving Parliament a say in the matter. There would be no opportunity for Parliament to say, “Actually, there is a better deal on offer and the Government should be working with the EU to get that deal, which would be in the interest of all our constituents.” We should not give the Executive that concentration of power to choose the WTO route without a debate or a vote. There should be a vote on an alternative.

Mr Harper: To be fair to the right hon. Lady, I think she has gone some way towards answering this question. I think she said that if the Government judged that the best available terms were not good—if it was, by the Government’s definition, a “bad deal”—she would like them to put that in front of Parliament and ask us to decide whether it was indeed a bad deal. Can she confirm that that is what she is saying?

Yvette Cooper: That would indeed be one way of doing it, with the Government giving Parliament a substantive vote rather than simply heading directly for the WTO alternative without giving us an option.

The second challenge in the Government’s approach is that, if there were a deal, the timing of any vote would still make it difficult for Parliament. A vote would take place after the deal had been agreed with the 27 countries and with the Commission, but before it went to the European Parliament. Again, this Parliament would only get a choice between the Executive’s deal and the WTO terms, even if we knew that a better or fairer deal was on offer.

I hope that there will be agreement across the House on this point. I hope that the Government will come up with the best possible Brexit deal and that such a deal will have Parliament’s strong support and endorsement. If that does not happen, however, and if things unravel along the way, what opportunity will there be for Parliament to have its say and to try to bring things back together?

That brings me back to the timing of the vote. Leaving it to the very end of the process would make that very hard to do.

Stephen Kinnock (Aberavon) (Lab): Does my right hon. Friend agree that the Government could request an extension to the article 50 process if we have not been able to conclude a positive deal? Does she also agree that a request for such an extension would be greatly enhanced and strengthened if it had a mandate from Parliament behind it? That should involve a partnership, with the legislature and the Executive working together to strengthen the national interest vis-à-vis our European partners.

Yvette Cooper: Again, that would certainly be one option. My understanding is that if the European Parliament voted down the deal, it would get the opportunity to say that the negotiations should be extended, but the UK Parliament would currently not get that opportunity. The purpose of the new clause is not to extend the negotiations—we should be trying implement the referendum decision—but if Parliament judges that there is a better offer on the table, the UK Parliament would currently not get that opportunity. The purpose of the new clause is not to extend the negotiations—we should be trying implement the referendum decision—but if Parliament judges that there is a better offer on the table, the UK Parliament would currently not get that opportunity. The purpose of the new clause is to bind the Government’s hands with these new clauses is not in the country’s interests.

Charlie Elphicke: The right hon. Lady is passionate on this subject. If at the end of the article 50 process—the two-year, winding-down clock—Parliament rejected the deal and nothing happened, we would leave. That would be an undesirable result, so my concern is that binding the Government’s hands with these new clauses is not in the country’s interests.

Yvette Cooper: I do not think that the new clauses would bind the Government’s hands. I agree that there is a concern that we could end up toppling off the edge of the negotiations without having a deal in place, which means that there is an incentive for all of us in Parliament to want a deal to be in place for Brexit, for future trade arrangements and for the transitional arrangements. Given how the Government have set out the arrangements, however, my concern is that there is no incentive for the Executive to try to get a deal that Parliament can support. If the Executive can simply go down the WTO route and reject alternatives without Parliament having any say, they will not have the right incentives to get the best possible deal.

John Redwood: Does the right hon. Lady agree that practically everyone in the House and in the Government would like tariff-free trade on the same basis as we have today? We entirely agree on that. The only issue is with what we can do individually and together to make it more likely that the other 27 member states will agree, because they will make that decision.

Yvette Cooper: I actually do agree with the right hon. Gentleman. We do want tariff-free trade, but he and I will probably differ on the customs union, for example. There would be huge advantages in staying in the customs union, but that does not affect the decisions that we might make on free movement or other aspects of the single market. I know that he would like us to be outside the customs union, but that may be a crunch question
for the deal. The Executive might reject alternative options or better deals on matters such as the customs union on their own rather than give Parliament the opportunity to have its say.

Some of this comes down to timing. I accept that there is an article 50 timescale of two years and that it will be for the EU to decide what happens at the end if no deal is in place, but that also matters for the timing of the vote. At the moment, based on what the Minister said earlier, the vote will come at the very end of the process and could end up being at the end of the two years. The strength of new clause 110 is that it would require the vote to be held before the deal went to the European Commission, the European Council or the European Parliament. The advantage of that is that we would have a parliamentary debate and a vote earlier in the process, and that if there were no agreement, there would still be the opportunity for further negotiations and debates before we reached the article 50 cliff edge.

Mr Grieve: I hesitate to say this, but the House sometimes fails to realise its own powers. If it becomes clear during the course of the two years of negotiations that the Government are rejecting a negotiating opportunity that the House thinks is better than the one they are pursuing, there is nothing to prevent the House from asserting its authority in order to make the Government change direction; it is a question of whether we have the will to do it. The problem with the right hon. Lady’s point is that if we were right up against the wire, it could tip the Government into losing an agreement and there would be nothing to replace it.

Yvette Cooper: Were that the case, it would be Parliament’s responsibility to behave with the common sense that the right hon. and learned Gentleman advocated earlier. I would trust Parliament to have common sense and not push Britain towards an unnecessary cliff edge in those circumstances. That is not what Parliament wants to do. It has already shown that it wants to respect the decision that was made in the referendum, which is important, but it also wants to get the best deal for Britain and will be pragmatic about the options at that time.

The right hon. and learned Gentleman suggests that there might be an alternative way for Parliament to exercise its sovereignty, but what might that be in practice? We could have a Backbench Business Committee motion or an Opposition day motion that the Government could then ignore. We could have a no confidence motion, but that would not be the appropriate response when we should be considering the alternatives in order to get a better deal out of the negotiations.

If the right hon. and learned Gentleman were to come up with an alternative way for Parliament to exercise its sovereignty that I have not thought of, there might be an alternative to a vote today. If we want legislation that ensures that there is recourse to Parliament on these important issues, which will affect us for so many years to come, the right thing to do is to get something in the Bill.

Charlie Elphicke: Will the right hon. Lady give way?

Yvette Cooper: I will make some progress, because other Members want to speak.

There are many ways in which the Government could provide recourse to Parliament. They could table a manuscript amendment that simply puts into practice what they have said today, which would be immensely helpful and might provide the reassurance that many hon. Members need.

New clause 99 would mean that withdrawal would have to be through an Act of Parliament. On such a serious matter, there is a strong case for decisions to be made through Acts of Parliament—that would happen on other similarly weighty matters. To be honest, much of what new clause 110 would do would simply be to include in the Bill what the Minister has already said he will do. However, it would provide reassurance, with the added benefit of clarity that there will be a vote if there is no deal and we go down the WTO route. Also, the vote would be earlier in the process, which would give Parliament the opportunity to have a say before we get to the final crunch at the end of the negotiations.

The honest truth is that new clause 110 is not that radical. It would simply put into practice and embed in legislation the things that some Government Members have said they would like to achieve, so why do we not simply include it in the Bill so that we have that reassurance? Ultimately, there is a reason why all of this is important. Both sides in the referendum debate talked about parliamentary sovereignty, and with that comes parliamentary responsibility. We have already shown that responsibility by deciding to respect the result of the referendum on Second Reading, but with that comes the responsibility to recognise that we have to get the best possible Brexit deal for our whole country, rather than just walking away from the process of debating the deal. If we end up walking away, power will be concentrated in the hands of the Executive. I have never supported such concentrations of power, and every one of us should be part of making sure that we get the best possible Brexit deal.

Mr Dominic Raab (Esher and Walton) (Con): It is a pleasure to follow the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper) and my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve).

I agree with the principle that Parliament should vote on the final deal. I argued for that during the referendum, and I certainly have not changed my mind. On top of that, as people talk about Parliament being stripped of its role, it is worth pointing out that any domestic implementing legislation as a result of any deals reached at international level will, of course, require parliamentary approval in the usual way. The legal effects of Brexit at home will be dealt with through enactment of legislation in advance of the ratification of the international treaties.

On the international element, it is useful to distinguish between two key components of the diplomacy: the terms of exit and the terms of any new relationship agreement on trade, security and the other areas of co-operation that we all agree we want to preserve. With that in mind, I welcome again the White Paper and the Lancaster House speech that, as we talk about all the process and procedure, set out a positive vision for Britain, post-Brexit, as a self-governing democracy, a strong European neighbour and a global leader on free trade.
Paul Farrell: Will the hon. Gentleman give way?

Mr Raab: I will make a little progress because other Members want to speak and we are quite far advanced in this debate.

I confess that, as a former Foreign Office lawyer who spent six years advising on both EU law and treaty interpretation, I find article 50 palpably clear on the surface. It disappals the EU treaties two years after article 50 is triggered. The language is mandatory as a matter of treaty law, so if Parliament refuses to approve the terms of any exit agreement, the UK drops out without one.

Before there is general hysteria across the House, including among Government Members, let me say that there is a general principle of customary international law, which is also true of common law, that where there is a general rule, there can be exceptions, but those must be interpreted narrowly. There are exceptions on this. There is an exception if the EU unanimously agrees to extend the period under article 50(3). If we look at the clear language used, we can see that it is conceivable that happening only in very exceptional circumstances—if at all—for a limited period and in relation to the exit terms. That is what the provision says. The agreement on our post-Brexit relationship with the EU could be prolonged as long as both sides wish, but that will not delay the exit, and it is extremely doubtful that article 50(3) could be used to delay departure on those grounds. That means many of the amendments we are considering are, in practice, unlawful, as well as unwise.

5.30 pm

Robert Neill: My hon. Friend is providing a careful and interesting analysis, but is not the crux of the matter this: if at the end of the day there is no deal and we are forced to leave, perhaps on WTO terms, which many of us believe will be deeply damaging, it will be a scandal if this House does not have the chance to have a say on it? It will be a betrayal. Those who might not support new clause 110 today hope that perhaps the Lords will look more carefully at this, as, for many of us, the Government are on very borrowed time.

Mr Raab: I pay tribute to my hon. Friend the Chair of the Justice Committee and I agree that there should be a vote. The challenge is that I have not really heard anyone explain an alternative negotiation strategy to the one advanced by the Government, other than staying indefinitely in some limbo within the EU. That would create more uncertainty for business and greater frustration for the public, and it would devastate, paralyse and eviscerate our negotiating hand.

Paul Farrelly rose—

Mr Raab: I am going to make a little progress, to be fair to other Members.

There is a second exception, and it is not true to say that triggering article 50 is irreversible. It can be reversed but, as I explained earlier, we would have to follow the specific exception envisaged in article 50(5), which offers a means to reverse the process of departure: we leave and then apply to rejoin. That is the clear language in article 50, which of course is binding as a matter of UK law. It was a previous Labour Government, with Liberal Democrat support, who signed us up not only to the Lisbon treaty, but explicitly to the fetters we now face. That is why I suffer a little when I hear some of the railings against the difficult legal confines the Government find themselves in not just as a matter of their own policy, but as a matter of law.

Paul Farrelly rose—

Mr Raab: I will not give way, as I am going to make some progress.

The choice on the final deal is clear: the British Parliament can veto the exit agreement and/or the terms of the new relationship agreement, but in that case Britain would leave the EU without agreeing terms. On the new relationship agreement, the UK Government would of course be free to revert for further negotiations, but that could not delay or stop Brexit from happening under the terms of article 50. Those facts will rightly and understandably focus our minds, as they are doing here today, and with a sense of trepidation. They will also focus minds—this is why it was crafted in the way it was—on the other side of the channel, among our European friends. So, on the assumption that it would take at least 18 months to agree all the terms of any new relationship agreement, the idea that Parliament voting down any deal would send the UK back to a further round of meaningful negotiations, before Britain formally leaves, is at odds with the procedure in the Lisbon treaty, and I find it neither feasible nor credible.

Mr Andrew Tyrie (Chichester) (Con): My hon. Friend mentioned article 50(3), which does provide for transitional arrangements. It provides for a country to negotiate for the same arrangements to continue indefinitely until a subsequent date is provided at the end of the negotiating process for their implementation. Does he not agree that that should create a window for exactly the circumstances that he is so concerned about?

Mr Raab: My right hon. Friend is right in what he says, but if he reads article 50(3), he will see that it is explicitly referring to the withdrawal component of the diplomacy. But he is also right to say that there is scope for transitional arrangements or phased implementation to deal with some of the so-called “cliff edge” concerns that hon. Members are rightly worried about.

Claire Perry rose—

Mr Raab: I am going to make a bit of progress, to be fair to other Members.

In fairness to the previous Government, the ostensible aim of article 50 was to facilitate certainty, to focus the minds of the negotiating parties and to avoid withdrawal leaving a lingering shadow over not only the EU—although that was probably foremost in its consideration—but the departing nation. Many of the amendments and new clauses we are considering are counterproductive precisely because in seeking to fetter the Government in the negotiations they would weaken our flexibility and negotiating position and, critically, make the risk of no deal more likely. Members who support the amendments and new clauses must face up to the fact that they are courting the very scenario that they and we say we so dearly seek to avoid.
For my part, I could not countenance voting for attempts to put the negotiating aims in binding legislation and give them statutory force, because that would set the Government up to face a blizzard of legal challenges on the final deal. That would be deeply irresponsible because, whether unintentionally or otherwise, it would seem to me to amount to poison-pill tactics.

Paul Farrelly: Does the hon. Gentleman agree that the Prime Minister’s approach so far, in pandering not to those who want immigration reduced to the tens of thousands but to the nones-of-thousands lobby, risks our approaching the scenario he just outlined? That approach is nonsensical, because we need immigration, whether the people are crop-pickers or gene splicers. There are deals to be done and the Prime Minister needs to admit it.

Mr Raab: I thank the hon. Gentleman for his intervention, but say gently to him that between open-door immigration and closed-door immigration there seems to me to be quite wide scope for sensible reciprocal arrangements that allow us to retain control over the volume of immigration and things such as residency and welfare requirements, and to make sure that the people who come here are self-sufficient and that we have the security checks and deportation powers we need. I am not sure that he and I disagree on that. Between cutting off all immigration and having open-door immigration, there is enormous scope for some sensible diplomacy.

I turn specifically to the amendments and new clauses. The Government’s assurances ought to be enough to satisfy those who might be tempted by new clauses 1, 18 or 99. The Government have rightly promised to give Parliament a vote on the final deal, and I pay tribute to the shadow Minister, the hon. and learned Member for Holborn and St Pancras (Keir Starmer), who approached that matter in a sensible, sober and responsible way.

The other cluster of new clauses that have attracted attention are new clauses 19, 54 and 137, which would require that a parliamentary vote against the deal would send the UK Government back to renegotiate with the EU. As someone who has negotiated treaties—mainly bilateral treaties, but some multilateral—I can entirely understand why that is attractive. The truth is that if Parliament does not agree the exit terms, it is theoretically possible that the UK Government could revert to meaningful negotiations with the EU, if the draft agreement is concluded within around a year or, exceptionally, if the EU agreed a short extension. In practice, that is utterly inconceivable. Why would the EU give us better divorce terms just because Parliament did not like them? In reality, we would not even get the extension or better terms, and would leave without an agreement.

If Parliament does not approve the agreement on the new relationship, there is no express provision for the extension of negotiations and no clear basis for withdrawal to be delayed. We would exit on two years, but could revert back to revived negotiations on the future relationship. As my right hon. Friend the Member for Chichester (Mr Tyrie) pointed out, the question of whether implementation would be phased and of transitional arrangements would become far more salient. Besides those legal considerations, any delay to the timetable would inject an additional dose of uncertainty into the entire process, which would be bad for business and frustrating for the public, and which would harm rather than reinforce our negotiating position.

New clause 28, which deals with parliamentary approval before the European Parliament has its say, has been dealt with by the reassurances given by the Minister, which I certainly welcome. I am not convinced by new clauses 110 or 182, on parliamentary approval happening before the Commission concludes the new relationship agreement, because we would not know the date on which it would approve such an agreement and could not know the terms of the deal until it had done so. That reinforces in my mind the concern that exists about Members who, in good faith, are trying to dictate what will inevitably be a fluid diplomatic process through the entirely inappropriate vehicle of binding legislation. That cannot hope to cater for all the potential eventualities that we need to be ready to adapt to as a matter of multilateral diplomacy.

Finally, let me turn to amendment 43, which has been tabled by the Liberal Democrats and the hon. Member for Westmorland and Lonsdale (Tim Farron) in particular. In a competitive field, this is certainly the clear winner for the worst amendment that has been tabled. It is probably illegal because there is no scope for a departing member, which has triggered article 50, to reverse its decision. That is clear from article 50(5).

The amendment is clearly designed to reverse Brexit, despite Members passing the 2015 referendum legislation by six to one on the very clear understanding that we would respect the result. The amendment is probably beyond undemocratic and illegal; it is just plain tricksy. It was open to any Member to table amendments and then to stipulate that there would be a second referendum—why not have the best of three?—to give the British people a chance to do the hokey cokey. However, there is a very clear reason why no one tabled such an amendment: the public would have shuddered at the prospect. No one proposed such an amendment and we did not hold the referendum on that basis.

I support a final vote on the deal, and welcome the fact that the Government are striving to reassure all Members about the Bill, but this House should be under no illusion that such a vote cannot and would not frustrate the verdict of the people. In fairness, I think that most Members from all parts of the House recognise that. Many amendments on which we are deliberating in this group are legally flawed. Above all, these new clauses would attempt to tie up the Government in procedural knots at the crucial moment in the two years of Brexit negotiations. The public expect all of us to be focused on securing the very best deal for the whole country and not, either intentionally or inadvertently, to be laying elephant traps that can only make striving for that deal harder. For that reason, I hope that the Committee will vote down all the amendments and new clauses this evening.

Several hon. Members rose—

The Temporary Chair (Mr George Howarth): Order. There are four hon. Members who still want to contribute and who have given their names to amendments. However, the Government are likely to come back at 6 o’clock.
If everyone takes less than five minutes, I might be able to squeeze in at least four more speakers. It is a gentle reminder; there is no time limit. I call David Lammy.

Mr Lammy: I will try to be brief.

I am now entering my 17th year in the House. In that time, it is usual to strike up relationships across the House. I want to make a confession: I have a relationship with the right hon. Member for Chingford and Woodford Green (Mr Duncan Smith) — I am sorry that he is not in his place—who has the unusual honour of also being a fan of Tottenham Hotspur. There have been occasions when we have been at White Hart Lane together, talking about his favourite subject: the sovereignty of this Parliament and the European Union. There have been occasions when my eyes have glazed over, because I do not see the issue in the same way.

In the past few months, as I have grown increasingly depressed about the direction of travel on which we are now set, I have looked for a silver lining. The silver lining is, of course that, in the 17 years that I have been an MP, we have been in the European Union—effectively, we had decided to pool some of our sovereignty with Europe, which meant that I had less power. Well, the power is now coming back, and, as a result of all the work of the right hon. Gentleman, the hon. Member for Stone (Sir William Cash) and others, I will be a powerful Member of Parliament. Yet we are now in a situation, in this important time, in which we need that sovereignty, and the very same people who were asking for it now stand up to argue that we should put that power somewhere else.

Many hon. Members who have been Back Benchers for some years argue that we should put the power with the Executive, and that the Prime Minister and her Cabinet should make all the huge decisions about our economy and direction of travel. They argue, perversely, that the power should solely be with the 27 other countries of the European Union, and that they should determine our direction alongside the European Commission, the Council and, ultimately, the European Parliament—power everywhere else except here. And who will suffer as a consequence of this Parliament not acting? Our constituents. That is why this is not the time to play party politics and why I was happy to vote against my party last week. This is absolutely the time to stand up for our constituents.

5.45 pm

We must scrutinise the Executive during the very detailed negotiations. We hear, “We’ll strike a deal within two years.” Well, it took Greenland three years to leave the old European Economic Community; and that was Greenland, fighting over fish. It will not take us just two years. As has been said, we must get a say on the terms of our withdrawal, but the matters of our new trading relationships must also come back to this place. If we do not get an agreement, it must be a decision on which we must speak long before.

If we were to exit without a proper deal, this great country would be in the bizarre situation of having no trading relations with the rest of the world, which is a situation we will not have been in since some time before King Henry VIII and the beginning of empire—ridiculous. It would be madness. World Trade Organisation rules? Insane. Of course power must rest here, which is why I have put my name to a number of new clauses and why I stand with my hon. Friend the Member for Nottingham East (Chris Leslie), who tabled new clause 110. We must give this place power or we will regret it hugely.

Claire Perry (South Cambridgeshire) (Con): I agree with my hon. Friend about Parliament’s vital role in scrutinising the Bill. For me, it is about the only way that we will bring the 48% with us, because they are feeling very left behind at the moment. In practical terms, how can we achieve that scrutiny? If the deal is not good enough, what can we actually do to change it?

Heidi Allen (South Cambridgeshire) (Con): I agree with my hon. Friend about Parliament’s vital role in scrutinising the Bill. For me, it is about the only way that we will bring the 48% with us, because they are feeling very left behind at the moment. In practical terms, how can we achieve that scrutiny? If the deal is not good enough, what can we actually do to change it?

Claire Perry: We can probe, we can ask questions, and we can bring our collective knowledge and wisdom, of which there is an enormous amount on these Benches, and our understanding of what alternatives there might be. If there is no alternative, or there is no process, then at least we know that, but we have bought today, with the concession given by the Minister, an option that was not on the table at the start of this process and, when you are negotiating in an uncertain environment, optionality is hugely valuable.
My second point of principle, which I referenced earlier, relates to equivalence. If we look at the negotiation for exit, it is bizarre that while the European Parliament has a number of go/no-go decision points where it effectively has a right of veto, we have been scared to give the same to this Parliament. That does not sit well with me as somebody who wants to stand up for this sovereign Parliament; it is a very perverse thing, and I am glad we are trying to correct it.

The third point of principle relates to representation. I am still mystified that there are those who think they should be scared of Parliament. How many more votes do we need to have to demonstrate the overwhelming support in this place for executing the will of the British people? They gave us a mandate, and we are not going to replay the arguments. We have a mandate, and we know we need to get on with this. We have now had two votes suggesting that right hon. and hon. Members on both sides of the House—possibly with the exception of those from north of the border—accept the view of the Union. We should not be scared of bringing these things to Parliament.

Ultimately, are we not here to represent our constituents? We do not want a second referendum, and I completely agree with my neighbour, my hon. Friend the Member for Newbury (Richard Benyon), that it would be absurd to go back. However, we are the next best thing: we are the opportunity to bring up what our constituents are saying, and many of them still have lots of questions about what this process looks like. We can put those questions to each other and to Ministers, and we can represent our constituents. The principle of representation is absolutely vital.

I have to say that the tone of these debates—we have heard a little of this today, although things are starting to calm down—sometimes borders on the hysterical. I feel sometimes that I am sitting with colleagues who are like jihadists in their support for a hard Brexit. No Brexit is hard enough—“Begone you evil Europeans. We never want you to darken our doors again!” [Interruption.]

People say, “Steady on, Claire,” but I am afraid I heard speeches last week making exactly that point. The point is that the more we get these things out in the open, the more we will not be led by some of the more hysterical tabloid newspapers out there, but actually have an open and frank conversation with each other about what we want to do better.

On the issues of scrutiny, representation and parliamentary sovereignty, I am very interested in the proposals made by the Opposition. I am pleased to say I have heard some very substantial concessions today on the timing and the detail, although there is an equivocality about the ending, which still does not sit well with me. While it might not be the Government’s and the Prime Minister’s intention to bring forward a bad deal, we still have not allowed ourselves to put that to the test. So before I decide which way to vote, I am going to listen very carefully to what the Minister has to say, I am hoping to get his assurance that, if there is no deal, that can be put within the bounds of what I think should happen, which is a parliamentary decision on this vital step for our country.

Mr McFadden: There are two issues at the heart of today’s debate, which is about the role of Parliament in judging the final deal. The first issue is the timing of any such vote, and the second is how to make that vote meaningful. I want to speak to new clause 137, which is in my name and those of my hon. and right hon. Friends.

A significant part of the argument for leaving the European Union was about restoring parliamentary sovereignty so that this House could take decisions about the country’s future, yet attempts to assert that sovereignty have been constantly dismissed as undermining the Government, if not the country. The cry over and over again has been, “Blank cheque, blank cheque, blank cheque.” We should not give a blank cheque; there is a legitimate role for us.

The new clause seeks to do two things: first, to enshrine in the legislation the Prime Minister’s promise of a parliamentary vote on a final deal; and, secondly, to assert what can happen if Parliament declines to approve the final deal.

The Government have set out their aims in the White Paper and in other statements. The White Paper defines the Government’s aim as “the freest possible trade in goods and services between the UK and the EU.”

The Secretary of State for Brexit said that this would be “a comprehensive free trade agreement and a comprehensive customs agreement that will deliver the exact same benefits as we have”—[Official Report, 24 January 2017; Vol. 620, c. 169.]

That is the test the Government have set themselves. I wish them well in ensuring that we do get the exact same benefits as we have.

This new clause does not seek to tie the Government’s hands in the negotiations. It does not seek to influence the content; it focuses on what happens if Parliament declines to approve the final deal. The choice that we do not want to be presented with, I am afraid, is the one that the Minister set out at the beginning, which is defining as success whatever the Government negotiate or falling back on the WTO. I do not want to go through the WTO rules in detail, but let me give just one example: a 10% tariff on car exports. Take the Nissan Qashqai, proudly made in the north-east of England. That tariff would mean a surcharge of over £2,000 on each car made in the north-east, compared with a competitor vehicle made in a plant in the European Union, or even another Nissan model made in the EU. On food and drink, the tariffs are 20%, and on some agricultural products they are even higher. That is before one even gets to the weakness of enforcement mechanisms within the WTO, where businesses cannot even take enforcement cases and only Governments can do so.

The Government themselves say that they do not want this option. They set out 12 points in their White Paper, the 12th of which says that they want “a smooth, mutually beneficial exit”.

Paragraph 12.2 says: “It is...in no one’s interests for there to be a cliff-edge for business or a threat to stability...Instead, we want to have reached an agreement about our future partnership by the time the two year Article 50 process has concluded.”

This new clause empowers Parliament to avoid the very outcome that the Government themselves say in the White Paper that they want to avoid. For that reason, it is not, as too many Members have asserted, some attempt to undermine the Government. We should be using the power of Parliament to influence these negotiations.
Mr McFadden: Let me deal with the “five minutes to midnight” point made by the right hon. and learned Member for Beaconsfield (Mr Grieve). It is hardly unknown for the European Union to schedule another round of talks—it happens very frequently. In these circumstances, we would be entirely within our rights to strengthen our Government’s hand by saying, “Go back and renegotiate on this point or that point.”

Mr Grieve: I do not disagree with the right hon. Gentleman, but I want to emphasise this point. All sorts of things are possible—the Commission and the Council may decide to extend the period of negotiation—but we have to look at the legal implications of what we pass into law by amendments. If the new clause is prescriptive in a way that could allow the problem to occur that has been identified—dropping off because one has lost time and cannot come back to this House—we cannot just ignore that. We have to find a way round it or accept the assurances that the Government give.

Mr McFadden: The new clause is very simple on this point. It asks that in those circumstances the Government will seek to negotiate an alternative agreement. That is perfectly reasonable.

Sir Oliver Letwin: Will the right hon. Gentleman give way?

Mr McFadden: I do not have much time so I am going to conclude.

The point of all of this is to avoid the choice between being told that we have to define as success, on the first account of it, whatever the Government have managed to negotiate, or default to the WTO. To be honest, a concession on timing that does not allow us to ask the Government to go back and negotiate a better agreement is simply holding a gun to Parliament’s head a few months earlier than would otherwise have been the case. This new clause is about taking all the claims made for decades about parliamentary sovereignty and making them real, rather than giving us a choice between deal or no deal, take it or leave it, my way or the highway. Frankly, Parliament and the country deserve better than that.

Mr Tyrie rose—

The Second Deputy Chairman of Ways and Means (Natascha Engel): Order. I am happy to call the right hon. Gentleman if he can speak for only two or three minutes.

Mr Tyrie: Will my right hon. Friend give way?

Mr Jones: Will my right hon. Friend give way?

Mr Clarke: I will be brief, for a change. My right hon. Friend has confirmed that the vote will be put to Parliament after the deal has been done with the Commission and the Council. It is therefore a done deal, and the European Parliament and this House can either take it or leave it. The alternative is the WTO. Will he confirm that that is exactly what was offered in the White Paper a few days ago?

Mr Jones: What we have sought to do today is to provide clarity, and I hope that, through my previous contribution and now, I am providing that clarity. It would
Indeed be the final draft agreement that we would contemplate being put before the House.

As I was saying, this has been an important debate and the quality of the contributions has been extremely high. As my right hon. Friend the Member for Broxtowe (Anna Soubry) said, we have to remember that this will be the most important negotiation that this country has entered into for at least half a century. It is therefore entirely right that the House should play an important part in the process of the negotiation of the agreement.

I have heard the words “rubber stamp” being used, but that is far from what the Government have in mind. We have every intention that, throughout the process of negotiation, the House will be kept fully informed, consistent with the need to ensure that confidentiality is maintained. I do not think that anyone would regard that as an unreasonable way forward. My right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) highlighted the need for reporting, and the Government intend to do that.

I should like to speak about a number of other measures that I have not dealt with previously, but which have attracted attention in the debate. New clause 18 would specify that any new treaty with the EU should not be ratified except with the express approval of Parliament. I can only repeat the commitment that I have made several times this afternoon at the Dispatch Box: there will be a vote on the final deal.

**John Redwood:*** Many of us welcome the progress that has been made and my right hon. Friend’s assurances. It is clear from what he has said that there will be every opportunity for debate, discussion, questions and votes, as is proper in this House.

**Mr Jones:** That is absolutely right. The suggestion that the Government would not keep the House informed is really unworthy, given that we have been scrupulous in doing so thus far.

New clause 110 is similar to new clause 18, but it also specifies that any new relationship would be subject to approval by a resolution of Parliament. I believe that the measure is unnecessary. It asks for a vote of each House on a new treaty or any new agreement reached with the EU, but I repeat again that there will be a vote on the final draft treaty and any other agreement. In any event, as my hon. Friend the Member for Esher and Walton (Mr Raab) pointed out, it calls for a vote before terms are agreed, leaving it open to the Commission to change its mind or position without any apparent recourse for this place.

**Seema Malhotra rose—**

**Mr Jones:** I will not give way as I have very little time.

New clause 137 would require the Government to seek to negotiate a new agreement with the EU if Parliament rejects a deal. Again, I reject the measure. Although we are confident that we will achieve a deal acceptable to Parliament, if Parliament were to reject that deal, it would be a sure sign of weakness, as I have said, to return to the EU and ask for other terms. We would be likely to achieve only a worse deal. Furthermore, there is no obligation on the EU to continue negotiating with us beyond the two-year period specified in article 50.

New clause 175 would effectively require the Government to request that we remain a member of the EU if the terms were not approved by Parliament. Frankly, to do so would be to betray the outcome of the referendum, and the Government are not prepared to accept that. I must make it absolutely clear that the Government want Parliament to be engaged throughout this process.

**Clive Efford** (Eltham) (Lab): Will the Minister confirm that the Government’s position is to diminish the status of this House compared with that of the European Parliament in respect of having oversight of this process?

**Mr Jones:** That is absolutely ludicrous. The European Parliament’s role comes at the end of the process; it has oversight to the extent that it rubber-stamps the agreement or not.

New clauses 18 and 19 would require any new treaties agreed with the EU to be subject to the ratification of Parliament. We have always said that we will observe the constitutional and legal obligations that apply to the final deal, and that remains the case. As we have confirmed, the final agreement will be subject to a vote of this House before it is concluded.

**Seema Malhotra:** Will the Minister give way?

**Mr Jones:** For the very last time.

**Seema Malhotra:** Will the Minister abide by the recommendation in the report of the Exiting the European Union Committee that when the Government bring the deal to Parliament, they should have regard to the requirement that Parliament has adequate time to consider any statement before the proposed terms are put to each House for approval?

**Mr Jones:** We will, of course, consider all the recommendations of the Select Committee and respond formally to its report in due course.

We approach the negotiations not expecting failure, but anticipating success. Let me remind Members that we are seeking in the Bill to do one simple, straightforward thing: to follow the instructions we received from the British people in the referendum. Remaining a member of the European Union is not an option. The process for leaving the EU is set out in article 50, and it is not within our power unilaterally to extend the negotiations.

New clause 99 envisages yet another Act of Parliament to approve the arrangements for our withdrawal and our future relationship with the EU. It would require yet another Act of Parliament for us to withdraw from the EU in the absence of a negotiated deal. The new clause is wholly otiose. While we are ready for any outcome, an exit without a trade agreement is emphatically not what we seek. However, let me be clear that keeping open the prospect of staying in the EU, as is envisaged by new clause 99, would only encourage the EU to give us the worst possible deal in the hope that we would change our mind.

Amendment 43 calls for a referendum on our membership of the European Union after we have negotiated a final deal. That was tabled by the Liberal Democrats.

This has been an important debate. We have considered the new clauses and amendments very carefully but, for all the reasons I have given, we reject them and invite Members not to press them to a Division.
Keir Starmer: I have listened carefully to the debate. There are inevitable problems with an 11th-hour concession, and there have been claims and counter-claims about the nature of the concession made. Whatever No. 10 may or may not be briefing, until today there was never a commitment to a vote on both the article 50 deal and the future agreement with the EU: there was never a commitment to a vote, before the agreement was concluded, on a final agreed draft—it is simply rewriting history to suggest that there was—and there was never a commitment to a vote in this House that is intended and expected to take place before the vote of the European Parliament. Those three things have never been said before, and I have gone through all the records before making that assertion. For anybody to suggest that this is not a significant concession is to be blind to these developments.

I recognise that that leaves a number of unanswered questions, most importantly about the consequences and precise timing of the vote. As the right hon. and learned Member for Beaconsfield (Mr Grieve) says, to and there have been claims and counter-claims about

There are inevitable problems with an 11th-hour concession, and there was never a commitment to a vote in this House that is intended and expected to take place before the vote of the European Parliament. Those three things have never been said before, and I have gone through all the records before making that assertion. For anybody to suggest that this is not a significant concession is to be blind to these developments.

In the circumstances, I will not press new clause 1 to a Division in the hope—although this is not my decision—of amendment might capture them.

The concessions that have been made and consider what there are questions. It is important that others reflect on consequences for the House to consider. I accept that this House in October 2018, there would be a number of plan there is to have a deal that is capable of being put

Some extent we just do not know. From the various learned Member for Beaconsfield (Mr Grieve) says, to

and precise timing of the vote. As the right hon. and learned Member for Beaconsfield (Mr Grieve) says, to

questions, most importantly about the consequences

Treaty or relationship with the European Union must not be concluded unless the proposed terms have been subject to agreement with the European Commission, with a view to their approval by resolution of each House of Parliament before they are agreed to any new deal or Treaty following the negotiations in respect of

This new clause seeks to ensure that Parliament must give approval by resolution of each House of Parliament before they are agreed to any new deal or Treaty following the negotiations in respect of the triggering of Article 50(2), and that any new Treaty or relationship must be approved by Parliament in advance of final agreement with the European Commission, European Parliament or European Council.

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 293, Noes 326.

AYES

Ashworth, Jonathan
Austin, Ian
Bailey, Mr Adrian
Bardell, Hannah
Barron, rh Sir Kevin
Beckett, rh Margaret
Benn, rh Hilary
Berger, Luciana
Betts, Mr Clive
Black, Mhairi
Blackford, Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Blenkinsop, Tom
Blomfield, Paul
Boswell, Philip
Brabin, Tracy
Bradshaw, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Mr Karen
Burden, Richard
Burgon, Richard
Burnham, rh Andy
Butler, Dawn
Byrne, rh Liam
Cadbury, Ruth
Cameron, Dr Lisa
Campbell, rh Mr Alan
Carmichael, rh Mr Alistair
Champion, Sarah
Chapman, Douglas
Chapman, Jenny
Cherry, Joanna
Clarke, rh Mr Kenneth
Clegg, rh Mr Nick
Chwyd, rh Ann
Coaker, Vernon
Coffey, Ann
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowan, Ronnie
Coyle, Neil
Crausby, Sir David
Crawley, Angela
Creagh, Mary
Creasy, Stella
Craddas, Jon
Cryer, John
Cummings, Judith
Cunningham, Alex
Cunningham, Mr Jim
Dakin, Nic
Danczuk, Simon
David, Wayne
Davies, Geraint
Day, Martyn
De Piero, Gloria
Docherty-Hughes, Martin
Donaldson, Stuart Blair
Doughty, Stephen
Dowd, Jim
Dowd, Peter
Dromey, Jack
Dugher, Michael
Durkan, Mark

Eagle, Ms Angela
Eagle, Maria
Edwards, Jonathan
Efford, Clive
Elliott, Julie
Elliott, Tom
Ellman, Mrs Louise
Elmore, Chris
Esterson, Bill
Evans, Chris
Farrell, Paul
Farron, Tim
Fellows, Marion
Ferrier, Margaret
Fitzpatrick, Jim
Fiello, Robert
Fletcher, Colleen
Flint, rh Caroline
Flynn, Paul
Fovargue, Yvonne
Foxcroft, Vicky
Furniss, Gill
Gapes, Mike
Gardiner, Barry
Gethins, Stephen
Gibson, Patricia
Glindon, Mary
Goodman, Helen
Grady, Patrick
Grant, Peter
Gray, Neil
Green, Kate
Greenwood, Lilian
Greenwood, Margaret
Griffith, Nia
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Hanson, rh Mr David
Harman, rh Ms Harriet
Harris, Carolyn
Hayes, Helen
Hayman, Sue
Healey, rh John
Hendrick, Mr Mark
Hendry, Drew
Heburn, Mr Stephen
Heron, Lady
Hillier, Meg
Hodgson, Mrs Sharon
Hollern, Kate
Hosie, Stewart
Huq, Dr Rupa
Hussain, Imran
Jarvis, Dan
Johnson, rh Alan
Johnson, Diana
Jones, Gerald
Jones, Graham
Jones, Helen
Jones, Mr Kevan
Jones, Susan Elan
Kane, Mike
Keeley, Barbara
Kendall, Liz
Kerevan, George
Kerr, Calum
Kinahan, Danny
Kinnock, Stephen
Kyle, Peter
Lamb, rh Norman
Lammy, rh Mr David
Reed, Mr Steve
Rayner, Angela
Qureshi, Yasmine
Powell, Lucy
Pound, Stephen
Phillipson, Bridget
Phillips, Jess
Perry, Claire
Perkins, Toby
Perry, Steve
Phelps, Jess
Philipson, Bridget
Pound, Stephen
Powell, Lucy
Pugh, John
Qureshi, Yasmine
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Rachel
Reynolds, Jonathan
Rimmer, Marie
Ritchie, Ms Margaret
Robertson, rh Angus
Robinson, Mr Geoffrey
Rotheram, Steve
Ryan, rh Joan
Salmond, rh Alex
Sandbach, Antoinette
Saville Roberts, Liz
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheppard, Tommy
Sherriff, Paula
Shuker, Mr Gavin
Siddiq, Tulip
Skinner, Mr Dennis
Slaughter, Andy
Smeeth, Ruth
Smith, rh Mr Andrew
Smith, Angela
Smith, Cat
Smith, Nick
Smith, Owen
Smyth, Karin
Souby, rh Anna
Spellar, rh Mr John
Starmer, Keir
Stephens, Chris
Stevens, Jo
Streeting, Wes
Tami, Mark
Thewlis, Alison
Thomas, Mr Gareth
Thomas-Symonds, Nick
Thompson, Owen
Thomson, Michelle
Thornberry, Emily
Timms, rh Stephen
Trickett, Jon
Turley, Anna
Turner, Karl
Twig, Derek
Twigg, Stephen
Tyrie, rh Mr Andrew
Umunna, Mr Chuka
Vaz, rh Keith
Vaz, Valerie
Watson, Mr Tom
Weir, Mike
West, Catherine
Whiteford, Dr Eiilidh
Whitehead, Dr Alan
Whitford, Dr Philippa
Williams, Hywel
Williams, Mr Mark
Wilson, Corri
Wilson, Phil
Winnick, Mr David
Winterton, rh Dame Rosie
Wishart, Pete
Woodcock, John
Wright, Mr Iain
Zeichner, Daniel

Tellers for the Ayes:
Jeff Smith and Thangam Debbonaire

Adams, Nigel
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Amess, Sir David
Andrew, Stuart
Ansell, Caroline
Argar, Edward
Atkins, Victoria
Bacon, Mr Richard
Baker, Mr Steve
Baldwin, Harriett
Barclay, Stephen
Baron, Mr John
Barwell, Gavin
Bebb, Guto
Bellingham, Sir Henry
Benyon, Richard
Beresford, Sir Paul
Berry, Jake
Berry, James
Bingham, Andrew
Blackman, Bob
Blackwood, Nicola
Blunt, Crispin
Boles, Nick
Bone, Mr Peter
Borwick, Victoria
Bottomley, Sir Peter
Bradley, rh Karen
Brady, Mr Graham
Brazer, Sir Julian
Bridgen, Andrew
Brine, Steve
Bromsgrove, rh James
Bruce, Fiona
Buckland, Robert
Burns, Conor
Burns, rh Sir Simon
Burrowes, Mr David
Burt, rAlistair
Cairns, rh Alan
Campbell, Mr Gregory
Campbell, Mr Ronnie
Carmichael, Neil
Carswell, Mr Douglas
Cartlidge, James
Cash, Sir William
Cautfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Mr Christopher
Churchill, Jo
Clark, rh Greg
Cleverly, James
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse
Collins, Damien
Colville, Oliver
Costa, Alberto
Courts, Robert
Cox, Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Davies, Byron
Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Dr James
Davies, Mims
Davies, Philip

Davis, rh Mr David
Dinenage, Caroline
Djanogly, Mr Jonathan
Dodds, rh Mr Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Dorries, Nadine
Double, Steve
Dowden, Oliver
Drey-Price, Jackie
Drax, Richard
Drummond, Mrs Flick
Duddridge, James
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Dunne, Mr Philip
Ellis, Michael
Ellison, Jane
Elwood, Mr Tobias
Ephicace, Charlie
Eustice, George
Evans, Graham
Evans, Mr Nigel
Evennett, rh David
Fabricant, Michael
Fallon, rh Sir Michael
Fernandes, Suella
Field, rh Frank
Field, rh Mark
Foster, Kevin
Fox, rh Dr Liam
Francois, rh Mr Mark
Frazer, Lucy
Freeman, George
Freer, Mike
Fulcher, Richard
Fysh, Marcus
Garner, rh Sir Edward
Garner, Mark
Gauke, rh Mr David
Ghani, Nusrat
Gibb, rh Mr Nick
Gillan, rh Mrs Cheryl
Glen, John
Goodwill, Mr Robert
Gove, rh Michael
Graham, Richard
Gray, James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Greening, rh Justine
Grieve, rh MrDominic
Gummer, rh Ben
Gyimah, Mr Sam
Halfon, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harrington, Richard
Harris, Rebecca
Hart, Simon
Haselhurst, rh Sir Alan
Hayes, rh Mr John
Heald, rh Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
MEMBERSHIP
UK—EU

That the clause be added to the Bill.

Division No. 142

AYES

Ahmed-Sheikh, Ms Tasmina  
Alexander, Heidi  
Ali, Rushanara  
Arkless, Richard  
Bardell, Hannah  
Black, Mhairi  
Blackford, Ian  
Blackman, Kirsty  
Boswell, Philip  
Bradshaw, rh Mr Ben  
Brake, rh Tom  
Brocks, Deidre  
Brown, Alan  
Cameron, Dr Lisa  
Carmichael, rh Mr Alistair  
Chapman, Douglas  
Cherry, Joanna  
Clegg, rh Mr Nick  
Coffey, Ann  
Cowan, Ronnie  

Wallace, Mr Ben  
Warburton, David  
Warman, Matt  
Watkinson, Dame Angela  
Wharton, James  
Whately, Helen  
White, Chris  
Whittaker, Craig  
Whittingdale, rh Mr John  
Wiggin, Bill  
Williams, Craig  
Williamson, rh Gavin  
Wilson, Mr Rob  
Wilson, Sammy  
Wollaston, Dr Sarah  
Wragg, William  
Wright, rh Jeremy  
Zahawi, Nadhim

Tellers for the Noes:  
Heather Wheeler and Andrew Griffiths

Question accordingly negatived.

6.29 pm  
More than four hours having elapsed since the commencement of proceedings, the proceedings were interrupted (Programme Order, 1 February).

The Chair put forthwith the Question necessary for the disposal of the business to be concluded at that time (Standing Order No. 83D).

New Clause 180

UK—EU membership: reset (No. 2)

The Prime Minister may not exercise the power under section 1(1) until she has sought an undertaking from the European Council that failure by the Parliament of the United Kingdom to approve the terms of exit for the UK will result in the maintenance of UK membership on existing terms—(Alex Salmond.)

Brought up.

Question put. That the clause be added to the Bill.

The Committee divided: Ayes 88, Noes 336.
7 FEBRUARY 2017

European Union (Notification of Withdrawal) Bill

Tellers for the Ayes:
Marion Fellows and Owen Thompson

Duncan Smith, rh Mr Iain
Dunne, Mr Philip
Elliot, Tom
Ellis, Michael
Ellison, Jane
Ellwood, Mr Tobias
Elphicke, Charlie
Eustice, George
Evans, Graham
Evans, Mr Nigel
Evanneth, rh David
Fabricant, Michael
Fallon, rh Sir Michael
Fernandes, Suella
Field, rh Frank
Field, rh Mark
Foster, Kevin
Fox, rh Dr Liam
François, rh Mr Mark
Frazer, Lucy
Freeman, George
Freer, Mike
Fuller, Richard
Fysh, Marcus
Garnier, rh Sir Edward
Garnier, Mark
Gauke, rh Mr David
Ghani, Nusrat
Gibb, rh Mr Nick
Gillan, rh Mrs Cheryl
Glen, John
Goodwill, Mr Robert
Gove, rh Mr Michael
Graham, Richard
Gray, James
Gravely, rh Chris
Green, Chris
Green, rh Damian
Greening, rh Justine
Grieve, rh Mr Dominic
Gummer, rh Mr Nick
Gyimah, Mr Sam
Halton, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harrington, Richard
Harris, Rebecca
Hart, Simon
Haselhurst, rh Sir Alan
Hayes, rh Mr John
Heald, rh Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Hinds, Damian
Hoare, Simon
Hoey, Kate
Hollingbery, George
Hollinrake, Kevin
Hollobone, rh Mr Philip
Holloway, Mr Adam
Hopkins, Kelvin
Hopkins, Kris
Howarth, Sir Gerald
Howell, John
Howlett, Ben
Huddlestone, Nigel

Hunt, rh Mr Jeremy
Hurd, Mr Nick
Jackson, rh Mr Stewart
James, Margot
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkin, Mr 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
Kennedy, Seema
Kinahan, Danny
Kirby, Simon
Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi
Lancaster, Mark
Latham, Pauline
Leadom, rh Andrea
Lee, Dr Phillip
Lefroy, Jeremy
Leigh, Sir Edward
Leslie, Charlotte
Letwin, rh Sir Oliver
Lewis, rh Brandon
Lewis, rh Dr Julian
Liddell-Granger, Mr Ian
Lidington, rh Mr David
Lilley, rh Mr Peter
Lopresti, Jack
Lord, Jonathan
Loughton, Tim
Lumley, Karen
Mackinlay, Craig
Mackintosh, David
Main, Mrs Anne
Mak, rh Mr Alan
Malthouse, Kit
Mann, Scott
Mathias, Dr Tania
May, rh Mrs Theresa
Maynard, Paul
McCartney, Jason
McCartney, Karl
McLoughlin, rh Sir Patrick
McPartland, Stephen
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Melcafe, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Mordaunt, Penny
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mowat, David
Mundell, rh David
Murray, Mrs Sheryl
Murrison, Dr Andrew
This new clause requires the Prime Minister to publish an impact assessment on climate change objectives and the contribution of the Single Energy Market in achieving our climate change objectives and the value of participation in the EU Emissions Trading Scheme and the energy market to meeting these in good time before Parliament votes on the final agreement.

New clause 46—Climate change—impact assessment—

Before exercising the power under section 1, the Prime Minister must undertake that she will publish an impact assessment of the effect of leaving the United Kingdom's future trading relationship with the European Union, or,

(a) environmental protection standards,
(b) farm business viability,
(c) animal welfare standards,
(d) food security, and
(e) food safety

18 months after this Act receives Royal Assent or prior to a vote on the negotiations in the European Parliament on the Single Energy Market in achieving our climate change objectives and the value of participation in the EU Emissions Trading Scheme and the Single Energy Market in achieving our climate change objectives and the value of participation in the EU Emissions Trading Scheme and the energy market to meeting these in good time before Parliament votes on the final agreement.

This new clause requires the Prime Minister to publish an impact assessment on climate change objectives and the contribution of the Single Energy Market in achieving our climate change objectives and the value of participation in the EU Emissions Trading Scheme and the energy market to meeting these in good time before Parliament votes on the final agreement.

Matthew Pennycook (Greenwich and Woolwich) (Lab): I beg to move, That the clause be read a Second time.

The Temporary Chair (Sir Roger Gale): With this it will be convenient to discuss the following:

New clause 42—Equality—impact assessment—

Before exercising the power under section 1, the Prime Minister must undertake that she will publish an equality impact assessment, 18 months after this Act receives Royal Assent or prior to a vote on the negotiations in the European Parliament, whichever is sooner."

This new clause requires the Prime Minister to publish an equality impact assessment in good time before Parliament votes on the final agreement.

New clause 43—Customs Union—impact assessment—

(1) Before exercising the power under section 1, the Prime Minister must undertake that she will publish an impact assessment of the effect of leaving the Customs Union on the United Kingdom on the Single Market and on the Single Energy Market, in good time before Parliament votes on the final agreement.

(2) The impact assessment in subsection (1) shall be laid before Parliament 18 months after this Act receives Royal Assent or prior to a vote on the negotiations in the European Parliament, whichever is sooner."

This new clause requires the Prime Minister to publish an impact assessment of leaving the Customs Union (independently of decisions on the Single Market) in good time before Parliament votes on the final agreement.

New clause 44—Supply Chains—impact assessment—

Before exercising the power under section 1, the Prime Minister must undertake that she will publish an impact assessment of the risks to supply chains presented by the introduction of non-tariff barriers in good time before Parliament votes on the final agreement.

New clause 45—Environmental protection—impact assessment—

Before exercising the power under section 1, the Prime Minister must undertake that she will publish an impact assessment of the effect on—

(a) environmental protection standards,
(b) farm business viability,
(c) animal welfare standards,
(d) food security, and
(e) food safety

18 months after this Act receives Royal Assent or prior to a vote on the negotiations in the European Parliament, whichever is the sooner."

This new clause requires the Prime Minister to publish an impact assessment on environmental standards, farm viability and food safety in good time before Parliament votes on the final agreement.

New clause 46—Climate change—impact assessment—

Before exercising the power under section 1, the Prime Minister must undertake that she will publish an impact assessment of the value of participation in the EU Emissions Trading Scheme and the Single Energy Market in achieving our climate change commitments, 18 months after this Act receives Royal Assent or prior to a vote on the negotiations in the European Parliament, whichever is the sooner."

This new clause requires the Prime Minister to publish an impact assessment on climate change objectives and the contribution of the Single Energy Market in achieving our climate change objectives and the value of participation in the EU Emissions Trading Scheme and the energy market to meeting these in good time before Parliament votes on the final agreement.

Question accordingly negatived.

New Clause 5

IMPACT ASSESSMENTS

(1) The Prime Minister may not give notice under section 1 until either—

(a) HM Treasury has published any impact assessment it has conducted since 23 June 2016 on the United Kingdom's future trading relationship with the European Union, or,

(b) HM Treasury has laid a statement before both Houses of Parliament declaring that no such assessment has been conducted since 23 June 2016. —(Matthew Pennycook.)

This new clause requires the Government to publish any recently conducted Treasury impact assessments of different trading models with the European Union.

Brought up, and read the First time.
New clause 47—Research and Development collaboration—impact assessment—

Before exercising the power under section 1, the Prime Minister must undertake that she will publish an impact assessment of the effect of—

(a) leaving Horizon 2020, and
(b) setting up alternative arrangements for international collaboration on research and development by universities and other institutions

18 months after this Act receives Royal Assent or prior to a vote on the negotiations in the European Parliament, whichever is the sooner.”

This new clause requires the Prime Minister to publish an impact assessment on leaving Horizon 2020 and alternative Research and Development collaborations in good time before Parliament votes on the final agreement.

New clause 48—Agencies—impact assessment—

'(1) Before exercising the power under section 1, the Prime Minister must undertake that she will publish impact assessments of—

(a) rescinding membership of the agencies listed in subsection (2), and
(b) setting up national arrangements in place of the agencies listed in subsection (2).

(2) Subsection (1) applies to the—

(a) Agency for the Cooperation of Energy Regulators (ACEER),
(b) Office of the Body of European Regulators for Electronic Communications (BEREC Office),
(c) Community Plant Variety Office (CPVO),
(d) European Border and Coast Guard Agency (Frontex),
(e) European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA),
(f) European Asylum Support Office (EASO),
(g) European Aviation Safety Agency (EASA),
(h) European Banking Authority (EBA),
(i) European Centre for Disease Prevention and Control (ECDC),
(j) European Chemicals Agency (ECHA),
(k) European Environment Agency (EEA),
(l) European Fisheries Control Agency (EFCA),
(m) European Insurance and Occupational Pensions Authority (EIOPA),
(n) European Maritime Safety Agency (EMSA),
(o) European Medicines Agency (EMA),
(p) European Monitoring Centre for Drugs and Drug Addiction (EMCDDA),
(q) European Union Agency for Network and Information Security (ENISA),
(r) European Police Office (Europol),
s) European Union Agency for Railways (ERA),
t) European Securities and Markets Authority (ESMA), and
(u) European Union Intellectual Property Office (EUIPO).

(3) The impact assessments in subsection (1) shall be laid before Parliament 18 months after this Act receives Royal Assent or prior to a vote on the negotiations in the European Parliament, whichever is the sooner.”

The effect of this would be to require the Government to publish impact assessments for each agency to determine whether value for money for consumers, businesses and taxpayers would be achieved by leaving each one and setting up national arrangements.

New clause 49—Impact assessment: withdrawal from single market and Customs Union—

Before giving notice under section 1(1), of her intention to notify under Article 50(2) of the Treaty on European Union, the United Kingdom’s intention to withdraw from the EU, the Prime Minister shall lay before both Houses of Parliament a detailed assessment of the anticipated impact of the decision to withdraw from the Single Market and Customs Union of the EU on—

(a) the nature and extent of any tariffs that will or may be imposed on goods and services from the UK entering the EU and goods and services from the EU entering the UK;
(b) the terms of proposed trade agreements with the EU or EU Member states and the expected timeframe for the negotiation and ratification of said trade agreements;
(c) the proposed status of rights guaranteed by the law of the European Union, including—
(i) labour rights,
(ii) health and safety at work,
(iii) the Working Time Directive,
(iv) consumer rights, and
(v) environmental standards;
(d) the proposed status of—
(i) EU citizens living in the UK and,
(ii) UK citizens living in the EU, after the EU has exited the EU;
(e) estimates as to the impact of the UK leaving the EU on—
(i) the balance of trade,
(ii) GDP, and
(iii) unemployment.”

New clause 98—Protected characteristics—Equality Impact Assessments—

'(1) In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must have regard to the impact of any new relationship with the European Union on protected characteristics, as set out in the Equality Act 2010.

(2) Any report the Government lays before Parliament on the progress of the withdrawal negotiation must be accompanied by an Equality Impact Assessment.

(3) Neither House of Parliament may approve any new relationship with the European Union unless an Equality Impact Assessment has been laid before both Houses of Parliament.”

This new clause would place specific duties on the Government to demonstrate compliance with the 2010 Equality Act, ensuring that the impact of decisions on women and those with protected characteristics are considered and debated at every stage of the process.

New clause 101—Environment—Environmental Impact Assessment—

Before issuing any notification under Article 50(2) of the Treaty on European Union, the Prime Minister shall give an undertaking to lay before each House of Parliament a full Environmental Impact Statement on the terms of the agreement reached with the European Union on the UK’s withdrawal from the EU.”

New clause 102—Economic Divergence—Impact Assessment—

Before issuing any notification under Article 50(2) of the Treaty on European Union, the Prime Minister shall give an undertaking to lay before each House of Parliament an impact assessment of the costs to businesses and the environment as a result of divergence in regulations between the UK and countries in the EU single market, once the UK has withdrawn from the EU.”

New clause 103—EU Customs Union and the European single market—Impact Assessment—
(1) Before issuing any notification under Article 50(2) of the Treaty on European Union, the Prime Minister shall give an undertaking to lay before each House of Parliament an impact assessment on the UK of leaving the EU Customs Union and the European single market.

(2) The impact assessment shall include the following information for each sector of the economy—

(a) the nature and extent of any tariffs that will or may be imposed on goods and services from the UK entering the EU and goods and services from the EU entering the UK;
(b) the effect of non-tariff custom barriers that will or may be imposed on goods and services from the UK entering the EU and goods and services from the EU entering the UK;
(c) changes in the rules of origin regulations and the administrative burdens for business.”

New clause 106—Withdrawal from Free Movement of persons—Impact Assessment—

‘(1) Before issuing any notification under Article 50(2) of the Treaty on European Union, the Prime Minister shall give an undertaking to lay before each House of Parliament an impact assessment of withdrawal from Directive 2004/38/EC (free movement of persons).

(2) The impact assessment shall include the impact on withdrawal for each sector of the economy and include effects of—

(a) labour shortages,
(b) changes in costs of labour,
(c) administrative burdens for employers,
(d) effects on the cost base for companies; and
(e) effect on consumers.”

New clause 107—Employment Training needs—Impact Assessment—

‘(1) Before issuing any notification under Article 50(2) of the Treaty on European Union, the Prime Minister shall give an undertaking to lay before each House of Parliament an impact assessment of the skills training needed to supply the necessary skills needed for the UK economy after the UK leaves the European Union.

(2) The impact assessment should detail—

(a) the resources needed to meet the needs of training needs of the UK post commencement of leaving the European Union; and
(b) how government will work with UK companies to train future employees and upskill employees post commencement of leaving the European Union in the context of changes in UK immigration policy.”

New clause 143—Financial liability of the UK towards the EU—

The Prime Minister may not exercise the power under section 1 until the Chancellor of the Exchequer has—

(a) published an assessment of the financial liability of the UK towards the EU following the United Kingdom’s withdrawal from the European Union, and
(b) made a statement to the House of Commons on the economic impact of the United Kingdom leaving the single market.”

New clause 152—Natural Environment—impact assessment—

Before exercising the power under section 1, the Prime Minister must lay before both Houses of Parliament an impact assessment covering the impact of leaving—

(a) the European Union, and
(b) the Single Market

on the natural environment, including the marine environment, until 2042.”

The new clause would require the Government to set out the impact on the natural environment of leaving the European Union and leaving the Single Market on the natural environment covering the expected duration of the Government’s 25-year plan for the environment.

New clause 153—Chemicals Regulation—impact assessment—

Before exercising the power under section 1, the Prime Minister must lay before both Houses of Parliament an impact assessment covering the impact of leaving—

(a) the European Union, and
(b) the Single Market

on the assessment and regulation of chemicals for safety and environmental protection.”

New clause 154—Rural Economy and Environment—impact assessment—

‘(1) Before exercising the power under section 1, the Prime Minister must lay before both Houses of Parliament an impact assessment covering the impact of leaving—

(a) the European Union, and
(b) the Single Market, and
(c) the Customs Union

on the rural economy and environment.

(2) An impact assessment laid under subsection (1) shall in particular cover the impact on—

(a) tariff and non-tariff barriers to export,
(b) farm incomes and viability,
(c) environmental, food safety and animal welfare standards, and
(d) international competitiveness of UK farms.”

New clause 155—Land Management Payments—impact assessment—

‘(1) Before exercising the power under section 1, the Prime Minister must lay before both Houses of Parliament an impact assessment covering the impact of leaving—

(a) the European Union, and
(b) the Common Agricultural Policy, and
(c) the Single Market

on land management and rural development payments.

(2) An impact assessment laid under subsection (1) shall in particular cover the impact on—

(a) funding for environmental protection,
(b) funding for rural development, and
(c) farm incomes and viability.”

New clause 167—Rights and opportunities of young people—impact assessment—

‘(1) Before exercising the power under section 1, the Prime Minister must undertake to publish an assessment of the effect of leaving the European Union on the rights and opportunities of people aged under 25 in the United Kingdom, including—

(a) the effect on the ability to work and travel visa-free in the EU,
(b) the effect on the ability to study in other EU member states on the same terms as on the day on which Royal Assent is given to this Act, and
(c) the effect on the ability to participate in EU programmes designed to provide opportunities to young people, including programmes to facilitate studying in other EU member states.

(2) The impact assessment in subsection (1) shall be laid before Parliament before—

(a) 12 months have elapsed after this Act receives Royal Assent, or
(b) the day on which Her Majesty’s Government declares that agreement has been reached on the terms of the UK’s withdrawal from the EU, whichever is the sooner.”

This new clause would require the Government to undertake an impact assessment of the effect of leaving the EU on the rights and opportunities of young UK nationals and how they will differ from their European counterparts.

New clause 187—Euratom—impact assessment—

‘(1) Before exercising the power under section 1, the Prime Minister must commit to publish an impact assessment of the United Kingdom withdrawing from the European Atomic Energy Community (Euratom) on the nuclear industry within the United Kingdom.

(2) The impact assessment should include, but not be limited to, the impact on—

(a) nuclear research;
(b) health and safety in the nuclear industry; and
(c) employment in the nuclear industry.

(3) The impact assessment shall be published either 18 months after this Act receives Royal Assent or before a vote in the European Parliament on the withdrawal deal agreed between the European Union and the United Kingdom, whichever is the sooner.”

This new clause requires the Prime Minister to publish an impact assessment on the effect of the UK’s nuclear industry should the UK withdraw from Euratom.

Amendment 3, in clause 1, page 1, line 2, at beginning insert—

“If a report has been laid before both Houses of Parliament setting out the estimated impact on the public finances of the UK withdrawing from the European Single Market.”

This amendment ensures that prior to any notification of the Prime Minister’s intention to notify the United Kingdom’s withdrawal from the EU, a report shall be published setting out the anticipated implications of exiting from the Single Market

Amendment 24, page 1, line 3, at end insert—

“after Her Majesty’s Government has published a report on the implications, costs and benefits for Gibraltar.”

Amendment 25, page 1, line 3, at end insert—

“after Her Majesty’s Government has published a report on the implications of and costs and benefits for the British Overseas Territories.”

Amendment 26, page 1, line 3, at end insert—

“after Her Majesty’s Government has published a report on the implications of and costs and benefits for the Crown Dependencies.”

Amendment 27, page 1, line 3, at end insert—

“after Her Majesty’s Government has published a report on the implications of and costs and benefits for the Commonwealth.”

Amendment 28, page 1, line 3, at end insert—

“after Her Majesty’s Government has published a report on the implications of and costs and benefits for European Foreign and Defence Policy Co-operation.”

Amendment 47, page 1, line 3, at end insert—

‘(1A) The Prime Minister may not notify under subsection (1) until the Chancellor of the Exchequer has published an assessment on the financial liability of the United Kingdom with regard to the 1972 Act of Accession Protocol No 3, and laid a copy of the report before Parliament.”

Amendment 48, page 1, line 3, at end insert—

‘(1A) The Prime Minister may not notify under subsection (1) until the Chancellor of the Exchequer has published an assessment of the financial implications of leaving the European Union for charities, and laid a copy of the assessment before Parliament.”

Amendment 51, page 1, line 3, at end insert—

‘(1A) The Prime Minister may not notify under subsection (1) unless a Minister of the Crown has published an assessment on the impact of the United Kingdom’s withdrawal from the EU on Scottish sea ports, and laid a copy of the assessment before Parliament.”

Amendment 52, page 1, line 3, at end insert—

‘(1A) The Prime Minister may not notify under subsection (1) until the Chancellor of the Exchequer has published an assessment of the financial implications of leaving the European Union for charities, and laid a copy of the assessment before Parliament.”

Amendment 53, page 1, line 3, at end insert—

‘(1A) The Prime Minister may not notify under subsection (1) until a Minister of the Crown has published a report on the relationship between the Channel Islands and the European Union with regard to the 1972 Act of Accession Protocol No 3, and laid a copy of the report before Parliament.”

Amendment 57, page 1, line 3, at end insert—

‘(1A) The Prime Minister may not notify under subsection (1) until a Minister of the Crown has published a revised Strategic Defence and Security Review, and laid a copy of the review before Parliament.”

Amendment 58, page 1, line 3, at end insert—

‘(1A) The Prime Minister may not notify under subsection (1) until a Minister of the Crown has published a revised Strategic Defence and Security Review, and laid a copy of the review before Parliament.”

Amendment 59, page 1, line 3, at end insert—

‘(1A) The Prime Minister may not notify under subsection (1) until a Minister of the Crown has published a revised National Security Strategy, and laid a copy of the review before Parliament.”

Amendment 61, page 1, line 3, at end insert—

‘(1A) The Prime Minister may not notify under subsection (1) until the Chancellor of the Exchequer has published a report giving a medium-term economic forecast in the event of the United Kingdom leaving the single market, and laid a copy of the report before Parliament.”

Amendment 62, page 1, line 3, at end insert—

‘(1A) The Prime Minister may not notify under subsection (1) until the Chancellor of the Exchequer has published an assessment of future payments to the EU after the Prime Minister makes the notification.”

Amendment 64, page 1, line 3, at end insert—

‘(1A) The Prime Minister may not notify under subsection (1) until the Secretary of State for Education has published an assessment on the impact of the United Kingdom’s withdrawal from the EU on the department’s responsibilities, and laid a copy of the assessment before Parliament.”

Amendment 65, page 1, line 3, at end insert—

‘(1A) The Prime Minister may not notify under subsection (1) until the Secretary of State for Health has published an assessment on the impact of the United Kingdom’s withdrawal from the EU on the department’s responsibilities, and laid a copy of the assessment before Parliament.”

Amendment 66, page 1, line 3, at end insert—

‘(1A) The Prime Minister may not notify under subsection (1) until the Secretary of State for Environment, Food and Rural Affairs has published an assessment on the impact of the United Kingdom’s withdrawal from the EU on the department’s responsibilities, and laid a copy of the assessment before Parliament.”

Amendment 67, page 1, line 3, at end insert—

‘(1A) The Prime Minister may not notify under subsection (1) until the Chancellor of the Exchequer has published an assessment on the implications of and costs and benefits for the British Overseas Territories.”

Amendment 68, page 1, line 3, at end insert—

‘(1A) The Prime Minister may not notify under subsection (1) until a Minister of the Crown has published a report on the relationship between the Channel Islands and the European Union with regard to the 1972 Act of Accession Protocol No 3, and laid a copy of the report before Parliament.”

Amendment 69, page 1, line 3, at end insert—

‘(1A) The Prime Minister may not notify under subsection (1) until the Chancellor of the Exchequer has published an assessment of the financial implications of leaving the European Union for charities, and laid a copy of the assessment before Parliament.”
Amendment 67, page 1, line 3, at end insert—

‘(1A) The Prime Minister may not notify under subsection (1) until the Secretary of State for Justice has published an assessment on the impact of the United Kingdom’s withdrawal from the EU on the department’s responsibilities, and laid a copy of the assessment before Parliament.’

Amendment 68, page 1, line 3, at end insert—

‘(1A) The Prime Minister may not notify under subsection (1) until the Home Secretary has published an assessment on the impact of the United Kingdom’s withdrawal from the EU on the department’s responsibilities, and laid a copy of the assessment before Parliament.’

Amendment 69, page 1, line 3, at end insert—

‘(1A) The Prime Minister may not notify under subsection (1) until the Secretary of State for Defence has published an assessment on the impact of the United Kingdom’s withdrawal from the EU on the department’s responsibilities, and laid a copy of the assessment before Parliament.’

Amendment 70, page 1, line 3, at end insert—

‘(1A) The Prime Minister may not notify under subsection (1) until the Chancellor of the Exchequer has published an assessment on the impact of the United Kingdom’s withdrawal from the EU on the responsibilities of Her Majesty’s Treasury, and laid a copy of the assessment before Parliament.’

Amendment 71, page 1, line 3, at end insert—

‘(1A) The Prime Minister may not notify under subsection (1) until the Foreign Secretary has published an assessment on the impact of the UK withdrawing from the EU on the responsibilities of the Foreign and Commonwealth Office, and laid a copy of the assessment before Parliament.’

Amendment 72, page 1, line 3, at end insert—

‘(1A) The Prime Minister may not notify under subsection (1) until the Secretary of State for Work and Pensions has published an assessment on the impact of the United Kingdom’s withdrawal from the EU on the department’s responsibilities, and laid a copy of the assessment before Parliament.’

Amendment 73, page 1, line 3, at end insert—

‘(1A) The Prime Minister may not notify under subsection (1) until the Secretary of State for International Trade has published an assessment on the impact of the United Kingdom’s withdrawal from the EU on the department’s responsibilities, and laid a copy of the assessment before Parliament.’

Amendment 74, page 1, line 3, at end insert—

‘(1A) The Prime Minister may not notify under subsection (1) until the Secretary of State for Business, Energy and Industrial Strategy has published an assessment on the impact of the United Kingdom’s withdrawal from the EU on the department’s responsibilities, and laid a copy of the assessment before Parliament.’

Amendment 75, page 1, line 3, at end insert—

‘(1A) The Prime Minister may not notify under subsection (1) until the Secretary of State for Communities and Local Government has published an assessment on the impact of the United Kingdom’s withdrawal from the EU on the department’s responsibilities, and laid a copy of the assessment before Parliament.’

Amendment 76, page 1, line 3, at end insert—

‘(1A) The Prime Minister may not notify under subsection (1) until the Secretary of State for International Development has published an assessment on the impact of the United Kingdom’s withdrawal from the EU on the department’s responsibilities, and laid a copy of the assessment before Parliament.’

Amendment 77, page 1, line 3, at end insert—

‘(1A) The Prime Minister may not notify under subsection (1) until the Secretary of State for Culture, Media and Sport has published an assessment on the impact of the United Kingdom’s withdrawal from the EU on the department’s responsibilities, and laid a copy of the assessment before Parliament.’

Amendment 79, page 1, line 3, at end insert—

‘(1A) The Prime Minister may not notify under subsection (1) until the Chancellor of the Exchequer has published a report on matters relating to the pensions of UK nationals living and working in the European Union on the date that the United Kingdom withdraws from the EU.’

Amendment 80, page 1, line 3, at end insert—

‘(1A) The Prime Minister may not notify under subsection (1) until a Minister of the Crown has published an equality impact assessment on the United Kingdom’s withdrawal from the EU, and laid a copy of the report before Parliament.’

Amendment 82, page 1, line 3, at end insert—

‘(1A) The Prime Minister may not notify under subsection (1) until a Minister of the Crown has published regional and national economic impact assessments on the impact of the United Kingdom’s withdrawal from the EU.’

Amendment 11, page 1, line 5, at end insert—

‘(3) Before exercising the power under subsection (1), the Prime Minister must prepare and publish a report on the effect of the United Kingdom’s withdrawal from the EU on national finances, including the impact on health spending.

This amendment calls for the Government to publish a report on the effect of EU withdrawal on the national finances, particularly health spending following claims in the referendum campaign that EU withdrawal would allow an additional £350 million per week to be spent on the National Health Service.

Amendment 39, page 1, line 5, at end insert—

‘(3) Before the Prime Minister issues a notification under this section, Her Majesty’s Government has a duty to lay before both Houses of Parliament a review of the independence and effectiveness of the current environmental regulators, including a detailed assessment of their capacity to effectively implement and enforce EU-derived environmental legislation upon withdrawal from the European Union.”

This amendment would ensure that UK environmental regulators and enforcement agencies — namely the Environment Agency, Natural England and the Department for Environment, Food and Rural Affairs — are adequately funded and authorised to effectively perform the regulatory functions currently undertaken by institutions of the European Union.

New clause 17—EU Assets and Liabilities—

Within 30 days of the coming into force of this Act the Secretary of State shall publish a full account of the assets and liabilities held by Her Majesty’s Government in respect of the UK’s relationship with the European Union.”

This new clause would ensure that the Government publishes an account of the assets and liabilities held by Her Majesty’s Government in respect of our relationship with the European Union.

New clause 31—Regions of England—draft framework—

Before exercising the power under section 1, the Prime Minister must set out a draft framework for the future relationship with the European Union which includes particular reference to the impacts on the regions of England.”

New clause 41—Public spending implications—

Before exercising the power under section 1, the Prime Minister must set out a draft framework for the future relationship with the European Union which includes reference to the impact on public spending.”

New clause 138—Trade Agreements—

The Prime Minister may not exercise the power under section 1 until a Minister of the Crown has published a report on the number and terms of trade agreements outlined with countries outside of the European Union, and laid a copy of the report before Parliament.”
Matthew Pennycook: In addition to speaking to new clause 5, I intend to speak briefly to amendment 11 and new clause 98. The Bill is straightforward, but, as many hon. Members have said, it will set in train a process that will have profound implications for our country and for each of our constituents. Despite the Government’s resisting new clause 3 yesterday and, in so doing, setting their face against giving Parliament an active role in scrutinising and influencing the negotiation process, the House will still need to hold the Government to account in the months and years ahead. If we are to discharge that duty effectively, we will require adequate information and robust analysis. As things stand, we do not have that.

When it comes to the crucial issue of the impact of different trading models on our economy, the Government’s White Paper falls far short of what is required to ensure that we are able to have informed discussions and debates in this place. Indeed, it offers little beyond assurances that the Government will prioritise securing the freest and most frictionless trade possible in goods and services. The House and, more importantly, businesses across the country that stand to be affected deserve to be made aware of the Government’s evaluation of the likely impact of different future trading relations. The Government can provide them with that evaluation without revealing their negotiating hand by publishing any impact assessments that have been undertaken by Her Majesty’s Treasury. That is the purpose of new clause 5.

6.45 pm

In its intent, new clause 5 is similar to amendment 11, tabled by my hon. Friend the Member for Streatham (Mr Umunna), which concerns the impact of withdrawal on the public finances. I hope that he gets the chance to speak to his amendment because the public will not quickly forget the £350 million in additional investment that Vote Leave promised to the NHS. He will rightly continue to insist that the Government deliver on that promise.

Returning to new clause 5, we know that the analysis that we want published exists. Ministers have made it clear, both from the Dispatch box and in response to specific parliamentary questions, that the Government are conducting a broad range of analyses at macroeconomic and sectoral levels to understand the impact of leaving the EU on all aspects of the UK. If I recall rightly, the Secretary of State said last week that 58 sectors are now being analysed. We are not asking the Government to do anything new, so I hope that the new clause is not interpreted as a mechanism to delay or frustrate the triggering of article 50. If Ministers maintain that no impact assessments have been finalised, new clause 5 seeks to ensure that the Secretary of State reports as much to both Houses.

Jonathan Edwards: Does the hon. Gentleman expect any Treasury modelling to concur with that of the Institute for Fiscal Studies, which says that EEA membership is far preferable for the economic growth of the British state than a free trade agreement?

Matthew Pennycook: The honest answer is that we do not know. As I will come on to mention, other organisations are doing this analysis. There is not a vacuum out there, and the Government could quite easily publish their analysis to help inform the debate. I hope that the Minister does not simply echo those who have argued and will argue that publishing any information would undermine the Government’s negotiating strategy. We heard that argument prior to the Government conceding a speech and a White Paper, and we will no doubt hear it in the months ahead. I say to hon. Members who take that view, whether out of genuine concern or simply because they in effect want the legislature to shut up shop for the next 18 months, that the detailed analysis of the kind that we are asking to be published is out there. Other organisations are doing it—not just the Government.

Charlie Elphicke: I am listening to the hon. Gentleman with care. As I understand it, new clause 5 seeks to make the triggering of article 50 conditional on an impact assessment being laid before the House. However, the triggering of article 50 should be conditional on a vote of the British people, which took place last year. This is simply an attempt to delay.

Matthew Pennycook: To be fair, I dealt with that earlier in my remarks. I said that the new clause is not an attempt to delay because we know that the Government have already carried out impact assessments. The idea that no impact assessments will be published throughout the course of the negotiations is farcical. We could have them up front, which would help to inform debate.

Ms Angela Eagle: Does my hon. Friend agree that if we had official Treasury impact assessments, rather than those done by people who are guessing, we would be able to have a proper debate about the kind of Brexit that is best for our country in difficult and rapidly changing times?

Matthew Pennycook: My hon. Friend expresses the new clause’s intent perfectly, and I agree with her 100%.

Reputable and well-regarded organisations such as the National Institute of Economic and Social Research and the IFS have published detailed analysis of the cost and benefits of future trading relations with the EU, as have other less reputable organisations. The quality of analysis that the Government and the Treasury are able to produce will match, if not surpass, that analysis, and hon. Members should be able to access it. More importantly, businesses across the country need to be able to see it, so that they can adequately plan for their futures.

Dr Andrew Murrison (South West Wiltshire) (Con): The hon. Gentleman has just asserted that the analysis he wants to see will be superior in quality to some of the others that may be available. On what does he base that assertion, given that the people he wants to report on the situation have given us the most extraordinary information? Before the referendum they told us that we were going to be attended by plagues of frogs and locusts and that the sky was going to fall in.

Matthew Pennycook: If the hon. Gentleman is right, I would not like to be one of the Ministers negotiating the agreement with the EU. They will be relying on this information when they come to decide their negotiating priorities.

Mr MacNeil: Will the hon. Gentleman give way?
2016 turned out to be. It is worth relating exactly how the Library have been fundamentally wrong in the past, so I asked Wiltshire (Dr Murrison) said, many of the forecasts sector. As my hon. Friend the Member for South West to forecast where we may be going in almost every peculiar sense of the vital importance of these particular and Woolwich (Matthew Pennycook) raised. the very specific point that the hon. Member for Greenwich it due consideration in his response. characteristics. It would help to improve scrutiny and has called for greater transparency on the impact of women or those with protected characteristics must be it due consideration in his response.

Matthew Pennycook: I will make a little progress. Labour Members look forward to hearing the Minister’s thoughts. The purpose of new clause 98, in the name of my hon. Friends, is simple. It would ensure that the impact of decisions on women and those with protected characteristics was considered and debated at every stage of the negotiation process. It may have escaped the attention of some hon. Members, but the word “equality” does not appear once in the White Paper. Indeed, the White Paper contains no mention of race, disability, sexuality or gender identity, which is astonishing. How can we secure a Brexit that works for everyone, as hon. Members on both sides of the Committee have repeated ad nauseam, if black, Asian and minority ethnic people, disabled people and lesbian, gay, bisexual and transgender communities are not given due consideration when the different negotiating positions are being weighed up?

The process and the final deal must have regard to equalities and the protection and extension of rights for those with protected characteristics. New clause 98 would ensure that equalities considerations were at the forefront of Government thinking throughout the withdrawal process and inform the final deal. Doing so would help to ensure that we got the best deal for everyone, wherever they were and, crucially, whoever they were. It would ensure that any negative impact on women or those with protected characteristics must be transparently presented and considered, and that if there was a risk of a disproportionate impact, the Government took steps to mitigate it.

New clause 98 is in line with recommendations from the cross-party Women and Equalities Committee, which has called for greater transparency on the impact of Government decisions on women and those with protected characteristics. It would help to improve scrutiny and accountability, and I look forward to the Minister giving it due consideration in his response.

Mr Iain Duncan Smith (Chingford and Woodford Green) (Con): I do not intend to delay the Committee, as most of these amendments are narrow and address the very specific point that the hon. Member for Greenwich and Woolwich (Matthew Pennycook) raised.

I have a simple concern as to why there is such a peculiar sense of the vital importance of these particular forecasts, which give huge credit to the Treasury’s ability to forecast where we may be going in almost every sector. As my hon. Friend the Member for South West Wiltshire (Dr Murrison) said, many of the forecasts have been fundamentally wrong in the past, so I asked the Library how accurate the Treasury forecast of May 2016 turned out to be. It is worth relating exactly how accurate it turned out to be, even when the Treasury had such a huge array of figures and possibilities before it:

“In May 2016, the Treasury published forecasts for the immediate economic impact of voting to leave the EU. It forecast for a recession to occur in the second half of 2016, with quarterly GDP growth of -0.1% in both Q3 2016 and Q4 2016 forecast (a second ‘severe shock’ scenario was also shown with a deep recession occurring; under this scenario growth of -1.0% in Q3 2016 and -0.4% in Q4 2016 was forecast). In reality, the economy continued to grow at its pre-referendum pace, with quarterly growth of +0.6%.”

Now the figure has been adjusted again by the Governor of the Bank of England to close to 2%, with the prospect of further adjustments.

Julian Knight (Solihull) (Con): On the quarterly growth statistics, I understand that even knowing what is happening right now is often very difficult for the predicting entities. In fact, I believe they have had the correct numbers four times in 270 quarters.

Mr Duncan Smith: The range of prediction from the Office for Budget Responsibility had nearly a £90 billion margin for error over the previous seven years; that £90 billion went from £50 billion on the plus side to £40 billion on the minus side. The problem we face is the sense that these forecasts give us any strong, real indication of what may happen in the economy. I raise this issue because the new clause and other amendments relevant to it make triggering article 50 contingent; it cannot be done officially until these forecasts are laid. This is not about consulting on them or their being made as a matter of the Government providing information. In other words, the article 50 letter cannot go until these are laid. All they do is inform the debate depending on what the forecasts are. From talking to economists, I am of the general opinion that we have had seven years of growth, and normally within the cycle we would expect to have a flattening at some point after this long period of growth. That would be the normal prospect, but economists will tell us that we are defying the normal prospects. Whether or not we have a natural process of slightly lower growth directly as a result of this longer period of growth, and what happens to the world economy and what is happening in the EU, is almost impossible to forecast with any great accuracy.

My point is that new clause 5 states:

“The Prime Minister may not give notice under section 1 until either HM Treasury has published any impact assessment…HM Treasury has laid a statement before both Houses of Parliament”.

With respect, I say to the hon. Member for Greenwich and Woolwich that this is not just a helpful attempt to get information to the House; it is exactly what he said it was not. It is clearly a back-door attempt to make it almost impossible for the Government to get on and trigger article 50. As my hon. Friend the Member for Dover (Charlie Elphicke) said, the referendum verdict was to trigger article 50. The people were not asked, “Shall we trigger article 50 only after we have laid various reports of notables who believe the economy is good, bad or indifferent?” They were asked, “Do you want to leave or do you want to stay?” They chose to leave and we have to get on with it. The idea that the Government are going to go into a negotiation without any idea about what they favour and what they think will, by and large, on the margins, be better for us is ridiculous.

The House must recognise that it is going to be swamped with information of this sort; every forecasting agency is going to be in the game of telling us where we are, and none will be the wiser. Everybody in the House will take the worst or best one, depending on what they want. If the OBR has a margin for error of £20 billion, people can take whatever position they want. But it does not change anything, because we are leaving. The nature of the agreement that we get with the EU, if we get one, is not going to be based on a bunch of forecasts. It will be based on what those negotiating for the EU think is in their general best interest and what we from the UK manage to persuade them is in our mutual best interest. That is what a negotiation is about.
Anybody who has been engaged in negotiation in business will know that you start with your base, bottom line, worst case for you and try to improve upon that, and the other side does the same. This is not going to be about one side saying, "I tell you what my forecast comes to. It tells me we are going to be better off. What does your forecast tell?" and the other side saying, "Ours says we are going to be better off and you will be better off, so which forecast are we going to take?" The battle of forecasts is a ludicrous and pointless exercise.

Helen Goodman: Of course this is not, as the right hon. Gentleman characterises it, going to be a battle of forecasts. But the forecasts are based on the same thing as the assessments people make when they are judging what will or will not be in their interests. They have a mental model, and sometimes those models can be put into mathematical form, and sometimes that is useful. Surely that is precisely what the City of London is doing when it says to the French, Germans and Italians, “You need us more than we need you.”

Mr Duncan Smith: Yes, but the point is that we will be none the wiser. Members might think that a set of forecasts would somehow really inform their view, but after 25 years in the House, I would be astonished if they were right. Debates in this House are rarely really informed; they are mostly based on the judgment of individuals.

7 pm

Michael Gove (Surrey Heath) (Con): My right hon. Friend is making a very impressive case. [Interruption.]

Given the reaction from the Opposition, I am tempted to quote from “Carry On Up the Khyber”—they don’t like it up ’em! I am sure that, like me, my right hon. Friend was impressed by the candour and honesty of the chief economist of the Bank of England, Mr Andy Haldane, when he pointed out that the economics had had its Michael Fish moment last year, when so many predictions about the dire consequences of Brexit were proven to be wrong within weeks and months. Given the candour of one of the most distinguished economists in this country, should not those who call for impact assessments, attributing certainty to them, show similar humility?

Mr Duncan Smith: I agree, and I am tempted to refer to my predecessor, Lord Tebbit, who said, “When they’re screaming, shouting and laughing, carry on, because you must be in the right place.”

The head of the Office for Budget Responsibility is on the record as saying that in the end, almost all forecasts are wrong—

Pete Wishart: What does he know?

Mr Duncan Smith: Exactly; he was wrong most of the time, so he has a little knowledge of being wrong, as do many in this House. The point is that the new clause is not really about being informed; it is about delay. It is an attempt to be able to say later, “We’re not satisfied with that. It doesn’t quite comply with what we passed in the new clause, so you’re not able to trigger article 50.” The honest truth is that the Government have to go away with their best will and best endeavour and try to arrange to get the best deal they can.

We should look around us and listen to what various politicians in Europe are saying. We keep forgetting that their position is really what will end up setting the kind of arrangement we get. I was interested to read 24 hours ago that the German Finance Minister has changed his position. He has now said that there is no way on earth that the Germans should have any concept of trying to punish the United Kingdom; quite the contrary, he said that they need the City of London to succeed and thrive, because without it they will be poorer. He went on to say that they will therefore absolutely have to come to an arrangement with the United Kingdom, because it is in all of our interests. That is the best forecast we can get, because it is about what people believe is in their mutual best interests.

Mr Mark Francois (Rayleigh and Wickford) (Con): Further to that point, has my right hon. Friend seen the comments from the Bundesverband der Deutschen Industrie, which is the German equivalent of the CBI? It, too, makes the point that there should be no attempt whatsoever to punish the UK for Brexit, because it is aware of the adverse consequences that that would have for German industry.

Mr Duncan Smith: Exactly. It is interesting that it is only since my right hon. Friend the Prime Minister made her excellent speech in which she set out the 12 points that were subsequently fleshed out into a White Paper, and made it clear what the British Government were not going to be asking for—any special pleading about the single market and so on—that we have begun to see engagement from some of those throughout the European Union who have a vested interest in seeing the best deal.

The other day, I had the privilege of engaging with a company in the pre-packaged potato industry that turns over €400 million a year. Although it sells all over the world, 39% of its product is sold to the United Kingdom, and it does very well out of that. Even as we speak, it is grouping together to cajole the relevant Governments and persuade them that the very last thing it wants is to have its business wrecked by some artificial attempt to put up a block to the United Kingdom. These things are already in train, and they are nothing to do with forecasts and all to do with people caring about their futures and jobs.

Sir Desmond Swayne (New Forest West) (Con): I agree entirely with my right hon. Friend, but these new clauses come before any such rational intervention by reasonable business people across Europe. They are based on the fact that Opposition Members genuinely believe in their doomsday forecast, and they are just waiting for it to play out. That is the whole point of delaying the process—it is in the hope that when the sky falls in, the British people will change their minds.

The Temporary Chair (Sir Roger Gale): Order. I am the most mild-mannered and tolerant of men, but interventions are becoming slightly overlong. Interventions, even in Committee, are interventions, not speeches.

Mr Duncan Smith: Thank you, Sir Roger, for that explanatory intervention. May I say to my colleagues that I am still prepared to take interventions should they wish to keep them short?
Julian Knight: We have just spoken about the power and the necessity of the City of London. Does my right hon. Friend realise that the other major capitals, Paris and Frankfurt, do not have the same infrastructure? Frankfurt, for example, has only one foreign language school, and Paris has restricted labour laws.

Mr Duncan Smith: That is an important point, and it plays hugely into the Government’s hands. It was the head of financial services in Frankfurt who was over here just before Christmas. When he was interviewed by the BBC, he was asked whether he was over here trying to get people to take up jobs in Frankfurt’s financial sector. To the journalist’s utter horror, he said yes. The journalist then said, “Therefore that means, presumably, that you think that after Britain leaves the European Union, the City will be finished, and that Frankfurt is looking to take its business.” He almost laughed and said, “Oh, no, no, no. We absolutely need the City of London to thrive and prosper, because it is the way that we keep our capital cheap. We cannot replace it, as its business will go somewhere outside Europe.” He said that London is the only global city in Europe. The point that he was making was that, although we move around and trade jobs, the expertise and ability to make capital deals lies here in London, and Frankfurt wants to make sure that the United Kingdom Government, the European Commission and the European Council reach an agreement that is beneficial to both sides, with access to the marketplace.

I make no bones about this: I am an optimist. There is nothing in the new clause that would in any way help the Government. Even more importantly, it would not enable the House to reach any kind of measured conclusion, such as letting the Government trigger article 50. I will conclude now unless somebody wants to intervene.

Charlie Elphicke: My right hon. Friend is making a passionate speech. When it comes to forecasts, there is another real-life example that has not yet been mentioned, which is that the independence referendum in Scotland was predicated on the oil price remaining high. Shortly afterwards, the oil price dropped dramatically, which would have left Scotland in dire straits had it voted for independence.

Mr Duncan Smith: I agree. The head of the OBR has said that, in the end, most forecasts are wrong. On that basis, it would not really help the House in any way suddenly to have a Treasury forecast, any more than if we had a multitude of forecasters here saying where they think the economy will go. I do not blame them for being wrong, because there are far too many moveable parts in economies as complex as the United Kingdom or, for that matter, the European Union or even the global economy.

Ultimately, if the Opposition are really honest, these new clauses and amendments are really about making sure that the Government’s hands are tied, and slowing down the process in the vague hope that, somehow, people’s opinions will change and it will all look too difficult. These forecasts will then allow everyone to go out and say, “Oh my God, this is so terrible. Look what will happen if we do not get this arrangement or that arrangement.”

Julian Knight: My right hon. Friend is being generous in accepting interventions. He has just talked about a sort of buyer’s regret. As I understand it from my experience on the doorstep, most people just want us to get on with the job. In fact, polling shows that Brexit is slightly more popular now than it was at the time of the referendum.

Mr Duncan Smith: I will not carry on for much longer, but that is exactly the point. All that will happen if we amend the Bill and tie the Government’s hands so that they are slow in triggering article 50 is that the British people will get frustrated and angry.

Ms Angela Eagle: What if actually everyone in the House—whether they are Brexiteers or remainers—wants the best deal for the country, and in order to make good decisions and have a good debate, they want to know what analysis the Government are doing of the implications of making particular decisions? Surely that, and not delay, is what this is about.

Mr Duncan Smith: I say to the hon. Lady, for whom I have a huge degree of respect, that if that were the explicit purpose of new clause 5, I would agree with her. The difference is in the line that restricts the Government from invoking article 50 until the matter is laid before the House. That line alone makes it very clear that informing good decisions is not the full intention behind the new clause. If the new clause just said, “We will invoke article 50 and it would be good for the Government to put forward their various predictions and forecasts”, I would probably have said, “I don’t think the Government would have a problem with that.” But that is not what the new clause says. If the hon. Lady reads it, she will realise that it is about delay and prévarication.

Karl McCartney (Lincoln) (Con): I thank my right hon. Friend for giving way right at the end of his speech, to which I have listened intensely. Despite decrying some forecasters, would he like to make a forecast that, at the end of the process, the vast majority of the people in Scotland will welcome Brexit?

Mr Duncan Smith: As I have just condemned pretty much every forecast, I will not make that forecast. I will say that once Scotland gets back to domestic policy, it is almost certain that the Scottish nationalists will be seen for what they are doing: running down education, health and the economy. Let us get back to the real forecast.

I do not wish to sow the seeds of dissention, so I simply say that the new clause and the related amendments, which would put another set of shackles around the Government’s hands and stop them getting on with what the British people voted for on 23 June last year, must be rejected, because the Government must seek the best deal they can in line with what is good for the EU and for the United Kingdom.

Mr Umunna: I am pleased to follow the right hon. Member for Chingford and Woodford Green (Mr Duncan Smith). Before I speak to the amendment in my name, which is on a subject that was totally absent from the right hon. Gentleman’s contribution, I have to say that I am bemused by what can only be described as a 15-minute diatribe against forecasters and economists—the experts. That is why I was not surprised to see the right hon.
Member for Surrey Heath (Michael Gove) join in with the diatribe. The Opposition have spent the past five or six years listening to these two now former Cabinet Ministers telling us about the importance of listening to independent economic forecasters. They told us how important it was that they set up the Office for Budget Responsibility, which the right hon. Member for Chingford and Woodford Green has just spent the past 15 minutes slagging off.

**Sammy Wilson** (East Antrim) (DUP): Will the hon. Gentleman give way?

**Mr Umunna:** I will just make a bit of progress. I will come to the hon. Gentleman in a bit, but I do not want to speak for too long because I know a lot of people wish to speak.

I am bound to say that I wish we were not here. As the right hon. Members for Chingford and Woodford Green and for Surrey Heath know well, because I debated with them a lot during the campaign, I campaigned strongly for us to stay in the European Union. I led the Labour “In for Britain” campaign in Greater London, and played a role in the “Britain Stronger In Europe” campaign nationally. But we lost. As a democrat, I accept that result, which is why I supported the Bill’s Second Reading. Of course, I respect people who interpreted the referendum result differently. Although we all have different views on whether to trigger article 50, we can all agree that while various promises were made by both sides in the referendum campaign, the key pledge of the winning side was that if we leave the European Union, £350 million a week will go to the NHS, which is why I tabled amendment 11.

Dominic Cummings, who worked, of course, for the right hon. Member for Surrey Heath and who ran the Vote Leave campaign, said on his blog last month that the £350 million NHS argument was “necessary to win”. He said:

“Would we have won without £350m/NHS? All our research and the close result strongly suggests No.”

Hon. Members can go and read that on his blog. So the importance of that pledge cannot be overestimated. It cannot be detached from the triggering of article 50. It is inextricably linked to why millions of people voted to leave, to our withdrawal from the European Union and, therefore, to this Bill.

**Helen Goodman:** My hon. Friend is absolutely right. I was at a public meeting in one village where people said, “It’s fantastic that we are leaving the European Union, because we are going to get £350 million a week for the NHS, and the Government will be able to reopen the A&E in Bishop Auckland hospital.”

**Mr Umunna:** That is right, and there are lots of examples of that throughout the country. That is not surprising, because prominent members of this Government—the Foreign, Environment, International Development, International Trade and Transport Secretaries, who are all members of the current Cabinet—went around the country in that big red bus that said:

“We send the EU £350 million a week. Let’s fund our NHS instead.”

None of them disowned that pledge during the campaign. They also stood by a big sign saying:

“Let’s give our NHS the £350 million the EU takes every week.”

**Ms Angela Eagle:** Does my hon. Friend agree that that kind of cynical campaigning gives politics and politicians a really bad name? The people who saw the pledge on that big red bus now expect this Government to deliver on that pledge.

**Mr Umunna:** That is absolutely right. Those Members seek to hide behind the wording and to claim that it was conditional, but they knew exactly what they were doing when they stood in front of that big red bus and that sign: the clear message they intended to convey was that if we leave the European Union, £350 million a week will go to the NHS.

7.15 pm

**Mr Charles Walker** (Broxbourne) (Con): I have a huge amount of time for the hon. Gentleman, and I like him very much, but seeing as we are swapping stories about town hall meetings, I had a number of people come up to me in town hall meetings, saying, “Mr Walker, we’d love to vote to leave the EU, but the Chancellor has told us that if we do, we’ll lose £4,400, and there will be an emergency Budget.” I do not think it helps this country or this House to rehash the campaign from seven months ago.

**Mr Umunna:** I am glad the hon. Gentleman raised that point, and I also have a lot of respect for him. However, the point is that I am not trying to re-litigate the referendum campaign but to make sure that the promises these people made are delivered.

We know the NHS needs the extra cash, so it was not unreasonable for people to believe those promises. The Health Committee—people on both sides of the House sit on it—pointed out recently that the deficit in NHS trusts and foundation trusts in 2015-16 was £3.45 billion. We know that Ministers’ claimed increases in NHS funding are being funded by reductions in other areas of health spending that fall outside NHS England’s budgets. We know that reductions in spending on social care are having a serious impact, which is translating into increased A&E attendances, emergency admissions and delays in people leaving hospital. The NHS needs that extra cash, so it was not unreasonable for people who voted to leave the European Union to think that that pledge would be delivered on.

**Mr Rees-Mogg:** The hon. Gentleman is complaining about a slogan on the side of a bus about giving extra money to the NHS and implying that his amendment gives money to the NHS, but it does not—it merely suggests that there should be a report on the effect of the withdrawal from the EU on national finances, including health service expenditure. He therefore seems to be falling into exactly the same trap as he is accusing others of. Motes and beams come to mind.

**Mr Umunna:** I do not know about the hon. Gentleman’s mote, but this amendment has been drafted so that it is inoffensive to people like him. Given that it is such a reasonable amendment, I suggest that he simply votes for it.
Mary Creagh (Wakefield) (Lab): Is my hon. Friend aware of Change Britain’s latest press release where the £350 million a week has gone up to £450 million a week through its exhortations to scrap such onerous regulations as the motor vehicles regulations, the greenhouse gas emissions reporting regulations, the welfare of animals in transport regulations, and the welfare of farmed animal regulations?

Mr Umunna: That is very interesting. I note that the right hon. Member for Surrey Heath is still in his place. I saw in The Sun, no less, in November that he was demanding—demanding!—that the Prime Minister spend a £32 billion Brexit dividend on the NHS, so I hope that he will be supporting our amendment as well.

Luciana Berger (Liverpool, Wavertree) (Lab/Co-op): My hon. Friend is making some very important points. It is interesting to hear Conservative Members scoffing and laughing at this. This was not just one of many pledges—it was the key pledge. I am looking at a collection of photographs of all the key proponents of the Vote Leave campaign. It was their No. 1 commitment to this country if it voted to leave the European Union. On that basis, does not this Chamber have a responsibility to honour the pledge on which people voted to leave the EU?

Mr Umunna: I completely agree with my hon. Friend. For all these reasons I have tabled amendment 11, which, as the hon. Member for North East Somerset (Mr Rees-Mogg) stated, is very reasonable. It requires the Prime Minister to set out how the UK’s withdrawal from the EU will impact on the national finances, particularly on health spending. In short, she needs to set out how she is going to make good on that Vote Leave pledge to spend £350 million extra per week on the NHS.

Seema Malhotra: I am very pleased to support my hon. Friend’s amendment. Does he agree that this will also be a vital part of the keeping the public’s confidence in the process as we go forward over the next two years, not least given the conversations in a focus group I held in my constituency on Sunday where people said that this issue remains topmost in their minds as the reason they voted to leave?

Mr Umunna: Absolutely. This issue is not going to go away. It will be a major part of the general election campaign, whenever the next one comes.

Karl McCartney: Will the hon. Gentleman give way?

Mr Umunna: I will very shortly.

I hope that we will have the opportunity not only to debate this amendment but to vote on it too. It has been signed by more Members than any other amendment. It is supported across parties and of course has the support of the Opposition Front Bench. In the end, in our democracy, it is in this House that Members are held to account for the promises they make and the things they say to the people. What better way to test the resolve of people such as the right hon. Member for Surrey Heath and Woodford Green and for Surrey Heath than for there to be a vote on this issue so that people can see whether they meant what they said?

Mr Jim Cunningham: Another commitment was that they wanted to make Parliament sovereign again, but Government Members are saying today that when we exercise that sovereignty we are being obstructive and using delaying tactics. They cannot have it both ways.

Mr Umunna: My hon. Friend is absolutely right.

These people will never be forgiven if they betray the trust of the people by breaking their promise to do all they can to ensure that the £350 million extra per week for the NHS is delivered. They all know that only too well. Mr Cummings, who, as I have said, worked for the right hon. Member for Surrey Heath, discloses in the blog I mentioned that the Foreign Secretary and the right hon. Member for Surrey Heath planned to deliver, in part, on that pledge as part of the Foreign Secretary’s leadership campaign. Mr Cummings writes that when he told the Foreign Secretary “you should start off by being unusual, a politician who actually delivers what they promise”

the reply was

“Absolutely. ABSOLUTELY. WE MUST do this, no question, we’ll park our tanks EVERYWHERE”.

Apparently, the right hon. Member for Surrey Heath strongly agreed. Mr Cummings goes on to say:

“If they had not blown up this would have happened.”

No doubt the Minister will say to us that there are a number of reasons why the Government cannot support the amendment. I am going to pre-empt him and deal with each in turn. First, there are those who claim that it was not a pledge at all. The Transport Secretary has said:

“The specific proposal by the Vote Leave campaign was in fact to spend £100 million a week”—

of the £350 million—

“on the NHS. I hope that aspiration will be met.”

I say to the Transport Secretary, who of course is not here, that the poster, which the Vote Leave campaigners all stood by, did not indicate that that was an aspiration or use the £100 million figure. It was a pledge, pure and simple. The poster did not read, “Let’s aspire to spend £100 million extra.”

Karl McCartney: Will the hon. Gentleman give way?

Mr Umunna: I will give way to the hon. Gentleman shortly. The poster gave the clear impression that the money would be spent. It is true that the Office for National Statistics said that the £350 million figure was misleading, but the Vote Leave campaign, which the right hon. Member for Surrey Heath chaired, kept on using that figure regardless. Now they will be held to account for it.

Karl McCartney: I thank the hon. Gentleman for eventually giving way. He really should listen to the words of my right hon. Friend the Member for Chingford and Woodford Green (Mr Duncan Smith), who talked about forecasting. The hon. Gentleman has forecast—I think he will be wrong—that the £350 million will be an issue at the next general election. Does he agree that the Conservative party was not Vote Leave, and that the £350 million was the slogan of Vote Leave, not the Conservative party? As he is giving us a grand tour de force of the Brexit campaign, would he like to comment on “Project Fear”?
Mr Umunna: I think the hon. Gentleman was involved in Vote Leave—perhaps he was not—but I am not going to take any lectures about peddling fear and all the rest of it, in any campaign, from anyone associated with Vote Leave. I will come on to the point that he made about the Conservative party shortly.

Norman Lamb (North Norfolk) (LD): I entirely agree with the points that the hon. Gentleman is making. Having made that complaint to the UK Statistics Authority, the response that I received was that the claim was potentially misleading. As he has said, Vote Leave campaigners kept using it. Surely, they kept using it because they knew they needed to do so in order to win the referendum. Now that they have done that, we need to hold them to account.

Mr Umunna: That is absolutely right, and I completely agree with the right hon. Gentleman. I come to the point that the hon. Member for Lincoln (Karl McCartney) made about the Conservative party. Admittedly, it could also apply to some people from the Labour party. Some say that the pledges were made primarily by people who may have been members of a Conservative Government, but who did not speak with the authority of that Government. Of the five Cabinet Members I have mentioned who took leading roles in the campaign, three were members of the Government at the time and one, the Foreign Secretary, attended the political Cabinet. Part of the reason why those key campaigners were put up to do media and to campaign for Vote Leave was that they carried the authority of being Ministers. We cannot detach one from the other.

The other, and connected, argument that is made is that the commitment was given by one side in a referendum campaign, not by a Government, so we should leave the matter alone and get on with things—we should all shut up. I am sorry, but I do not think that that will wash. Whether they were Ministers or not, all the key Vote Leave campaigners were Members of this House. As I have said, if our democracy is to mean anything, it is that Members of this House answer and are held to account in this House for the promises that they make to the people. After all, a very important debate. I also congratulate the right hon. Member for Streatham (Mr Umunna), who made a characteristically authoritative and penetrating speech. I also congratulate him on his leadership of the Labour In campaign in London. The whole United Kingdom voted to leave. He will remember that the constituent parts were equal partners in the United Kingdom. The whole may come only as and when we leave the European Union and get back the money that we give at the moment, which is £350 million or £375 million? Does he want to spend that all on the health service or does he not?

Mr Umunna: I think I detected a hint of support for the amendment in the remarks that the right hon. Gentleman has just made.

Chris Leslie: He’s melting!

Mr Umunna: The right hon. Gentleman seems to have accepted—I hear the word “melting” behind me—the premise behind the amendment. I very much look forward to his joining us in the Division Lobby.

My party established the national health service in the face of opposition from the right hon. Gentleman’s party. We have a far better record of providing the funding and support to our NHS. We need no lectures or demands from his party, which is in government and throwing it all into chaos.

I finish by saying this to the right hon. Gentleman. His Prime Minister goes around saying, “Brexit means Brexit”. If Brexit means anything, it is that he and all his colleagues who campaigned for Vote Leave need to deliver on their promise to put £350 million extra per week into the NHS. I look forward to seeing the right hon. Gentleman in the Division Lobby tomorrow.

Several hon. Members rose—

The Temporary Chair (Sir Roger Gale): Order. If we are not careful, we will face the situation we faced last night. There are a large number of amendments and a large number of Members wish to speak. I understand entirely why Members are being generous in taking interventions; of course, that eats up time. I urge colleagues to shorten their speeches, if possible, to enable the maximum number of Members to take part in what is, after all, a very important debate.

Michael Gove: It is a pleasure to serve under your chairmanship, Sir Roger, and to follow the hon. Member for Streatham (Mr Umunna), who made a characteristically authoritative and penetrating speech. I also congratulate him on his leadership of the Labour In campaign in London. The whole United Kingdom, of course, voted to leave, but some of the strongest resistance to the arguments was in London and I am sure that that was in no small part due to the hon. Gentleman’s eloquence and organisational ability.

Mr MacNeil: The right hon. Gentleman has just mentioned the whole of the United Kingdom. The UK is a union, so I hope he will acknowledge that not all the United Kingdom voted to leave. He will remember that we were told in 2014 that the constituent parts were equal partners in the United Kingdom. The whole may have voted leave, but not all of it did.

Michael Gove: I entirely accept the hon. Gentleman’s point, but it is striking that the northernmost part of his constituency voted to leave—BBC research, I may say. We heard at length last night from the Scottish National party about how Scotland voted; all I would say is that a million people in Scotland voted to leave the
European Union, and overall within the United Kingdom, so many people voted to leave. As my right hon. Friend the Member for Chingford and Woodford Green (Mr Duncan Smith) admirably pointed out, people want that vote to be expedited. I am speaking tonight because I oppose every single one of the new clauses and amendments in front of us because they seek to frustrate the democratic will of the people.

The hon. Member for Streatham is right: people do want us to take back control of the money currently spent on our behalf by the European Union. But if I accept his amendment and the other amendments and new clauses before us, we will be seeking only to delay and, as my right hon. Friend pointed out, to procrastinate, to put off the day when we eventually leave the European Union and can then spend that additional money on our NHS or, indeed, any other priority. If any Member of this House wants to see taxpayers’ money that is spent on our behalf by the European Union. But if we want us to take back control of the money currently spent on our behalf by the European Union. But if we want that vote to be expedited. I am speaking tonight because I oppose every single one of the new clauses and amendments—seeks to delay.

Let me draw attention briefly, for example, to new clause 48, which stands in the name of the hon. Member for Bishop Auckland (Helen Goodman). Subsection (1), as clarified by subsection (2)(b), would require us to have an impact assessment on leaving the European Union Agency for Railways. It may have escaped her notice, but Britain is an island.

Mr MacNeil: The channel tunnel.

Michael Gove: The hon. Gentleman makes a very good point, but the idea that we should spend an inordinate amount of time and money trying to determine whether this country will suffer or benefit by being freed from the bureaucracy of that particular agency would seem to be a massive misdirection of effort. More than that—

Helen Goodman rose—

Michael Gove: I will give way to the hon. Lady in just a second.

More than that, if we were to publish impact assessments on every single one of these areas, we would be falling prey to a fallacy that politicians and other officials often fall prey to, which is imagining that the diligent work of our excellent civil servants can somehow predict the future—a future in which there are so many branching histories, so many contingent events and so many unknowns. If we produce an impact assessment on leaving the European Union Agency for Railways, how do we know how leaving that agency might be impacted by the enlightened proposals being brought forward by my right hon. Friend the Transport Secretary for the more effective unification and cohesion of our transport network? We cannot know, unless we have that fact in play, but we do not yet know—quite rightly, because he is taking time to consult and deliberate—what that policy will be. What we would be doing is commissioning the policy equivalent of a pig in a poke. With that, I am very happy to give way to the hon. Gentleman.

Mr MacNeil: I am surprised to hear the right hon. Gentleman saying he does not know, because I thought everything was known after the 23 June vote. I know he will tell us that the vote on 23 June meant leaving the single market. Does it mean the WTO or does it mean a deal from Europe? He says he knows. Which will it be? Tell us.

Michael Gove: My argument throughout has been that in seeking to find the certainty the hon. Gentleman wants from the publication—

Mr MacNeil: Does the right hon. Gentleman know?
Michael Gove: I am a humble seeker after truth, but I recognise that in a world where there are contending versions—the Scottish nationalist version, the Green version, the independent Unionist version and the Labour party version—there is for all of us a responsibility to use reason in the face of so many attractive and contending versions of the truth.

Lady Hermon (North Down) (Ind) rose—

Caroline Lucas rose—

Seema Malhotra rose—

Helen Goodman rose—

Michael Gove: I will, in the spirit of inclusion, seek to give way seriatim to the four Members seeking to catch my eye.

Lady Hermon: May I say, ever so gently to the right hon. Gentleman, that I am deeply offended by being accused, wrongly, of trying to frustrate the will of the people of the United Kingdom? I am a Unionist. I would like him to address a very serious issue. Sinn Féin, a republican party, will use a hard Brexit to trigger a border poll in Northern Ireland. We may be seeing the break-up of the United Kingdom because of the rhetoric of the right hon. Gentleman and others. Will he address this serious point?

Michael Gove: That is a very serious and important point. I do not know if, strictly speaking— I defer to the Chair—it is relevant to the new clauses we are debating. What I would say to the hon. Lady is that, in this House and elsewhere, I will do everything I can to work with her to ensure that we honour the vote of the whole of the United Kingdom, and, at the same time, work on the progress she has helped to secure in making sure we have peace on the island of Ireland.

Caroline Lucas: What we do know is that the people on 23 June did not vote to deliberately reduce environmental protection. What we do know is that Brexit, as currently planned, will massively reduce environmental protections, because we suddenly will not be part of the European Environment Agency, the European Investment Bank and so on. Does the right hon. Gentleman not think it reckless to be quite so contemptuous of the Opposition amendments tabled to try to ensure we have in place adequate safeguards for our environment before we trigger article 50?

Michael Gove: I may not agree with the hon. Lady on everything, but I agree that effective environmental protection is really important. I would make two points in particular in response to her important intervention. First, it is entirely open to us, as we leave the European Union, to maintain the current standards of environmental protection, but it is also open to us, once we leave, to enhance them. We can, if we wish, have higher standards of environmental protection, for example for moving livestock. Secondly, we can reform the common agricultural policy, against which her party has campaigned for many years, and against which her hon. Friend in the other place campaigned so brilliantly by arguing to vote leave. We can replace the CAP with an approach to subsidising land use that is both more environmentally sensitive and more productive.

Peter Kyle (Hove) (Lab) rose—

Michael Gove: To be fair to the hon. Gentleman, for whom I have a great deal of respect, the next Member kind enough to ask to intervene was the hon. Member for Feltham and Heston (Seema Malhotra).

The Temporary Chair (Sir Roger Gale): Order. Just before we proceed, it is customary and courteous to allow the right hon. Gentleman to respond to one intervention before trying to make another one. I find the debate progresses better that way.

Seema Malhotra: The right hon. Gentleman describes himself as a humble seeker of truth. That strikes me as interesting, given that he campaigned so hard to leave on the basis of an extra £350 million a week to be spent on the health service. Why will he not support amendment 11, tabled by my hon. Friend the Member for Streatham (Mr Umunna), which states: “the Prime Minister must prepare and publish a report on the effect of the United Kingdom’s withdrawal from the EU on national finances, including the impact on health spending.”? Surely, as a humble seeker of truth, he might want to know the answer to that?

Michael Gove: That is a very important point very well made, but the point I sought to make earlier—the hon. Lady’s intervention gives me a chance to underline and further clarify it—is that if we want more money to be spent on the NHS, or, for that matter, anything else, and we want to take back control of the money the EU currently controls or spends on our behalf, then we should seek to expedite the will of the British people and leave the EU as quickly as possible. We will then have that money back and we can invest it in the NHS more quickly.

Peter Kyle rose—

Michael Gove: The hon. Member for Bishop Auckland sought to intervene earlier, but I suspect the point made by the hon. Member for Feltham and Heston (Seema Malhotra) was very much hers and that it was an example of sisterly collaboration. In the spirit of fraternal humility, I hand over to the hon. Member for Hove (Peter Kyle).

7.45 pm

Peter Kyle: I am grateful. Many members of the public are also humble seekers of truth. If we do not pass these new clauses and get these impact assessments, how will they be able to judge how Brexit is going? How will they be able to judge the impact on health, education, transport, environment and their communities if they have no information at all?

Michael Gove: This gets me back to the heart of my argument, which is that if one believes that the only authoritative evidence, the only view that matters, is that produced by the Government, one is turning one’s back on 400 years of Enlightenment thinking. There is not one single canonical view that is right in every respect. As was made clear earlier, there is a proliferation of views about what the impact of leaving the EU might be in different areas.
Further, if we were to have published the Government’s policy advice in every area, which is the inference behind the hon. Gentleman’s question, it would make the business of Government impossible. He might remember, as I certainly do, reading the words of the former Prime Minister, Tony Blair, in his autobiography, “A Journey”, in which he said that the Freedom of Information Act was his biggest mistake—I think there were some bigger.

[Laughter.] That is one view that commands a consensus around the House. He thought he had handed a weapon to his enemies and made impossible the business of Government, which requires confidential advice to be prepared by civil servants and accepted by Ministers.

When I was a Minister, I received excellent advice—my mistakes were all my own, all the good ideas were civil servants’. Nevertheless, however good the civil service advice that a Minister receives, it is only one source of wisdom, and every Minister worth his or her salt will want to consult widely. Any Minister who sought to steer only by civil service advice would rightly be held by the House to be a timid mouse constrained by their brief, incapable of ranging more widely and of making a judgment in the national interest.

Wayne David (Caerphilly) (Lab): On finance, does the right hon. Gentleman agree with the Secretary of State for Brexit, who is prepared to consider our paying the EU for access to the single market?

Michael Gove: To be fair to both the hon. Gentleman and my right hon. Friend, I think that that is a mischaracterisation of what he said. [Interruption.] It is. It is a mischaracterisation that was sedulously reported in some sections of the media. I make no criticism of the hon. Gentleman. Gentleman, but my interpretation was different, and in a way the fact that two such fair-minded—I hope—figures as he and I can, from the plain words in Hansard, reach two different conclusions rather proves my point, which is that we can ask for evidence but we cannot have a single definitive view. The argument, as made in the new clauses, that we cannot proceed until we have that so-called single, definitive, canonical view represents a profound misunderstanding.

Mr Charles Walker: The most important word used in this debate is “accountability”. We are accountable not to the House but to our constituents, and it will be they at future general elections who hold us to account for the success or failure of Brexit.

Michael Gove: My hon. Friend makes a characteristically acute point, and it goes to the heart of my argument, which is that if, come the next election, we have not left the EU, the British people will feel that, having asked a decisive question and been given a clear answer, we have dishonoured the mandate they have given us and not respected the result. That leads directly to my concern about the amount of work required by the new clauses and about the tools that these assessments would give to others outside the House who might wish to frustrate the will of the people further.

Mrs Anne Main (St Albans) (Con): As most of us found out during the campaign, people wanted us to get on with it, whatever the result. Nowhere on the ballot paper did it say that we should get tied down in knots forever and a day, which is in effect what Opposition Members are seeking to ensure.

Michael Gove: My hon. Friend is absolutely right. New clause 40, tabled by the hon. Member for Bishop Auckland, states that the Prime Minister must, before even “exercising the power under section 1” and before triggering article 50, publish an impact assessment of the effect on the United Kingdom of leaving the customs union. How can we know that?

I am sanguine about leaving. I take the lead from Shanker Singham and other distinguished trade negotiators that leaving the United Kingdom—[Interruption.] A Freudian slip: I mean leaving the customs union—will lead not just to GDP growth in the United Kingdom, but across the world. I take that view, but it is entirely open to others to take a different view, and it is entirely open to Her Majesty’s Government to choose to follow policies that, once we have left the customs union, will either maximise or minimise our GDP. Once again, by insisting on a narrow focus on what is believed to be one truth and holding up the advance of this legislation as a result, the promoters of this new clause are, I am afraid, once again seeking to frustrate democracy.

Nigel Huddleston: I certainly welcome my right hon. Friend’s conversion to listening to experts. Does he agree with me, though, that no good will come to British business or to our constituents if all we do for the next two years is rehash the results of or indeed the debate about the referendum? I respectfully disagree with my right hon. Friend during the referendum, and I am sure we will respectfully disagree for many times to come, but this is not going to help the outcome of the Brexit decision.

Michael Gove: I entirely agree, and my hon. Friend makes two important points. Of course, we had the referendum and some people on the remain side feel sore because they think the result was not just a betrayal of their hopes, but was won by means that, to put it mildly, they do not entirely endorse. I absolutely understand that, and there is a responsibility on those of us who argued for leave to listen carefully and to seek to include in the type of new relationship we have with the European Union the very best ambitions and aspirations that were put forward as reasons for staying. I think that can be done and that this House has a critical role in bringing it about, but it can be done only once article 50 has been triggered and the British people have had the confidence that we are leaving.

Julian Knight: I thought that the hon. Member for Streatham (Mr Umunna) spoke powerfully about breaches of promise, but is there any bigger breach of promise than blocking Brexit by supporting these wrecking amendments?

Michael Gove: My hon. Friend is absolutely right, and there is a particular element to it, as well. One of the important principles of our constitution, which as a former Justice Secretary I wholeheartedly believe in, is the principle of judicial review. It is absolutely right that Executive action should be subject to judicial review.
It is the only way, apart from the exercise of power in this House, that we can be certain that the Executive is following the rule of law. I am one of those people, albeit that I campaigned for and voted for us to leave the European Union, who was pleased that the Supreme Court held this Government to account so that we have this legislation before us now.

Having said all that, and having placed on the record my support for both this legislation and the principle of judicial review, if we accept any of these new clauses or amendments, we will subject the operation of article 50 to judicial review. That would mean that if any single one of these impact assessments were not prepared in exactly the right way, at the right time, with appropriate care, the whole process and the democratic will of the British people could be upended. Different people have different views about experts—I shall come on to them in a few moments—but I know whereof I speak.

As I have said, I made a number of mistakes during my ministerial career—too much for us to be able to run over now, given that our debate has to close at 9 o’clock. One thing I remember is that judicial review on the basis of a relatively small infraction, as admitted by the judge, of an equality impact assessment—one I deeply regret—nevertheless resulted in the paralysis of this Government’s school capital building programme. Now, if we want to create a feast for lawyers and a festival for litigators, we should accept these new clauses and bring in these amendments. In so doing, we will see the tills chimg in the Middle and Inner Temples and hands wring up and down the country, as we once again frustrate the will of the people.

Lucy Frazer (South East Cambridgeshire) (Con): My right hon. Friend makes a very powerful argument. Does he remember that during the campaign, aassessment of the economy was given by the former Chancellor of the Exchequer? Does he remember whether it was accepted by the Opposition, or whether the Leader of the Opposition said that he did not accept the assessment and would not implement it?

Michael Gove: Again, my hon. and learned Friend, who is a silk and who took with forbearance my comments about lawyers before making her own very acute point about economics, is absolutely on the button.

Are we to accept that for the first time ever, once the impact assessments have been published, an official Government document will be taken by my friends in the Scottish National party or the Labour party as holy writ? Are they going to say, “Thank heavens, this document bears the name of the Secretary of State for Exiting the European Union, so it absolutely must be right, because this is the only way in which I can form a judgment on whether or not leaving the European Union will be a success”? Can I expect the hon. Member for Ross, Skye and Lochaber (Ian Blackford) to say, “Oh look, the impact assessment from the Department for Exiting the European Union said X, and now, six months later, X has been satisfied, so I am going to give up and accept that the Secretary of State is right, because everything that he has done is in accordance with what he has previously said he would do?”

Ian Blackford (Ross, Skye and Lochaber) (SNP): The right hon. Gentleman has said that members of the Government have made mistakes in the past. This is about the House holding the Government to account. We must recognise the reality of what has happened. He talks about the estimates that are out there, but the reality is that the currency has already fallen substantially against the dollar, and we are aware of the impact of an increase in inflation. The impact assessments must be informed by the reality. Let us also not forget that we have heard nothing from the Government—no plan—about how we are going to effect trade with Europe. Of course we need impact assessments if we are to do our job properly as Members of Parliament.

Michael Gove rose—

The Temporary Chairman (Sir Roger Gale): Order. Before the right hon. Gentleman continues his speech, may I again gently say that a great many Members wish to speak? He has been extremely generous in giving way, but I trust that he is nearing his peroration.

Michael Gove: I am grateful for the intervention from the hon. Member for Ross, Skye and Lochaber, who combines the roles of crofter and former investment banker with rare skill. He is right—the pound has indeed fallen—but one of the reasons why many people in our shared country of birth rejected the Scottish National party’s referendum promise in 2014 is that at least we know what currency we have in this country, the pound. If Scotland were to become independent, it would not have the pound and it could not have the euro, so we do not know what it would be left with. A hole in the air? The groat? There is no answer to that question.

Mr MacNeil: Will the right hon. Gentleman give way?

Michael Gove: No.

Let me now deal with the substantive point made by the hon. Member for Ross, Skye and Lochaber, because it is critical. He argues that the only way in which we as Back Benchers and Opposition spokesmen can effectively scrutinise the Government is through impact assessments. That is a grotesque misunderstanding of the opportunities that are available to us in the House through freedom of information requests, parliamentary questions—written or oral—and the diligent use of all the other tools that enable us to scrutinise the Executive. The idea that we are mute and blind until an impact assessment has been published, the idea that there is no relevant tool available to us and no relevant source of information that we can quarry other than an impact assessment—

Stephen Gethins: Will the right hon. Gentleman give way?

Michael Gove: No.

That idea is a misunderestimation—if I may borrow a phrase from George W. Bush—of what all of us, as Members of Parliament, are capable of. That brings me to my final point—

Tom Tugendhat (Tonbridge and Malling) (Con): My right hon. Friend is expounding entirely on the principle of the House, which is the principle of democracy under the rule of law. He is not arguing, as others have done, for the rule of lawyers.
Michael Gove: I could not agree more, and my hon. Friend’s intervention gives me an opportunity to commend him for the work that he has done to draw attention to the way in which some lawyers have used some legislation to enrich themselves at the expense of those who wear the Queen’s uniform and defend our liberties every day. His work is commendable, and it is an example of what a Back Bencher can do. He did that work without any impact assessments having been published, and without waiting for the Ministry of Defence to act. He did it because he believed in holding the Executive to account, as we all do—and the one thing for which we all want to hold the Executive to account is the triggering of article 50. So if anyone wants to have the opportunity for perennial pettifogging delay ahead of mandate—

Mr MacNeil: Pettifogging?

Michael Gove: Yes, it is one of my favourite polysyllabic synonyms for prevarication, procrastination or delay.

8 pm

If anyone wants to put delay ahead of implementing the will of the British people, they should vote for these new clauses and amendments. But if they actually want to get on with scrutinising what the Government do, why not join us on the Exiting the European Union Committee? Why not table written and oral parliamentary questions? Why not conduct a proper study of what not just this Government but other Governments, not just this Government but civil society, and not just this Government but a variety of industries and enterprises across the country are saying?

The idea that we should seek, as these amendments and new clauses seek to do, to delay the will of the British people would, rather than restoring the confidence in this House that the vote on 23 June was designed to do, only lower public confidence in us. For that reason—because it would mean that a glorious liberation was curdled by parliamentary delaying tactics of a discredited kind—I hope the entire House will vote against these new clauses and all these amendments in order to uphold the sovereign will of the British people as freely expressed on 23 June last year.

Patrick Grady (Glasgow North) (SNP): I, on behalf of the Scottish National party, would like to speak to new clause 143, on which I hope we will test the will of the Committee later on, to amendment 58, which I tabled, which relates to the European development fund, and the 27 other amendments in the names of my hon. Friend the Member for North East Fife (Stephen Gethins) and other hon. Friends. The SNP tabled a total of 50 new clauses and amendments to this Bill, and I hope that we get a chance to debate as many of those in this group as possible—amendments 47 to 53, 57 to 62, 64 to 77, 79, 80 and 82, as well as new clause 138.

Government Members who have spoken were quite exercised about the possibility of the amendments causing some delay to the triggering of article 50, but I am not entirely sure what that delay might be. I have read the Bill—all 137 words of it—and nowhere in it is there a date for the triggering of article 50. The Bill gives the power to the Prime Minister and the Prime Minister alone—as I said last week, it is a very presidential power, not a parliamentary power—to choose the date on which article 50 is triggered.

Stephen Gethins: My hon. Friend makes a very good point about the new clauses we are arguing for this evening. Is he aware that the Scottish Parliament this evening voted by three to one against triggering article 50, which comes on top of the two to one of Scots who voted against triggering article 50 as well?

Patrick Grady: I am fully aware of that. It reflects the consensus across Scottish society that Scotland should retain its membership of the single market and the fact that it did not vote to leave the EU. The Scottish Conservatives have run a mile from that.

Several hon. Members rose—

Patrick Grady: No, I will not give way yet; we are just getting started.

I might add that in the time that the Scottish Parliament took that vote, as well as votes on several amendments, barely one Member had spoken in this debate. Voting in the Scottish Parliament is far quicker than here; its Members can vote on far more amendments than we ever can, because they do not have the archaic procedures that we have to put up with down here.

Yesterday’s amendment paper had more pages—142—than there are words in the Bill, but today we are down to just 121 pages. The number of amendments that have been tabled highlights the dreadful inadequacies of both the Bill and this scrutiny process. There is nowhere near enough time to consider the massive implications of what Brexit will actually mean and how the Government intend to achieve it, and of course there is still no kind of meaningful information on what they think those implications might be.

Mr MacNeil: A theme is emerging of what Brexit might mean: a plea—I noticed this in the speech of the right hon. Member for Surrey Heath (Michael Gove)—for the EU not to punish the UK. Yet from the same lips all the time comes the threat of a punishment to Scotland if we become independent. These acts and words will not be missed in the 27 member states of the EU—the hypocrisy, the double-edged sword and the brass neck and bare-faced cheek in the UK.

Patrick Grady: My hon. Friend makes a good point—

Kwasi Kwarteng (Spelthorne) (Con): Will the hon. Gentleman give way?

Patrick Grady: I have not responded to my hon. Friend yet.

The Scottish National party—for the record, that is its name, as I think Hansard is probably fed up with hearing—has always understood that our kind of independence is defined by our interdependence and by the role that we want to play in the world, whereas it is increasingly clear that the hard right, Tory Brexit that is being foisted upon us against our will is an isolationist independence.—[Interruption.] It is Trumpist, triumphant and narrow nationalism, as I hear my colleagues saying from the Back Benches.
Kwasi Kwarteng: Will the hon. Gentleman give way?

Patrick Grady: No, I still have not even begun to talk about our new clauses and amendments, and I am sure that Members want to hear why it is so important that the Government should publish impact assessments on the machinery of government, which will be profoundly affected by our leaving the European Union.

The Government must give us a benchmark. They must give us their own assessment against which we can measure and test these things so that we can hold them to account. The Chair of the Procedure Committee, the hon. Member for Broxbourne (Mr Walker), under whom I am proud to serve but who is not in the Chamber, has said that we are accountable to our voters—that is I am proud to serve but who is not in the Chamber, has said that we are accountable to our voters—that is absolutely correct. However, the Government are accountable to us, and they have to provide us with the necessary information so that we can hold them to account.

Kwasi Kwarteng: It seems to have taken the Scottish nationalist party six months to realise that a third of those who voted yes in 2014 actually wanted to leave the EU. SNP Members seem completely oblivious to that fact, but I would like to hear what the hon. Gentleman has to say about it.

Patrick Grady: I think that that counts as a minority.

The First Minister herself said on 24 June that we would respect, listen to and understand the people in Scotland who voted to leave the European Union. We never heard anything like that from the Prime Minister about those on the other side. The First Minister’s words were reflected in the compromise position that was published by the Scottish Government. They have moved heaven and earth to try to reach a compromise arrangement with this Government, but their words are still falling on deaf ears.

Mr Duncan Smith: Will the hon. Gentleman give way?

Patrick Grady: No.

I want to address some of the new clauses and amendments that have been tabled by various factions on the Labour Benches, and I shall focus particularly on the ones relating to Euratom. The exchanges on this subject on Second Reading demonstrated the utter chaos that has gripped this Administration and their predecessor. Euratom’s role is to provide a framework for nuclear energy safety and development. I would have thought that, no matter how much some of the Brexiteers hate the European Union institutions, this one would have been among the least controversial. Surely there must be consensus on protecting us from nuclear meltdowns. Do they not think that that is a good idea? No.

The Command Paper that the UK Government published in February last year on the impact of Brexit made no mention of coming out of Euratom. Nevertheless, we are being taken out of it without any warning and, if the Government will not accept the Labour new clause on this matter, there will be no further discussion about it. I do not remember the subject featuring on the side of buses or in showpiece debates, yet here we are with another ill-thought-out unintended consequence of a Brexit vote that started as an internal ideological battle among Conservative Members and that is going to leave decades of uncertainty in its wake for us all. That is just one example. Each new clause and amendment, from whatever party, that calls for an impact assessment shows the Government’s lack of preparation across the whole suite of policy.

Tom Tugendhat: I should like to ask the hon. Gentleman a small question, if I may. Has he given his constituents an impact assessment of any change that might take place at the next election? Has he prepared them fully and properly for the impact that a change of Member of Parliament might have on them? Or does he trust them to make their own impact assessment—does he trust the people to decide?

Patrick Grady: I am sure that the hon. Gentleman was here for my Second Reading speech last week, so he will know that 78% of my constituents voted to remain in the European Union. I am therefore reasonably confident that their voice is at last being heard. They will make their judgment at the next election, whenever it comes, and I will be happy to live with their decision.

We want to test the will of the House on new clause 143. It tests the Government not only on the practical costs of Brexit but on the hard money, because we know that the financial costs will be high. It is simply not in the interests of the remaining member states for the UK to be better off as a result of Brexit. We have already seen the shocks to the currency market described by my hon. Friend the Member for Badenoch and so on—[Laughter]. I am not quite as good at this as the right hon. Member for Surrey Heath (Michael Gove). We have seen the shocks to the currency market and the revisions that have already happened in the economic forecasts. Withdrawing from the European Union and exiting the single market will lead to an enormous hit on our economy, and new clause 143 calls on the Chancellor to bring forward further revised forecasts and an assessment of the UK’s financial liability to the EU on the completion of the triggering of article 50.

Ian Blackford: We are talking about financial considerations, but this is about the impact on people and we have to think about UK citizens who are living in Europe. At the moment, they are entitled to healthcare cover and to a UK state pension that will be uprated, but there is no certainty that that will continue post-Brexit—the UK does not pay pension increases in countries with which it does not have a reciprocal arrangement. This is also about the EU citizens who may return to France, Germany, Spain or wherever and be caught up in the same trap, because while they paid national insurance here, the UK might not have a commitment to uprating pensions. Those are the sorts of issues that the Government must provide certainty on.

Patrick Grady: Indeed. That is covered in amendment 72, in which we ask the Department for Work and Pensions to provide an assessment. I hope that there will be time for the House to discuss that measure in more detail later on.

Dr Murrison: Will the hon. Gentleman give way?

Patrick Grady: No, I want to make a little progress.
We have seen the leaked reports of the Government’s assessment that a hard Brexit could cost the UK economy up to £66 billion a year—9.5% of GDP—if we revert to WTO terms. The hon. Member for Bishop Auckland (Helen Goodman), with whom I serve on the Procedure Committee, said earlier that analysis in the Financial Times shows that the cost of simply leaving is up to £20 billion due to the shared assets that we are a part of, and that there are up to £300 billion of payment liabilities that need to be settled in the negotiations. Even after all that, there will be ongoing costs, as well as funds that we might wish to continue to contribute to. That is covered in amendment 58, which is about the European development fund. The European development fund is the main method for providing European community aid for development co-operation in African, Caribbean and Pacific countries and the overseas countries and territories of EU member states.

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): Will my hon. Friend give way?

Patrick Grady: I am happy to give way to my hon. Friend, who sits on the International Development Committee.

Dr Cameron: Does my hon. Friend agree that the European development fund is crucial not only to achieving our commitment to the sustainable development goals, but to providing long-term sustainable funding for projects, rather than letting them fall at the first hurdle?

Patrick Grady: Absolutely. The European development fund saves and changes lives in developing countries. I would have thought that there would be a little consensus—[Interruption.] If the hon. Member for South West Wiltshire (Dr Murrison) wants to talk to me about the EDF, I am happy to take an intervention.

Dr Murrison: Would the hon. Gentleman’s constituents rather that development aid from this country was spent by the UK and overseen by the Independent Commission for Aid Impact, or spent by the EDF, which has none of that oversight?

Patrick Grady: The EDF is highly respected around the world for its effective use of international development aid. Indeed, I have pursued that with Ministers. I have received equivocal answers, but they have recognised from time to time that the EDF is actually quite an important part of the suite of European institutions and that we do make important contributions. If those contributions were ripped away, that would have a devastating effect on the EDF, so we must explore this area and understand it.

Over the years, the UK has contributed around £10 billion to the EDF, which has been a crucial component, as my hon. Friend the Member for East Kilbride, Strathaven and Lesmahagow (Dr Cameron) says, of our meeting the 0.7% aid commitment. According to the Government’s timetable, Brexit will happen before the end of the current 2020 commitment period, so what will happen after Brexit? The other important thing about the EDF is that it is one of the main instruments for providing development capacity to British overseas territories, so how will they be affected? What plans are being made for them? We are trying to test such things through the amendments.

The Government have indicated from time to time that they ought to continue funding the EDF, so perhaps there are European institutions that they will have to continue to fund and support, and to have some kind of retained membership of. That makes me wonder. We hear about hard Brexit and soft Brexit, but perhaps this is some sort of hokey-cokey Brexit whereby we leave everything and then have to start joining things again: “You put your left wing in; Your right wing out; In, out, in, out”—I do not want to think about anything being shaken all about.

Amendment 49 calls for a report from the Secretary of State for Environment, Food and Rural Affairs on the level of agricultural maintenance support grants beyond 2020.

Alan Brown (Kilmarnock and Loudoun) (SNP): Scotland is already losing out on more than £230 million of EU funding that was supposed to go to Scottish farmers. The UK Government promised a review in 2016, but they have not carried it out. It is critical that we have an impact assessment that tells Scottish farmers what will happen so that they can plan for their future.

Patrick Grady: There is absolutely no certainty for Scotland’s farmers, or indeed for farmers across the whole United Kingdom. During the EU referendum campaign, the then Secretary of State for Environment, Food and Rural Affairs, the right hon. Member for South West Norfolk (Elizabeth Truss), made it clear that there would be a guarantee of capital and funding beyond 2020. Then, at the Oxford farming conference last month, the current Secretary of State completely changed her tune. Such confusing and contradictory comments about the long-term future show precisely why we need the Government to spell it out in far more detail than they have in the White Paper. Of course, we particularly want to know whether the agriculture powers currently exercised by the European Union will return to the Scottish Parliament. The principle is clear in the Scotland Act 1998: if something is not reserved, it is devolved. Therefore, everything that the EU is currently doing on this should go to the Scottish Parliament.

Mrs Main: Scotland

Patrick Grady: If the hon. Lady agrees with that, I am happy to hear from her.

Mrs Main: I will make my own point, thanks very much. Can the hon. Gentleman give the Committee some idea of how long all these impact assessments will take? How much time does he expect the House to devote to debating them and the statements? What other business will not happen because we are debating all the spurious impact assessments that he thinks should occupy the House 100%?

Patrick Grady: With the greatest of respect, we voted against the referendum Bill. We did not think the referendum should happen. When it became clear that the referendum would happen, we said that the debate
should last longer. In Scotland we had two full years to debate the consequences of independence, and the voters heard both sides of the debate and made up their mind. We had less than six short months between the announcement of the date and the referendum—

[Interruption.]

I am hearing that the Secretary of State for Brexit backed a longer debate. There should have been time before the referendum. As I said at the start of my speech, the White Paper says that article 50 will be invoked at the end of March, but the Bill does not say that. It is entirely in the gift of the Prime Minister, and she might change her mind. There is no mechanism to hold her to account for that.

Stephen Gethins: My hon. Friend makes an excellent point. The SNP obviously backed a longer debate, and I am delighted that the Secretary of State for Exiting the European Union did, too. A little more scrutiny might not have gone amiss.

Patrick Grady: Precisely. The Brexiteers’ whole point was about parliamentary sovereignty and how this House would take back for itself the opportunity to make decisions, so why are they now afraid of our having those opportunities?

Mr MacNeil: May I provide an answer to the hon. Member for St Albans (Mrs Main)? The impact assessment would take slightly longer than jumping off a cliff.

Patrick Grady: That is a good point, well made. As I said at the start of my speech, we need the facts in front of us.

Ian Blackford rose—

Patrick Grady: I will make a little progress because, as I said, we have a number of important amendments to discuss, but my hon. Friend can try to intervene later.

Amendment 51 calls for a report on the impact of UK withdrawal on Scottish seaports. The problems caused by Brexit that are facing Scottish seaports are expensive and complex. Concerns for the maritime industry surround general policy areas such as employment law, immigration, border controls and contract law, as well as transport-specific areas such as freedom to trade, safety, the environment, tonnage tax and security. The White Paper offers only more uncertainty.

The UK Government’s stated approach to immigration post-Brexit may create an increased need for border activity at Scottish seaports, and the Government’s preferred arrangements for trading post-Brexit—out of the EU customs arrangements—will necessitate additional customs checks on exports and imports at seaports, and will affect trade volume at seaports, so the Government have to mitigate that uncertainty by publishing a full impact assessment of those complex issues for Scottish seaports before triggering article 50.

Amendment 52 calls for an assessment of financial implications for charities, on which I have a certain amount of experience from my international development portfolio. International development charities across the United Kingdom are already feeling the impact of Brexit and the currency fluctuations. Money that they had raised—money that the UK public had voluntarily donated—is now worth less as a direct result of the Brexit decision, which is having an impact on the day-to-day lives of people in developing countries to whom charities had pledged money that is now not worth what it was when the pledges were made. I hear nothing from the UK Government saying that they want to make up the difference or give the charities any kind of support. UK charities generally receive some £200 million a year from the social fund, through EU structural funds and from the regional development fund.

Dr Cameron: Is it not extremely concerning that the chief executive of the UK-based international charity World Child Cancer stated that the fall in the pound had resulted in a 9% to 13% cut in its programme funding?

Patrick Grady: I agree entirely. All of us who deal with stakeholders in the third sector will hear stories such as that time and time again. It probably explains why research published by the Association of Chief Executives of Voluntary Organisations, which represents more than 3,000 employees and 15,000 volunteers, revealed that its charity chief executives were increasingly worried about the future. Half of those surveyed receive funding from the EU and 30% confirmed that indirect funding was at risk. As I have said, in the immediate case we have seen the devaluation of currency being spent by those charities.

Amendment 53 calls for a report on the relationship between the Channel Islands and the EU. The Channel Islands are not a member of the EU, but they have access to the single market and now face being denied that by a hard Tory Brexit. That is why our amendment seeks a report that sets out the full implication of the relationship between the Channel Islands and the EU, and the impact that Brexit will have. That is vital because there will be a serious impact on many key Channel Islands industries, including finance and fisheries. Again, that is an example of why we need these impact assessments.

Amendment 57 calls for a revised strategic defence and security review. The last SDSR was based on the 2015 national security risk assessment, which took place before the European referendum and did not consider any post-Brexit scenarios. As such, it is no longer fit for purpose. The SDSR makes no mention of the EU’s common security and defence policy, whereas the White Paper outlines existing UK participation in the CSDP and expresses the intention to continue that co-operation post-Brexit. Again, we see the in and out of the Tories’ Brexit.

Ian Blackford: My hon. Friend is giving a damning indictment of the UK Government’s lack of preparedness for Brexit, but this is also about what will change. We have heard about agriculture and fisheries, but the fact remains that Europe has delivered for Scottish crofters and Scottish farmers, and one institution that we have not been able to depend on is the UK. The EU has given the UK £233 million of convergence uplift funding, which was primarily to go to Scottish crofters and farmers, yet we have only got 16% of it. Who should we be trusting? Should we be trusting Europe or should we be trusting the UK Government to deliver for our crofters and farmers?

Patrick Grady: That is a fair point. We hear Government Members saying, “Where did that money come from? It came from UK taxpayers”, but my hon. Friend is exactly right in what he says. The road I cycled up to
school every day, in Inverness and in the country—this was when I was slightly younger than I am now—was built and paid for with EU money. There is no way on God’s earth that Thatcher’s Government would have spent that money on that road, which shows why people in Scotland voted to remain in the EU.

Alan Brown: My hon. Friend is highlighting some issues, but I wish to get back to the SDSR. The National Audit Office has identified that a key risk to the strategic plan is fluctuations in the pound because of pricing against the dollar. If the NAO is highlighting that as an issue, should the Government not be looking at it, rather than having a Secretary of State who stands at the Dispatch Box and tells us, “Everything is okay; we made contingency plans”? We need to know what the contingency plans are and what the impact will be.

Patrick Grady: Of course we do, which is why we tabled all these amendments. We were asked why we were doing that and what we were trying to achieve, but my hon. Friend is making the case on that very clearly.

I have already spoken about amendment 58, so I shall move on to amendment 59, which calls for a report on the medium-term economic forecast in the event of the UK leaving the single market. Again, Scottish National party Members have made points about the dangerous long-term and medium-term economic realities of a hard Tory Brexit. We know that the OBR forecast said: “we asked the Government in September for ‘a formal statement of Government policy as regards its desired trade regime and system of migration control, as a basis for our projections’. The Government directed us to two public statements by the Prime Minister that it stated were relevant”.

Given the far-reaching and devastating consequences that leaving the single market would have on the economy, teamed with the lack of detail given to the OBR, it has to be the Treasury’s responsibility to publish a medium-term forecast.

George Kerevan (East Lothian) (SNP): It is clear that even in the short term the fall in the value of the pound is triggering significant inflationary pressure across the British economy, which will hurt ordinary people in their wage packets, with an impact on industrial costs, in a way that was wholly avoidable.

Patrick Grady: My hon. Friend is absolutely right. We see no action from the Government whatsoever, other than to pretend that everything is bright and breezy. We are witnessing a bit of a false dawn.

Carol Monaghan (Glasgow North West) (SNP): In the longer term we have other issues, because many of the key shortages in science, technology, engineering and maths skills are filled by EU nationals, who simply are not getting the guarantees they need either to stay in the UK or to come here in the first place.

Patrick Grady: My hon. Friend is absolutely right. She and I share a boundary with the University of Glasgow and we know the vital contribution it makes, not only to the city but to Scotland’s economy as a whole. Higher education institutes throughout the country are expressing those concerns.

Pete Wishart: My hon. Friend is making a fantastic speech, exposing the real difficulties at the heart of this bad Tory Brexit. I am trying to figure out exactly what is going on with Conservative Members. Perhaps they are opposing the economic impact assessments because they know the true nature of Brexit and the damage it will deliver. Does he agree that that seems to be the underlying reason why they are so opposed to having just a short glimpse of what Brexit will do to this country?

Patrick Grady: My hon. Friend is absolutely right. We have every right to continue to question them; after all, as I said earlier, this is what they wanted. They wanted Parliament to regain its sovereign status.

Michael Gove rose—

Patrick Grady: Let us hear from him.

Michael Gove: As ever, the hon. Gentleman is making an impressive speech, but I should say one thing—

Helen Goodman: No, you should not! Sit down!

Michael Gove: I should, actually—just the one. Why is it that Scotland now has to import scientists and engineers when in the 19th and early 20th century we used to export them? Is it anything to do with the drop in international league table rankings for science and mathematics that has occurred under the Scottish National party’s stewardship of the education system?

Patrick Grady: First, I am not convinced that the words “import” and “export” are the right ones to use when we are talking about human beings—some of the most capable and talented human beings in the world. [Interruption.] Secondly, I hear my hon. Friend the Member for Motherwell and Wishaw (Marion Fellows), who is on the Education Committee, saying, “So is the rest of the United Kingdom.” Finally, we want to welcome people to Scotland. If the Government want to devolve immigration policy to us as part of the Brexit process, they should feel free to. As has been pointed out many times in these debates, the right hon. Gentleman himself has said that immigration policy should come to Scotland so that we can attract the brightest and the best, and we are not afraid to do so.

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): Having grown up in Inverness, my hon. Friend will remember the Kessock bridge well. When people come over it now, they can see the shining example of the new University of the Highlands and Islands campus there. Thanks to £200 million-worth of EU structural funds over the past 20 years, we have been growing our own scientists and academics in the area. Does he agree that it is absolutely scandalous that up to 2022 an estimated £19 million will be lost, with no impact assessment?

Patrick Grady: My hon. Friend is absolutely right. This is exactly what we are trying to achieve.

Roger Mullin (Kirkcaldy and Cowdenbeath) (SNP): In response to the right hon. Member for Surrey Heath (Michael Gove), I would say that it was because of the
failure of UK economic policy that after my brother graduated as a scientist he was forced to emigrate to Canada. He eventually became the chairman of the OECD science and technology committee and helped to write the science and technology policy for the free South Africa, yet the failure over here forced him to emigrate.

Patrick Grady: My hon. Friend makes an absolutely valid point.

Amendment 61 calls for a revised national security strategy. The existing national security strategy is based on a 2015 assessment that took no account of Brexit—[Interruption.] I am not sure what Government Members are so concerned about. It is completely legitimate for Opposition Members to table amendments to the Bill and it is perfectly right and proper that we have the opportunity to debate them.

Philip Boswell (Coatbridge, Chryston and Bellshill) (SNP): My hon. Friend has mentioned a long list of issues that are not being properly scrutinised in this rush to Brexit. The Government’s White Paper was hastily prepared, and in haste, we make mistakes, as conceded by the right hon. Member for Surrey Heath (Michael Gove). Does my hon. and most European Friend know how to spell Liechtenstein?

Patrick Grady: Yes.

Helen Goodman rose—

Patrick Grady: I will give way to the hon. Lady in just one second. [Interruption.] Right, okay.

Helen Goodman: Does the hon. Gentleman think that perhaps the Procedure Committee should have a look at the practice of filibustering, as there are many hon. Members who want to make important speeches?

8.30 pm

The Chairman of Ways and Means (Mr Lindsay Hoyle): Order. The hon. Gentleman is speaking. I know that there has been some latitude, but I also know that he wants to get back on the subject of impacts, and that is where we are going now. Let me just say that there are seven other speakers.

Patrick Grady: The short answer to the hon. Lady regarding the Procedure Committee is, yes, I do believe that this House should introduce rules against filibustering, and, as soon as that happens, we will be happy to abide by them.

On the point about Liechtenstein, I do know how to spell it, but I will not find it by looking at page 54, chart 9.3 of the Brexit White Paper. Amendment 62 calls on the Chancellor to publish an assessment of future payments to the European Union. It is similar to new clause 143, which we want to push to a vote later on this evening, so some of the points should have been covered already.

Amendment 64 calls on the Secretary of State for Education to publish an impact assessment on her Department’s responsibility in this area. We have already heard from some Members about the serious implications regarding the ability of our universities to attract talented researchers and students in the event of the UK leaving the European Union. Figures for 2014-15 show that there were 13,450 full-time equivalent EU students studying for undergraduate degrees at Scottish universities. Frankly, almost every single one of them will have been shocked and saddened by the result on 23 June. None the less, they have appreciated the warm welcome and reassurances that have been provided to them by academic institutions up and down Scotland, by the Scottish Government and by the friends, neighbours and families who live in their cities.

Carol Monaghan: I thank my hon. Friend for giving way once again. One of the uncertainties faced by EU nationals wanting to come and study in the UK post-Brexit is what fee structure will be imposed on them, and absolutely no answers have been given on that.

Patrick Grady: My hon. Friend is absolutely correct. Again, we will continue to push the Government on that. I hope that the Minister will have some time to respond to some of these important points. I have spent a lot of time in exchanges with him in Westminster Hall, which perhaps should be renamed “Brexit Minister Hall” in due course once the Brexit process has been completed.

Michael Gove: Will the hon. Gentleman enlighten us? Has any impact assessment ever been undertaken by the Scottish Government of the impact of their education policies on participation in higher education, particularly given that the most recent statistics demonstrate that the Scottish Government’s policies—

The Chairman: Order. The problem might have come from somewhere else in the Chamber, but I do not want it to be from the right hon. Gentleman. You have been around this Chamber for far too long and you know that you are way outside scope. I think that I preferred you on the Front Bench than on the Back Bench.

Patrick Grady: I think the Prime Minister might disagree with you on that, Mr Hoyle. I want to talk more about education and health before I start to wind up. There are elements of education that are shared with the European Union. Will they also be devolved fully to the Scottish Parliament? That also applies to some aspects of health. Leaving the EU will have serious implications for the workforce of our health service. According to the Trade Union Congress, just under 50,000 citizens from the European economic area work in the NHS—9,000 doctors, 18,000 nurses, and the list goes on. Those people are a vital source of skills and experience, plugging gaps left by the underfunding of training places, especially in England and Wales, in recent years. This again is where the failure of the UK Government to guarantee the rights of EU nationals to remain and to live and work in the UK after we leave the EU is causing uncertainty and disappointment.

The UK Government have also yet to set out how they will deal with cross-border health issues after leaving the European Union.

Stuart Blair Donaldson (West Aberdeenshire and Kincardine) (SNP): I thank my hon. Friend for giving way on that point. Many people have received medical...
treatment abroad under the European health insurance card. That includes me, and I have the scars to prove it. Does he share my concern that we may no longer have access to the card after Brexit?

Patrick Grady: My hon. Friend makes a crucial point, which he was right to raise eloquently in the House in the run-up to the European Union referendum—

[Interruption.]

I hear dissent from Labour Members, but the reality is that these are the uncertainties and confusions. Nobody seems to know exactly the right answer, which is why we continue to press our amendments.

Neil Gray (Airdrie and Shotts) (SNP): One impact assessment that has been researched is by End Child Poverty. Its report “Feeling the Pinch” has assessed that prices are due to rise by 35% between 2010 and 2020, which will have a massive impact on the exponential rise in child poverty. Does my hon. Friend agree that impact assessments like that—of the impact on families and children—are so important, and that is why we table our amendments?

Patrick Grady: Absolutely. As I said at the beginning of my speech on these important amendments that we want the Committee to debate in full, the Brexit debate was for too long an ideological debating society game being played on the Government Benches. As the reality hits home, we are now beginning to realise the kind of consequences my hon. Friend mentions. It is important that as many of the powers and as much of the budget that are relevant and appropriate come to the Scottish Parliament as part of the Brexit process so that we can protect and defend the rights that people have enjoyed under the European Union and that are now at risk. That is why we continue to press for impact assessments.

Amendment 66 is important because it calls for the Secretary of State for Environment, Food and Rural Affairs to publish an impact assessment on her Department’s responsibilities, which, of course, include the common fisheries policy.

Stephen Gethins: Expendable.

Patrick Grady: Yes. It was decided in 1972 that the policy was somehow expendable, as my hon. Friend the Member for North East Fife (Stephen Gethins) is saying.

Mr MacNeil rose—

Patrick Grady: I will give way to my hon. Friend, who has a lot of experience.

Mr MacNeil: I represent probably the only constituency to reach 200 miles of the exclusive economic zone. Is there not a case not just for putting Scotland in control of fisheries, but for giving the Hebrides and island groups some power over them? We should certainly not leave them in charge of the guys in Westminster who sold them down the river once and, given this White Paper, are looking to sell them down the river yet again?

Patrick Grady: My hon. Friend is absolutely right. That is why the fishermen and women of Scotland will be particularly concerned when the Government talk about a UK-wide approach. When the Prime Minister makes passing references to Spanish fishermen, everyone knows what she is signalling. Fishermen should not be on the table as some kind of bargaining chip. The UK Government must not sell out our fishermen as they did in 1972. They must tell us now what access arrangements they will seek to negotiate, and conduct a full impact assessment for our fishing sector.

Leaving the EU will create significant uncertainty within the agricultural sector, and the UK Government have to produce an impact assessment of that. It is particularly true in the case of the food and drink industry, as I am sure that hon. Members who were at the briefing from people in the food and drink industry earlier today would want to know. Some 69% of Scotland’s overseas food exports go to the European Union.

Calum Kerr (Berwickshire, Roxburgh and Selkirk) (SNP): I share my hon. Friend’s passion for the rural economy. Would he be surprised to learn that when an audience of 800 mainly English farmers at the Oxford farming conference were asked how many had confidence that DEFRA could deliver in the Brexit environment, the only hand that went up was that of the Farming Minister?

Patrick Grady: Well, there we are; I think that says it all.

Mrs Main: On a point of order, Mr Hoyle. Is an intervention not usually made by the person who wishes to intervene, rather than by the person on the Front Bench trying to invite support from his Back Benchers?

The Chairman of Ways and Means (Mr Lindsay Hoyle): If we kept that rule going, nobody would speak on either side.

Patrick Grady: The reality is that my hon. Friends have a very important role in representing the interests of their constituents. There is a reason we tabled this many amendments and why we want to partake in the procedures of this House. We have been sent down here to do a job: to scrutinise this Government and hold them to account, as the official Opposition have been almost singularly unable to do so.

Alan Brown: Is it not the case that when the right hon. Member for Chingford and Woodford Green (Mr Duncan Smith) was on his feet, he was begging for interventions? He did it at least five times, and his hon. Friends were all laughing at the time.

The Chairman: Order. We are not getting into a debate about that. I think Mr Grady wants to come to the end of his speech, because he recognises that seven other people are waiting.

Patrick Grady: You are absolutely right, Mr Hoyle. As we know, six of my hon. Friends were waiting to be called last night, and they were unable to be called, because some people chose to vote for the programme motion and not to allow sufficient time. So I think it is important that I remain within order and that I speak to the SNP provisions in my name and those of my—
Amendment 68 calls for the Home Secretary to publish an impact assessment on the role of the Home Office. Justice issues are particularly important. Where will the Government be on the European convention on human rights? Where will their Bill of Rights be? How will all of that interact with the instruments of justice in the European Union that my hon. Friend speaks of?

Amendment 69 calls for the Secretary of State for Defence to publish an impact assessment on the justice system is crucial because our membership of Europol, Eurojust, the European arrest warrant and other key areas of co-operation on security matters remains at risk following a hard Tory Brexit?

Patrick Grady: That is exactly what amendment 67 calls for. Members can see that my hon. Friend has read all our amendments and is prepared to debate them on the Floor of the House. Justice issues are particularly important. Where will the Government be on the European convention on human rights? Where will their Bill of Rights be? How will all of that interact with the instruments of justice in the European Union that my hon. Friend speaks of?

Amendment 68 calls for the Home Secretary to publish an impact assessment on her Department’s responsibilities. We heard about immigration earlier. Is that responsibility going to be devolved to the Scottish Parliament, as the right hon. Member for Surrey Heath called for during the campaign? Our membership of Europol, our participation in the European arrest warrant and other key areas of co-operation on security remain at serious risk following Brexit, and that is why we need an impact assessment on the role of the Home Office.

Likewise, amendment 69 calls for the Secretary of State for Defence to publish an impact assessment on his Department’s responsibilities. As I said on Second Reading, we are at risk of being left with Trump, Trident and a transatlantic tax treaty. At this rate, Trump and Trident will be the beginning and end of the UK’s security policy.

Lucy Frazer: Does the hon. Gentleman have a timetable for how long it would take to conduct all these impact assessments?

Patrick Grady: I am absolutely certain that these impact assessments can run in parallel, but the hon. and learned Lady touches on an important point, which goes to the heart of all these points about impact assessments and the capacity of the UK Government to deal with all of this. There is an impact on the whole machinery of government—

Nadine Dorries (Mid Bedfordshire) (Con): Will the hon. Gentleman give way?

Patrick Grady: If the hon. Lady wants to talk to me about the machinery of government, I will be happy to take her intervention.

Nadine Dorries: Does the hon. Gentleman know exactly how much these impact assessments would cost the taxpayer?

Patrick Grady: That is exactly the point. The whole machinery of government is going to be tied up for years and years—this was supposed to be about taking back control. The reality is that, if the Government do not accept these amendments and do not do these things before article 50 is triggered, they will have to do them afterwards. They are simply going to have to figure out how Brexit impacts on every single Government Department. The whole machinery of government will have to be reformed—it stands to reason. So they can do what we propose before triggering article 50 and have some kind of certainty, or they can do it afterwards and the complete chaos can continue.

Mr MacNeil: Will my hon. Friend give way?

Patrick Grady: I think we need to continue looking at the various proposals.

Michael Gove: Will the hon. Gentleman give way?

Patrick Grady: I think we have heard enough from the former Justice Secretary for now.

The point made by the hon. Member for Mid Bedfordshire (Nadine Dorries) is exactly what amendment 70 touches on. It calls on the Chancellor to publish an impact assessment on his Department’s responsibilities. The responsibility of the Treasury will change quite significantly. As we heard from the Brexiteers throughout the campaign, the Treasury currently channels all this money into the European Union. It is going to have to reabsorb that money and have the structures to apportion it back out to lots of different Government Departments.

Deidre Brock (Edinburgh North and Leith) (SNP): My hon. Friend is doing a fantastic job of outlining a series of important areas that are likely to be greatly impacted on financially by the UK leaving the EU. Does he agree that the assessments we are calling for are the very least one should expect from any responsible Chancellor of the Exchequer?

Patrick Grady: My hon. Friend is absolutely right. An impact assessment, by definition, is more than simply something printed on the side of a bus.

Mr MacNeil: The argument put forward by the hon. Lady from England somewhere—the hon. Member for Mid Bedfordshire (Nadine Dorries)—is quite strange. It is akin to the person who says, “Given the cost of buying a map, isn’t it far better that we stumble around in the dark?” That is the argument against impact assessments: do not buy a map, stumble in the dark.

8.45 pm

Patrick Grady: Exactly.

Talking of maps, my hon. Friend brings me to amendment 71, which calls for the Foreign Secretary to publish an impact assessment on his Department’s responsibilities. We need clarity on the working relationships and the division of labour between the Foreign and Commonwealth Office and the Department for Exiting the European Union, especially as regards the UK’s permanent representation at the European Union, which we have to assume will continue in some form.
Stephen Gethins: It will be bigger.

Patrick Grady: Indeed—

Mr Rees-Mogg rose—

Patrick Grady: Does the hon. Gentleman welcome the fact that UKRep will probably have to get bigger? Does he welcome more UK bureaucrats in Brussels?

Mr Rees-Mogg: I hope that UKRep will be very slim. The hon. Gentleman is surely now suggesting the most pointless of all his impact assessments, because the Department for Exiting the European Union will cease to exist at the end of the process, and therefore having an impact assessment on what it might do before the process has ended is otiose beyond measure.

Patrick Grady: I am afraid that the hon. Gentleman has clearly not read the amendment. The amendment calls for the Foreign Secretary to publish an impact assessment that will include, but not exclusively, his relationships with the Department for Exiting the European Union.

Amendment 72—perhaps the right hon. Member for Chingford and Woodford Green (Mr Duncan Smith) will want to intervene on this—calls on the Secretary of State for Work and Pensions to publish an impact assessment on his responsibilities. The Scottish Government are seeking to give people in Scotland reassurances that they are allowed live and work here.

Michael Gove rose—

Patrick Grady: No, I am not giving way.

One of the key agreements of the UK’s renegotiation in earlier years was that the UK would be able to establish a four-year period before non-UK EU nationals have access to in-work benefits such as tax credits, child benefit and housing benefit. It is unclear whether the new deal that is done with the EU will enable the UK to impose such restrictions. The Scottish Government did not approve of the proposal and would want to seek different arrangements if they could. Again, there is a question about whether these powers will be devolved to the Scottish Parliament. There were only two pages—

Michael Gove: Will the hon. Gentleman give way?

Patrick Grady: No, I am not giving way to the right hon. Gentleman.

The token total of two pages on securing rights for EU nationals is telling about the UK Government’s real priorities.

Amendment 73 calls for the Secretary of State for International Trade to publish an impact assessment on his Department’s responsibilities. Trade policy is currently under EU competence, and leaving the EU single market and customs union would mean that it fell under the responsibility of the UK Government. The Secretary of State therefore needs to outline how his Department is going to make use of its new competence over trade policy.

Kevin Foster (Torbay) (Con) rose—

Patrick Grady: If the hon. Gentleman can tell me that, I will be happy to hear from him.

Kevin Foster: The hon. Gentleman is certainly giving a speech that is great in length. On amendment 73, would he suggest that the assessment by the Department for International Trade should include the potential impact of having to deal with Scotland outside the UK single market as an international trade partner?

Patrick Grady: Conveniently, we have heard from the Prime Minister in recent days about her support for friction-free travel and friction-free trade across the islands of the United Kingdom, so I have every confidence that when Scotland becomes an independent country—

Mary Creagh: On a point of order, Mr Hoyle. I wonder whether you can advise me. There are seven other hon. Members waiting to speak in this debate, including me, as a Select Committee Chair wanting to share with Members the scrutiny of our cross-party Committee. Does the time limit for this debate not indicate that important assessments on areas such as the environment and agriculture will not be heard by the Committee tonight? Can you send a message to the Lords to make sure that they do the job that this House is incapable of doing?

The Chairman of Ways and Means (Mr Lindsay Hoyle): We can enter into an argument about it, but the House decided on a programme motion, and unfortunately some people are a victim of that.

Mr MacNeil: On a point of order, Mr Hoyle.

The Chairman: Are we serious?

Mr MacNeil: Yes. I seek your guidance, Mr Hoyle. Is it in order for Members who abstained on the programme motion to complain about the programme, when they have taken no part in it?

The Chairman: I knew that my instinct was correct, and that that was not a point of order.

Patrick Grady: I take the point that the hon. Member for Wakefield (Mary Creagh) is making, and I believe she is indicating that she joined us in the Lobby to vote against the programme motion. I agreed with the point made by my friend from the Procedure Committee. We are all in favour of reform of this House. As it is, we will use the procedures of the House to hold the Government to account.

Amendment 74 calls for the Secretary of State for Business, Energy and Industrial Strategy to publish an impact assessment on his Department’s responsibilities. The vote to leave the European Union has plunged our business and energy sector into further uncertainty.

Nadine Dorries: On a point of order, Mr Hoyle. The Scottish National party has now been here for almost two years. That is sufficient time to have learned some of the manners and the protocol of the Chamber, which includes referring to Members by their—
The Chairman: Order. As a member of the Panel of Chairs, you know that you are not making a point of order.

Patrick Grady: That is an interesting point. The hon. Lady is sitting where a couple of other Members are accustomed to sit on Friday afternoons, and we have watched them rise and talk out private Member’s Bill after private Member’s Bill. So I will not hear Members of the Conservative party complaining about the legitimate use of the procedures of the House. We have tabled amendments. We went up to the Table Office and lodged amendments in precise accordance with the rules of the House, and we have every right to stand here and explain to the House the importance of our amendments.

Mr Rees-Mogg rose—

Patrick Grady: If the hon. Gentleman wants to talk to me about my amendments, I will be happy to listen to him.

Mr Rees-Mogg: I entirely agree with the hon. Gentleman. He is completely right to use the procedures of the House as they allow, and, if he carries on like this, he will reach the heights attained by my hon. Friend for Shipley (Philip Davies). [Interruption.]

Patrick Grady: I hope I am not hearing applause from Conservative Members, because that would be a breach of order.

It is important that we consider our amendment about BEIS, because the vote to leave the EU has plunged the business and energy sectors into further uncertainty.

Alan Brown: I reiterate that we are speaking to the amendments that we have tabled. One of the better productions from the UK Government is the Green Paper “Building our Industrial Strategy”, published by BEIS. The Green Paper highlights the challenges in skills gaps, in productivity and in research and development. It does not mention the challenge of leaving Europe, and it does not mention that leaving Europe is even an opportunity. That proves the need for an impact assessment from BEIS—

The Chairman: Order. Let us be a little bit fair. We understand what is going on. In the end, interventions have got to be shorter for Mr Grady to get towards the end of his speech.

Patrick Grady: I outlined at the start of my speech the amendments that we tabled. My hon. Friend makes a good point. We have spoken about the uncertainty caused by Euratom, which was, I accept, covered in important detail by Labour Members.

Chris Stephens (Glasgow South West) (SNP): Is not amendment 74 the most important one, because it includes workers’ rights? Many of us view the Government’s attitude to workers’ rights with great suspicion.

Patrick Grady: Absolutely; indeed, an entire new schedule on workers’ rights has been tabled.

Amendment 75 calls on the Secretary of State for Communities and Local Government to publish an impact assessment on his Department’s responsibilities. Local government throughout the UK receives a host of funding from the European Union, not least the structural funds that we have heard about many times.

Alison Thewliss (Glasgow Central) (SNP): Does my hon. Friend agree that with so many regulations being implemented by local government in areas such as food protection and waste disposal, local government needs to know what form those will take once we leave the EU?

Patrick Grady: My hon. Friend is absolutely right, and that is why we have tabled amendments calling for impact assessments.

Amendment 76 calls on the Secretary of State for International Development to publish an impact assessment on her Department’s responsibilities. Again, we need clarity and a full commitment to 0.7% of gross national income going to overseas development. That is similar to the amendment in my name, amendment 58, which I have already spoken about.

Amendment 77 calls on the Secretary of State for Culture, Media and Sport to publish an impact assessment.

Michael Gove: Will the hon. Gentleman give way?

Patrick Grady: No—which is exactly what the right hon. Gentleman said to me on Second Reading.

The UK Government need to clarify what involvement the EU’s digital single market, which is vital for supporting highly paid jobs in an exciting growth sector, will have. They have been completely silent on the digital single market, which will be one of the most important sectors of our economy—like tourism, which also comes under the remit of the DCMS. Approximately 20,000 EU nationals work in Scotland’s hospitality sector—12% of the total. What will be the impact on them?

Amendment 79 calls for the Chancellor to publish a report on matters relating to the pensions of UK nationals living and working in the European Union. Again, that is an area of great uncertainty, and I have heard about it from my own constituents. Some 400,000 UK nationals living in the EU receive a pension from the United Kingdom Government, and they are incredibly concerned about the impact of Brexit. The Government have done nothing to reassure them.

Amendment 80, one of the most important, calls on the Government to publish an equality impact assessment. We heard earlier from the hon. Member for Streatham (Mr Umunna) about the whole range of minority and interest groups in our society—faith groups, LGBT groups and so on—that are completely absent from the UK Government’s White Paper. That is why it is important that we hear about them in an impact assessment.

Kirsten Oswald (East Renfrewshire) (SNP): Does my hon. Friend agree that the Government’s failure to include an equality impact assessment is very distressing? It is completely contrary to their words of support for equality, which are so often let down by their actions.
Patrick Grady: Of course. Equalities are at the heart of the European project, which the Brexiteers have wanted to rip us away from.

Amendment 82 calls for a regional and national economic impact assessment.

John Mc Nally (Falkirk) (SNP): Why do we need an impact assessment? Well, right now chemical manufacturers and importers from non-EU countries are using the UK as a base from which they can guide chemicals through the REACH programme through the appointment of a UK-based only representative. When the UK leaves the EU, only representatives will no longer be able to be based here. Does my hon. Friend agree that that will incentivise—

The Chairman: Order. We wanted short interventions.

Patrick Grady: It will not surprise the House to hear that I entirely agree with my hon. Friend. The single market has allowed Scotland’s economy to flourish over all these years, and that is now at stake in a hard Tory Brexit.

Finally, new clause 138 addresses trade agreements. We have heard the FCO and the Department for International Trade boasting in public about new trade agreements that the UK will sign after it leaves the EU. Of course, it cannot sign them until it has left. That is why the Government have to be transparent and report on which trade agreements they are working on and give details on the nature and terms of those deals. It is crucial that the UK Government inform and consult Parliament in their ongoing trade talks and allow scrutiny throughout the process.

Mr MacNeil: Of nearly 200 members of the United Nations, only six states are outwith a regional trade agreement. The UK is to become the seventh, joining countries as small as those. Involved? The UK is going headlong towards a cliff in

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker): What a remarkable debate this has been. I congratulate the hon. Member for Glasgow North (Patrick Grady) on speaking for 58 minutes and for the ingenuity with which he made sure that the Committee heard so many Scottish voices. It will be clear to those who read the record that the voice of Scotland has been heard loud and clear in scrutinising this Bill.

I congratulate the hon. Member for Greenock and Woolwich (Matthew Pennycook) on making a clear and concise speech. Indeed, other hon. Gentlemen in the Chamber could have learned from his conciseness.

9 pm

It was a pleasure to hear the usual brilliance from my right hon. Friend the Member for Surrey Heath (Michael Gove) and the hon. Member for Streatham (Mr Umunna), but at times it felt a little like they were refighting the referendum. I am sure neither of them would have intended to do that, because they want us to move on with the process and bring people together.

The House has voted repeatedly that the Government should do nothing to undermine the negotiating position of the UK. The new clauses and amendments would all require the Government to publish some form of assessment of the implications of the UK’s exit from the European Union or particular aspects of it, from the single market, to the environment, to research and development.

Let us not forget what this very straightforward Bill is about. It is about respecting the decision taken in the referendum—a referendum that saw a lengthy and wide-ranging public debate about the impact of remaining in or leaving the EU. The Bill is not about whether we leave the EU or how; it simply allows the Government to implement the decision taken by the people of the United Kingdom in the referendum following that long campaign.

As the Committee knows, the Government are carrying out a wide-ranging programme of analysis relating to our exit from and our future relationship with the European Union. That analysis will be used to underpin our exit negotiations with the EU, to define the future partnership with the EU and to inform our understanding of how EU exit will affect our domestic policies.

Caroline Lucas: Will the Minister give way?

Mr Walker: I will come back to the hon. Lady later, because I suspect she wants to address environmental issues and I will come to those in my speech.

Our programme of analysis is important in enabling us to seize the opportunities and in ensuring that our EU exit is a smooth and orderly process. As we discussed yesterday, the Joint Ministerial Committee on exit negotiations was set up to develop a UK-wide approach to the forthcoming negotiations. I know that analysis has been and can be exchanged confidentially through
that forum. The Committee should be in no doubt that policy relating to EU exit is underpinned by rigorous and extensive analytical and assessment work. As with all internal analytical work in government, it is not the standard practice to give a public commentary as the analysis develops.

We have said all along that we will lay out as much detail as possible on EU exit, provided that doing so does not risk damaging our negotiating position. The House voted on a motion that confirmed that there should be no disclosure of material that could damage the UK in negotiations. In any negotiation, information on potential economic or financial considerations is very important to the negotiating capital and position of all parties.

Most of the new clauses and amendments would require the Government to publish analysis or assessment work before the process of negotiating with our European Union partners begins and, indeed, before the Prime Minister provides a notification under article 50, as Government Members have pointed out repeatedly. Those include new clause 5, which stands in the names of the Leader of the Opposition and many other Members; new clause 49, which stands in the names of the hon. Member for Pontypridd (Owen Smith) and many other Members; and new clause 143, which stands in the name of the hon. Member for North East Fife (Stephen Gethins) and many other SNP Members; as well as more than 40 other proposals that I do not intend to list. The common requirement is that we publish information at a time when it could either delay the triggering of article 50 or jeopardise the UK’s negotiating position. That runs contrary to the approach that has already been accepted by this House. For that reason, I cannot accept those new clauses and amendments.

I want to touch briefly on amendments 24 to 26, which were tabled by the hon. Member for Ilford South (Mike Gapes) to ensure that the Government take account of our responsibilities to represent the interests of Gibraltar, the Crown dependencies and the overseas territories. I assure him that we are doing exactly that. The amendments are not necessary. I met the members of the Joint Ministerial Council for the overseas territories this morning to take their views on board in this process.

Mike Gapes (Ilford South) (Lab/Co-op): Given that I was not able to make a speech, I am very grateful to be able to intervene. Is it not the case that we need more than a personal consultation with the Minister? This House and this Parliament should be aware of the implications for the overseas territories, the Crown dependencies and Gibraltar.

Mr Walker: The hon. Gentleman makes a very fair point. I am very pleased to say to him that the very first debate I replied to as a Minister—the hon. Member for Glasgow North (Patrick Grady) was kind enough to name Westminster Hall “Brexit Minister Hall”, because of the number of debates we have had there on this issue—was on Gibraltar and the impact of leaving the European Union. Colleagues across the House represent the interests of Gibraltar extremely well. I have had regular and productive meetings with the Chief Minister of Gibraltar, Fabian Picardo, who has made sure that its voice is heard very clearly by the UK Government. All the Chief Ministers of the overseas territories are being consulted, as are the Crown dependencies.

As a former Parliamentary Private Secretary to the Secretary of State for Women and Equalities, I welcome the interest in new clause 98, which makes reference to the Equality Act 2010 and protected characteristics. We are, of course, assessing a wide range of impacts as we develop our negotiating position, and we will continue to do so throughout the negotiation period. The Equality Act already provides a strong framework to ensure that the UK is well placed to continue driving equality forward. I assure the Committee that all the protections covered in the Equality Act 2006 and the Equality Act 2010 will continue to apply once the UK has left the European Union.

The Prime Minister has been clear: we want the UK to emerge from this period of change stronger, fairer, and more united and outward-looking than ever before. We want to get the right deal abroad, but ensure we get a better deal for ordinary working people at home. In the White Paper, we set out our ambition to use this moment of change to build a stronger economy and a fairer society by embracing genuine economic and social reform.

New clauses 42 to 48 and new clause 187 were tabled by the hon. Member for Bishop Auckland (Helen Goodman) who, sadly, is no longer in her place. What they have in common is a requirement for the Government to publish impact assessments no later than 18 months after Royal Assent. We cannot know, however, that 18 months after Royal Assent we will not still be engaged in negotiations with the European Union. If we were, those negotiations might be at an important and decisive stage. The new clauses could significantly jeopardise our negotiating position, so I hope the hon. Lady will not press them.

Similarly, new clause 167, in the name of the hon. Member for Feltham and Heston (Seema Malhotra), requires publication no later than 12 months after Royal Assent, and new clause 17, in the name of the hon. Member for Nottingham East (Chris Leslie), specifies publication 30 days after the Act comes into force. In each case, I reiterate and amplify my previous objection that the United Kingdom might well be in the middle of negotiations with the European Union.

I turn now to the new clauses tabled by the hon. Member for Penistone and Stocksbridge (Angela Smith) and others, including new clauses 101, 102, 103, 106 and 107. I would be happy to give way to the hon. Member for Brighton, Pavilion (Caroline Lucas) on the matter of the environment at this point.

Caroline Lucas: Will the Minister acknowledge that moving environmental policy from the EU to domestic policy through the repeal Bill will not be enough on its own? We need to make it enforceable and monitorable. What legal measures will he put in place to ensure we can enforce environmental legislation? While I have his attention, and at the risk of challenging his stereotype, how does he plan to replace the nuclear safety function if we recklessly leave Euratom?

Mr Walker: The hon. Lady raises very important points, which we will debate in detail when we come to the great repeal Bill. On Euratom, we absolutely want to continue to collaborate internationally to achieve the best and highest standards of nuclear safety, as well as to continue to work on nuclear research, where our country has been a global leader.
On the environment, the Prime Minister made very clear in her speech that Parliament will have the opportunity to debate and scrutinise any policy changes that result from our exit and the forthcoming negotiations. I have given evidence to the Environmental Audit Committee and have appeared before the House on a number of occasions. I have been clear that the UK will still seek to be an international leader on environmental co-operation. As part of the great repeal Bill, as the hon. Lady says, we will bring current EU law, including the current framework of environmental regulation, into domestic British law. We will ensure that that law has practical effect. This will preserve protections, and any future changes in the law will be subject to full parliamentary scrutiny. This House will therefore have the opportunity to debate this and other topics throughout the process.

That and future debates will no doubt draw on many assessments of what leaving the EU will mean for a wide variety of issues. The Government will also shortly be launching two closely linked Green Papers on food, farming and fisheries, and on the environment. They will be the next important stage in our dialogue on future policy with industry, environmental non-governmental organisations and the wider public.

No one can say what the final elements of the new agreement with the EU will be, and we do not know exactly how the timetable will work after negotiations are concluded. Parliament will have its say, but so too will others. Greater certainty will emerge as we go through the process, but for now there remain unknowns. For these reasons, we do not consider it wise or prudent to fix now in statute what the Government must publish at the end of a process that has not even begun or been timetabled. Doing so would constrain the flexibility of the UK Government at the end of the process and therefore potentially during negotiations. I come back to the simple purpose of the Bill—to allow the process of negotiation to begin and, in so doing, to respect the decision of the people of the UK in the referendum.

New clause 167, on young people, was also tabled by the hon. Member for Feltham and Heston, who unfortunately has had to leave us. I recently participated in a roundtable, along with colleagues from the Department for Culture, Media and Sport, with a wide range of young people from all over the country—from Scotland, Northern Ireland, Wales and England—to talk about their views on Brexit. It was interesting to hear from groups such as Undivided, bringing people together from both sides of the campaign to talk about the future. Every Member wants to focus on delivering a bright future for the young people of the UK, so I welcome the intention behind the new clause, but we can do that by coming together to represent the 100%, focusing on the future, getting the right deal for the UK in a new partnership with the EU and working together to deliver the opportunities those young people want.

Unfortunately, the new clause would require us to produce an economic analysis and so put us in the position of potentially giving information to the other side in the negotiations that could prejudice our position. The new clause also mentions the importance of Erasmus. The Government recognise the value of international exchange for students and are considering all the options for collaboration in education and training post-Brexit.

In the spirit of looking to the future, however, we should not use the Bill to publish information that could undermine our negotiating position.

For all the reasons I have set out, I hope that hon. Members concerned will not press their amendments. We will produce careful assessments of the vast majority of these factors as we prepare for and take part in the negotiations, and we will use them as evidence to protect the national interests of the United Kingdom, but we cannot and should not commit to putting that information into the hands of the other side. Well intentioned as the amendments are, I urge the Committee to reject them so that we can get on with the Bill in the interests of the whole United Kingdom.

Matthew Pennycook: In responding, I shall be as concise as I was earlier and simply say that although the Minister has said that the Government are internally carrying out rigorous analytical assessments, he has not given us the guarantees we sought on the publication of Her Majesty’s Treasury’s impact assessments of our future trading relations with the EU. For that reason, we will be pushing new clause 5 to a vote.

Question put. That the clause be read a Second time.

Division No. 143] [9.13 pm

A YE S
Abbott, Ms Diane
Abrahams, Debbie
Ahmed-Sheikh, Ms Tasmina
Alexander, Heidi
Ali, Rushanara
Allen, Mr Graham
Allin-Khan, Dr Rosena
Anderson, Mr David
Arkless, Richard
Ashworth, Jonathan
Austin, Ian
Bailey, Mr Adrian
Bardell, Hannah
Baron, rh Sir Kevin
Beckett, rh Margaret
Benn, rh Hilary
Berger, Luciana
Betts, Mr Olive
Black, Mhairi
Blackford, Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Blenkinsop, Tom
Blomfield, Paul
Boswell, Philip
Brabin, Tracy
Bradshaw, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Burnham, rh Andy
Butler, Dawn
Byrne, rh Liam
Cameron, Dr Lisa
Carmichael, rh Mr Alistair
Champion, Sarah
Chapman, Douglas
Chapman, Jenny
Cherry, Joanna
Clegg, rh Mr Nick
Clywd, rh Ann
Coaker, Vernon
Coffey, Ann
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowan, Ronnie
Coyne, Neil
Crausby, Sir David
Crawley, Angela
Creagh, Mary
Creasy, Stella
Craddas, Jon
Cryer, John
Cummins, Judith
Cunningham, Alex
Cunningham, Mr Jim
Dakin, Nic
David, Wayne
Davies, Geraint
Day, Martyn
De Piero, Gloria
Docherty-Hughes, Martin
Donaldson, Stuart Blair
Doughty, Stephen
Dowd, Jim
Dowd, Peter
Dronry, Jane
Dugher, Michael
Durkan, Mark
Eagle, Ms Angela
Cadbury, Ruth
Campbell, rh Mr Alan
Champion, Sarah
Chapman, Douglas
Chapman, Jenny
Cherry, Joanna
Clegg, rh Mr Nick
Clywd, rh Ann
Coaker, Vernon
Coffey, Ann
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowan, Ronnie
Coyne, Neil
Crausby, Sir David
Crawley, Angela
Creagh, Mary
Creasy, Stella
Craddas, Jon
Cryer, John
Cummins, Judith
Cunningham, Alex
Cunningham, Mr Jim
Dakin, Nic
David, Wayne
Davies, Geraint
Day, Martyn
De Piero, Gloria
Docherty-Hughes, Martin
Donaldson, Stuart Blair
Doughty, Stephen
Dowd, Jim
Dowd, Peter
Dronry, Jane
Dugher, Michael
Durkan, Mark
Eagle, Ms Angela
Bills to Be Taken

EU (Notification of Withdrawal) Bill

7 FEBRUARY 2017

European Union (Notification of Withdrawal) Bill

Tellers for the Ayes:

Thomas, Owen
Thompson, Michelle
Thornberry, Emily
Timms, rh Stephen
Trickett, Jon
Turley, Anna
Turner, Karl
Twigg, Derek
Twigg, Stephen
Umunna, Mr Chuka
Vaz, Valerie
Watson, Mr Tom
Weir, Mike
West, Catherine
Whiteford, Dr Elidid
Whitehead, Dr Alan
Whitford, Dr Philippa
Williams, Hywel
Williams, Mr Mark
Wilson, Corri
Wilson, Phil
Winnick, Mr David
Winterton, rh Dame Rosie
Wishart, Pete
Woodcock, John
Wright, Mr Iain
Zeichner, Daniel

Tellers for the Ayes:

Thangam Debbonaire and
Jeff Smith

NOES

BURNS, Sir Simon
Burrowes, Mr David
Burt, rh Alistair
Cairns, rh Alun
Campbell, Mr Gregory
Campbell, Mr Ronnie
Carmichael, Neil
Carswell, Mr Douglas
Cartlidge, James
Cash, Sir William
Caufield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Mr Christopher
Churchill, Jo
Clark, rh Greg
Cleverly, James
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Colville, Oliver
Costa, Alberto
Courts, Robert
Cox, Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Davies, Byron
Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Dr James
Davies, Mims
Davies, Philip
Davies, rh Mr David
Dinenage, Caroline
Djanogly, Mr Jonathan
Dodds, rh Mr Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle

Agnew, Nigel
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Amess, Sir David
Andrew, Stuart
Ansell, Caroline
Argar, Edward
Atkins, Victoria
Bacon, Mr Richard
Baker, Mr Steve
Baldwin, Harriett
Barclay, Stephen
Baron, Mr John
Barwell, Gavin
Bebb, Guto
Bellingham, Sir Henry
Benyon, Richard
Beresford, Sir Paul
Berry, Jake
Berry, James
Bingham, Andrew
Blackman, Bob
Blackwood, Nicola
Blunt, Crispin
Boles, Nick
Bone, Mr Peter
Bosworth, Victoria
Bottomley, Sir Peter
Bradley, rh Karen
Bradby, Mr Graham
Brazier, Sir Julian
Bridgen, Andrew
Brine, Steve
Brokenbrow, rh James
Bruce, Fiona
Buckland, Robert
Burns, Conor

Adams, Nigel
African, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Amess, Sir David
Andrew, Stuart
Ansell, Caroline
Argar, Edward
Atkins, Victoria
Bacon, Mr Richard
Baker, Mr Steve
Baldwin, Harriett
Barclay, Stephen
Baron, Mr John
Barwell, Gavin
Bebb, Guto
Bellingham, Sir Henry
Benyon, Richard
Berkeley, Sir Paul
Berry, Jake
Berry, James
Bingham, Andrew
Blackman, Bob
Blackwood, Nicola
Blunt, Crispin
Boles, Nick
Bone, Mr Peter
Bosworth, Victoria
Bottomley, Sir Peter
Bradley, rh Karen
Bradby, Mr Graham
Brazier, Sir Julian
Bridgen, Andrew
Brine, Steve
Brokenbrow, rh James
Bruce, Fiona
Buckland, Robert
Burns, Conor

Eagle, Maria
Edwards, Jonathan
Efford, Clive
Elliot, Julie
Ellman, Mrs Louise
Elmore, Chris
Esterson, Bill
Evans, Chris
Farrelly, Paul
Farron, Tim
Fellows, Marion
Ferrier, Margaret
Fitzpatrick, Jim
Fiello, Robert
Fletcher, Colleen
Flint, rh Caroline
Flynn, Paul
Fovargue, Yvonne
Foxcroft, Vicky
Furness, Gill
Gapes, Mike
Gardiner, Barry
Gethins, Stephen
Gibson, Patricia
Glindon, Mary
Goodman, Helen
Grady, Patrick
Grant, Peter
Gray, Neil
Green, Kate
Greenwood, Lilian
Greenwood, Margaret
Griffith, Nia
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Hanson, rh Mr David
Harman, rh Ms Harriet
Harris, Carolyn
Hayes, Helen
Hayman, Sue
Healey, rh John
Hendrick, Mr Mark
Hendry, Drew
Hepburn, Mr Stephen
Hermon, Lady
Hillier, Meg
Hodgson, Mrs Sharon
Holern, Kate
Hosie, Stewart
Hug, Dr Rupa
Hussain, Imran
Jarvis, Dan
Johnson, rh Alan
Johnson, Diana
Jones, Gerald
Jones, Graham
Jones, Mr Kevan
Jones, Susan Elan
Kane, Mike
Keeley, Barbara
Kendall, Liz
Kerevan, George
Kerr, Calum
Kinnock, Stephen
Kyle, Peter
Lamb, rh Norman
Lammy, rh Mr David
Lavery, Ian
Lay, Chris
Leslie, Chris
Lewell-Buck, Mrs Emma
Lewis, Clive
Lewis, Mr Ivan
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
MacNeil, rh Angus Brendan
MacTaggart, rh Fiona
Maddron, Justin
Mahrmond, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Mann, John
Marris, Rob
Marsden, Gordon
Maskell, Rachel
Matheson, Christian
McNally, John
McCabe, Steve
McCaig, Callum
McCarthy, Kerry
McDonagh, Siobhain
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, Dr Alasdair
McDonnell, rh John
McFadden, Mr Pat
McGarry, Natalie
McGinn, Conor
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McLaughlin, Anne
McMahon, Jim
Meale, Sir Alan
Miliband, rh Edward
Monaghan, Carol
Monaghan, Dr Paul
Moon, Mrs Madeleine
Morden, Jessica
Morris, Grahame M.
Mulholland, Greg
Mullin, Roger
Murray, Ian
Nandy, Lisa
Newlands, Gavin
Nicholson, John
O'Hara, Brendan
Olmey, Sarah
Onn, Melanie
Onwurah, Chi
Osamor, Kate
Oswald, Kirsten
Owen, Albert
Paterson, Steven
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Pound, Stephen
Powell, Lucy
Pugh, John
Qureshi, Yasmin
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Rachel
Reynolds, Jonathan
Rimmer, Marie
Ritchie, Ms Margaret
Robertson, rh Angus
Robinson, Mr Geoffrey
Rotheram, Steve
Salmond, rh Alex
Saville Roberts, Liz
Shah, Naz
Sharman, Mr Virendra
Sheerman, Mr Barry
Sheppard, Tommy
Sherriff, Paula
Shuker, Mr Gavin
Siddiq, Tulip
Skinner, Mr Dennis
Slaughter, Andy
Smeeth, Ruth
Smith, rh Mr Andrew
Smith, Angela
Smith, Cal
Smith, Nick
Smith, Owen
Smyth, Karin
Spellar, rh Mr John
Starmer, Keir
Stephens, Chris
Stevens, Jo
Streeting, Wes
Tam, Mark
Theewiss, Alison
Thomas, Mr Gareth
Thomas-Symonds, Nick

Adams, Nigel
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Amess, Sir David
Andrew, Stuart
Ansell, Caroline
Argar, Edward
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Blackwood, Nicola
Blunt, Crispin
Boles, Nick
Bone, Mr Peter
Bosworth, Victoria
Bottomley, Sir Peter
Bradley, rh Karen
Brady, Mr Graham
Brazier, Sir Julian
Bridgen, Andrew
Brine, Steve
Brokenbrow, rh James
Bruce, Fiona
Buckland, Robert
Burns, Conor

BURNS, Sir Simon
Burrowes, Mr David
Burt, rh Alistair
Cairns, rh Alun
Campbell, Mr Gregory
Campbell, Mr Ronnie
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Cartlidge, James
Cash, Sir William
Caufield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Mr Christopher
Churchill, Jo
Clark, rh Greg
Cleverly, James
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Colville, Oliver
Costa, Alberto
Courts, Robert
Cox, Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Davies, Byron
Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Dr James
Davies, Mims
Davies, Philip
Davies, rh Mr David
Dinenage, Caroline
Djanogly, Mr Jonathan
Dodds, rh Mr Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
7 FEBRUARY 2017

European Union (Notification of Withdrawal) Bill

The Chair put forthwith the Question necessary for the disposal of the business to be concluded at that time (Standing Order No. 83D).

Question accordingly negatived.

9.28 pm

More than seven hours having elapsed since the commencement of proceedings, the proceedings were interrupted (Programme Order, 1 February).

The Chair put forthwith the Question necessary for the disposal of the business to be concluded at that time (Standing Order No. 83D).

Tellers for the Noes:
Heather Wheeler and Andrew Griffiths
Financial Liability of the UK towards the EU

“The Prime Minister may not exercise the power under section 1 until the Chancellor of the Exchequer has—

(a) published an assessment of the financial liability of the UK towards the EU following the United Kingdom’s withdrawal from the European Union, and

(b) made a statement to the House of Commons on the economic impact of the United Kingdom leaving the single market.”—(Stephen Gethins.)

Brought up.

Question put, That the clause be added to the Bill.

The Committee divided: Ayes 79, Noes 333.

Division No. 144 [9.28 pm]

AYES

Ahmed-Sheikh, Ms Tasmina
Arkless, Richard
Bardell, Hannah
Black, Mhairi
Blackford, Ian
Blackman, Kirsty
Boswell, Philip
Brake, rh Tom
Brook, Deidre
Brown, Alan
Cameron, Dr Lisa
Carmichael, rh Mr Alistair
Chapman, Douglas
Cherry, Joanna
Clegg, rh Mr Nick
Cowan, Ronnie
Coyle, Neil
Crawley, Angela
Creasy, Stella
Davies, Geraint
Day, Martyn
Docherty-Hughes, Martin
Donaldson, Stuart Blair
Durkan, Mark
Edwards, Jonathan
Farrelly, Paul
Farron, Tim
Ferrier, Margaret
Gapes, Mike
Gethins, Stephen
Gibson, Patricia
Grady, Patrick
Grant, Peter
Gray, Neil
Hendry, Drew
Hermont, Lady
Hosie, Stewart
Kerevan, George
Kerr, Calum
Lamb, rh Norman
Law, Chris
Lucas, Caroline

NOES

Adams, Nigel
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Amess, Sir David
Andrew, Stuart
Ansell, Caroline
Bellingham, Sir Henry
Benyon, Richard
Beresford, Sir Paul
Berry, Jake
Berry, James
Bingham, Andrew
Blackman, Bob
Blackwood, Nicola
Blunt, Crispin
Boles, Nick
Bone, Mr Peter
Borwick, Victoria
Bottomley, Sir Peter
Bradley, rh Karen
Brady, Mr Graham
Brazier, Sir Julian
Brigden, Andrew
Brine, Steve
Brokenshire, rh James
Bruce, Fiona
Buckland, Robert
Burns, Conor
Burns, rh Sir Simon
Burrowes, Mr David
Burt, rh Alistair
Cairns, rh Alun
Campbell, Mr Gregory
Carmichael, Neil
Carswell, Mr Douglas
Cartidge, James
Cash, Sir William
Caufield, Marla
Chalk, Alex
Chishti, Rehman
Chope, Mr Christopher
Churchill, Jo
Clark, rh Greg
Cleverly, James
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Colville, Oliver
Costa, Alberto
Courts, Robert
Cox, Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Davies, Byron
Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Dr James
Davies, Mims
Davies, Philip
Davies, rh Mr David
Dinenage, Caroline
Djungloy, rh Mr Jonathan
Dodds, rh Mr Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Dorries, Nadine
Double, Steve
Dowden, Oliver
Doyle-Price, Jackie
Drax, Richard
Drummond, Mrs Flick
Dudbridge, James
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Dunne, Mr Philip
Elliot, Tom
Ellis, Michael

Ellison, Jane
Ellwood, Mr Tobias
Elphicke, Charlie
Eustice, George
Evans, Graham
Evans, Mr Nigel
Evennett, rh David
Fabricant, Michael
Fallon, rh Sir Michael
Fernandes, Suella
Field, rh Frank
Field, rh Mark
Foster, Kevin
Fox, rh Dr Liam
Francois, rh Mr Mark
Frazer, Lucy
Freeman, George
Freer, Mike
Fuller, Richard
Fysh, Marcus
Garner, rh Sir Edward
Garnier, Mark
Gauke, rh Mr David
Ghani, Nusrat
Gibb, rh Mr Nick
Gillan, rh Mrs Cheryl
Glen, John
Goodwill, Mr Robert
Gove, rh Michael
Graham, Richard
Gray, James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Greening, rh Justine
Grieve, rh Mr Dominic
Gummer, rh Ben
Gyimah, Mr Sam
Haddon, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harrington, Richard
Harris, Rebecca
Hart, Simon
Haselhurst, rh Sir Alan
Hayes, rh Mr John
Heald, rh Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Hinds, Damian
Hoare, Simon
Hollern, Kate
Hollingbery, George
Hollinsrake, Kevin
Hollombone, Mr Philip
Holloway, Mr Adam
Hopkins, Kelvin
Hopkins, Kris
Howarth, Sir Gerald
Howell, John
Howlett, Ben
Huddleston, Nigel
Hunt, rh Mr Jeremy
Hurd, Mr Nick
Jackson, rh Mr Stewart
James, Margot
Tellers for the Ayes: Andrew Griffiths and Helen Whately.

Tellers for the Noes: Heather Wheeler and Andrew Griffiths.
Driving Offences: Government Consultation

Motion made, and Question proposed, That this House do now adjourn.—(Chris Heaton-Harris.)

9.42 pm

Wayne David (Caerphilly) (Lab): Most drivers drive safely, and Britain has one of the best safety records in the world. It is good to see growing public awareness of the need for safety, and a growing number of community groups are working with the police to reduce the incidence of speeding on our roads. I refer, for example, to the excellent work of the Draethen, Waterloo and Rudry community voice project and the Machen community road watch, both in my constituency.

At the same time, with a growing number of vehicles on the road, there is growing public concern about aspects of the law as it relates to driving. In particular, the law and sentencing guidelines do not always provide a proportionate response to the crimes committed on our roads. In that context, I refer to an accident that occurred in south Wales a year-and-a-half ago.

In October 2015, an horrendous accident occurred in Georgetown, Merthyr Tydfil in which three young men from Gilfach, Bargoed in my constituency lost their lives. They were passengers in a car that crashed into a roadside telegraph post. Two of the young men were presumed dead at the scene of the accident, and the third man died of his injuries some weeks later. The driver of the car and the front-seat passenger both survived the accident.

The driver of the car was arrested some weeks later on suspicion of causing death by dangerous driving. He was released on police bail and allowed to continue driving. I understand that the law has now been changed to prevent such an occurrence.

At the end of the trial, the judge stated that there was insufficient evidence to “prove to the right standard that the defendant’s driving was dangerous”.

Instead, the defendant was found guilty of causing death by careless driving. The defendant admitted three counts of death on that basis and was jailed for 10 months. The charges of death by dangerous driving were dismissed by the judge.

The sentence that was delivered was, I am told, in line with sentencing guidelines and reflects the plea of guilty made by the defendant. But given the severity of the crime, the families of the three young men who had lost their lives were naturally shocked and appalled by the leniency of the sentence. Indeed, everyone who has read or heard about this case has been aghast at how such a lenient sentence could have been imposed. I am told that the defendant showed no remorse during the trial and, to make matters worse, he was released from prison having served only five months of his sentence.

Although I do not expect the Minister to comment on this case, I would like to make two further points relating to it. First, I am told that a material fact was not brought to the attention of the judge due to a police failing: some months before the accident, the defendant had been cautioned for a driving offence, but that caution had not been recorded properly by Gwent police and therefore it was not brought to the attention of the judge. The caution would probably have been
inadmissible as evidence, but it may have had a bearing on the sentence delivered. The matter has been taken-up with Gwent police and with the police and crime commissioner for Gwent.

I am also concerned about the apparent lack of sensitivity and support for the families of the deceased young men shown by the Crown Prosecution Service. Having indicated to the families that a charge of death by dangerous driving was being pursued, the CPS did not then sufficiently explain to the families why a lesser charge was being imposed. This case is obviously germane to the Government’s consultation on “Driving offences and penalties relating to causing death or serious injury”. That consultation concluded at the start of this month. It was an important consultation and I have made a submission to it. The Government will now consider whether the sentencing guidelines ought to be modified.

Jim Shannon (Strangford) (DUP): The hon. Gentleman has brought a very important issue to the House for consideration, and we are all here because we support him and congratulate him on doing that. Does he agree that the average sentence of not even four years is certainly not enough of a penalty for those who take a life in this way? Does he further agree that we should consider a life sentence for those who have a history of dangerous driving? Does he agree that we should consider a life sentence for those who have a history of dangerous driving, such as those he has referred to?

Wayne David: I have a great deal of sympathy with the point that has been made. One point I want to elaborate on later is the inadequacy of the sentencing for crimes of this sort.

I referred to the consultation and I am disappointed by it, as, unfortunately, the Government circumscribed it from the start. They did that by stating that they had already decided that there was to be no change in the legislation relating to the definition of careless driving and dangerous driving. Although the consultation paper from the Ministry of Justice acknowledges that the distinction between careless and dangerous driving has been “the subject of extensive scrutiny and debate”, the Government indicated that they had already made up their mind in favour of maintaining the status quo. This is most unfortunate.

The case regarding my constituents from Bargoed has, among other things, highlighted that the distinction between careless driving and dangerous driving is artificial and unhelpful in ensuring that sentences reflect the gravity of the crime they seek to punish. The definition of careless driving is set-out in section 2A of the Road Traffic Act 1988 and it stipulates that a person is driving carelessly if they are driving without “due care and attention”. The law also adds that there is careless driving if the manner of driving falls below what could be expected of a competent and careful driver.

What constitutes dangerous driving is set out in section 2A(1) of that Act. It applies to a person whose driving falls far below what could be expected of a competent and careful driver.

The consultation paper makes the fair point that it is impossible to set out what might constitute careless or dangerous driving in every case because, quite obviously, every case is different. However, that is a strong argument for having a continuum of what I will call bad driving, rather than a division between careless and dangerous driving. As things stand, given that the threshold for proving dangerous driving is quite high, it is much easier to err on the side of caution and secure a conviction for the lesser offence of careless driving. That is an argument relevant to a prosecutor’s decision, as well as to a judge’s determination.

As I have said, I have made a submission to the consultation. An important submission has also been made by Brake, the road safety charity, in which it, too, argues that the distinction between careless driving and dangerous driving is questionable, particularly in cases relating to death and injury. Brake has also pointed out that there is a lack of consistency in the differentiation between careless driving and dangerous driving. Its submission says: “the test lacks any benchmark for consistency due in large part to the variability of facts on a case to case basis”.

In reality, the line between the low of what is expected of a competent and careful driver, and far below that, is impossible to pinpoint with any degree of accuracy. As Brake has pointed out, there is also a need to change our terminology. I accept that it is insufficient simply to advise the judiciary to refer to “bad driving”. Equally, it is inappropriate to talk of careless driving when we are referring to death or serious injury. The language of the charges needs to be changed to reflect the seriousness of the issue.

It is clear that the law needs to be changed. As it stands, the law, and the sentencing guidelines that emanate from it, do not command full public confidence. Surprising though it must seem, only a minority of people convicted of death by careless driving are given a custodial sentence, and the average sentence is little over a year. In 2011, the average length of a custodial sentence for causing death by careless driving was 15.3 months; in 2014, it was 10.4 months; and in 2015, it was 14.4 months. In the case I have highlighted, in which three young men lost their lives, the sentence was a mere 10 months.

I hope the Government listen to what members of the public are saying and take heed of what Brake is arguing for. The consultation may have concluded, but I very much hope that the Government will begin a more fundamental consultative process that will eventually lead to a change in the law. Any changes made will not correct the wrongs that have been done to the families of the three young men from Bargoed, but they will at least help to ensure that other families might not have to go through the torment that they have experienced over the past year and a half.

9.53 pm

The Parliamentary Under-Secretary of State for Justice (Mr Sam Gyimah): I congratulate the hon. Member for Caerphilly (Wayne David) on securing this debate about the Government’s consultation on driving offences and penalties relating to causing death or serious injury. In one way, the debate is timely, as the consultation closed last week—on 1 February. I want to take this opportunity to thank the thousands of people—more than 9,000, in fact—who took the time to respond. We received responses from road safety groups such as Brake, driving organisations, academics, Members of this House, police
officers, prosecutors, defence lawyers and families who lost loved ones as a result of terrible driving offences. We also heard from members of the general public who simply wanted to share what they thought about road traffic offences and penalties. I am grateful for the time and effort that all those people put into their responses.

I am sure that Members appreciate that I am not going to set out now, just a week later, the Government’s assessment and our response to the consultation. We will, of course, consider every one of those 9,000-plus responses. We will then produce a written response and bring forward proposals for legislative or other changes.

Before the consultation closed, I met a number of families who have experienced terrible losses as a result of driving offences. I was struck by how much they wanted to respond to the consultation because they needed to share their experience and wanted to make the law as effective as possible. As a Justice Minister, I cannot comment on individual cases, including the charges brought or the sentences imposed. However, from talking to those families and a series of debates that I attended last year, I know that many Members of this House will be aware of cases involving road deaths in their own constituencies.

I know that there was a particularly tragic case in the hon. Gentleman’s constituency when three young men were killed by a driver who was subsequently convicted of causing death by careless driving. I extend my deepest sympathies to the families and friends of those three young men who died when they were just at the beginning of their adult lives.

Although I cannot comment on individual cases, I do want to deal with the main points raised by the hon. Gentleman. He suggests that the Government should have expanded the consultation to include a consideration of the differences between careless driving and dangerous driving. The consultation does in fact deal with that important issue, particularly the suggestion that the distinction between careless driving and dangerous driving should be abolished and replaced with one “bad driving” offence.

I recognise, as is set out in the consultation, that this can be a difficult area of law. What amounts to dangerous driving is determined not, as is more normal in the criminal law, by considering the driver’s state of mind or intentions, which in the context of driving is often difficult to ascertain, but by examining the nature of the driving. The law sets out an objective test that is designed to compare the driving of a defendant in the specific circumstances of their case with what would be expected of a notional careful and competent driver. In general terms, if the court considers that the defendant’s driving falls far below that standard, and it would be obvious to a competent and careful driver that the manner of the driving was dangerous, the court will find it to have been dangerous driving.

Our law needs to reflect that while the harm caused in homicide cases and fatal driving offences is the same, because someone has died, the offender’s culpability for the death may be significantly different. The consultation examined the option for a single bad driving offence. It set out in detail why the Government are not persuaded of a case for change. Those who propose a single test have said that it will lead to more convictions and longer sentences. As is set out in the consultation, we do not believe that that is necessarily the case. That is because the maximum penalty for the single offence would have to be broad enough to cover the most serious cases—we have proposed a life sentence for causing death—and also the least serious when the driver’s culpability for the death is very low. If we do not have a distinction in the offences between the seriousness of the offending, it is possible that the conviction rate may actually fall because juries might be reluctant to convict a driver in lesser cases—one where they can imagine themselves in the same position—for an offence with a very serious maximum penalty.

Wayne David: I acknowledge the Minister’s argument, which I have heard before. If we went out to consultation on this specific issue, which we have not really done, would it not be far better if the Government were informed by a wider legal debate as well as public opinion in case they might want to change the law in the future?

Mr Gyimah: The hon. Gentleman makes an important point. I suspect that if I were to look at his submission to the consultation, I would see that he has made points similar to those that he has raised in this debate. When Members of the public have concerns, I am sure that they will have made us aware of them through the consultation process. That is absolutely fair—it is why we have a consultation—but a consultation has to start and finish somewhere.

The Government’s case is that if we do not have a distinction between the seriousness of offences, the conviction rate could fall. Sentences might not increase either, because the judge in the case would still consider the culpability of the offender when deciding the appropriate sentence. I would not want to mislead victims and families by suggesting that a broader offence would necessarily result in higher sentences.

I disagree that a single offence would mean that the Crown Prosecution Service would be unable to accept a lesser plea in circumstances when that was inappropriate. The CPS operates under the code for Crown prosecutors and will bring the most serious charge appropriate for the behaviour when there is a reasonable chance of securing a conviction that is in the interest of justice. It is worth noting that a judge may direct that there is no evidence to sustain a more serious charge in some cases.

In conclusion, let me repeat that there can be nothing more tragic than the loss of young lives—any lives—especially when that loss is avoidable. I know only too well that many hon. Members have seen cases where people have died in such circumstances in their constituencies, and where there are concerns about the sentences imposed. As I said in a debate at the end of last year, for too long these concerns have not been acted upon. At that time, I reaffirmed the Government’s commitment to consulting on the offences and penalties for driving offences resulting in death and serious injury. That is what the Government have done. We will analyse all the responses and come forward with plans in the near future.

Question put and agreed to.

10.1 pm
House adjourned.
Oral Answers to Questions

CABINET OFFICE AND THE CHANCELLOR OF THE DUCHY OF LANCASTER

The Minister for the Cabinet Office was asked—

Electoral Fraud

1. Neil Parish (Tiverton and Honiton) (Con): Whether he plans to implement the proposals made in the “Securing the ballot” review of electoral fraud. [908661]

Mr Speaker: I call Minister Robin Walker.

The Parliamentary Secretary, Cabinet Office (Chris Skidmore): Indeed, Chris Skidmore.

Mr Speaker: I do beg the hon. Gentleman’s pardon. There is a minor likeness.

Chris Skidmore: It is a mistake commonly made.

The Government published on 27 December their response to the review of electoral fraud by my right hon. Friend the Member for Brentwood and Ongar (Sir Eric Pickles). The response sets out clearly the action that the Government intend to take on each recommendation and proposes a comprehensive programme for reforming our electoral system and making our democracy more secure.

Mr Speaker: I am not sure which of the two of you is the more offended, but my apologies to the both of you.

Neil Parish: In December 2008, I was an election observer in Bangladesh. Because of previous voter fraud, photographs were taken of 80 million people, and people were clearly identifiable from those photographs when they went to vote. Have the Government considered doing that? A democracy needs as many people to vote as possible, but we do not want identity fraud when people vote.

Chris Skidmore: My hon. Friend makes a good point about international comparisons. Many countries, including Canada, Brazil and Austria, already require photographic ID to vote at polling stations, and such a scheme was introduced in Northern Ireland in 2003. The Government are taking forward pilots to look at electoral identification in the 2018 local government elections, and we are willing to test various forms of identification—photographic and non-photographic—to ensure above all that no one is disenfranchised.

2. Nick Smith (Blaenau Gwent) (Lab): Has the Minister made any equality impact assessment of the recommendation to ban the use of any language other than English or Welsh in polling stations?

Chris Skidmore: The issue of language in polling stations is an important part of the package of measures in our response to my right hon. Friend’s report. If electoral administrators are to do their job and be confident that no one is being put under undue pressure or influence when voting, it is important that we look at

Margaret Ferrier (Rutherglen and Hamilton West) (SNP): Has the Minister made any equality impact assessment of the recommendation to ban the use of any language other than English or Welsh in polling stations?

Chris Skidmore: The issue of language in polling stations is an important part of the package of measures in our response to my right hon. Friend’s report. If electoral administrators are to do their job and be confident that no one is being put under undue pressure or influence when voting, it is important that we look at...
the question of language. At the same time, the Government’s announcements will be thorough and based on correct analysis, and we will be going through due process to ensure that all the impact assessments are correct.

Voter Identification Measures

2. Sir Simon Burns (Chelmsford) (Con): What his policy is on proposals to pilot voter identification measures in polling stations.

3. Justin Tomlinson (North Swindon) (Con): What his policy is on proposals to pilot voter identification measures in polling stations.

4. Henry Smith (Crawley) (Con): What his policy is on proposals to pilot voter identification measures in polling stations.

The Parliamentary Secretary, Cabinet Office (Chris Skidmore): In our response to the review of electoral fraud by my right hon. Friend the Member for Brentwood and Ongar (Sir Eric Pickles), we outlined our intention to run several pilot schemes in a number of local authority areas in 2018, the purpose of which is to test the impact on elections of asking electors to present identification before voting.

Sir Simon Burns: Does my hon. Friend agree that voting is one of a citizen’s most important duties, and that introducing proof of ID would bring voting into line with other everyday transactions such as getting a mortgage or renting a car?

Chris Skidmore: I entirely agree with my right hon. Friend. When it comes to voting, there cannot be a more important transaction someone can make over five years than to democratically elect their Member of Parliament or councillor. It is right that that process is respected and that, as for so many other transactions in the modern world, we bring it up to date. It is not acceptable for someone simply to turn up at the voting booth, point out their name and claim that as their identity. That does not happen anywhere else. It is time to bring our democracy up to date.

Justin Tomlinson: Voter fraud is unacceptable, and I welcome any measure to secure democracy. Swindon Borough Council has repeatedly been commended for good election practice, so will the Minister consider us for future pilots?

Chris Skidmore: I thank my hon. Friend for his question. We have had a great deal of interest in the pilot process from local authorities. We are currently conducting a review to decide exactly what form those pilots will take—as I said, some will involve photographic ID and some will involve non-photographic ID. We are determined to ensure that interested local authorities can come forward in good time so that they can participate in a pilot project. On Monday, I addressed the Association of Electoral Administrators at its annual conference in Brighton, and I was struck by the fact that more than 50% of electoral administrators supported the introduction of ID in polling stations.

Henry Smith: My hon. Friend the Minister is absolutely right that voter identification is common practice in many sophisticated democracies around the world. What best practice have the Government been taking from those other countries?

Chris Skidmore: My hon. Friend is entirely right. We expect that by introducing the pilot schemes, we will provide invaluable learning for strengthening our electoral system, but we also want to learn from international comparisons with countries such as Canada, Austria and Brazil, which require voter identification. As I have stated, voters in Northern Ireland have had to present identification since 1985, and photographic identification since 2003. Further information is available in the Electoral Commission’s report “Electoral fraud in the UK”. We will consider the international comparisons going forward.

Tommy Sheppard (Edinburgh East) (SNP): The Government are deluding themselves if they think that personation is the main challenge to the integrity of our democratic system. The main challenge to its integrity and credibility is the fact that millions of our fellow citizens who are entitled to vote do not do so. Would it not be better for the Government to spend time and money on pilot projects designed to increase participation, such as a radical overhaul of how we teach democratic rights in schools; on pursuing online voting; and, most of all, on automatic voter registration, so that the ability to vote is not something people have to apply for?

Chris Skidmore: I am grateful to the hon. Gentleman for raising democratic participation. As I have stated, we now have a record 46.5 million people on the electoral register and turnout at elections is at a record level. Nevertheless, we can and must do more. The ideas of a clear and secure democracy and looking at voter identification pilots are just part of a package of measures. We also have another crucial strand: ensuring that every voice matters. In spring, I will set out our democratic engagement strategy, which will include further pilots of schemes to use civil society groups to encourage voter registration.

Mr Gregory Campbell (East Londonderry) (DUP): Will the Minister give an assurance that the issue of postal and proxy vote applications, which can also be subject to abuse, will be kept under review, in terms of the accurate identification of the person who is supposed to be applying for such votes?

Chris Skidmore: I am grateful to the hon. Gentleman for raising that issue. When we published our response to the report of my right hon. Friend the Member for Brentwood and Ongar, the top line was obviously ID in polling stations, but there was also an entire package of measures, including looking again at postal vote fraud, banning the harvesting of postal votes by political parties, and limiting the number of postal vote packs that can be handled by family members to two. I entirely take the hon. Gentleman’s point, and we will continue to review those matters.

Cat Smith (Lancaster and Fleetwood) (Lab): The Electoral Commission tells us that 3.5 million genuine, legitimate electors do not have the valid photo-identification
that would be required in the trials, and risk being denied their votes. Blackburn with Darwen Council recently passed a motion to oppose the trial there, Pendle has called for a rethink, and Burnley is considering a similar motion. When will the Minister abandon his tatty copy of the Republican party’s playbook on voter suppression and listen to the sensible voice of the good folk of Lancashire?

Chris Skidmore: The hon. Lady mentioned the Electoral Commission, but she omitted to say that it has stated that it welcomes the “full and considered response from the Government and the announcement of its intention to pilot measures to increase security at polling stations.”

The Electoral Commission is indeed in favour of introducing photographic ID for elections. When it comes to the pilots, we want evidence-based policy making, which is why we will have pilots that look at photographic ID and pilots that look at non-photographic ID. When it comes to ensuring that people will be able to vote, I am not going to be denying anyone that franchise. We are protecting those communities that are most vulnerable in casting their votes in a secret ballot. We must protect against undue influence, and I am surprised that the hon. Lady does not take the matter seriously, as the Electoral Commission does.

Public Procurement Guidelines

4. Mary Glindon (North Tyneside) (Lab): What discretion local authorities have within his Department’s guidelines on public procurement.

The Minister for the Cabinet Office and Paymaster General (Ben Gummer): The Public Contracts Regulations 2015, which govern the conduct of public procurement in the UK, apply in full to all public sector organisations, including local authorities.

Mary Glindon: Will the Minister confirm that it is perfectly legal for local authorities to be able to set their own procurement rules, taking into account additional factors, such as the suppliers’ human rights record and the environmental impact?

Ben Gummer: Local authorities must comply with European Union law, which is enshrined in the public contracts regulations. The Government provide guidance on how those regulations should be applied, and I encourage local authorities to take that guidance into account when they are framing their procurement policies.

Ben Gummer: My enormous departmental team of two comprises one person who has run several small businesses and another who is a sole trader. That is a 100% fulfilment on my hon. Friend’s request. We also have a small and medium-sized enterprise ambassador, Emma Jones, who works with the council to ensure that we do precisely what he wishes, which is to sensitisie the civil service and procurement officials to the needs of small and medium-sized enterprises.

Michael Fabricant (Lichfield) (Con): Before he quit, a friend of mine empowered Waitrose managers—[Interruption.] I will not name him. He empowered Waitrose managers to go out and procure local product. Can we not give similar encouragement to bodies such as county and district councils?

Ben Gummer: I commend everything that my hon. Friend has done in his previous role, and I know that he will bring that expertise, in due course, to the people of the west midlands. Although councils and all public bodies cannot choose according to geographical criteria, what they can and must do is take into account the social value of their procurement policies, which is why there is considerable latitude for them to have a similar approach to the one that his friend conducted at Waitrose.

Andrew Gwynne (Denton and Reddish) (Lab): Ministers have talked a great deal about linking apprenticeships to public procurement contracts, which is a sensible use of public funds to meet both the skills agenda and to help to narrow inequality in society. However, the Government’s own Social Mobility Commission confirmed last week that only 10% of new apprenticeships are taken up by those from low-income families. Given the Cabinet Office’s unique place to promote this agenda, what is the Minister doing to tackle this unacceptable situation?

Ben Gummer: The hon. Gentleman raises a completely just point. The whole purpose behind our apprenticeship programme is to give opportunities to people who would not otherwise have them. That is why the 3 million target that we have across the economy is so important. The public sector will contribute a significant proportion of that, and I am responsible for the civil service component. We are doing very well on the civil service apprenticeship numbers. Two weeks ago, we launched a set of standards that will apply to some of the civil service apprenticeships. I hope that, in time, we will be able to fulfil exactly the aspiration that we both have in ensuring that that helps social mobility.

Voter Identification Trial

6. Nick Thomas-Symonds (Torfaen) (Lab): What assessment he has made of the implications for his policies of the Electoral Commission’s finding on the number of people unable to vote if Government plans to trial the use of identification in polling stations were rolled out nationally.

The Parliamentary Secretary, Cabinet Office (Chris Skidmore): The Government have outlined a variety of photographic and non-photographic types of identification that could feature in our pilot schemes, which will test rigorously the impact of ID on all aspects of elections, including turnout. I note that, in its 2016 report on Northern Ireland, the Electoral Commission said that less than 1% of voters were affected by photo ID, which
is why we want to look at photo ID and non-photo ID to ensure that no disenfranchisement is taking place in our pilots.

Nick Thomas-Symonds: The Electoral Commission reported in 2016 that 3.5 million electors have no appropriate form of photographic ID. Why is it that the Government are ignoring recommendations to have a voluntary voter card, which would allow those 3.5 million people to vote?

Chris Skidmore: The hon. Gentleman is a fine historian who, like me, believes in looking at the facts and in evidence-based policy making. That is why we have constructed the pilots to ensure that there is photographic identification and non-photographic identification. If there happens to be anyone who has no form of identification, we will make provision for them. Rolling out the electoral ID card across the country would be tremendously expensive and we have no plans to do so.

Civil Service Headcount

7. Louise Haigh (Sheffield, Heeley) (Lab): What change there has been in the civil service headcount in the last 12 months. [908667]

The Minister for the Cabinet Office and Paymaster General (Ben Gummer): Workforce planning is primarily the responsibility of each individual Department, but the civil service headcount reduced by 3,390, or 0.8%, over the past year.

Louise Haigh: I thank the Minister for that answer. Will he commit to publishing an assessment of all resources moved over to Brexit priorities and what work streams have been cut as a result?

Ben Gummer: The hon. Lady will understand that we have worked hard since July to ensure that we have the proper resources in place so that our exit from the European Union is effective and efficient. The public versions of the single departmental plans will have the outlines that she is seeking.

Mr Alan Mak (Havant) (Con): As my right hon. Friend continues to modernise the civil service headcount, will he ensure that the apprenticeship strategy for the civil service continues to lead to a more diverse and skilled workforce to serve our communities?

Ben Gummer: I can assure my hon. Friend of precisely that and, as he will know, my predecessor started a specific programme to ensure that there is full access to services online in rural constituencies such as my hon. Friend’s. We will make a statement on his departmental responsibilities.

Robert Courts: As a councillor on West Oxfordshire District Council, I have seen how the commissioning of services from one provider by different public sector bodies can drive down costs, providing high-quality services at very low cost. Does my right hon. Friend agree that there are lessons to be learned for all sectors of government and that programmes such as One Public Estate are an excellent example of how collaborative working can help the public sector to deliver more for less?

Ben Gummer: I thank my hon. Friend for that question and he is right to point out One Public Estate, which is a Cabinet Office programme ensuring cross-working and efficiency savings as a result. Many of the lessons we can learn are from local government, and it is important that we all learn from each other as regards sharing services and cutting costs.

Digital Technologies

10. Jo Churchill (Bury St Edmunds) (Con): What steps his Department is taking to use digital technologies to improve public services. [908670]

The Minister for the Cabinet Office and Paymaster General (Ben Gummer): We are committed to improving public services through technology to transform the relationship between citizen and state. We are doing so through the use of tools such as Verify.

Jo Churchill: I thank my right hon. Friend for that answer. Will he reassure the House that the Government are doing everything they can to ensure that people can access public services online, particularly hard-to-reach groups such as those in my rural constituency of Bury St Edmunds?

Ben Gummer: The Government Digital Service has a specific programme to ensure that there is full access to Government digital services for all groups. Of course, by ensuring that we have good broadband connections in constituencies such as my hon. Friend’s, we will enable people to access those services online in rural areas.

Topical Questions

T1. [908676] Joan Ryan (Enfield North) (Lab): If he will make a statement on his departmental responsibilities.

The Minister for the Cabinet Office and Paymaster General (Ben Gummer): The Cabinet Office is the centre of Government. The Department is responsible for delivering a democracy that works for everyone, supporting the design and delivery of Government policy and driving efficiencies and reforms to make government work better.
Joan Ryan: Will the Minister provide an update on any progress in the Prime Minister’s audit to tackle racial disparities? As so much is already known about the devastating consequences of these disparities, should not the Government be getting on with doing a great deal more about them now rather than waiting for an audit?

Ben Gummer: I find the right hon. Lady’s comments surprising. It was this Government and this Prime Minister who commissioned the racial disparity audit. When the right hon. Lady was in power, her party had 13 years to do that, but did not. I am proud of what the Prime Minister has done. We have committed to publishing the audit in the next few months, and the right hon. Lady will be excited by the possibilities it presents to make things better for everyone in the country.

T2. [908677] David Warburton (Somerton and Frome) (Con): Safetech Engineering in Frome offers superb expertise in nuclear safety and cyber-security, but to get security clearance and bid for work at Hinkley C or the Ministry of Defence, it needs to be a list X company. The only way to get that status is to be sponsored by another list X company or the MOD. Does the Minister’s Department have plans to let business escape from that circularity and access the markets it needs?

Ben Gummer: Although list X is the responsibility of the MOD and the Secretary of State will have heard that question, I have a responsibility for small and medium-sized enterprises, and the use of those measures. I addressed a conference of the National Police Chiefs Council and the Electoral Commission on how I can get more businesses in Worcestershire to sign up. It is very easy to do so, and the best he can do is to tell them that.

Ian Lavery (Wansbeck) (Lab): Since 2010, more than 100,000 civil service jobs have gone. With 300 new recruits and funding of £42.7 million for the Brexit Department, is the Minister really serious about the fact that the UK is properly prepared to enter the most complex negotiations for generations? The reality is that it is an absolute shambles.

Ben Gummer: I have full confidence not only in that, but in the civil service and the remarkable people who inhabit the Departments across our state.

T3. [908678] Henry Smith (Crawley) (Con): Last week, I met the chief constable of Sussex police about a number of issues, including electoral fraud. What steps are the Government taking to ensure that police forces around the country engage with returning officers and local authorities to combat voter fraud?

The Parliamentary Secretary, Cabinet Office (Chris Skidmore): I thank my hon. Friend for his commitment to and interest in combating voter fraud, and for taking those measures. I addressed a conference of the National Police Chiefs Council and the Electoral Commission last Friday, setting out why it is important that the police take the issue of voter fraud seriously. There have been cases where convictions have not been followed through. That is wrong and I hope that the issue will be addressed.

T4. [908679] Nic Dakin (Scunthorpe) (Lab): When will the Government publish departmental performance in respect of their commitment to deliver ever higher levels of UK steel content in their procurement policy?

Ben Gummer: The hon. Gentleman knows that it was this Government who established a far more rigorous understanding of steel content in public procurement policy. I will update the House in due course to give hon. Members an idea of the progress we are making.

T5. [908680] Nigel Huddleston (Mid Worcestershire) (Con): I applaud the Government’s efforts to give more contracts to small and medium-sized enterprises, and the use of technology such as the Contracts Finder website. Will the Minister tell me how many businesses are signed up to the Contracts Finder process, and how I can get more businesses in Worcestershire to sign up?

Ben Gummer: As of yesterday, 15,745 companies were registered with Contracts Finder, 59% of which were small and medium-sized enterprises. My hon. Friend could encourage his local businesses to sign up. It is very easy to do so, and the best he can do is to tell them that.

T7. [908682] Jason McCartney (Colne Valley) (Con): Will the Minister enhance and strengthen the northern powerhouse by ensuring that small and medium-sized enterprises in Yorkshire can take full advantage of public procurement contracts?

Ben Gummer: In the measures I have described today, I shall.

T8. [908683] Sir Simon Burns (Chelmsford) (Con): Does my right hon. Friend accept that although we are told that it is good to talk, Departments are making it infinitely more difficult for Members to contact private offices on behalf of their constituents due to inaccuracies and the withdrawal of the central register of private office numbers? Will the Minister tell us when the practice of putting communal numbers in the register will be stopped, and the individual numbers of Ministers’ private offices will be restored as they were, so that we can have proper communications between Ministers’ offices and Members on behalf of our constituents’ needs?

Ben Gummer: I owe Members an apology for this. It is true that some of the telephone numbers in the directory were inaccurate and some were general numbers. The revision is coming, but the next one is in March—and I have instructed all Departments to provide private office numbers, as Members rightly expect.


The Prime Minister: I am pleased to say that, in the local authority that covers the hon. Gentleman’s constituency, we have seen an increase of over 17,000 children at good or outstanding schools since 2010. That is down to Government changes and the hard work of teachers and other staff in the schools. For a very long time, it has been the general view—I have campaigned on this for a long time—that we need to see a fairer funding formula for schools. What the Government have brought forward is a consultation on a fairer funding formula. We will look at the results of that fairer funding formula and will bring forward our firm proposals in due course.

Q2. [908647]Johnny Mercer (Plymouth, Moor View) (Con): Over the last 12 months, as a member of the Defence Committee, I have had the opportunity to look into the Iraq Historic Allegations Team and how we as a country more broadly deal with historical allegations against our servicemen and women. This has been a deeply disturbing experience not only for those of us who have served, but for many Members across the House. I know that the Prime Minister gets this, but will she commit to redouble her and her Government’s efforts to get a grip on this historical allegations process so that never again will our servicemen and women be exposed to the likes of Phil Shiner?

The Prime Minister: I am sure the whole House will want to join me in praising the bravery and commitment of all those who serve in our armed forces. I thank my hon. Friend for the work that he is doing on the Defence Committee, because, of course, he brings personal expertise to that work. Those who serve on the frontline deserve our support when they get home, and I can assure him of the Government’s commitment to that. All troops facing allegations receive legal aid from the Government, with the guarantee that it will not be claimed back. In relation to IHAT, which he specifically referred to, we are committed to reducing its case load to a small number of credible cases as quickly as possible. On the action that has been taken in relation to the individual he has referred to, I think it is absolutely appalling when people try to make a business out of chasing after our brave troops.

Jeremy Corbyn (Islington North) (Lab): Nine out of 10 NHS trusts say their hospitals have been at unsafe levels of overcrowding. One in six accident and emergency units in England is set to be closed or downgraded. Could the Prime Minister please explain how closing A&E departments will tackle overcrowding and ever-growing waiting lists?

The Prime Minister: First, I extend my thanks and, I am sure, those of the whole House to the hard-working staff in the NHS, who do a great job day in and day out treating patients. Yes, we recognise there are heavy pressures on the NHS. That is why, this year, we are funding the NHS at £1.3 billion more than the Labour party promised at the last election. The right hon. Gentleman refers specifically to accident and emergency. What is our response in accident and emergency? We see 600 more A&E consultants, 1,500 more A&E doctors and 2,000 more paramedics. It is not about standing up, making a soundbite and asking a question; it is about delivering results, and that is what this Conservative Government are doing.

Jeremy Corbyn: Congratulating A&E staff is one thing; paying them properly is another. I hope the Prime Minister managed to see the BBC report on the Royal Blackburn A&E department, which showed that people had to wait up to 13 hours and 52 minutes to be seen. A major cause of the pressure on A&Es is the £4.6 billion cut in the social care budget since 2010. Earlier this week, Liverpool’s very esteemed adult social care director, Samih Kalakeche, resigned, saying: “Frankly I can’t see social services surviving after two years. That’s the absolute maximum... people are suffering, and we are really only seeing the tip of the iceberg.”

What advice do the Government have for the people of Liverpool in this situation?

The Prime Minister: The right hon. — [Interruption.]

Mr Speaker: Order. It is bad enough when Members who are within the curtilage of the Chamber shout; those who are not absolutely should not do so. It is a discourtesy to the House of Commons—nothing more, nothing less. Please do not do it.

The Prime Minister: The right hon. Gentleman referred at an early stage of his question to Blackburn. I am happy to say that compared to 2010 there are 129 more hospital doctors and 413 more nurses in Blackburn’s East Lancashire Hospitals NHS Trust. He then went on to talk about waiting times. Waiting times can be an issue. Where is it that you wait a week longer for pneumonia treatment, a week longer for heart disease treatment, seven weeks longer for cataract treatment, 11 weeks longer for hernia treatment, and 21 weeks longer for a hip operation? It is not in England—it is in Wales. Who is in power in Wales? Labour.

Jeremy Corbyn: My question was about the comments from Samih Kalakeche in Liverpool and why the people of Liverpool are having to suffer these great cuts. Liverpool has asked to meet the Government on four occasions.

The crisis is so bad that until yesterday David Hodge, the Conservative leader of Surrey County Council, planned to hold a referendum for a 15% increase in council tax. At the last minute, it was called off. Can the Prime Minister tell the House whether or not a special deal was done for Surrey?

The Prime Minister: The decision as to whether or not to hold a referendum in Surrey is entirely a matter for the local authority in Surrey—Surrey County Council.

The right hon. Gentleman raised the issue of social care, which we have had exchanges on across this Dispatch Box before. As I have said before, we do need to find a long-term, sustainable solution for social care in this country. I recognise the short-term pressures. That is...
why we have enabled local authorities to put more money into social care. We have provided more money. Over the next two years, £900 million more will be available for social care. But we also need to look at ensuring that good practice is spread across the whole country. We can look at places such as Barnsley, North Tyneside, St Helens and Rutland. Towards the end of last year, there were virtually no delayed discharges attributable to social care in those councils. But we also need to look long term. That is why the Cabinet Office is driving a review, with the relevant Departments, to find a sustainable solution, which the Labour party ducked for far too long.

Jeremy Corbyn: My question was whether there had been a special deal done for Surrey. The leader said that they had had many conversations with the Government. We know they have, because I have been leaked copies of texts sent by the Tory leader, David Hodge, intended for somebody called “Nick” who works for Ministers in the Department for Communities and Local Government. One of the texts reads:

“I am advised that DCLG officials have been working on a solution and you will be contacting me to agree a memorandum of understanding.”

Will the Government now publish this memorandum of understanding, and while they are about it, will all councils be offered the same deal?

The Prime Minister: What we have given all councils is the opportunity to raise a 3% precept on council tax, to go into social care. The right hon. Gentleman talks about understanding. What the Labour party fails to understand—[Interruption.]—is the opportunity to raise the 3% precept, to put that funding into the provision of social care. What the Labour party fails to understand is that this is not just a question of looking at money; it is a question of looking at spreading best practice and finding a sustainable solution. I have to say to the right hon. Gentleman that if we look at social care provision across the entire country, we will see that the last thing that social care providers need is another one of Labour’s bouncing cheques.

Jeremy Corbyn: I wonder if this has anything to do with the fact that the Chancellor and the Health Secretary both represent Surrey constituencies.

There was a second text from the Surrey County Council leader to “Nick”. It says:

“The numbers you indicated are the numbers I understand are acceptable for me to accept and call off the R”.

I have been reading a bit of John le Carré and apparently “R” means “referendum”—it is very subtle, all this. He goes on to say in his text to “Nick”:

“If it is possible for that info to be sent to myself I can then revert back soonest, really want to kill this off”.

So, how much did the Government offer Surrey to “kill this off”, and is the same sweetheart deal on offer to every council facing the social care crisis created by this Government?

The Prime Minister: I have made clear to the right hon. Gentleman what has been made available to every council, which is the ability to raise the precept. I have to say to him—[Interruption.]

Mr Speaker: Order. As colleagues know, I never mind how long Prime Minister’s questions take. The questions and the answers must be heard.

The Prime Minister: The right hon. Gentleman comes to the Dispatch Box making all sorts of claims. Yet again, what we get from Labour is alternative facts; what it really needs is an alternative leader.

Jeremy Corbyn: My question was, what deal was offered to Surrey that got it to call off a referendum, and will the same deal be offered to every other council going through a social care crisis?

Hospital wards are overcrowded, a million people are not getting the care they need, and family members, mostly women, are having to give up work to care for loved ones. Every day that the Prime Minister fails to act, this crisis gets worse. Will she finally come clean and provide local authorities with the funding they need to fund social care properly, so that our often elderly and vulnerable people can be treated with the support and dignity that they deserve in a civilised society?

The Prime Minister: The deal that is on offer to all councils is the one that I have already set out. Let me be very clear with the right hon. Gentleman. As ever, he stands up and consistently asks for more spending, more money, more funding. What he always fails to recognise is that you can spend money on social care and the national health service only if you have a strong economy to deliver the wealth that you need. There is a fundamental difference between us. When I talk—[Interruption.]

Mr Speaker: Order. I am sorry, but there is still too much noise in the Chamber. People observing our proceedings, both here and outside, want the questions heard and the answers heard, and they will be.

The Prime Minister: There is a difference between us. When I talk about half a trillion pounds, it is about the money we will be spending on the NHS this Parliament. When Labour Members talk about half a trillion pounds, it is about the money they want to borrow: Conservatives investing in the NHS; Labour bankrupting Britain.

Q4. [908649]Scott Mann (North Cornwall) (Con): Significant challenges face this great nation of ours, Prime Minister, one of which is tackling mental health, particularly for young people. The pressures of juggling school life and family life, and of staying safe and feeling valued online, are more difficult than ever. Will the Prime Minister meet me and my team to discuss the mental health app we have been working on and developing to give young people a toolbox to help them in their times of crisis?
The Prime Minister: I am very interested to hear of the important work my hon. Friend is doing in that important area. As he knows, we think we need to put more of a focus on mental health and make progress. I am pleased to say that something like 1,400 more people are accessing mental health services every day. That is an advance, but more needs to be done. We are putting more money—£68 million—into improving mental healthcare through digital innovation, which sounds as if it fits right into what he is looking at. There will be a focus on that with children’s and young people’s mental health in mind. He might want to look out for the Department of Health and Department for Education joint Green Paper on that, which they will publish in October.

Angus Robertson (Moray) (SNP): Last night, parliamentarians from across the Chamber and across the parties voted overwhelmingly against the UK Government’s Brexit plans—in the Scottish Parliament. If the United Kingdom is a partnership of equals, will the Prime Minister compromise like the Scottish Government and reach a negotiated agreement before invoking article 50, or will she just carry on regardless?

The Prime Minister: As the right hon. Gentleman knows, when the UK Government negotiate, we will negotiate as the Government for the whole United Kingdom. We have put in place the Joint Ministerial Committee arrangements through various committees, which enable us to work closely with the devolved Administrations to identify the particular issues they want represented as we put our views together. We have said that we will intensify the discussions within that JMC arrangement, and that is exactly what we will be doing.

Angus Robertson: When the Prime Minister was in Edinburgh on 15 July last year, she pledged that she would not trigger article 50 until she had an agreed UK-wide approach. Given that the Scottish Parliament has voted overwhelmingly against her approach, and that all bar one MP representing a Scottish constituency in the House of Commons has voted against her approach, she does not have an agreed UK-wide approach. As the Prime Minister knows, a lot of people in Scotland watch Prime Minister’s questions. Will she tell those viewers in Scotland whether she intends to keep her word to Scotland or not?

The Prime Minister: We are ensuring that we are working closely with the Scottish Government, and indeed with the other devolved Administrations, as we take this matter forward. I would just remind the right hon. Gentleman of two things. First, the Supreme Court was very clear that the Scottish Parliament does not have a veto on the triggering of article 50—the European Union (Notification of Withdrawal) Bill, which is going through the House, obviously gives the power to the Government to trigger article 50. I would also remind him of this point, because he constantly refers to the interests of Scotland inside the European Union: an independent Scotland would not be in the European Union.

Q5. [908650] Jake Berry (Rossendale and Darwen) (Con): The people of Rossendale and Darwen warmly welcome the Government’s housing White Paper. Will my right hon. Friend confirm that, when it comes to providing more security for renters, building more affordable homes and helping people to buy their own home, this party—the Conservative party—is fixing our broken housing market?

The Prime Minister: I am happy to agree with my hon. Friend. Our broken housing market is one of the greatest barriers to progress in Britain today, and the excellent housing White Paper brought out by my right hon. Friend the Secretary of State for Communities and Local Government sets out the steps we will take to fix it. My hon. Friend is right: it is the Conservatives in government who will support local authorities to deliver more of the right homes in the right places, to encourage faster build-out of developments—I am sure everybody recognises the problem of planning permissions that are given and then not built out—and to create the conditions for a more competitive and diverse housing market. We are calling for action and we are setting out the responsibilities of all parties in building the homes that Britain needs.

Q3. [908648] Patrick Grady (Glasgow North) (SNP): Does the Prime Minister agree that in a 21st-century Parliament the rules should not enable any Member to speak for 58 minutes in a three-hour debate? Does she agree that the rules of the House should be changed to prevent filibustering and ensure that Members on both sides of the House get a fair share of the time available?

The Prime Minister: I find that a rather curious question from the hon. Gentleman. As it happens, last night I was out of the House between the two votes. I switched on the BBC parliamentary channel and I saw the hon. Gentleman speaking. I turned over to something else. I switched back to the parliamentary channel and he was still speaking. I switched over to something else. I switched back and he was still speaking. He is the last person to complain about filibustering in this House.

[Interruption.]

Mr Speaker: Order. Mr Docherty-Hughes, you seem to be in a state of permanent over-excitement. Calm yourself, man. Take some sort of medicament and it will soothe you. We must hear Mrs Villiers.

Q6. [908651] Mrs Theresa Villiers (Chipping Barnet) (Con): As we prepare in this House to take back control over our laws on agriculture, will the Prime Minister agree to use Brexit as an opportunity to strengthen, not weaken, the rules that safeguard the welfare of animals?

The Prime Minister: My right hon. Friend raises an important point that is, I know, of concern to many people in the House and outside. We should be proud that in the UK we have some of the highest animal welfare standards in the world—indeed, one of the highest scores for animal protection in the world. Leaving the EU will not change that. I can assure her that we are committed to maintaining and, where possible, improving standards of welfare in the UK, while ensuring of course that our industry is not put at a competitive disadvantage.

Q15. [908660] Gavin Newlands (Paisley and Renfrewshire North) (SNP): Last week, the Russian Duma shamefully decriminalised domestic violence committed against women
and children. Given the Prime Minister's new global Britain approach, I trust that the Government will encourage Russia to rethink that regressive approach, which trivialises domestic violence. Does she agree that ratifying the Istanbul convention would send a message to Russia and the world about the priority that should be placed on ending gender-based violence?

**The Prime Minister:** I am proud that in this country we have strengthened the law on domestic violence and violence against women and girls. We see this as a retrograde step by the Russian Government. Repealing violence against women and girls. We see this as a

**Q7. [908652] Iain Stewart (Milton Keynes South) (Con):** Each year, the NHS reportedly spends £80 million more than it needs to on prescriptions for basic painkillers that can be sourced much more cheaply, but at the same time secondary breast cancer patients face being denied life-extending drugs such as Kadcyla by the National Institute for Health and Care Excellence. Will my hon. Friend review that poor allocation of resources and give breast cancer sufferers the hope that they deserve?

**The Prime Minister:** This is obviously a very important issue that my hon. Friend has raised. I understand that on the point of basic medication it is not the fact that the NHS pays more for basic painkillers than on the high street: in fact, its prices are lower. In the case of Kadcyla and similar drugs, it is right that difficult decisions are made on the basis of clinical evidence. I understand that NICE is undertaking a comprehensive assessment before making a final recommendation, and in the meantime Kadcyla is still available to patients.

**Tom Elliott (Fermanagh and South Tyrone) (UUP):** Last month, Sir Anthony Hart published his report on historical institutional abuse in Northern Ireland. Given the uncertainty around the Northern Ireland political institutions, if the Executive is not up and running within a month, will the Prime Minister commit to implementing the report in full?

**The Prime Minister:** This was obviously an important review. We have our own inquiry into historical child abuse in England and Wales. I recognise the hon. Gentleman's point about looking ahead to the future. The elections in Northern Ireland will take place on 2 March. There will then be a limited period for an Executive to be put together. I fervently hope an Executive can be put together to maintain the devolved institutions, and I encourage all parties to work very hard to ensure that. I do not want the benefits of progress to be undone, but I am sure, looking ahead, that whatever is necessary will be done to ensure that the findings of the report are taken into account and acted on.

**Q8. [908653] James Morris (Halesowen and Rowley Regis) (Con):** The Prime Minister has been a crystal clear on her negotiating objectives as we prepare to leave the European Union. Does she agree that regions like the west midlands, part of which I represent, need a voice in the negotiations to ensure we take the opportunities presented by Brexit to raise investment in education, skills and infrastructure and to ensure that her vision of a global Britain represents the interests of all the regions of England, as well as the broader United Kingdom?

**The Prime Minister:** I agree with my hon. Friend. When we negotiate as a United Kingdom, we will be negotiating for the whole of the United Kingdom and taking account of all parts of the United Kingdom. We have a real ambition to make the west midlands an engine for growth. That is about growing the region's economy and more jobs. Money has been put into growth deal funding and, for example, the Birmingham rail hub. The west midlands will of course be getting a strong voice nationally with a directly elected Mayor in May. I believe Andy Street, with both local expertise and business experience, will be a very good Mayor for the west midlands.

**Mr Ronnie Campbell (Blyth Valley) (Lab):**

**Mr Speaker:** I welcome the hon. Gentleman back again to the Chamber.

**Mr Campbell:** I'm looking pretty slim as well, Mr Speaker!

I had five months of NHS treatment at the Newcastle Royal Victoria infirmary under the auspices of Professor Griffin, a marvellous surgeon. Seeing as I might have come out with palliative care, I think he has just about saved my life. That is the best side of the NHS. The service I received was absolutely wonderful, but there is a flip side. What we have today is what are called “corridor nurses”, who look after patients on trolleys in corridors. Quite honestly, Prime Minister, that is not the way we want the health service to be run. We want it to be run in the way it saved me. Get your purse open and give them the money they want.

**The Prime Minister:** As Mr Speaker said, I welcome the hon. Gentleman back to his place in the Chamber. I commend the surgeon and all those in the national health service who treated him and enabled him to be here today and continue his duties. There are, as we know, surgeons, doctors, nurses and other staff up and down the NHS day in, day out saving lives. We should commend them for all they do. The north-east is a very good example of some of the really good practice in the NHS. I want to see that good practice spread across the NHS in the whole country.

**Q9. [908654] Dr Sarah Wollaston (Totnes) (Con):** I am not alone in hearing from families long-settled here in Britain who are deeply worried that they could be separated after we leave the European Union. I know the Prime Minister will not want that to happen. Will she reassure all our constituents today that those who were born elsewhere in the European Union but settled here in the UK, married or in partnerships with British citizens will have the right to remain?

**The Prime Minister:** My hon. Friend obviously raises an issue that is of concern all across this House. As she says, it is of concern to many individuals outside the House who want reassurance about their future. As I have said, I want to be able to give, and I expect to be able to give, that reassurance, but I want to see the same
reassurance for UK citizens living in the EU. What I can say to her is that when I trigger article 50, I intend to make it clear that I want this to be a priority for an early stage of the negotiations, so we can address this issue and give reassurance to the people concerned.

Dawn Butler (Brent Central) (Lab): Just two weeks ago, Quamari Serunkuma-Barnes, 15 years old, left school, was stabbed four times and died. Three days earlier, Djodjo Nsaka, 19 years old, was stabbed to death in Wembley. Just a few months earlier, two of my young constituents, James Owusu-Ajyekum, 22 years old, and Oliver Tetlow, 27 years old, were killed in what the police say was a case of mistaken identity. Next week, I am meeting the deputy Mayor of London to discuss this and other issues. Will the Prime Minister meet me, fellow MPs and my borough commander to discuss this and other issues. Will the Prime Minister meet me, fellow MPs and my borough commander to discuss this and other issues. Will the Prime Minister meet me, fellow MPs and my borough commander to discuss this and other issues. Will the Prime Minister meet me, fellow MPs and my borough commander to discuss this and other issues. Will the Prime Minister meet me, fellow MPs and my borough commander to discuss this and other issues.

The Prime Minister: First, may I send the condolences of the whole House to the families and friends of all those the hon. Lady refers to who were brutally stabbed and attacked in knife attacks? This is obviously an important issue, particularly in London, and we want it addressed. A lot of good work has been done. I am not aware of the Sycamore project, but I would be happy to hear more details of it.

Q10. [908655] James Berry (Kingston and Surbiton) (Con): From medics at Kingston hospital to researchers at Kingston University and the staff at growing electronics businesses such as Genuine Solutions, Kingston's workforce is enriched by highly skilled workers from abroad, so will my right hon. Friend confirm that, after we leave the EU, we will continue to welcome highly skilled workers from the EU and beyond?

The Prime Minister: We have been very clear that we want to bring the net migration numbers down, but we also want to ensure that the brightest and the best are still welcome here in the UK. That is why people want to see the UK Government making decisions about people coming here from the EU. We are clear, however, as I said in my Lancaster House speech, that there will still be immigration from the EU into the UK. We want to ensure that the brightest and the best can come here.

Liz Kendall (Leicester West) (Lab): Yesterday, the Brexit Minister claimed that Parliament would have a meaningful vote on the final EU deal. Will the Prime Minister confirm that, under her plans, Parliament will have a meaningful vote on the final EU deal? Will the Prime Minister confirm that, under her plans, Parliament will have a meaningful vote on the final EU deal?

The Prime Minister: We have been very clear on this. We want to bring the net migration numbers down, but we also want to ensure that the brightest and the best are still welcome here in the UK. That is why people want to see the UK Government making decisions about people coming here from the EU. We are clear, however, as I said in my Lancaster House speech, that there will still be immigration from the EU into the UK. We want to ensure that the brightest and the best can come here.

Karl McCartney: Order, I apologise for interrupting, but I am happy to reiterate what the Minister said yesterday. We have looked at this matter. I said in my Lancaster House speech that there would be a vote on the final deal, but there were a number of questions about what exactly that meant. We will bring forward a motion; the motion will be on the final agreement; it will be for approval by both Houses of Parliament; it will be before the final agreement is concluded, and we expect—I know that this has been an issue for several right hon. and hon. Members—and intend that that will happen before the European Parliament debates and votes on the final agreement.

Q11. [908656] Mr Graham Brady (Altrincham and Sale West) (Con): The Prime Minister knows that Trafford schools are the best in the country, but they are also in one of 40’s worst-funded areas. Perversely, the draft funding formula would actually cut funding to Trafford schools, not increase it. When she reviews the draft proposals, will she please look for a new formula that guarantees that all the worst-funded areas see an increase in funding, not a cut?

The Prime Minister: My hon. Friend raises an important matter that is on the minds of a number of right hon. and hon. Friends. As I said earlier, the current system of funding is unfair, not transparent and out of date. I want a system that supports our aspiration to ensure that every child has a good school place. In looking at these reforms, I can assure my hon. Friend that we want to get this right, which is why we are consulting and why we will look closely at the responses to the consultation.

Caroline Flint (Don Valley) (Lab): Npower has announced a 9.8% increase on dual fuel bills, which even the former boss of Npower, Paul Massara, has described as “shocking”. EDF has announced an 8.4% electricity hike, and it is reported that British Gas is preparing its 11 million customers for a 9% increase. Ofgem has moved to protect those who are on prepayment meters with a cap on their energy bills, so why does the Prime Minister not demand similar protection for the majority of customers, who are being ripped off, as the Competition and Markets Authority has said, to the sum of £1.4 billion a year?

The Prime Minister: The right hon. Lady may have missed the fact that we have said that where we think markets are not working, we will look at any measures that are needed—and the energy market is one of those we are looking at the moment.

Q12. [908657] Karl McCartney (Lincoln) (Con): In the spirit of neutrality, Speaker, the Prime Minister’s Lancaster House speech last month was a rallying call to put the divisions of the referendum behind us and to unite behind a bold vision for a stronger, fairer more global Britain. Does my right hon. Friend agree with me that this is a vision that every Member should support, because the more united we are, the stronger our negotiating hand will be—[Interruption.]

Mr Speaker: Order, I apologise for interrupting, but the hon. Gentleman must be heard.

Karl McCartney: Thank you, Speaker.

Finally, does my right hon. Friend share my surprise that certain Opposition Front Benchers have not learned that disagreeing with their current party leader can cause headaches?

The Prime Minister: My hon. Friend is absolutely right, and I think all of us and everybody in the country wants to unite behind the Government’s work to ensure that we get the best possible deal for the United Kingdom as we leave the European Union, and I believe that we
can get a deal that will be in the interests of both the UK and the EU. I had hoped that I would be able to welcome the shadow Home Secretary to the Front Bench in time for the vote that is going to take place later tonight. Perhaps Labour Members are starting to realise that their only real headache is their leader.

Owen Smith (Pontypridd) (Lab): Does the Prime Minister agree with the director general of the World Trade Organisation that if Britain were to leave the EU on WTO terms, it would cost £9 billion in lost trade each year?

The Prime Minister: What we want to do is to ensure that we negotiate a deal with the European Union that enables us to have the best possible deal in trading with and operating within the European Union single market in goods and services. I believe that is possible precisely because, as I have just said in response to my hon. Friend the Member for Lincoln (Karl McCartney), such a deal would be good not just for us, but for the EU as well.

Q13. [908658] Julian Sturdy (York Outer) (Con): The Prime Minister rightly argues for true parity of esteem between mental and physical health, but parents in York have been told that their children must wait up to a year for an assessment by child and adolescent mental health services. The Department of Health does not currently record these figures, so will my right hon. Friend consider making the monitoring of CAMHS waiting times a requirement?

The Prime Minister: My hon. Friend raises an important point. As I set out a few weeks ago, the Government will be reviewing the operation of CAMHS across the country, because I recognise some of the concerns that hon. Members have raised about it. We want to ensure that children and young people have easy access to mental health at the right time, because of the evidence that a significant proportion of mental health problems that arise later in life actually start in childhood and adolescence. We have made more money available to support transformation in children’s and young people’s mental health, but the shadow Health Secretary—sorry, I mean the Health Secretary is on—[Interruption.] The hon. Gentleman is in his place, as well. I hope the shadow Health Secretary will agree with me that we need to review CAMHS and ensure that we give the right support to children, young people and adolescents with mental health problems. We will look at the issue that my hon. Friend has raised.

Sue Hayman (Workington) (Lab): Many hon. Members have recently made the long journey up to west Cumbria for the Copeland by-election, and will all have experienced the parlous state of our roads and our local railways. In fact, it has taken a by-election for Transport Ministers to look seriously at, and show any real interest in, the situation. Is the Prime Minister planning a trip herself, so that she, too, can experience why we need proper investment from this Government in the transport infrastructure in west Cumbria?

The Prime Minister: The Government are putting more money into infrastructure throughout the country. The Labour party had 13 years in which to improve transport in west Cumbria, and did not do anything about it.

Q14. [908659] Chris Green (Bolton West) (Con): I recently visited the headquarters of Woodall Nicholson, a world-class coachbuilding company based in my constituency, and heard about its exciting plans for the future. Will my right hon. Friend join me in emphasising the importance of skills and manufacturing to our economy, especially as we look to leave the European Union?

The Prime Minister: I thank my hon. Friend for drawing our attention to the example of Woodall Nicholson. We are pleased to hear that it has those good plans for the future. As we leave the EU, we will be doing so from a position of strength, and my hon. Friend is right to say that skills and manufacturing are important parts of our economy for the future. That is why, in the industrial strategy, we are looking into how we can develop the excellence that we have in the United Kingdom to ensure that we have a prosperous, growing economy for the future.

Ms Angela Eagle (Wallasey) (Lab): Last week, the right hon. and learned Member for Rushcliffe (Mr Clarke) pointed out that the Prime Minister’s aspiration to achieve barrier-free, tariff-free trade with the single market, getting all the benefits but paying none of the costs, was akin to disappearing down the rabbit hole to Wonderland. I think that the Prime Minister makes a very interesting choice for Alice, but if she does not manage to achieve that high ambition, will she produce an analysis of what trading on the basis of WTO rules would mean for our economy, so that we, too, can make a proper choice?

The Prime Minister: I commend my right hon. and learned Member for Rushcliffe (Mr Clarke) for the significant service that he has given to the House and his constituents over the years. He and I have worked well over a number of years—although I should add that, when I was Home Secretary, I used to say, “I locked ’em up and he let ’em out.”

The Government believe that it is possible, within the two-year time frame, to secure agreement not just on our withdrawal from the European Union, but on the whole arrangement that will ensure that we have a strong strategic partnership with the European Union in the future.

Sir Eric Pickles (Brentwood and Ongar) (Con): When my right hon. Friend met Mr Netanyahu earlier this week, did she impress on him that a lasting peace settlement can only be secured if young Palestinians and young Israelis can look forward to a job, a share in prosperity and a life without fear? Does she agree that that can only be achieved through face-to-face negotiations, and will she join the Israeli Prime Minister in pressing the Prime Minister of the Palestinian Authority to engage in such negotiations?

The Prime Minister: My right hon. Friend has made an important point. We continue, as a Conservative Government, to believe that the two-state solution is the right one. It means a viable Palestinian state, but also a safe and secure Israel. Of course, it is for the parties to negotiate: obviously, there are others in the international arena who are doing their work to facilitate an agreement in the middle east, but ultimately it is for the two parties to agree on a way forward.
Sexual Offences (Amendment)

Motion for leave to bring in a Bill (Standing Order No. 23)

12.44 pm

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): I beg to move,

That leave be given to bring in a Bill to make provision for the circumstances in which the sexual history of a victim of rape or attempted rape may be introduced at a trial; to prohibit in certain circumstances the disclosure by the police of a victim's identity to an alleged perpetrator of a serious sexual crime; to extend the range of serious offences which may be referred to the Court of Appeal on the grounds of undue leniency of the sentence; to amend the requirements for ground rules hearings; to make provision for the issuing in certain circumstances of guidance on safeguarding to schools; to make provision for training about serious sexual offences; to place a duty on the Secretary of State to provide guidelines for the courts in dealing with cases of serious sexual offences; to require the Secretary of State to report annually on the operation of the Act; and for connected purposes.

I appreciate that today's business is calling so I will not take 10 minutes of the House's time. I therefore hope that Government Ministers will agree to meet me and others to discuss in detail how the matters raised might be resolved.

The Bill was drafted following discussions with senior North Wales Police officers and the force's Amethyst sexual support centre and also victims' support groups in Wales. The subject has been the focus of wide consultation by Harry Fletcher and Claire Waxman of Voice4Victims, who have collected a dossier of victims' harrowing experiences. Currently, victims of sexual abuse face the possibility of being humiliated and their credibility undermined by defence lawyers asking questions about their sexual partners, clothing and appearance. Clause 1 of this Bill would prevent such intrusive and damaging questioning, and replicate the law that protects victims in Australia, Canada and most of the United States. This rape shield ensures that a complainant's irrelevant sexual history in relation to the issue of consent is not wrongly used as an indicator of the victim's truthfulness. This rape shield is a necessary legal guard against the twin myths peddled by some defence teams: first, that a woman who has sex with one man is more likely to consent to have sex with another; and that the evidence of a promiscuous woman is less credible.

A recent high-profile case in Wales has no doubt had an impact on victims' confidence to come forward. Dame Vera Baird QC, Northumbria's police and crime commissioner, has said: 'The case is likely to encourage other defendants who claim consent to try to call evidence of their complainers' sexual behaviour with other men.' She also said: 'Fear that complainers will be accused of sexual behaviour with other men has historically been a major deterrent to women reporting rape.'

Fear to report is compounded by the failure to prosecute. During 2015-16, there were 35,798 complaints of rape to the police, but just 2,689—7.5%—resulted in convictions. Some 90% of rape victims are female, and 10% are male.

Ivy, a rape victim, was told at a ground rules hearing that her sexual history would not be used, but in court she faced questions and allegations that she was promiscuous. There was no judicial intervention.

Emma was followed by a stranger who attacked and tried to rape her. Her screams were met with the threat that she stop or be killed. Fortunately, two off-duty police officers heard her screams. The trial fixed on why Emma chose to wear a red dress on that summer evening.

Last year, 36% of rape trials overseen by the Northumbria court observers panel included questioning about prior sexual conduct of the complainant. In over 10% of these trials, in disregard of the present rules, applications were made on the morning of the trial, or after it had started, to allow such questioning. The humiliation of victims of sexual assault by reference to matters irrelevant to the case cannot be allowed to continue. The present law—section 41 of the Youth Justice and Criminal Evidence Act 1999—was intended to do this, but it is no longer serving its original purpose effectively.

The second major step forward in this Bill would be to stop the disclosure of the name of a victim of rape or attempted rape to an alleged perpetrator by the police. This happened in Maires's case. She was terrified that her attacker would find her via social media. She changed her name, moved house and withdrew from the electoral register. Another victim told Voice4Victims: 'I am scared every day that he might find me, I would have been much safer had I not reported.' Maire was correctly told by the police that there was neither policy nor legislation on disclosure of a victim's name when the parties were strangers; it is left to officer discretion. This clause would rightly ensure that names are not given by the police unless a Crown court judge makes an order on application from the suspect.

Clause 5 would require the Secretary of State to ensure that pupils are safeguarded in schools when there has been a serious sexual assault on one pupil by another. It follows a referral to Voice4Victims on Christmas eve. A teenage girl was raped by a fellow student at a party. He was arrested, charged and then bailed with a condition of no contact with the girl. To the family's shock, and the victim's distress, on returning to school she was placed in the same class as the attacker.

The Bill would also allow the Attorney General to refer unduly lenient sentences for stalking and coercive control to the Court of Appeal, introduce safeguards for rape victims in ground rule hearings and provide for guidance for criminal justice and educational staff. These much needed reforms will have limited impact, unless they are accompanied by proper training. The Secretary of State will therefore have a duty to publish and implement a strategy to provide high-quality training and advice for all relevant staff.

The provisions in the Bill are all based on the distressing experiences of victims of serious sexual crimes. These measures will help to restore victims' faith in the criminal justice system and allow the criminal justice system to function more effectively. Who could argue that victims of rape should be re-victimised by the very system through which they seek redress? I commend the Bill to the House.

Question put and agreed to.

Ordered.

That Liz Saville Roberts, Jess Phillips, Dr Sarah Wollaston, Sir Edward Garnier, Mr Graham Allen, Carolyn Harris, Tracy Brabin, Alison Thewliss, Ms Margaret Ritchie, Tim Loughton, Dr Eilidh Whiteford and Mr Alistair Carmichael present the Bill.

Liz Saville Roberts accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 24 March, and to be printed (Bill 137).
European Union (Notification of Withdrawal) Bill

[2ND ALLOCATED DAY]

Further considered in Committee (Progress reported, 7 February)

[ELEANOR LAING in the Chair]

12.53 pm

Kit Malthouse (North West Hampshire) (Con): On a point of order, Mrs Laing. I spent a lot of time last night studying the large number of amendments that have been tabled for today, and I have to confess that I am concerned as to the admissibility of a large number of them. It is my understanding that amendments are not admissible—out of order—if they are vague or unintelligible without further amendment. As an example, I would like to bring to your attention some of the terms in new clause 2, the lead new clause in the debate. It appears to be very vague, implying that “the Prime Minister shall give an undertaking to have regard to the public interest” in a list of various—

The First Deputy Chairman of Ways and Means (Mrs Eleanor Laing): Order. I understand the point that the hon. Gentleman is making, but the matter that he is raising is a matter for debate. Some of the new clauses and amendments that were tabled were considered to be in order and have therefore been selected for debate. Some were not in order, and were therefore ineligible for selection for debate. That is not a matter of opinion; it is a matter of fact. I can assure the hon. Gentleman, although I have no obligation so to do, that the matter has been very carefully considered. New clause 2 is perfectly in order. He might well disagree with the points raised in it—indeed, I would expect him to—and I would expect him to make his disagreement known to the House in due course. For the moment, however, I can assure him and the House that new clause 2 is perfectly in order and that it will be debated.

Kit Malthouse rose—

The First Deputy Chairman: Further to that point of order? I am sure that the hon. Gentleman would not wish to question the judgment of the Chair.

Kit Malthouse: I am just asking for an explanation—

The First Deputy Chairman: No; the hon. Gentleman will resume his seat, please. [Interruption.] I thank hon. Members, but I am perfectly capable of dealing with this matter. It is not in order for the hon. Gentleman to ask for an explanation. That would be to question the judgment of the Chair, which is—I should carefully say—a matter up with which I will not put. We will debate new clause 2, which will be moved by Mr Paul Blomfield.

New Clause 2

CONDUCT OF NEGOTIATIONS

“Before giving any notification under Article 50(2) of the Treaty on European Union, the Prime Minister shall give an undertaking to have regard to the public interest during negotiations in—

(a) maintaining a stable and sustainable economy,

(b) preserving peace in Northern Ireland,

(c) having trading arrangements with the European Union for goods and services that are free of tariff and non-tariff barriers and further regulatory burdens,

(d) co-operation with the European Union in education, research and science, environment protection, and preventing and detecting serious and organised crime and terrorist activity,

(e) maintaining all existing social, economic, consumer and workers’ rights.”—[Paul Blomfield.]
This new clause would seek to ensure that Her Majesty's Government endeavours to preserve the existing trading rights for UK-based financial services companies as currently exist.

New clause 55—Conduct of negotiations—

“Before giving any notification under Article 50(2) of the treaty on European Union, the Prime Minister must undertake to have regard to the public interest during negotiations in—

(a) maintaining and advancing manufacturing industry,
(b) securing the interests of all the regions in England,
(c) delivering existing climate change commitments,
(d) maintaining the common travel area with the Republic of Ireland.”

This new clause sets out statutory objectives to which the Government must have regard whilst carrying out negotiations under Article 50.

New clause 70—Relationship with Europe—

“Before the Prime Minister can exercise the power in section 1, the Prime Minister must commit to negotiating a deal that allows free trade and cooperation between Wales and all European countries.”

This new clause requires the Prime Minister to commit to implementing the Leave Campaign’s pledge to negotiate a deal that allows free trade and cooperation between Wales and all European countries before exercising the powers outlined in section 1.

New clause 76—Framework for transfer of data—

“In the event of exercise of the power in section 1, Her Majesty’s Government shall promote a framework for the transfer of data between the UK and the EU to underpin continued trade in services.”

This new clause would make it the policy of Her Majesty’s Government to promote a framework for cross-border data flows to safeguard the UK services economy and its trade with European markets.

New clause 77—Trade in goods and services—

“In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must have regard to the desirability of retaining full participation in the making of all rules affecting trade in goods and services in the European Union.”

This new clause would require HM Government to negotiate to continue the UK’s participation on agreeing all rules affecting trade in goods and services in the European Union.

New clause 78—Europol—

“In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must have regard to the desirability of continuing to participate in the European Police Office (Europol) on the same basis as any other member state of the European Union.”

This new clause would require Her Majesty’s Government to negotiate to continue the UK’s participation in the European Police Office (Europol).

New clause 79—European Chemicals Agency—

“In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must have regard to the desirability of continuing to participate in the European Chemicals Agency (ECHA) on the same basis as any other member state of the European Union.”

This new clause would require Her Majesty’s Government to negotiate to continue the UK’s participation in the European Chemicals Agency (ECHA).

New clause 80—European Centre for Disease Prevention and Control—

“In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must have regard to the desirability of continuing to participate in the European Centre for Disease Prevention and Control (ECDC) on the same basis as any other member state of the European Union.”

This new clause would require Her Majesty’s Government to negotiate to continue the UK’s participation in the European Centre for Disease Prevention and Control (ECDC).

New clause 81—Community Plant Variety Office—

“In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must have regard to the desirability of continuing to participate in the Community Plant Variety Office (CPVO) on the same basis as any other member state of the European Union.”

This new clause would require Her Majesty’s Government to negotiate to continue the UK’s participation in the Community Plant Variety Office (CPVO).

New clause 82—European Medicines Agency—

“In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must have regard to the desirability of continuing to participate in the European Medicines Agency (EMEA) on the same basis as any other member state of the European Union.”

This new clause would require Her Majesty’s Government to negotiate to continue the UK’s participation in the European Medicines Agency (EMEA).

New clause 83—European Agency for Health and Safety at Work—

“In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must have regard to the desirability of continuing to participate in the European Agency for Health and Safety at Work (EU-OSHA) on the same basis as any other member state of the European Union.”

This new clause would require Her Majesty’s Government to negotiate to continue the UK’s participation in the European Agency for Health and Safety at Work (EU-OSHA).

New clause 84—European Aviation Safety Agency—

“In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must have regard to the desirability of continuing to participate in the European Aviation Safety Agency (EASA) on the same basis as any other member state of the European Union.”

This new clause would require Her Majesty’s Government to negotiate to continue the UK’s participation in the European Aviation Safety Agency (EASA).

New clause 85—European Centre for the Development of Vocational Training—

“In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must have regard to the desirability of continuing to participate in the European Centre for the Development of Vocational Training (Cedefop) on the same basis as any other member state of the European Union.”

This new clause would require Her Majesty’s Government to negotiate to continue the UK’s participation in the European Centre for the Development of Vocational Training (Cedefop).

New clause 86—European Police College—

“In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must have regard to the desirability of continuing to participate in the European Police College (Cepol) on the same basis as any other member state of the European Union.”

This new clause would require Her Majesty’s Government to negotiate to continue the UK’s participation in the European Police College (Cepol).
New clause 87—European Environment Agency—

“In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must have regard to the desirability of continuing to participate in the European Environment Agency (EEA) on the same basis as any other member state of the European Union.”

This new clause would require Her Majesty’s Government to negotiate to continue the UK’s participation in the European Environment Agency (EEA).

New clause 88—European Food Safety Authority—

“In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must have regard to the desirability of continuing to participate in the European Food Safety Authority (EFSA) on the same basis as any other member state of the European Union.”

This new clause would require Her Majesty’s Government to negotiate to continue the UK’s participation in the European Food Safety Authority (EFSA).

New clause 89—European Investment Bank—

“In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must have regard to the desirability of continuing to participate in the European Investment Bank (EIB) on the same basis as any other member state of the European Union.”

This new clause would require Her Majesty’s Government to negotiate to continue the UK’s participation in the European Investment Bank (EIB).

New clause 90—Eurojust—

“In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must have regard to the desirability of continuing to participate in Eurojust on the same basis as any other member state of the European Union.”

This new clause would require Her Majesty’s Government to negotiate to continue the UK’s participation in Eurojust.

New clause 91—European Maritime Safety Agency—

“In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must have regard to the desirability of continuing to participate in the European Maritime Safety Agency (EMSA) on the same basis as any other member state of the European Union.”

This new clause would require Her Majesty’s Government to negotiate to continue the UK’s participation in the European Maritime Safety Agency (EMSA).

New clause 92—European Monitoring Centre for Drugs and Drug Addiction—

“In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must have regard to the desirability of continuing to participate in the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) on the same basis as any other member state of the European Union.”

This new clause would require Her Majesty’s Government to negotiate to continue the UK’s participation in the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA).

New clause 93—European Union Agency for Fundamental Rights—

“In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must have regard to the desirability of continuing to participate in the European Union Agency for Fundamental Rights (FRA) on the same basis as any other member state of the European Union.”

This new clause would require Her Majesty’s Government to negotiate to continue the UK’s participation in the European Union Agency for Fundamental Rights (FRA).

New clause 94—European Satellite Centre—

“In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must have regard to the desirability of continuing to participate in the European Satellite Centre (EUSC) on the same basis as any other member state of the European Union.”

This new clause would require Her Majesty’s Government to negotiate to continue the UK’s participation in the European Satellite Centre (EUSC).

New clause 95—Protected designation of origin scheme—

“In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must have regard to the desirability of continuing to participate in the protected designation of origin (PDO) scheme on the same basis as any other member state of the European Union.”

This new clause would require Her Majesty’s Government to negotiate to continue the UK’s participation in the protected designation of origin (PDO) scheme.

New clause 96—Protected geographical indication scheme—

“In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must have regard to the desirability of continuing to participate in the protected geographical indication (PGI) scheme on the same basis as any other member state of the European Union.”

This new clause would require Her Majesty’s Government to negotiate to continue the UK’s participation in the protected geographical indication (PGI) scheme.

New clause 97—Traditional specialities guaranteed scheme—

“In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must have regard to the desirability of continuing to participate in the traditional specialities guaranteed (TSG) scheme on the same basis as any other member state of the European Union.”

This new clause would require Her Majesty’s Government to negotiate to continue the UK’s participation in the traditional specialities guaranteed (TSG) scheme.

New clause 99—Equality and women’s rights—

“Before issuing any notification under Article 50(2) of the Treaty on European Union the Prime Minister shall give an undertaking to have regard to the public interest during negotiations for the UK’s withdrawal from the European Union in—

(a) maintaining employment rights and protections derived from EU legislation,

(b) ensuring that EU co-operation to end violence against women and girls, to tackle female genital mutilation and to end human trafficking will continue unaffected,

(c) the desirability of continuing to recognise restraining orders placed on abusive partners in EU Member States in the UK and restraining orders placed on abusive partners in the UK across the EU, and
d) establishing a cross-departmental working group to assess and make recommendations for developing legislation on equality and access to justice.”

New clause 100—Agricultural Sector—Trade Deals—

“In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must have regard to, and shall include, the agricultural sector in any new trade settlement with the European Union.”
New clause 163—Consultation with representatives of English regions—

“(1) Before the Prime Minister issues any notification under Article 50(2) of the Treaty on European Union, the Secretary of State shall set out a strategy for consultation with representatives of the English regions, including those without directly elected Mayors, on the UK’s priorities in negotiations for the UK’s withdrawal from the European Union.

(2) The Secretary of State shall nominate representatives for the purposes of subsection (1).”

This new clause would require the Government to designate representatives from English regions and set out a strategy for consulting them on the UK’s priorities in negotiations on withdrawal from the EU.

New clause 166—Rights and opportunities of young people—

“In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must seek to ensure that the rights and opportunities of people aged under 25 in the United Kingdom are maintained on the same terms as on the day on which Royal Assent is given to this Act, including—

(a) retaining the ability to work and travel visa-free in the EU,
(b) retaining the ability to study in other EU member states on the same terms as on the day on which Royal Assent is given to this Act, and
(c) retaining the ability to participate in EU programmes designed to provide opportunities to young people, including programmes to facilitate studying in other EU member states.”

This new clause would ensure that the Government must seek to protect the rights and opportunities currently enjoyed by young UK nationals so that they should not become worse off than their European counterparts.

New clause 170—EHIC scheme—

“(1) In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must have regard to the desirability of continuing to participate in the European Health Insurance Card (EHIC) scheme on the same basis as any other member state of the European Union.”

This new clause would require Her Majesty’s Government to negotiate to continue the UK’s participation in the European Health Insurance Card (EHIC) scheme.

New clause 172—Erasmus+ Programme—

“In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must have regard to the desirability of continuing to participate in the Erasmus+ Programme on the same basis as any other member state of the European Union.”

This new clause would require Her Majesty’s Government to negotiate to continue the UK’s participation in the Erasmus+ Programme.

New clause 174—European Research Area (ERA)—

“In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must have regard to the desirability of continuing to participate in the European Research Area (ERA) on the same basis as any other member state of the European Union.”

This new clause would require Her Majesty’s Government to negotiate to continue the UK’s participation in the European Research Area (ERA).

New clause 178—European Arrest Warrant—

“In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must have regard to the desirability of continuing to participate in the European Arrest Warrant on the same basis as any other member state of the European Union.”

This new clause would require Her Majesty’s Government to negotiate to continue the UK’s participation in the European Arrest Warrant.
New clause 34—Free trade—draft framework—

“Before exercising the power under section 1, the Prime Minister must set out a draft framework for the future relationship with the European Union which includes reference to the maintenance of tariff and barrier-free trade with EU member states.”

New clause 35—Environmental standards—draft framework—

“Before exercising the power under section 1, the Prime Minister must set out a draft framework for the future relationship with the European Union which includes reference to the maintenance of environmental standards.”

New clause 36—Climate change—draft framework—

“Before exercising the power under section 1, the Prime Minister must set out a draft framework for the future relationship with the European Union which includes reference to how this will deliver UK and EU climate change commitments.”

New clause 37—Research and Development—draft framework—

“Before exercising the power under section 1, the Prime Minister must set out a draft framework for the future relationship with the European Union which includes reference to the maintenance of international collaboration on research and development by universities and other institutions.”

New clause 38—Common travel area—draft framework—

“Before exercising the power under section 1, the Prime Minister must set out a draft framework for the future relationship with the European Union which includes reference to the maintenance of the common travel area with the Republic of Ireland.”

New clause 39—Crime and security—draft framework—

“Before exercising the power under section 1, the Prime Minister must set out a draft framework for the future relationship with the European Union which includes reference to the maintenance of international collaboration on tackling crime and strengthening security.”

New clause 40—Economic and financial stability—draft framework—

“Before exercising the power under section 1, the Prime Minister must set out a draft framework for the future relationship with the European Union which includes reference to the maintenance of economic and financial stability.”

New clause 50—Commencement—

“This Act shall not come into effect before Parliament has sat for one month following the first General Election that takes place after 31 March, 2017.”

New clause 133—Commencement—

“This Act does not come into force until the United Kingdom has certified that it is the policy of Her Majesty’s Government that Gibraltar consents to the process for the withdrawal of the United Kingdom from the European Union.”

New clause 141—Extent—

“This Act extends to the whole of the United Kingdom and to Gibraltar.”

New clause 186—Report on future participation in Euratom—

“This Act does not come into force until the Prime Minister has certified that it is the policy of Her Majesty's Government that on leaving the European Union the United Kingdom should as soon as possible accede to the European Economic Area Agreement as a non-EU party.”

This new clause would make it the policy of HM Government to endeavour to “grandfather” existing trade policies currently applicable to the UK by virtue of UK membership of the EU Customs Union.

New clause 32—Social Chapter rights—draft framework—

“Before exercising the power under section 1, the Prime Minister must set out a draft framework for the future relationship with the European Union which includes reference to the maintenance of Social Chapter rights.”

This new clause would seek a report from Her Majesty’s Government on the UK’s participation in and engagement with Euratom, following the withdrawal of the UK from the EU.
Paul Blomfield: I rise to speak to new clause 2 and the other new clauses that stand in my name and those of my hon. and right hon. Friends, which have been judged to be in order. Over the past two days, we have had a series of important debates, primarily on the process that we face over the long period ahead. Today, we move on to new clauses and amendments on the substance of the Government's negotiations. The debate on process was important precisely because it is about enabling the people of this country, through this elected Parliament, to hold the Government to account on the issues that matter to them: their jobs; the conditions under which our businesses operate; how we keep our country safe and secure; how we protect our environment for future generations; and how we ensure that we remain a country that is able to fund our NHS and all the services that are vital for our social fabric.

In the foreword to the White Paper, the Prime Minister claims that "the country is coming together", but we are not there yet, and those portraying anyone with a different approach to Brexit as attempting to frustrate the will of the people—as some have done over recent days—does not help. Today, however, we can take an important step, because new clause 2 addresses many of the concerns not only of the 48% but of many of the 52%—those who voted to come out but did not vote to lose out. It is, in fact, a manifesto for the 100%.

It puts at the front of the Government's objectives a duty to maintain a stable and sustainable economy through having trading arrangements with the European Union for goods and services that are free of tariff and with non-tariff barriers. We on this side of the House have been clear that, in the negotiations, it is the economy that is able to fund our NHS and all the services that are vital for our social fabric.

Mr Peter Bone (Wellingborough) (Con): The shadow Minister is making his case very clearly. As I understand it, Labour's position is that the economy should be at the heart of our negotiations, that the advantages of the single market are significant, as the then Prime Minister pointed out before 23 June, and that we should have reasonable management of migration through the application of fair rules.

Paul Blomfield: No, that is not what I said. I said that the economy should be at the heart of our negotiations, that the advantages of the single market are significant, as the then Prime Minister pointed out before 23 June, and that we should have reasonable management of migration through the application of fair rules.

John Redwood (Wokingham) (Con): Does the hon. Gentleman accept that both sides of the House completely agree that we want the maximum possible access to the single market for our exporters and that we will offer the single market the maximum possible access to our market? Does he further accept that we therefore do not need to argue about that? The answer to whether we get that or get most favoured nation status through the WTO lies not here in Parliament, but the hands of the other 27 EU member states.

Paul Blomfield: I am sorry, but the right hon. Gentleman is wrong—and not for the first time. We have made it clear that the economy comes first, but the Prime Minister has said that her red lines are the European Court of Justice and immigration.

Mr Jim Cunningham (Coventry South) (Lab): My hon. Friend takes a big interest in science and technology and universities, so does he agree that it is important for Coventry and the west midlands economy that we get a proper agreement in relation to the single market? Does he also agree that the Government have guaranteed resources only up to 2020 should we pull out?

Paul Blomfield: That is an important point, and my hon. Friend will note that it is highlighted in new clause 2.

Several hon. Members rose—

Paul Blomfield: I will try to make some progress.

Mr Iain Duncan Smith (Chingford and Woodford Green) (Con): Will the hon. Gentleman give way?

Paul Blomfield: As it is the right hon. Gentleman, I will.

Mr Duncan Smith: I do not want to delay the hon. Gentleman, but I listened carefully to what he said about his new clause. He said, when pressed, that the Labour party's view was that control of migration—sustainable through whatever arrangements—was important. However, I note that new clause 2 is missing any reference whatsoever to that being an important matter. Whether it is as important as the economy or of secondary importance, it will remain an important issue when the balance of negotiation comes down. What is his position? Why has he left migration control out of the new clause, which is currently unbalanced and makes no sense?

Paul Blomfield: The right hon. Gentleman misrepresents my observations, but then I know that the leave campaign strongly supported alternative facts. Moving on to his specific point—[Interruption.]

Anna Soubry (Broxtowe) (Con): Will the hon. Gentleman give way?

Paul Blomfield: As it is you.

Anna Soubry: I am grateful to the hon. Gentleman for giving way. This point is rather important: will he confirm whether the Labour party no longer supports the principle of free movement—yes or no?

Paul Blomfield: We have said time and again that we believe in the reasonable management of migration through the application of fair rules, and I will talk about that specific issue if hon. and right hon. Members will give me the opportunity.
Mike Gapes (Ilford South) (Lab/Co-op): Will my hon. Friend give way?

Paul Blomfield: I have probably been a little unbalanced, so I should give way to somebody on my side of the House.

Mike Gapes: I am grateful. Will my hon. Friend confirm that the easiest way to cut migration would be to crash the economy?

Paul Blomfield: My hon. Friend should wait and hear what I am about to say on migration.

Caroline Lucas (Brighton, Pavilion) (Green): Will the hon. Gentleman give way to someone from my part of the House?

Paul Blomfield: Not just yet. I should make some progress because I am conscious of the many amendments and the many people who want to speak.

The Opposition accept that concerns about migration were a significant factor in the referendum—probably a critical factor. The right hon. Member for Chingford and Woodford Green (Mr Duncan Smith) is not paying attention at the moment, but leave campaigners talked it up relentlessly—[Interruption.] He is still not listening. The Prime Minister has also talked up migration, both as Prime Minister and in her previous job. That created huge expectations, which the White Paper then begins to talk down. The Home Secretary told the Home Affairs Committee last week that she had not been consulted on that part of the White Paper. This is one of the main red lines defining the Government’s approach and the Minister responsible was not consulted—it is absolutely extraordinary.

For months, echoing the leave campaign, the Government have talked about control, but they have had control over non-EEA migration for six years and the White Paper reveals the facts: no significant change since 2010.

Caroline Lucas: Will the hon. Gentleman accept that free movement has massively benefited our economy, both economically and socially? While Governments may have failed to ensure that those benefits have been shared equally, we should not sacrifice our economy to anti-immigration ideology. Securing the continued free movement of people should therefore be a priority in the UK negotiations.

Paul Blomfield: Indeed, the White Paper points out the benefits of migration.

Several hon. Members rose—

Paul Blomfield: I want to make some progress.

Mr Mark Harper (Forest of Dean) (Con): Will the hon. Gentleman give way on non-EEA migration?

Paul Blomfield: I think the right hon. Gentleman has had more than his fair share of speaking time.

Several hon. Members rose—

Paul Blomfield: Let me continue. There has been no real change to non-EEA migration since 2010, for good reasons. When the Government start to disaggregate the EEA numbers, what will they find? Doctors, nurses, academics, care workers, students, and those bringing key skills to business and industry. On lower-skill jobs, Ministers have already made it clear to employers that agricultural workers will still be free to come.

Several hon. Members rose—

Paul Blomfield: I will make some progress. As my hon. Friend the Member for Ilford South (Mike Gapes) pointed out, the only real way to reduce numbers substantially is to crash the economy; that may be the effect of the Government’s negotiations, but assuming that is not their plan, they need to come clean to the British people. As the right hon. Member for Meriden (Dame Caroline Spelman) argued last week, and as the right hon. Member for Preseli Pembrokeshire (Stephen Crabb) argued over the weekend, they need to come clean about this red line. What is their plan? If taking control of immigration defines this Government’s approach to Brexit, the Minister needs to make the Government’s intentions clear in his closing remarks.

Mr Adrian Bailey (West Bromwich West) (Lab/Co-op): Does my hon. Friend agree that UK trade delegations to China and India have made it clear that any trade deal with those countries will almost certainly involve a relaxation of the visa regime, so all we are doing is displacing migration, not cutting it?

Paul Blomfield: My hon. Friend is absolutely right. I think the Prime Minister was quite shocked to discover, when she went to India seeking a trade deal, that one of the first things that the Indian Government wanted to put on the table was access to our labour markets and for students. My hon. Friend was right to cite other countries, but he missed Australia off his list. Australia is much heralded as a future trading partner, but it also wants to make the movement of people part of any settlement.

Dr Eilidh Whiteford (Banff and Buchan) (SNP): The hon. Gentleman makes an important point about the value of migrant workers and others who come here. Does he recognise that local jobs, particularly in rural areas, are anchored by people’s ability to move here? Our public services and local businesses, and the jobs of the indigenous population, also depend on the freedom of movement, which is such an important part of our single market membership.

Paul Blomfield: I thank the hon. Lady; she is absolutely right. That is one reason why the Government’s White Paper is so much more nuanced, caveated and realistic than some of the rhetoric that we have heard.

Mr Harper: Will the hon. Gentleman give way?

Paul Blomfield: As I said, the right hon. Gentleman has had lots of time during Committee of the whole House. I want to move on to a different topic, and I am sure that he will want to get in later. [Interruption.]
The First Deputy Chairman of Ways and Means (Mrs Eleanor Laing): Order. Mr Blomfield rightly wishes to speed up his introduction of the new clause; Members will be pleased about that when we come to the end of this debate and they find that they have had a chance to speak.

Paul Blomfield: Thank you, Mrs Laing.

Rachael Maskell (York Central) (Lab/Co-op): On that point, will my hon. Friend give way?

Paul Blomfield: Probably not, after Mrs Laing’s words.

Our approach is different: it is to put the economy and the jobs of British people first, and to get the right trading relationship with the EU. There may be lots of graphs in the White Paper, but there is little clarity about the Government’s ambitions. However, the Secretary of State for Exiting the European Union was much clearer when he told the House a couple of weeks ago: “What we have come up with...is the idea of a comprehensive free trade agreement and a comprehensive customs agreement that will deliver the exact same benefits as we have.”—[Official Report, 24 January 2017; Vol. 620, c. 169.]

I am delighted that the Secretary of State has just joined us. He is promising us the exact same benefits that we have inside the single market. That is a benchmark that he has set for the negotiations—a benchmark against which we will measure his success. To help him, in a positive and collaborative spirit, we have tried to embed in that new clause 2, because livelihoods depend on it.

Ms Angela Eagle (Wallasey) (Lab): Does my hon. Friend agree that trying to get exactly the same access to the single market without paying any of the costs is like disappearing down the rabbit hole into Alice’s Wonderland? It is important that we have an assessment of what World Trade Organisation rules would cost, if we had to fall back on them.

Paul Blomfield: My hon. Friend makes an important point, and that is precisely why we have been pushing for proper economic assessments.

I acknowledge that that negotiation target is ambitious, but it is the one the Secretary of State has set, and against which his performance will be measured. It is all very well to speculate on trade deals that might or might not come to pass. The White Paper may tell us that the United States is “interested in an early trade agreement with the UK”, but there is no indication of how “America first” protectionism will give better market access for UK-manufactured goods. Given the uncertainty, the Government need to do all they can to secure the jobs that depend on trade with our biggest and closest partner: the European Union.

Dr Andrew Marrison (South West Wiltshire) (Con): I am listening carefully to the hon. Gentleman. Why does he think that the European Union would not seek a free trade agreement with the United Kingdom, given our balance of trade with the EU?

Paul Blomfield: I am sure that the European Union will be interested in securing the trade agreement that we seek, but the question is whether the Government can secure it on the ambitious terms that the Secretary of State has himself set.

Mr Harper: Will the hon. Gentleman give way?

Paul Blomfield: No. I have made it clear that the right hon. Gentleman has had plenty of floor time. I shall press on.

On the trade deal, it really did not help for the Prime Minister to threaten our friends and neighbours with turning this country into an offshore tax haven if she did not get her way. [Interruption.] Government Members may not like it, but that was the clear threat. It was not a threat against the European Union; it was a threat against the British people. Those voting to leave the EU did so on the understanding that the NHS would receive more money, but that will not be possible if we slash taxes, and this House should not allow that. That is the purpose of new clause 7.

Mr Harper rose—

Paul Blomfield: I will make progress, because I am mindful of Mrs Laing’s comments.

New clause 7 should command support across the House. The Government have been working with our partners in the OECD on efforts to avoid a race to the bottom on corporation tax, and new clause 7 endorses that work, while new clause 2 would commit the Government to “maintaining all existing social, economic, consumer and workers’ rights”, as well as to continuing to collaborate on environmental protection. The Government have paid lip service to those things, but they should understand people’s scepticism about their intentions, because although the White Paper boasts of increasing enforcement budgets for compliance with the national minimum wage, it fails to mention the appallingly low numbers of prosecutions for non-payment of the national minimum wage, or the rife abuse in the care sector, of which the Government are perfectly aware, but on which they have failed to act.

1.15 pm

On one of the biggest issues we face, climate change, there is just one small paragraph, which says: “We want to take this opportunity to develop over time a comprehensive approach to improving our environment in a way that is fit for our specific needs.” What is it about our air and our seas, and the impact of our carbon emissions on the planet, that is specific—so specific that addressing it cannot be done better through continued collaboration with the European Union?

Sir Oliver Letwin (West Dorset) (Con): I have been listening to the hon. Gentleman with great interest for around 20 minutes. What does what he is saying have to do with article 50?

Paul Blomfield: I guess the right hon. Gentleman has spotted that triggering article 50 will signal our departure from the European Union; he can intervene if I have got that wrong. [Interruption.] The right hon. Member for Forest of Dean (Mr Harper) is not going to get a chance. Our departure puts at risk the many benefits—

Mr Harper rose—

Paul Blomfield: Mrs Laing?

The First Deputy Chairman of Ways and Means (Mrs Eleanor Laing): Order. The former Chief Whip, the right hon. Member for Forest of Dean, knows...
better than anyone how business is conducted in this Chamber, and he knows what happens to people who do not do what they are meant to.

Mr Bone: Tell us, please.

The First Deputy Chairman: Mr Bone asks me to tell the House; there is no need.

Paul Blomfield: Thank you, Mrs Laing. To continue my point, our departure will clearly have implications for the many environmental, employment and consumer rights that have been won over the past 43 years.

Rachael Maskell: Does my hon. Friend agree that the fact that the Government have been dragged to court on three occasions for failing on the air quality targets set by the EU, and have been negotiating behind the scenes to drop the European standards, means that it is really important that we discuss environmental protections as part of the negotiations?

Paul Blomfield: I do indeed, which is why environmental protection is embedded in new clause 2, which also—

Kit Malthouse: Will the hon. Gentleman give way?

Paul Blomfield: No; I shall try to make progress. I think Members will acknowledge that I have been fairly generous with my time.

New clause 2 would also make co-operation with the European Union on education, research and science, environmental protection, and the prevention and detection of serious and organised crime and terrorist activity, guiding negotiating principles in the negotiations. The Prime Minister talks the talk on research and science, but will she really commit? There is lots to talk about, but I shall take just one example, which is the basis of new clause 192. Tucked away in the explanatory notes is the revelation that the Bill will trigger our exit from Euratom—the European Atomic Energy Community. Whatever else can be claimed of their intentions, and much has been, I am pretty confident that on 23 June the British people did not vote against our leading role in nuclear energy, safety and research. It certainly was not on the ballot paper.

Euratom was established by a distinct treaty, and it would fly in the face of common sense to throw away membership of an organisation that brings such unequivocal benefit, yet the White Paper is as ambiguous on nuclear energy, safety and research. It certainly was not on the ballot paper.

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Lilian Greenwood (Nottingham South) (Lab): My hon. Friend makes a compelling argument about that aspect of scientific research. I do not know whether he attended yesterday’s event held by the all-party group on medical research, which is looking at the impact of Brexit on life sciences. If he did, he will know that it was made absolutely clear that we need to maintain the closest possible ties with the EU in relation to Horizon 2020 funding, collaboration and the free movement of people. Does he not agree that the Government need to listen if we are to preserve our wonderful scientific research base in this country?

Paul Blomfield: I absolutely do. I was not at that meeting yesterday, but I was at a meeting of medical research charities and other stakeholders in the field of medical research on Monday, at which they made precisely that point. Indeed, they mentioned that we needed to ensure that we had the right relationship, starting, ideally, with membership of the European Medicines Agency.

John Howell (Henley) (Con): I thank the shadow Minister for so generously giving way. He probably knows that the Culham Centre for Fusion Energy is in my constituency. People there told me how concerned they were about this issue, but they decided that the amendments to the Bill were not helpful. They said that it was much better to deal with Ministers directly, and to put pressure on the Treasury to achieve their objectives.

Paul Blomfield: I thank the hon. Gentleman for his point. A very effective way of applying pressure to save that Joint European Torus centre, which is a hugely important facility, is by agreeing to new clause 192.

Albert Owen (Ynys Môn) (Lab): The shadow Minister makes a very important point. These hugely important research projects in nuclear and nuclear build have long lead-in times. My concern is that if we trigger notice to leave Euratom, no agreement will be put in place at the end of the two-year period. That could seriously delay those projects and impact on future investment in this country. Does he agree that, at the very least, we need a transitional arrangement, if not continuing membership?

Paul Blomfield: Yes, I do agree; my hon. Friend makes a very important point. I press Ministers to give greater clarity on their intentions, because the Secretary of State has so far been ambiguous.

James Heappey (Wells) (Con): Will the hon. Gentleman give way?

Paul Blomfield: No, I will not. I should respond to Mrs Laing’s appeal for us to make progress.

It has been suggested that the Government’s reservations about Euratom stem from the fact that the European Court of Justice is the regulatory body for the treaty. If that is so, their obsessionalist opposition to the Court of Justice leads them to want to rip up our membership of an organisation on which 21% of UK electricity generation relies and that supports a critical industry providing 78,000 jobs; that number is projected to rise to 110,000 by 2021. That membership led us hosting the biggest nuclear fusion programme in the world in Culham.

Mr David Nuttall (Bury North) (Con) rose—

Paul Blomfield: I will not give way, because I wish to make progress.

The organisation also helps to ensure nuclear safety. Before the Secretary of State leaves the Chamber, let me tell him that it would be helpful for the Government to explain their intentions. I will give way to him or to the Minister of State, Department for Exiting the European Union, because the people in this country deserve to know what is happening in relation to Euratom; people voting in Copeland in a couple of weeks’ time want to know, as their jobs are on the line. I give the Secretary of
[Paul Blomfield]

State or indeed the Minister the opportunity to intervene on me to make an unambiguous statement that it is the Government’s intention to remain in Euratom.

Kit Malthouse rose—

James Heappey rose—

Paul Blomfield: I was providing the opportunity to those who can make a useful commitment. Their silence says everything.

Kit Malthouse: Will the hon. Gentleman give way?

Paul Blomfield: No, I will not.

Clearly, there is much more to be said about our future relationship. There are many more people who wish to speak and many more amendments to be moved. I will draw my remarks to a close—{Interjection.} It is disappointing for me, too.

Richard Fuller (Bedford) (Con) rose—

Kit Malthouse rose—

Paul Blomfield: I will draw my remarks to a close.

The First Deputy Chairman of Ways and Means (Mrs Eleanor Laing): Order. The Committee must allow no one else will have an opportunity to speak, and it supporting them would be a good first step.

Supporting plans that address the concerns of the 100%; clauses provide a basis for bringing people together things must be delivered, and some of them are not in

Mr Harper: Given that the list in new clause 2 exactly matches some of the things in the White Paper, it is pointless. Is it not interesting that the two areas it does not mention are immigration and strengthening the United Kingdom? Those omissions are very significant.

John Redwood: That is a very powerful point. I could add others. It is a great pity that it does not mention the opportunity to have a decent fishing policy. It certainly does not talk about having a sensible immigration policy. The Opposition still do not understand that we have to remove the jurisdiction of the European Court of Justice if this Parliament is to be free to have a fishing policy that helps to restore the fishing grounds of Scotland and England, and to have a policy that makes sensible provision for people of skills, talent and interest to come into our country, but that ensures that we can have some limit on the numbers.

Mr Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP): I heard the right hon. Gentleman’s wish list at the beginning of his speech. Has he grasped the fact that that wish list is actually encapsulated in two words: single market?

John Redwood: No, it clearly is not. The hon. Gentleman has not been listening to what I have been saying. The whole point about the single market is that it does not allow us to have a sensible fishing policy or a sensible borders policy, which are two notable omissions from the list, which, fortunately, were not absent from the White Paper or from the Government’s thinking.

Joanna Cherry (Edinburgh South West) (SNP): Perhaps the right hon. Gentleman would like to reconsider what he just said. He said the whole point about the single market is that it does not allow us to have a sensible fishing policy, but Norway is in the single market in the European economic area, but not in the common fisheries policy. It controls its own fisheries policy, which he would know if he had read this excellent document, “Scotland’s Place in Europe”.

John Redwood: Well, why have we not had a sensible fishing policy for the past 40 years? It is because we have been a full member of the EU and its single market. What is agreed across this House—even by some members of the Scottish National party—is that we want maximum tariff-free, barrier-free access to the internal market. However, what is not on offer from the other 27 members is for us to stay in the single market, but not to comply with all the other things with which we have to comply as a member of the EU. There is no separate thing called the single market; it is a series of laws that go over all sorts of boundaries and barriers. If we withdraw from the EU, we withdraw from the single market.

Alex Salmond (Gordon) (SNP): The right hon. Gentleman’s example was of fishing policy, so does he agree as a point of fact that Norway is in the single market but pursues its own independent fishing policy? Yes or no?
John Redwood: I agree that Norway decided to sacrifice control of her borders to get certain other things from a different kind of relationship with the EU, but we do not wish to join the EEA because we do not wish to sacrifice control over our borders. That is straightforward.

1.30 pm

Helen Goodman (Bishop Auckland) (Lab): The right hon. Gentleman is absolutely wrong. Norway was part of the Nordic free movement area with Sweden, Finland and Denmark way before the European Union was even invented.

John Redwood: Norway is now part of a freedom of movement area far bigger than that, and that was part of its deal. It also has to pay in a lot of money that British voters clearly do not wish to pay, so why would we want to do that?

Mr Steve Baker (Wycombe) (Con): Does my right hon. Friend agree that if Opposition Members are serious about the flourishing of our economy, 80% of which is services, they should accept that we want to be able to do trade deals on services, which means that we have to leave the EEA so that we can negotiate about regulation?

John Redwood: That is quite right, and they also ignore the whole of the rest of the world. It so happens that we have a profitable, balanced trade with the rest of the world. We are often in surplus with the rest of the world overall and we are in massive deficit in goods with the EU alone. There is much more scope for growth in our trade with the rest of the world than there is with the EU, partly because the rest of the world is growing much faster overall than the EU and partly because we have the chance to have a much bigger proportion of the market there than we have, whereas we obviously have quite an advanced trade with the EU that is probably in decline because of the obvious economic problems in the euro area.

Sammy Wilson (East Antrim) (DUP): Does the right hon. Gentleman note that although the shadow Minister made no mention of the importance of controlling immigration, his new clause 2 mentions “preserving peace in Northern Ireland”, although he never mentioned one word of it? Does the right hon. Gentleman accept that the shadow Minister perhaps understands that Brexit has no implications for peace in Northern Ireland, although he never mentioned it?

John Redwood: The hon. Gentleman has made his own point, and we all wish Northern Ireland well.

Mr Kenneth Clarke (Rushcliffe) (Con): First, let me congratulate my right hon. Friend on recognising that there is nothing in new clause 2 that is remotely objectionable to either leavers or remainers as an objective for the country in the forthcoming negotiations. If tariff-free access to the single market is desirable, does he accept that access to any market is not possible without accepting obedience of that market’s regulations? Otherwise, there are regulatory barriers. We need some sort of dispute procedure. If we start to reject the European Court of Justice and say that all the regulations must be British and that we are free to alter them when we feel like it, we are not pursuing the objectives in new clause 2 with which my right hon. Friend expresses complete agreement.

John Redwood: Of course there is a dispute resolution procedure when we enter a free trade agreement or any other trade arrangement. There is a very clear one in the WTO. We will register the best deal we can get with the EU under our WTO membership and it will be governed by normal WTO resolution procedures, with which we have no problem. The problem with the ECJ is that it presumes to strike down the wishes of the British people and good statute law made by this House of Commons on a wide range of issues, which means that we are no longer sovereign all the time we are in it.

Mr Bailey: The right hon. Gentleman argues that our membership of the EU inhibits our ability to trade with the expanding economies of the rest of the world. If so, will he explain why Germany exports nearly four times as much as we do to China and Brazil, the other fast-growing economies, and why France also exports more to China and Brazil than we do? What is it that they do in the EU that we will do when we come out?

John Redwood: It is quite obvious that Germany will export more at the early stages of development in an emerging market economy, because it tends to export capital equipment of the kind that is needed to industrialise, which is what China bought in the last decade. Now that China is a much richer country, she is going to have a massive expansion of services and that is where we have a strong relative advantage, in that if we have the right kind of arrangement with China we will accelerate the growth of our exports, which China will now want, more rapidly. The hon. Gentleman must understand that the EU imposes massive and, I think, dangerous barriers against the emerging market world for their agricultural produce. The kind of deals we can offer to an emerging market country, saying that we will buy their much cheaper food by taking the tariff barriers off their food products in return for much better access to their service and industrial goods markets where we have products that they might like to buy—[Interruption.] I hear my right hon. Friend the Member for Wantage (Mr Vaizey) express a worry about British farmers, and British farmers, would, of course, have a subsidy regime based on environmental factors, in the main, which we would want to continue.

Jonathan Edwards (Carmarthen East and Dinefwr) (PC): What impact does the right hon. Gentleman think that that would have on Welsh agriculture and the rural economy in Wales?

John Redwood: I just explained that it should boost it. I am sure that more market opportunities will open up for Welsh farmers, but we will also debate in this House how to have a proper support regime. I hope that it will be a support regime that not only rewards environmental objectives but is friendly to promoting the greater efficiencies that can come from more farm mechanisation and enlargement, which will be an important part of our
journey to try to eliminate some of the massive deficit we run in food with the rest of the EU, while being more decent to the emerging world—the poor countries of the world to which we deliberately deny access to our markets.

Angela Smith (Penistone and Stocksbridge) (Lab): May I take it from what the right hon. Gentleman has just said that in any free trade deal with New Zealand he will continue to ensure that sheep farmers in this country are not sacrificed in the interests of getting good access to the New Zealand market for our financial services?

John Redwood: I am sure that that would be a very appropriate part of the discussions our country holds with New Zealand and Australia. I broadly take the view—I thought Labour was now of this view—that getting rid of tariffs was a good idea. Labour has spent all of the past six months saying how we must not have tariffs on our trade with Europe, but now I discover it wants tariffs on trade with everywhere else in the world. It is arguing a large contradiction.

Dr Murrison: My right hon. Friend is making a very powerful case. Does he not agree that it is truly remarkable that Germany makes three times as much money on coffee as developing countries because of tariffs and that we are noticing a problem with out-of-season fruit and vegetables in our supermarkets, in part because of the pressures applied to producers in north Africa? It is no good colleagues on the Opposition Benches having a go at those who are concerned about international development assistance if they are prepared to tolerate such tariff barriers, which act against the interests of developing countries.

John Redwood: I think that we have teased out something very important in this debate. The Opposition want no barriers against ferocious competition from agriculture on the continent, which has undoubtedly damaged an awful lot of Welsh, Scottish and English farms, but they want maximum tariff barriers to trade with the rest of the world so that we still have to buy dear food. That does not seem to be an appealing package.

Kit Malthouse: My right hon. Friend might be interested to know that just last week I visited Randall Parker Foods in my constituency, a company that slaughters and processes several hundred thousand Welsh lambs every year and that is salivating at the chance of opening up the US market, in particular, where Welsh lamb is under-represented and where there is huge potential for us to export more than we do.

John Redwood: Like my hon. Friend, I think that there are some great English, Welsh, Scottish and Northern Irish agricultural products, and that with the right tariff system with the rest of the world we could do considerably better with our quality products.

Sir William Cash (Stone) (Con): I congratulate my right hon. Friend on his great speech. I but want to ask him one question that goes to the merits of the new clause. It says that the Prime Minister “shall give an undertaking”, which is clearly a mandatory requirement under statute, and which itself calls for judicial review if somebody decides to do that. However, in all my time in this place, I have never seen a clause proposing the preserving of peace in Northern Ireland as a matter of public interest and of judicial review. It is unbelievably unworkable and completely contrary to all the assumptions that one might rely on for a decent provision.

John Redwood: I am grateful to my hon. Friend for drawing me back to my central point. He kindly said that I have made a good speech, but I have just responded to everybody else making their own speeches and riding their own hobby horses. I hope they have enjoyed giving those hobby horses a good ride.

To summarise my brief case, the aims of the new clause are fine. They happen to be agreed by the Government. However, it is disappointing that the Opposition have left out some important aims that matter to the British people: taking back control of our borders and laws, and dealing with the problem of the Court immediately springing to mind, but there are many others. They leave out, as they always do, the huge opportunities to have so many policies in areas such as fishing and farming that would be better for the industry and for consumers. They have now revealed a fundamental contradiction in wanting completely tariff-free trade in Europe, but massive tariff barriers everywhere else, and do not really seem to think through the logic.

My conclusion is that there is nothing wrong with the aims. We need the extra aims that the Government have rightly spelled out. It would be quite silly to incorporate negotiating aims in legislation. I believe in the Government’s good faith. We are mercifully united in wanting tariff-free, barrier-free trade with the rest of Europe. It is not in the gift of this House, let alone the gift of Ministers, to deliver that, but if people on the continent are sensible they will want that because they get a lot more out of this trade than we do. They must understand that the most favoured nation tariffs are low or non-existent on this trade than we do. They must understand that the most favoured nation tariffs are low or non-existent on the things we sell to them, but can be quite penal on the things they sell to us. They have been particularly successful at selling to us. The aims are a great idea, but it is silly to put them into law.

Joanna Cherry: This group of amendments is about the UK’s priorities for the negotiations on withdrawal from the European Union. I will talk about Scotland’s priorities. The Scottish National party has tabled amendment 54 and new clause 141 on the situation of Gibraltar, in which we deal with the fact that the Bill has omitted to include Gibraltar in its remit, which is rather curious given the great love and affection that Government Members have for Gibraltar.

Those of us who are members of the Exiting the European Union Committee were very impressed by the evidence given to us a couple of weeks ago by the Chief Minister of Gibraltar, Fabian Picardo. He emphasised that Gibraltar’s main concern is to preserve its sovereignty and connection with the United Kingdom. Unlike some of us, he is very happy to be part of the red, white and blue Brexit that the Prime Minister talks about. It is important to take Gibraltar’s concerns into account.

Mike Gapes: Will the hon. and learned Lady give way?

Joanna Cherry: The hon. Gentleman, to whom I will give way in a moment, has a long and admirable commitment to the people of Gibraltar and their interests. He has also tabled amendments on the matter, including
amendment 29, which I am sure he will tell us about in detail in due course. It would put upon the British Government a requirement to consult Gibraltar before triggering article 50.

Mike Gapes: I will not make a speech now, as I hope to be called later. I just want to emphasise that there is an important need to protect the interests of Gibraltar. As the hon. and learned Lady said, the Bill does not refer to Gibraltar, but it was specifically mentioned in an amendment when the legislation to hold the referendum was agreed. The people of Gibraltar voted in the referendum. Surely the Bill should be amended to reflect the need for Gibraltar’s interests also to be considered.

Joanna Cherry: Absolutely. I have with me a letter from the Deputy Chief Minister of Gibraltar, who says that he “can confirm that the clause on the application of the Article 50 Bill to Gibraltar would be politically useful to us here. It would also follow logically from the original consent that we already gave to the extension of the actual UK referendum Act to Gibraltar.”

I will come back to that in more detail in a moment.

Mr MacNeil: Before my hon. and learned Friend moves on, I think it is important to back up the hon. Member for Ilford South (Mike Gapes). Gibraltar’s connection to the United Kingdom and being British should be reflected in this House. I have visited Gibraltar, and hon. Members should think seriously about supporting his amendment because it would send a signal to Gibraltar that it is respected here, and by Members on both sides of the House. Please listen to the hon. Gentleman.

1.45 pm

Joanna Cherry: Indeed. I totally agree with my hon. Friend. The Deputy Chief Minister of Gibraltar also said in his letter:

“I understand that this amendment mirrors a number of others which have also been tabled seeking to make clear its application”— that is the application of the Act— “to Gibraltar in the same way. This would strengthen Gibraltar’s case to be mentioned in the Article 50 letter.”

Of course, Scotland shares with Gibraltar a desire to be mentioned in the article 50 letter.

The big priority for Scotland is that the British Government take into account the Scottish Government’s request for a differentiated deal for Scotland. We tabled new clause 145, which would require the British Government to commit to such a differentiated deal before triggering article 50. That amendment has been held over until today, but we will not push it to a vote because we are prepared to give the UK Government one last chance to respond to the document “Scotland’s Place in Europe”, which was laid before the British Government before Christmas, some seven weeks ago.

Karl McCartney (Lincoln) (Con): Will the hon. and learned Lady give way?

Joanna Cherry: I will when I have finished my point. No formal response to “Scotland’s Place in Europe” has yet been received. The hon. Member for Lincoln (Karl McCartney) is a member of the Exiting the European Union Committee, as I am. We heard detailed evidence about the document this morning from the Scottish Government Minister responsible for negotiations with the United Kingdom. It is a far more detailed document in its proposals than anything the British Government have been prepared to produce so far.

Karl McCartney: I thank my hon. and learned Friend for giving way; as a fellow member of the Brexit Select Committee, I hope that she would treat me as a friend, rather than as just an hon. Member sitting on the opposite side of the House. I do not disagree with her when it comes to Gibraltar and maybe even Scotland, but we are acting on behalf of the whole UK. If there were to be a list in the article 50 letter, are there any other places, such as the Isle of Man or Jersey, that she would like to see included on it? Would she like to see a long list of places?

Joanna Cherry: The hon. Gentleman is obviously not aware that the arrangements that apply to the Isle of Man and the Channel Islands are rather different than those that apply to Scotland, because they are not in the European Union. Perhaps he would like to read “Scotland’s Place in Europe”, which would explain that to him. Some differentiated agreements do, in fact, exist within the wider UK and Crown dependencies. Gibraltar is in the European Union, but not in the customs union. I will return to the matter of Gibraltar in due course.

Alex Salmond: My hon. and learned Friend will remember this direct quotation from The Daily Telegraph: “Theresa May has indicated that...she said she will not trigger the formal process for leaving the EU until there is an agreed ‘UK approach’ backed by Scotland.”

Surely Government Members do not intend the Prime Minister to break her word of 15 July last year.

Joanna Cherry: I am sure that Government Members would be loth to encourage the Prime Minister to break her word—[Interruption.] Conservative Members are shouting, “No veto.” We are not asking for a veto. This document is a compromise whereby Scotland could remain in the single market while the rest of the UK exits it. Perhaps hon. Gentlemen on the Government Benches who are shaking their heads and mumbling about vetoes would like to get their iPads out and look up the difference between a veto and a compromise; it is rather a radical difference.

Several hon. Members rose—

Joanna Cherry: I will make some progress and then I will take some more interventions, perhaps from people who have not yet spoken.

The Scottish Government have made a proposal, and we are waiting for it to be taken seriously. The signs that the compromise put forward by Scotland will be taken seriously by the Government and, indeed, by this House have not been promising so far this week. Not a single amendment to the Bill has been accepted, despite the numerous amendments tabled by all sorts of different groups of Members; many with significant cross-party support. Even yesterday, when the Government were forced into announcing a significant concession, they were extraordinarily reluctant to commit that concession to writing. We all know that it is because they do not want to amend the Act: they have fought tooth and nail
through the courts and in this House to avoid the sort of scrutiny that those of them who seek to leave the European Union have been trumpeting for years. They tell us how fantastic this wonderful, sovereign mother of Parliaments is, but we are berated for having the effrontery to attempt to amend a Bill. It is preposterous.

Mr Harper: Will the hon. and learned Lady give way?

Joanna Cherry: No, I will not give way. We heard ample from the right hon. Gentleman the other day.

This Bill is being railroaded through this House with scant regard for democratic process. Here is an example: on Monday, when we were debating the proposals that concerned the devolved Administrations, including Scotland, only one of my hon. Friends got to speak. When I attempted to double that tally, I was told to sit down, shut up and know my place. I do not mind being insulted and affronted in this House, but what people need to remember is that it is not just me; it is the people who elected me who are being insulted and affronted when I am prevented from speaking about proposals on which my name appears.

Government Members are extraordinarily relaxed about the effect this sort of thing has on Scottish public opinion. I do not know whether they take the Herald newspaper—it is rather difficult to get hold of in the House of Commons—but if they do, they will see that today’s headline is “Support for independence surges on hard Brexit vow”.

Michael Tomlinson (Mid Dorset and North Poole) (Con): Will the hon. and learned Lady give way?

Joanna Cherry: No, I will not.

Backing for a yes vote in another independence referendum has risen to 49% on the back of the hard Brexit vow, and that is when no referendum is even on the table and we are still seeking our reasonable compromise. Hon. Members should make no mistake—it gives me great pleasure to say this—that the barracking by Government Members and the preventing of SNP MPs from speaking in this House play right into our hands and result in headlines saying that support for independence is surging.

Mr Harper: On a point of order, Mrs Laing. On Monday, I spoke about the amendments on devolution arrangements. I seem to remember that I took many interventions, including from the hon. and learned Lady. She was not, therefore, prevented from speaking; indeed, I seem to remember that the person in the Chair at the time—[Interruption.]

The First Deputy Chairman of Ways and Means (Mrs Eleanor Laing): Order.

Mr Harper: Opposition Members should let me finish making my point of order to the Chair. The person who was in the Chair made great efforts to facilitate the hon. and learned Lady’s speech, but there was then a kerfuffle when she objected to the amount of time she got. How can we put the record straight about the fact that she had a fair opportunity on Monday?
Joanna Cherry: I will not at the moment, thank you.
I will come back to Gibraltar in a moment, but I want to continue on the subject of Scotland’s priority in these negotiations. The document I am holding—“Scotland’s Place in Europe”—puts forward a highly considered and detailed case to the British Government. As I said, we are still waiting for any kind of considered or detailed response. This morning, the Exiting the European Union Committee heard evidence from a number of Scottish legal experts, in addition to the Minister, Mike Russell. We were told by Professor Nicola McEwen that the proposals in this document are credible and merit examination.

What the Scottish Government are asking for from the British Government is no more than the British Government are asking for from the other 27 member states of the European Union, and that is for there to be consideration in negotiations of our position, and our position is somewhat less substantial than the position the British Government want to put forward in Europe.

Seema Malhotra (Feltham and Heston) (Lab/Co-op): Will the hon. and learned Lady give way?

Joanna Cherry: I am going to make a little progress, and then I will give way.

The Scottish Government are looking for a response to this document, and that is why we are not going to push new clause 145, which has been held over to today for a vote. A meeting is taking place this afternoon of the Joint Ministerial Committee, and we are still prepared for the time being to put faith in the promise the Prime Minister made, which my right hon. Friend for Gordon (Alex Salmond) has just reminded us of, about Scotland’s wishes being taken into account. However, Members of this House should make no mistake: we will expect the Prime Minister to deliver on that promise. We will expect—just as Gibraltar does—to have our position put forward in the article 50 letter. If that does not happen, and the Prime Minister breaks her promise, we will hold another independence referendum, and on the back of the *Herald* headline, things are looking pretty good for that at the moment—we are at nearly 50%, and not a single word has been uttered yet in the campaign for a second independence referendum.

John Redwood rose—

Seema Malhotra rose—

Joanna Cherry: I will not give way to the right hon. Gentleman for the time being, but the hon. Lady was going to raise a point.

Seema Malhotra: The hon. and learned Lady referenced the evidence session we had this morning with her colleague from the Scottish Parliament. Does she agree, however, that there were a number of unanswered questions in the Committee, including on what regulations Scotland may be subject to if it were in the European economic area; what the impact might be on the trade relationship with the rest of the UK; what the controls at the border might be, and what they might need to look like if Scotland had free movement but the rest of the UK did not; and what payment might need to be made by Scotland, including how much that would be and where it would come from? There was some confusion over those points.
to my constituency from a Norwegian-style deal that would help our fishing interests, but also protect the interests of our fish processors and all the people who depend on export markets, most of which are in the EU at the present time.

Joanna Cherry: Indeed. It is no secret that of the minority of people in Scotland who voted to leave the EU, a significant proportion was made up of people working in the fishing industry, including fishermen, because, as we heard earlier, they have received such a bad deal over the years as a result of inept negotiations by the British Government on the common fisheries policy—negotiations that Scottish Government Ministers have been kept out of. The great advantage of this compromise proposal for fishermen is that, while coming out of the common fisheries policy, they would still have access to the single market. When I was in Norway, I saw a presentation about how the Norwegian fishing industry is progressing on the back of such an arrangement, and, believe you me, it is doing significantly better than the Scottish fishing industry.

Several hon. Members rose—

Joanna Cherry: I give way to the Chairman of the Committee on Exiting the European Union.

Hilary Benn (Leeds Central) (Lab): Is not the fundamental difficulty with the document’s proposal about the possibility of Scotland remaining in the single market the fact that there is absolutely no evidence that I have seen thus far—perhaps the hon. and learned Lady has—that any one of the other 27 member states, never mind the British Government’s view, has indicated that it would consent to such an arrangement, given that all the other parallels, the Faroes aside, relate to countries, which is not the case in relation to this proposal?

Joanna Cherry: I am grateful to the right hon. Gentleman for raising this issue, because it highlights the reason I am labouring this point. For Scotland to get the compromise deal that we are proposing, the United Kingdom Government first need to accept it as something they would then put forward to the other 27 member states. The other 27 member states are waiting for the United Kingdom to put its money where its mouth is and come to the table and negotiate. They need us to put our own house in order before we do that. [ Interruption. ] Government Members may not like it, but the Prime Minister made a promise to involve Scotland in the negotiations and to look at all the options for Scotland. We are withholding our right to force our amendment to a vote today in the hope that the Prime Minister will be as good as her word. People in Scotland are watching and waiting.

This document has widespread support. It has the merit of uniting leavers and remainers because it has a compromise that appeals to both sides.

Geraint Davies (Swansea West) (Lab/Co-op): Does the hon. and learned Lady agree that in the event that Scotland was in the single market and England, Wales and Northern Ireland were not, industry would move from England and Wales to Scotland to have tariff-free access to the single market? Similarly, industry would move from Northern Ireland to southern Ireland, ripping open the peace process, which, although it was denied earlier, will indeed be ripped open.

Joanna Cherry: The SNP’s position on the peace process has been made very clear in this House: we would wish to do everything to support it.

Moreover, we do not wish the rest of the UK to suffer as a result of coming out of the single market. That is why the principal suggestion in this document is that the whole United Kingdom should remain in the single market. I am terribly sorry on behalf of Members representing English and Welsh constituencies that the Prime Minister has now ruled that off the table, but I am sure those Members will understand why we, representing Scotland, must try to see whether we can get a compromise deal for Scotland.

Mark Durkan (Foyle) (SDLP): Does the hon. and learned Lady recognise that if the Government did accept that they could negotiate a separate place for Scotland within the single market, that could equally read across in respect of Northern Ireland, and would be particularly compatible in terms of the strand 2 arrangements and upholding the Good Friday agreement? In many important ways, it would go to the heart of upholding the peace, not upsetting any basis for it.

Joanna Cherry: Indeed. As usual, the hon. Gentleman makes his point with great force and great clarity. The difficulty is that in the Committee on Exiting the European Union this morning we heard from experts who have been observing the process of so-called negotiations between the British Government and the devolved nations in the Joint Ministerial Committee that these negotiations lack transparency and have not really made any significant progress. That is a matter of regret not just for Scotland, but for Northern Ireland and for Wales.

Dr Whiteford: Is my hon. and learned Friend as surprised as I am, given the apparent suggestion that it would be to Scotland’s economic advantage to be in the single market, that we are debating leaving the EU in the first place? Surely what is good for Scotland would be good for the whole UK in this respect.

Joanna Cherry: Indeed. We made it clear in this document that we felt it would be to the advantage of the whole United Kingdom to remain in the single market. Unfortunately, the Prime Minister, in what my right hon. Friend the Member for Gordon has described as a very foolish negotiating tactic, has ruled that out from the outset.

Charlie Elphicke (Dover) (Con) rose—

Joanna Cherry: I am going to make a bit of progress because I am conscious that a lot of other people are wishing to speak, and, as I said, I want to move on to deal with our amendments on the topic of Gibraltar.

As the hon. Member for Ilford South pointed out, Gibraltar was covered by the European Union Referendum Act 2015, Section 12(1) of the Act extended to the United Kingdom and Gibraltar. There was an overwhelming vote in Gibraltar to remain. When Fabian
Picardo, the Chief Minister of Gibraltar, gave evidence to the Committee on Exiting the European Union, he explained that Gibraltar already has a differential agreement whereby it is in the EU but not in the customs union. This has been working well for the people of Gibraltar. They would like to be involved in a Brexit deal that guaranteed continued access to the single market. They do not want to be forgotten. In the letter I quoted earlier, the Gibraltar Government support these amendments to get Gibraltar brought within the ambit of the Bill so that Gibraltar’s interests can be taken into account in the triggering of article 50.

Will the Minister tell us why Gibraltar was omitted from the Bill? Was it, God forbid, an oversight—if so, the Government now have the opportunity to correct that, with the assistance of the SNP—or was it a deliberate omission of Gibraltar from the ambit of the Bill? If it was a deliberate omission, how does that sit with assurances that the British Government have been giving to Gibraltar that its interests will be protected?

The hon. Member for Ilford South will speak with greater knowledge than I can about Gibraltar. The purpose of the amendments is to ensure that Gibraltar is not forgotten. We feel that there may have been an oversight, so we are attempting to provide assistance. However, if there has not been an oversight and the omission is deliberate, we need to know why and how. Members need to consider whether it is appropriate to rectify the situation.

A number of other amendments would ameliorate the Bill. The hon. Member for Sheffield Central (Paul Blomfield) spoke ably from the Front Bench about new clause 2 and other amendments. I find new clause 2 to be slightly disappointing, because it does not enumerate the interests of Scotland as a particular consideration to be taken into account. We are not going to push new clause 145 to a vote, because we are hopeful that today’s Joint Ministerial Committee might have a fruitful outcome.

Mr MacNeil: I am grateful to my hon. and learned Friend for taking Scotland into account. I hope that the promise made by the Prime Minister on 15 July will have greater gravity than that made by the previous Prime Minister on 10 September 2014, when David Cameron said on “Channel 4 News” that if Scotland voted to remain in the UK, all forms of devolution were there and all were possible. Yet when it came to the Scotland Bill—by this time, my hon. and learned Friend was a Member of Parliament—none of the amendments were taken, showing that none of the forms of devolution were there and none were possible. We have had one broken promise by the previous Prime Minister; let us hope that this Prime Minister can keep her word.

The First Deputy Chairman of Ways and Means (Mrs Eleanor Laing): Order. I give the hon. Gentleman a lot of leeway, but it is this Bill that we are discussing right now. We cannot go on to previous Prime Ministers and previous Bills. I am sure that the hon. and learned Member for Edinburgh South West (Joanna Cherry), whose legal expertise is among the best in the House, will find a way of saying what she wants to say.

Joanna Cherry: I am bringing my remarks to a conclusion, Mrs Laing, because I am conscious that others wish to speak. I want to make it clear that the SNP broadly welcomes many of the amendments, including new clause 100, which would secure women’s rights and equality. We believe that the EU is about more than just a single trading market; it is also about the social ties that bind us and the social protections that it guarantees.

Hannah Bardell (Livingston) (SNP): On equality and protection, does my hon. and learned Friend agree that what we have seen since we were elected to this place does not fill us with any hope that this Government, when they have their great power grab, will uphold the protections that the EU has brought? We will fight for our citizens’ rights.

Joanna Cherry: I agree with my hon. Friend. That concern is shared by Members of many parties in this House. We support any amendments that would underline the social aspects of the EU. For example, new clause 166 centres on the rights of young people, who benefit so much from the important ability to live, work, travel and study across Europe. Of course, the SNP fought for 16 and 17-year-olds to get the vote in the referendum, but that was not to be. Perhaps the result would have been different if it had been allowed.

Later today, we will vote on amendments carried over from earlier in the week, including the SNP’s new clause 27, which would protect the rights of EU nationals. I think that the widely shared view in the House is that we ought not to trigger article 50 until we have given EU nationals living in the United Kingdom some assurance on their rights. Furthermore, the Exiting the European Union Committee has received evidence from representatives not only of EU nationals in the UK, but, perhaps more importantly for some Members, of UK nationals living abroad. The witnesses felt that a unilateral declaration of good will from the British Government—who, after all, caused the problem by holding the referendum and allowing the leave vote to happen—to guarantee the rights of EU nationals in the United Kingdom would be met by a reciprocal undertaking from other member states, as opposed to using individual human beings as bargaining chips. [Interruption.] If the right hon. Member for Hitchin and Harpenden (Mr Lilley) wants to intervene I will be happy to take that intervention, but he obviously does not; he just wants to shout at me from a sedentary position.

Finally, before Second Reading, I raised a point of order about the Secretary of State’s statement on section 19(1)(a) of the Human Rights Act 1998. He said that, in his view, “the provisions of the… Bill are compatible with the Convention rights”.

I am not usually in the habit of giving out free legal advice, but I am happy to do so on this occasion. If the Bill proceeds and we trigger article 50 without taking any steps to protect the rights of EU nationals living in the UK, the British Government could find themselves facing a challenge—and possibly claims—under the Human Rights Act on the Bill’s compatibility with articles 8 and 14 of the European convention on human rights. I know that many Government Members do not have any great affection for the ECHR, but when we exit the EU we will still be signatories to the convention and the British courts will still be bound by it. I offer the Government a helpful word of warning: if they want to
save taxpayers’ money, they might want to think carefully about addressing that issue before they are met with a slew of legal claims.

2.15 pm

Carol Monaghan (Glasgow North West) (SNP): EU-national workers in science and research are key to research and industry in our society. We should be begging those world-class researchers to stay. We should be bending over backwards instead of using them as bargaining chips, because we are damaging good will and how they feel valued in our society.

Joanna Cherry: Indeed. My hon. Friend takes great interest in teaching, research and science, which was her own field before she came to Parliament. Many Scottish universities, including Herriot-Watt and Napier in my constituency, are extremely concerned about the brain drain that could occur as a result of the failure to reassure EU nationals living in the UK about their rights. With that, I repeat my support for the SNP’s amendment 54 and new clause 141 in relation to Gibraltar.

Mr Edward Vaizey (Wantage) (Con): I am grateful for the chance to speak briefly. It is a great pleasure to follow the hon. and learned Member for Edinburgh South West (Joanna Cherry), whom I gather felt that she had not previously had the opportunity to put her points. She has taken about 10% of the time allocated to debate this group of amendments, so I hope that she feels that she has now had the opportunity to make her case, and she did so extremely eloquently.

I want to cover a few bases. [Interruption.] There is a lot of noise coming from the Opposition Benches; it is quite hard to think or speak, but I will plough on. I feel extremely strongly about the rights of EU citizens living in the United Kingdom. I had a meeting in my constituency on Friday, in which I discussed Brexit with about 150 people, including a lot of people from different EU countries, because there are a great many scientific research and high-tech international companies based in my constituency.

These are people who contribute. I note that people love to talk about the economic contribution made by citizens from Europe, but I also deeply value their social contribution. They are incredible people who not only provide world-class expertise to many businesses and science, but make a huge contribution to the communities in my constituency. They are obviously devastated by what has happened and they seek reassurance from the Government.

I am not going to support any particular amendments, because I think that would mess up the Bill and that they would not necessarily achieve what they seek to achieve. I am also deeply reassured by the Home Secretary’s letter, which was circulated earlier, and by the Prime Minister’s repeated comments about how she is going to make it an absolute priority to get clarity on the rights of EU citizens.

Helen Goodman:rose—

Mr Vaizey: I give way to a former Treasury official.

Helen Goodman: The right hon. Gentleman said that there was a letter from the Home Secretary. Was it a letter for Conservative Members only? Now that he has referred to it in the House, is it not appropriate to put it on the Table or in the Library for all hon. Members to see?

Mr Vaizey: I may have made a faux pas. It was addressed “Dear Colleague”, and may have just been sent to me. It might be private correspondence between me and the Home Secretary, for me to circulate to my European constituents, who are among the most talented Europeans living in this country.

Helen Goodman: On a point of order, Mrs Laing. Is it appropriate for an hon. Member to refer to a document that is not available to the whole House?

The First Deputy Chairman of Ways and Means (Mrs Eleanor Laing): I believe it is appropriate for an hon. Member to refer to whichever document he or she might care to quote. It would be a matter for the right hon. Member for Wantage (Mr Vaizey) whether he makes any more of the immediate quotation he wishes to use from any particular correspondence. We all have private correspondence.

Alex Salmond: Further to that point of order, Mrs Laing. Would I be in order to say that the custom and practice is that a ministerial letter about a debate should be circulated to Members and placed in the Library?

The First Deputy Chairman: The right hon. Gentleman is absolutely right, as ever—[Interruption]—or as often. If a letter or any document was produced by a Government Minister in his or her capacity as a Government Minister that was intended for the information of the whole House, it would indeed have to be placed in the Library or the Vote Office, or distributed on the Benches. Hypothetically, if there is a letter—I do not know whether there is or not—addressed privately to an hon. Member, it is a matter for the hon. Member.

Mr Vaizey: I am already in enough trouble with my Whips, Mrs Laing, so I suppose another faux pas will not get me to a much better place. I have only been in the House for 11 years, so I am still learning the ropes.

Mr Harper: My right hon. Friend has been here only as long as I have, so we are clearly both still learning the ropes. I wanted to assist him. The Prime Minister has been clear on the record that she intends to take a very generous approach. To go back to the point made by the hon. and learned Member for Edinburgh South West (Joanna Cherry), part of the roadblock is that some EU member states will not negotiate with us until we have triggered article 50. In fact, the quicker we get the Bill on the statute book and get article 50 triggered, the quicker we can get that arrangement in place and reassure EU nationals in Britain and British citizens overseas.

Mr Vaizey: That is an excellent point. A difficult road lies ahead and we will have to make some pretty unsavoury compromises. They are understandable compromises, but we should make no mistake that the mood of the House among many colleagues who supported Brexit is to move as quickly as possible to provide reassurance to European citizens in this country. I wanted to use this opportunity, before I got mired in a procedural quagmire...
Mr Lilley: I would not dream of correcting my right hon. Friend, but I would ask him this question. When it appeared that we were going to stay in the EU, was he concerned about the terms of the Transatlantic Trade and Investment Partnership and what that would have done to British farmers? Was he concerned about the trade agreement with the Canadians, of which we have today voted to take note? Was he concerned about those things, or is he concerned only when it feeds his remaining remoan tendencies?

Mr Vaizey: I did not accept the argument that TTIP would undermine our NHS, and I did not receive any representations from my farmers about its impact on them. I was concerned about the French introducing cultural protections, but felt that we were getting close to a free trade agreement thanks to the negotiating power of the European Union.

Kit Malthouse: Further to the intervention from my right hon. Friend the Member for Hitchin and Harpenden (Mr Lilley), I wonder whether the logical extension of the argument of my right hon. Friend, the Member for Wantage (Mr Vaizey) is that we should withdraw from the World Trade Organisation. For example, is it fair that the textile workers of Leicester were exposed through our WTO membership to the textile industry in China, which has largely meant a transfer of that industry to that country?

Mr Vaizey: My argument is simply that it will be very difficult to negotiate the free trade agreements that people talk about. It is a very unconstructive and unhelpful argument and will not take us very far. It is more therapy on my part because I feel so frustrated that the tone of the debate since the referendum has been so awful and unpleasant; that we forget that 48% of the country voted to stay in the European Union; and that we are unable to build a consensus on the way forward. The remain part of the House and the country has, by and large, accepted that the referendum result is clear and decisive, and that it will take us out of the EU. We want to work extremely constructively to make that happen, despite my earlier remarks. We are urging all sides to have a realistic assessment of how difficult it will be so that we can work together in the national interest.

Melanie Onn (Great Grimsby) (Lab): The right hon. Gentleman is being generous with his time. I agree with his point about trying to reach consensus for the sake of the country. Is he as concerned as I am about the protectionism of other countries and the dangers it presents in international trade? After a change of leadership in Nigeria, the Nigerians, on a whim, wrote a list of imports that they would no longer accept, which cut off presents in international trade? After a change of leadership in Nigeria, the Nigerians, on a whim, wrote a list of imports that they would no longer accept, which cut off

Mr Vaizey: I agree with the hon. Lady. And that example reinforces my belief that free trade deals will not be easy to negotiate.

What I am really saying, I suppose, is that my constituents who voted to remain—especially those who come from other European countries—have a great deal of anxiety and want a realisation that we cannot wave a magic
from ITER, the global fusion project. It will take place in France but still provides financial support for British projects including, for example, £400 million of remote handling equipment awarded to the United Kingdom Atomic Energy Authority—based in Oxfordshire—as part of a wider consortium.

Coming out of Euratom would present some difficult issues, including a requirement to conclude new bilateral co-operation agreements with the United States and approximately 20 other countries to maintain our access to intellectual property and nuclear technologies; removing the requirement for the UK to comply with Euratom’s safety regimes, which would prevent other countries from collaborating with us; and further potential delays and cost increases to the nuclear new build programme. I am extremely unhappy that the Bill will take us out of Euratom—and I was also unhappy that I had no warning of that—but I am grateful to Ministers, some of whom are in their places, for their reactions on this issue. I have been able to have discussions with Ministers from the Departments for Exiting the European Union and for Business, Energy and Industrial Strategy. I am grateful to the Minister for Universities, Science, Research and Innovation, my hon. Friend the Member for Oxford West and Abingdon (Joseph Johnson), who has personally met the Culham chief executive, and to my right hon. Friend the Secretary of State for Business, Energy and Industrial Strategy who has also spoken to the chief executive. I am also delighted that the Under-Secretary of State for State for Business, Energy and Industrial Strategy, my hon. Friend the Member for Hereford and South Herefordshire (Jesse Norman), is due to visit Culham. Every effort is being made to ensure that at its all-staff meeting tomorrow proper reassurances can be given.

Mr MacNeil: Does the right hon. Gentleman think that all the conversations he has had are equal to the £300 million subsidy for Oxfordshire?

Mr Vaizey: As far as I understand it, that subsidy is not going away, and certainly shortly after the referendum the Science Minister guaranteed science funding up to 2020. I am sure that we will find some way to be a member of Euratom and to benefit, because British—and European—scientists working in Culham are vital to that project.

Charlie Elphicke: It is welcome to hear that Ministers have been so heavily engaged with my right hon. Friend following the concerns he raised on Second Reading. Does he agree that Euratom is so closely linked with the European Union that it would be difficult for the United Kingdom to continue to be a member of Euratom while leaving the European Union?

Mr Vaizey: I will answer by saying that I agree that that is the Government’s position. I also understand that the Government will act to minimise any further legal challenge to the Bill. I reiterate that I cannot fault Ministers for their response since I raised the issue on Second Reading, in terms of engaging personally with me and with Culham.

I do not know whether I am walking into a point of order quagmire, but I hope that Ministers will publish a document that will explain their strategy for taking forward Euratom as soon as they are able to do so. The
key point is that the Government have no intention of walking away from Euratom because they somehow disagree with the principle of Euratom’s existence or the work that it does. It may sound trite when talking about people’s futures, but this is a technical withdrawal and I have been impressed by the energy of Ministers in engaging on this issue.

**Sue Hayman (Workington) (Lab):** A constituent of mine who is an employee of the National Nuclear Laboratory has told me he is concerned that an exit from Euratom would impair his ability to collaborate with leading scientists and engineers across Europe, to the detriment of science and technology in this country. Does the right hon. Gentleman agree with that point?

**Mr Vaizey:** The hon. Lady makes exactly the point about why people are concerned. As I hope I have made clear, Ministers are putting in a great deal of energy—I am full of terrible puns today—to ensuring that the implications of our technical withdrawal from Euratom are minimised, and that we can restore our de facto membership in the coming months.

**Alex Salmond:** The right hon. Gentleman is making a considered speech, as I would expect, but has he considered the possibility that if the Bill passes unamended, his position and point of influence will pass with it? It might be better to have something in writing in the Bill, rather than all these warm words, cups of tea and assurances.

**Mr Vaizey:** I hear what the right hon. Gentleman says, but I have known the Secretary of State for Business, Energy and Industrial Strategy for many years and shared many warm cups of tea with him, so I accept his warm words. I fully expect him to be in his post for several years to take this forward.

**Kit Malthouse:** My right hon. Friend is concerned about Euratom. Has he considered the alternative? Given that in the last funding round Euratom had to fight very hard to try to maintain its funding, a position it is unlikely to be able to maintain in future, and the fact that the largest single contributors to Horizon 2020, the Germans, have taken the decision to phase out their civil nuclear programme all together, is he not concerned that over the next couple of decades continued membership of Euratom might expose us to diminishing research funding? Exit from the EU could provide us with the opportunity to partner bilaterally with other countries, as we do already with India and South Korea, and therefore expose ourselves to a wider pool of research.

**Mr Vaizey:** My hon. Friend is also right to point out that securing funding for nuclear fusion is no easy task. In some respects, nuclear fusion is always the gold at the end of the rainbow. Nevertheless, it is extremely important research and I support it 100%, both in general and for the impact it has on my constituency.

I have taken so long that Mrs Laing has turned into Mrs Howarth. Having made a gentle jibe earlier at the hon. and learned Member for Edinburgh South West, I see that I have taken up an inordinate amount of the Committee’s time, so I will sit down. I simply reiterate that I stand foursquare behind EU citizens living in our country. Please do not keep banging on about how easy free trade is going to be and please secure our nuclear relationships as far as possible.

**The Temporary Chair (Mr George Howarth):** I now have to announce the results of today’s seven deferred Divisions. On the motion relating to trade unions and education, the Ayes were 327 and the Noes were 264, so the Question was agreed to.

On the motion relating to trade unions and transport, the Ayes were 328 and the Noes were 263, so the Question was agreed to.

On the motion relating to trade unions and health, the Ayes were 323 and the Noes were 263, so the Question was agreed to.

On the motion relating to trade unions and border security, the Ayes were 323 and the Noes were 263, so the Question was agreed to.

On the motion relating to trade unions and fire, the Ayes were 323 and the Noes were 262, so the Question was agreed to.

On the motion relating to trade union political funds, the Ayes were 322 and the Noes were 254, so the Question was agreed to.

On the motion relating to the comprehensive economic trade agreement between the EU and Canada, the Ayes were 409 and the Noes were 126, so the Question was agreed to.

[The Division lists are published at the end of today’s debates.]

**Mike Gapes:** It is a great pleasure to serve under your chairmanship, Mr Howarth. I do not want to go on for too long, but nine amendments in my name have been selected, though I will not speak to all of them. Amendment 31 relates to the implications of leaving Euratom. I agree very strongly with the concerns expressed by the right hon. Member for Wantage (Mr Vaizey). He also talked about the implications of the decision to leave the European Union for British citizens overseas. I declare an interest as the honorary president of Labour International, which represents the interests of Labour party members who live in other countries, many of whom were able to vote in the referendum. However, those living in the EU for longer than 15 years did not have a vote in the referendum, even though many still have very close connections to this country.

**Mr Ben Bradshaw (Exeter) (Lab):** Disgraceful.

**Mike Gapes:** It was a disgrace. We are not dealing with that issue in this debate, but I wish to place on the record the messages of concern I have been sent by...
people living in other EU countries. They remain very worried about their access to healthcare, education services and support in the communities they live in, whether they are in Spain, France, Bulgaria, Greece or one of many other countries. This issue should have been resolved already, but the Government have chosen to use these people as a bargaining chip, to use the Government’s own words. Frankly, that is unacceptable.

2.45 pm

Mr John Baron (Basildon and Billericay) (Con): Will the hon. Gentleman give way?

Mike Gapes: Yes, I am happy to give way to my colleague on the Foreign Affairs Committee.

Mr Baron: I thank the hon. Gentleman. I have raised the issue of the importance of guaranteeing the rights of EU citizens living here, perhaps unilaterally, and I have received assurances from the Prime Minister that this will be top of her list in the negotiations. Also, does the hon. Gentleman not accept in good faith that the issue could be resolved very easily if the EU reciprocated our intention of guaranteeing those rights? The issue could be put aside very quickly if the EU guaranteed the rights of British citizens living in the EU.

Mike Gapes: The hon. Gentleman has been around long enough to know that the negotiation will start after article 50 has been triggered. The reality is that the British Government could have provided reassurance to families in this country—perhaps families with one British and one French parent, whose children are born in this country—who are uncertain about their long-term future if a family member has retained citizenship of another EU country. Frankly, in the interests of those families in this country, the issue should be resolved today, not delayed until the negotiation. That is in our own interests as a country of values, high morals, justice and fairness.

Several hon. Members rose—

Mike Gapes: I need to make progress. [Interruption.]

The Temporary Chairman (Mr George Howarth) Order.

The hon. Gentleman is indicating that he does not intend to give way—certainly not at this stage. I do not think it is conducive to the good order of the business of the Committee if people keep pressing. I am sure that he will signal if, at some point, he wants to give way.

Mike Gapes: Thank you, Mr Howarth. I referred to my nine amendments, two of which are minor and drafting amendments. Amendment 23 states that we should, “by 31 March 2017”, notify the country’s intention to leave the EU. I was surprised at the lack of a date in the Bill, given the Prime Minister’s commitment to triggering article 50 by 31 March. I would have thought all Government Members would be prepared to support the amendment, given that it is entirely in line with what the Prime Minister said. For some reason, however, it does not seem to be acceptable to them; I do not know why. Perhaps a Minister could explain that later.

I mentioned amendment 31, on Euratom. Amendment 30 refers to the European Defence Agency. Defence co-operation within the European Union is vital. There is a large number of major defence projects with a components arrangement, whereby parts from one country are assembled in another. For many years, there have been such collaborative arrangements. Frankly, the British defence industry is unable to compete without international involvement. Some companies have moved offshore, in the sense that they have moved across the Atlantic, while others in this country are joint collaborative arrangements. Thales, originally a French company, is now very much a British defence manufacturer. For many reasons, if our defence industry is to be competitive and provide jobs for tens of thousands of highly skilled people in this country, we have to keep that defence industrial base, but that will be possible only through joint collaboration; otherwise, European manufacturers will be swept aside by the United States or other parts of the world. We have seen that already in the way that industries have shifted to Asia.

Anybody who wants to see the whole manufacturing process of a motor vehicle has to go to South Korea, where they press the steel, have the paint shops and engine plants, and fit out the vehicles. When I was a young man in the 1960s, I went on a school visit to Ford Dagenham. I was struck by the noise and the smell of paint. I was 17 years old. I had never been in a place like it. At that point, I realised that making cars was a massive, complex process. The only time I have seen a place like it subsequently was when I went to Hyundai motors in Korea, where I saw the sheets of steel to be pressed. When I more recently visited the Ford Dagenham plant, which is not far from my constituency, all I saw were men in white coats walking around, adjusting things in a complex process, with lots of robots and diesel engines. That is the contrast. We need to think about this. When we leave the EU, we have to make sure that our manufacturing industry, and within that, the defence sector, is maintained and strengthened.

Kit Malthouse rose—

Mike Gapes: I will give way briefly. I will not take too many interventions, though, because I am conscious that other people wish to speak.

Kit Malthouse: The hon. Gentleman makes an interesting point, but will he accept that our membership of the EU has seen a transfer of industries and factories from the UK to eastern Europe and other parts of the EU? Not least of those is Cadbury, which transferred manufacturing to other parts of the EU.

Mike Gapes: The hon. Gentleman will find that globalisation and the expansion of the wealth of the world, led by regional trading blocs such as the EU, have led to a significant change in the types of industries located in particular countries. Hundreds of millions of people have been taken out of poverty because of industrialisation in China. The same thing is happening in Vietnam, the Philippines and India. Globalisation is affecting everyone. He refers to eastern Europe. Yes, the days when the polluting Trabi cars were being made in the German Democratic Republic, and when Škoda vehicles were regarded as a joke, have gone.
There is now high-quality manufacturing in many countries throughout Europe, but they often have integrated supply chains, which is why Ford Dagenham makes diesel engines for cars also manufactured in Belgium, Spain and other European countries. That is the nature of modern capitalism and the global world. The danger in our leaving the EU is that we could make those industries in this country less successful and put tens of thousands of jobs at risk.

Mr Baron: I have good news for the hon. Gentleman: courtesy of our leaving the EU, sterling has fallen and manufacturing in this country is having a field day, as he can see from the export orders and factory output orders. Does he agree that that has been a boon to the manufacturing industry, particularly in the north?

Mike Gapes: Sterling has indeed fallen. As a result, foreign holidays and Marmite are more expensive and chocolate bars are getting smaller. There are all kinds of consequences coming through.

Several hon. Members rose—

Mike Gapes: I want to make some progress. I referred to my nine amendments. Amendment 34 relates to the common foreign and security policy. The EU does not do enough on defence. It needs to do far more, particularly, as President Donald Tusk pointed out, given the dangers from outside the EU—from Daesh terrorism, Russia and its territorial grabs in eastern Europe, and the uncertainties surrounding the other Donald, President Donald Trump, and the future of NATO. We all need to recognise that Britain, with France, is the backbone of the European pillar of NATO. The co-operation on the common foreign, security and defence policy that we have established so far needs to be sustained, whether or not we are in the EU.

It would be very foolish if, on leaving the EU, we weaken defence co-operation arrangements that date back to the Saint-Malo agreement with France, or the co-operation with our EU partners, which is limited but nevertheless important, on common peacekeeping, security and policing missions; we make a big contribution there. Some people have said that that could be used as an asset in the bargaining process, but that is the wrong approach. Regardless of what happens to agriculture or on financial contributions, it is in our national defence and security interest to have excellent relations with our neighbours—our French, Dutch and German neighbours—on the defence and security of this country. If we do the opposite, we will cut off our nose to spite our face, and that is not very sensible.

Liam Byrne (Birmingham, Hodge Hill) (Lab): My hon. Friend is making an excellent speech. Does he agree that we should go further? Now that we are leaving the federal project, we have an opportunity to create a confederal project, in which we strengthen co-operation on defence, social rights, science, international development and climate change. The Prime Minister says that we might be leaving the EU, but we are not leaving Europe. In that case, let us see the plan for strengthening our relationships across a host of areas of work across the continent.

Mike Gapes: My right hon. Friend makes a very good point, and I hope that he gets a chance to enlarge on it when he makes his contribution.

I wish to highlight two of my other amendments. Amendment 29, to which the hon. and learned Member for Edinburgh South West (Joanna Cherry) referred, and amendment 35 both relate to Gibraltar. Anybody, who, like me, has seen the occasional attempts by the authorities in Madrid to cause trouble in Gibraltar will know that there might suddenly be hundreds of vehicles and dozens of people queueing at the border between Gibraltar and Spain, the special police sent down from Madrid at a moment’s notice having imposed a rigorous check on everyone going into Gibraltar. A few hours later, there will be no queue—and then it can come back again.

Between 10,000 and 14,000 people living in southern Spain, in Andalusia, travel across the border each day to work in Gibraltar. Gibraltar has a population of about 32,000 people, many of whom are children. There is an economic base there now that cannot be sustained simply by employing residents of Gibraltar. Also, there is not enough land to house the number of workers it needs, so it is dependent on 10,000 or more workers crossing daily to work in Gibraltar—about 40% of the total workforce in the Gibraltar economy.

3 pm

Mr MacNeil: The hon. Gentleman makes a powerful point about Gibraltar, which I understand. I want to take him back to the words of the right hon. Member for Wantage (Mr Vaizey), who spoke just before him and said that he was afraid that an amendment would mess up the Bill. I fail to see how the addition, at the end of clause 1, page 1, line 3, of the words “after consultation with the Government of Gibraltar” could possibly mess up the Bill. Amendment 29 is a sensible amendment that the whole House should support, and that Gibraltar wants us to agree to.

Mike Gapes: The hon. Gentleman must be a mind reader, because I was just coming to that point. When the Government proposed the European Union Referendum Bill in 2015, after the general election, they did not initially include any wording relating to Gibraltar. That came in only because of the strenuous efforts of a number of Conservative Back Benchers, including my parliamentary neighbour the hon. Member for Romford (Andrew Rosindell), who is very active on the British overseas territories all-party group, and of Labour and other MPs who were concerned to ensure that Gibraltar was referred to in the Bill, and that Gibraltar’s citizens, even though they are not part of the United Kingdom but are part of the European Union and can vote in elections to the European Parliament, had a vote in the referendum. It is therefore strange, is it not, that although the Bill to set up the referendum, which triggered this process of leaving the European Union, explicitly mentions Gibraltar and the right of Gibraltarians to vote, there is no reference to Gibraltar at all in the Bill to trigger article 50?

I understand that one day after the referendum on 24 June 2015, the then Foreign Minister of Spain, who is fortunately no longer that Minister, as a result of which I gather things are a little bit smoother, made very inflammatory remarks about how Spain would “have Gibraltar” because of the referendum result. As the hon. and learned Member for Edinburgh South West said, when the Chief Minister of Gibraltar, Fabian
Picardo, spoke before the Brexit Committee, which looked into this issue on 25 January, he made it absolutely clear that Gibraltar had not just voted overwhelmingly to remain, but had voted by an even bigger margin—by 98%, as opposed to 93%—to be British.

The self-determination of Gibraltar is important. Culturally, the people of Gibraltar include people with Spanish, Italian, Moroccan, Genoese, British and many other roots. These people were British; they are British; they will remain British. That is not in question. As I said earlier, however, the day-to-day relationship between Gibraltar and Spain can, at the whim of some official or politician in Madrid, be made difficult. The people who suffer most from that are trade unionists, and workers in the Andalusia region who are working in Gibraltar. I have met them here in the House of Commons.

Interestingly, the socialist-led local authorities in the south of Spain want excellent relations between Andalusia and Gibraltar. While we are in the EU, our Government can ensure that there is no funny business and that no silly things emerge from some draft document produced somewhere about territorial waters, environmental issues, flights and trade matters. As soon as we leave the EU, however, we no longer have the ability to argue that case and block it if a particular Government in Madrid decide to up the ante to make life more difficult for Gibraltar.

Given the importance of this issue, it is surely necessary that the people of Gibraltar are, through their elected government in Gibraltar, made aware of these matters as we leave the EU. Surely, then, to be consistent with what the Bill said when we voted here to have a referendum, Gibraltar should also be mentioned in the current Bill. That is why I shall press my amendment 29 to the vote. I hope that Members of all parties, particularly those who have an interest in the British overseas territories and who believe strongly and firmly that Gibraltar should remain British, will consult their consciences and their own voting history and beliefs, and support this amendment.

Finally, I must say that it is unfortunate that so many Members wish to speak and that there is so little time for them. This whole process has been a disgrace; setting aside just three days for the Committee stage is an absolute disgrace. Clearly, we have seen complicity and collusion—

Mr Bradshaw: A stitch-up.

Mike Gapes: A stitch-up, as my right hon. Friend says, which John Smith certainly did not agree to. When I first entered this House in 1992, I had many happy hours and late nights debating the Maastricht treaty. I can recall—some of the faces on the other side of the Chamber are still there—taking interventions from seven or eight Conservative Members late at night on that issue. For that Bill, we had five, six or seven—[Interruption. ]—eight times as much time as we have today.

Mr Bradshaw: Does that not make it even more important for the House of Lords to take its time to consider everything that we have not been able to discuss here, and indeed much of what we have?

Mike Gapes: I do not wish to give advice to the other place, because it is possible to get into trouble if we do that. I simply say that it is fortunate for democracy and accountability that there is an opportunity for the other place to give more consideration and time to these matters, without being subjected to programme motions in the same way as we are.

I am grateful for the opportunity to speak to these amendments. I shall support new clause 2 and a number of other amendments, but particularly my amendment 29.

Kit Malthouse: It is a pleasure to follow the hon. Member for Ilford South (Mike Gapes), and more particularly to hear the intervention from the right hon. Member for Birmingham, Hodge Hill (Liam Byrne). That is the spirit; that is what we want to see; that is what we want for the future.

May I first offer an apology, Mr Howarth, to the previous incumbent of the Chair for having the temerity to challenge the opening of the debate. The infallibility of the Chair has been on display in this House over the last three or four days, and I was mistaken to think that I should join the chorus of doubts about the Chair’s decisions.

I have listened very carefully to the debate over the last two and a half days, both within the Chamber and while sitting in my office watching the television. Sadly, what I have heard is, broadly speaking, a three-day delusion by those who voted to remain about what is to come. We seem to have lost sight of the fact that, as far as I can see, we are trying to make the law in this Chamber, rather than debating the merits or otherwise of the decision that was made by the people on 23 June. That has resulted in some very poor drafting of amendments and new clauses, a huge number of which have been tabled to this very simple Bill.

I want to expand on my earlier point of order, and to explain why I cannot support the vast majority of the new clauses and amendments. Let me deal first with those tabled in the name of the Leader of the Opposition and various other Labour Members, including the hon. Member for Nottingham East (Chris Leslie). They constitute a large shopping list of things that Members would like the Prime Minister to take into account, but there are a number of omissions. Other Members have included some of the missing provisions, but they have also missed one or two. For instance, they seem to have forgotten to compel the Prime Minister to breathe or keep her eyes open.

When we add up the list of things that Members are demanding that the Prime Minister take into account during her negotiations and discussions with our European friends, we see that her scope would become extremely limited if we were to pass any of these new clauses. My main objection to them relates to their vagueness. New clause 2, for instance, contains plenty of material that gave me reason for thought. It states that “the Prime Minister shall give an undertaking”. To whom should she give that undertaking? Should she give it to her husband, or to the House? It is very imprecise. It also does not specify the form of the undertaking. Should it be written on the back of an envelope? We are writing legislation in this House, and it is incumbent on us to be precise. I raised the point of order about the new clauses being vague and therefore out of order because that is exactly what they are.
Geraint Davies: On a point of order, Mr Howarth. The hon. Gentleman made a point of order saying that the new clauses were out of order, and was ruled out of order. Now he is saying that his point of order was in order, so I suggest that he is out of order.

The Temporary Chairman (Mr George Howarth): The hon. Gentleman’s point of order, although very entertaining, was not a point of order.

Kit Malthouse: Thank you, Mr Howarth. The previous occupant of the Chair corrected me, and said that my point of order was a matter for debate in the Chamber and not, in fact, a point of order. Debating it is therefore exactly what I am attempting to do.

Mr MacNeil: The hon. Gentleman said that he could not support the “vast majority” of the new clauses and amendments, which presumably means that he can support some of them. I wonder whether he is able to support amendment 29, which was tabled by Labour Members but is backed by the SNP, and which would insert the words “after consultation with the Government of Gibraltar”. It is quite simple. Will the hon. Gentleman stand with the people of Gibraltar, or will he not?

Kit Malthouse: The hon. Gentleman is quite right. I did say “the vast majority”. I should not have said that until I had managed to read them all, but I must confess that even my enormous stamina started to wane at one in the morning when I was two-thirds of the way through them. I have not read them all, which is why I am sitting here listening, so I shall have to mull over that decision over the next few hours.

As I was saying, we do not know what the form of the undertaking is to be, we do not know to whom it is to be made, and, critically, we do not know what the sanction is. If the Prime Minister says “Do you know what? No”, what are we to do? Are we to send her to the Tower? Is she not to participate in the elections?

3.15 pm

Mr Harper: According to my reading of the new clause, the sanction is that until the Prime Minister has given the undertaking, she cannot proceed with giving notice under article 50, which I suspect is the intention of those who tabled the new clause. This new clauses are festooned with mechanisms for not giving notice under article 50, which is the entire purpose of the Bill.

Kit Malthouse: I think that my right hon. Friend is being quite generous. As far as I can see, the huge number of new clauses and amendments is designed purely to waste time and to delay, and to send political signals rather than trying to achieve anything. The hon. Member for Ilford South complained about the programme motion. If the opponents of the Bill, or those who wish to amend it, had collaborated and focused on three or four critical changes that they wanted to see, rather than throwing a lot of flak in the air and causing all these problems, they might have made some progress.

Dr Murrison: My hon. Friend is making a number of extremely good points, but is not vagueness the virtue as far as the drafters of the new clauses and amendments are concerned? If passed, they would turn a simple one-page Bill into an absolute monster that would be subject to a lawyers’ beanfeast and would be judicable at every turn, thus kicking the Bill into the long grass.

Kit Malthouse: I agree, although the word I would use is “simplicity”. With simplicity comes clarity, and we need clarity from the Prime Minister, as she enters the negotiations, about the motivations of the House and its support for her.

My other reason for objecting to new clause 2 is that it abrogates to the Prime Minister decisions that will rightly become the decisions of the House in the future. Paragraph (e) states that the Prime Minister should have regard to “maintaining all existing social, economic, consumer and workers’ rights.” Apart from anything else, I am not sure what my social or economic rights are. They are undefined in the Bill. But, in future, those decisions will presumably become decisions of the House. If there are to be any changes in those rights, undefined as they are, they will have to be the subject of primary legislation.

Caroline Lucas: I do wish that the hon. Gentleman would inform himself before making his points. We already know from the White Paper that the Government have said that it will be possible for plenty of these measures to be reformed in secondary legislation. In other words, it will not be subject to parliamentary scrutiny. The hon. Gentleman may not care about his own economic, social and environmental rights, but Opposition Members have constituents who do care. We are trying to do our job properly; it is a pity that the hon. Gentleman is not.

Kit Malthouse: I am sure that the hon. Lady did not mean to be rude—

Caroline Lucas: I did. [Laughter.]

Kit Malthouse: Perhaps she did. I admit that I am a relative newcomer to the House, but, as I understand it, even secondary legislation can be forced into debate on the Floor of the House by the Opposition parties. They can table motions, and there can be Back-Bench debates. All sorts of scrutiny of secondary legislation is possible. Indeed, there are ways in which the Opposition can strike down such legislation once it is before the House, if they wish to do so. It is not as if we were without powers in such circumstances.

Mr Harper: May I help my hon. Friend and, in particular, the hon. Member for Brighton, Pavilion (Caroline Lucas)? It is made clear in the White Paper—an undertaking that the Prime Minister has already given to the House—that any significant policy changes will be underpinned by primary legislation, which means that the House can be given a full opportunity to debate them. It is also clear that secondary legislation, under the great repeal Bill, will be used only to address deficiencies in the preserved law, which will relate to the fact that we will not, for example, be able to use EU institutions. I think that that is very clear, and preserves the rights and privileges of the House to protect our constituents.

Kit Malthouse: My right hon. Friend is quite right.
Mr Lilley: Is my hon. Friend not puzzled about why the hon. Member for Brighton, Pavilion (Caroline Lucas) and others now want to be able to vote on and control legislation on whole swathes of which, for the last 40 years, they have been content to have no vote—no vote before negotiations, no vote during negotiations, no vote at the end of negotiations—and no power to destroy an EU regulation even if every Member voted against it.

Kit Malthouse: My right hon. Friend has neatly drawn attention to the fundamental paradox that sits at the base of all remainder arguments.

When we come to new clause 77, I think we have reached what I would call peak nonsense. The new clause, tabled by the hon. Member for Nottingham East, states:

“In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must have regard to the desirability of retaining full participation in the making of all rules affecting trade in goods and services in the European Union.”

That effectively means remaining members of the Commission, members of the Parliament, and members of the Council of Ministers, or else not leaving the EU. As far as I can see, that is indeed peak nonsense. Yet again, we see bad legislation and bad law.

Chris Leslie: The hon. Gentleman should perhaps take another look at new clause 77. It makes the point about the need for the UK to retain its role around the table as a rule maker in our tariff arrangements for trade. There are some serious issues to do with our position in the customs union and so forth, and I suggest that Britain should retain its role around the table. Does the hon. Gentleman disagree?

Kit Malthouse: No, that is not what it says. If the hon. Member reads the Member’s explanatory statement to the amendment he will see that it says:

“This new clause would require HM Government to negotiate to continue the UK’s participation on agreeing all rules affecting trade in goods and services in the European Union.”

My understanding is that those rules are made by the Commission and agreed by the Council of Ministers and the Parliament, so we would have to stay around all those tables.

Tom Tugendhat (Tonbridge and Malling) (Con): Should we pass this new clause, will the Act of Parliament therefore be binding on the other 27 members, who will therefore, because we willed it, be forced to accept our presence at their table, despite our having left all the organisations that we have left? Does my hon. Friend think that this is in any way enforceable? If not, is it not slightly fallacious even to debate it?

Kit Malthouse: My hon. Friend rightly points out that, as with all of these amendments, even if this does not happen, there is nothing to be done. There is no sanction; there would just be a shrug of the shoulders, and we would have to turn our back and ask the hon. Member for Nottingham East what we are supposed to do next if we cannot manage to comply with his amendment. It really is nonsense. I know the hon. Gentleman has ambitions within his party, but he will have to do a little bit better than produce stuff like this.

Again, new clause 179 on protecting current levels of funding states:

“In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must have regard to the desirability of protecting current funding from the European Union.”

Funding to whom? Which funding? All funding? The funding that we send? The funding that comes back? Defence spend? Funding to us, or funding to other countries? The vagueness of these new clauses is extraordinary.

Again, new clause 183 on membership of the single market including EU-wide reform of freedom of movement states:

“secure reforms of provisions governing the free movement of persons between EU member states in such a way as to allow for greater controls over movement of people for member states”.

That is all very vague, as is

“maintain the highest possible level of integration with the European single market.”

What does that mean? What is the highest possible level of integration? Perhaps that means membership.

Sir Oliver Letwin: I think my hon. Friend is being a little uncharitable. He seems to be assuming that these new clauses are without purpose, but, as was recently pointed out, they have a very definite purpose: were they to be passed, it would be impossible for the Government to proceed with article 50. It would be in the courts certainly for years, possibly for decades, and maybe even for centuries. A very conscious policy of great intelligence is being followed here. My hon. Friend is underestimating the ingenuity of the Opposition.

Kit Malthouse: My right hon. Friend may well be right. Perhaps I am—

The Temporary Chair (Mr George Howarth): Order. While the hon. Gentleman is perfectly entitled to debate the quality or otherwise of any amendments or new clauses, he needs to acknowledge that the Chair has deemed all of them to be within scope. So whatever the purpose or otherwise behind them, they are within the scope of the Bill.

Kit Malthouse: I am grateful to you for that direction, Mr Howarth, but the previous incumbent of the Chair told me that that was a matter for debate on the Floor of the House, and that we were allowed to debate the merit—

The Temporary Chair: Order. And that is exactly what I have just said.

Kit Malthouse: Anyway, I have come to the end of my peroration on that particular point and I have a couple of other points.

Quite a lot of these amendments are unenforceable and nonsensical and cannot be supported. I will listen to the rest of the debate and discover whether there are any substantive ones in this potpourri that has been thrown up in the air, as my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) says, to try to fog the issue or create legal difficulties in the future. But for the moment I am afraid I am not able to support the vast majority of them, although I have not read every single one yet.
I wish to make two further points. First, I want to reiterate what I said earlier about Euratom and the nuclear industry. The nuclear industry is of course incredibly important not just to the UK, but to the rest of the world. The UK is a serious nuclear power; there is serious, deep research going on here into the future of nuclear fission and fusion. But we have to recognise that things are changing in the EU nuclear research landscape, and be aware of those decisions, and take them into account when we consider our future association with Euratom.

There is now only one serious nuclear power in the EU, which is France. Germany has taken the decision to withdraw completely from the civil nuclear programme. Belgium is the only other country with a significant number of reactors, but France, with 58 reactors, is the only country truly putting effort into nuclear research, and of course we are fortunate in this country in having a bilateral nuclear collaboration agreement with France.

Angela Smith: Sheffield’s Advanced Manufacturing Research Centre is the heart of nuclear technology research in this country. The hon. Gentleman ought to think again about his statement.

Kit Malthouse: I am not quite sure what the hon. Lady thinks I said. I said there were broadly two serious nuclear powers in the EU at the moment, the UK and France, and that we are fortunate in having a bilateral agreement signed in 2010 with the French to deepen and widen our collaboration on nuclear research. Our exit from Euratom, which looks like it is going to happen, will not affect that at all. Those bilateral relations and that research will continue. In particular, our participation in the Jules Horowitz Reactor project in southern France can continue, not least because there are a number of non-EU members in that fantastic materials testing programme at the moment.

Mrs Theresa Villiers (Chipping Barnet) (Con): I wonder whether my hon. Friend shares my concern. I think that the threat to the UK nuclear industry is not this Bill but the fact that the Leader of the Opposition wants to shut down the nuclear industry in this country, including, of course, Sellafield.

Kit Malthouse: That is a very good point, which will no doubt be taken into account by the good voters of Copeland in the next couple of weeks.

Albert Owen: I am glad the hon. Gentleman mentioned the good voters of Copeland, because they will be looking after the nuclear workers whose pensions are under threat from his Government.

The agreement between France and Britain comes under the umbrella of Euratom, and the people who know—the academics and the industry—are lobbying us to maintain that link.

Kit Malthouse: I am not sure the hon. Gentleman is right legally; my understanding is that it is an intergovernmental treaty between the two countries and will not necessarily be affected.

We have bilateral treaties with lots of other countries. Just before Christmas, we signed yet another agreement with the Japanese to deepen our research into the civil nuclear programmes. We also have bilateral arrangements with India and South Korea. These are really where the innovations are happening in nuclear research, so the idea that somehow by not being in Euratom we are going to close ourselves off from the rest of the world is totally untrue. If anything, it might free us to do more work across the rest of the globe in developing what I think is going to be the future of British energy.

Finally, I want to say a few words on EU nationals. As Front Benchers will know, I have expressed my doubts about the Government’s approach to this matter over the past few months, and I am firmly of the belief that we should give those people some reassurance. However, I am willing to give the Prime Minister the space she needs in the negotiations to ensure that she can secure the fate of British nationals overseas. On the basis that the question of EU nationals will come back to the House—as will so many other things—and require primary legislation if their status is to change, I will be voting with the Government on this new clause, as I know many others will for the same reason.

Mr MacNeil: Will the hon. Gentleman give way?

Kit Malthouse: No, I must finish now.

I therefore encourage Members to look at these new clauses and amendments and decide whether we would be putting good, enforceable law on to the statute book by accepting them. I suggest that, in most cases, we would not, so I urge Members to vote with the Government.

Caroline Flint (Don Valley) (Lab): It is a pleasure to serve under your stewardship, Mr Howarth. I listened carefully to the contribution from the hon. Member for North West Hampshire (Kit Malthouse). I believe that it is part of our job in the House of Commons to raise questions about important decisions that affect all our lives and, through the use of amendments and other means, to open up the discussion and seek answers from the Government of the day. That is important in the debates that we will have today and in the future. The Government have refused on numerous occasions to accept contributions from those on my own Front Bench and others, but they have then gone away and thought about the issues and decided, “Maybe there’s something in that.” We seem to be pushing at the Government, although they do not want to accept some of the amendments, some of which I have put my name to. Part of the purpose of having these debates in the public arena is to hold the Government to account and make them look again at the important subjects that are being raised at the moment and that will, I have no doubt, be raised in the next two years and beyond.

3.30 pm

I was delighted to read in the White Paper that one of the Prime Minister’s 12 objectives was to enhance employees’ rights and maintain EU protections. On page 32, the graph suggests that we will have 14 weeks’ statutory paid holiday. I wonder whether she will keep to that suggestion. Some amendments on the protection of workers’ rights tabled by my hon. Friend the Member for Nottingham East (Chris Leslie) were not selected, but we will take heart from the suggestion in the White Paper and perhaps hold the Prime Minister to account on that particular issue.
I want to challenge the Government on a number of aspects of this important process, and I do so as an MP who believes that the decision is made. Whatever the falsehoods, exaggerations or unpleasantess that surfaced in the referendum, none of those invalidates the UK’s decision. The House should make it clear that we respect the outcome of 23 June. I commend the approach of Labour Front Benchers on those matters, and I commend the work of my hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer) in particular, because it is thanks to his efforts that the Government have accepted a number of Labour’s demands.

The Government have accepted our essential demand for a vote in the House prior to withdrawal. There will be lots of debate about what that should mean, but it has been a concession. The Government have also accepted that that vote has to include our proposed relationship with the EU after we leave. They have accepted that the vote must take place on a draft withdrawal agreement, and that it will do so before the European Parliament or Council decides on that draft agreement. In accepting those Labour arguments, the Government are asserting that the UK Parliament does not play second fiddle to our colleagues in the European Parliament, and that this House asserts some measure of control over the withdrawal process. It is really important that this is not seen as a debate only for the Prime Minister and her Ministers, and that everyone in the House is able to air their views and influence the discussions.

Geraint Davies: Will my right hon. Friend give way?

Caroline Flint: I will make a bit of progress, then I might take a few interventions.

In the Prime Minister’s Lancaster House speech, she pledged that the UK would keep workers’ rights after Brexit. She also pledged to avoid a cliff edge by seeking a period of stability after we leave, while our trading arrangements with the EU single market are sorted out. She pledged to seek good access to the single market with no extra tariffs or bureaucracy. There might be some disagreements on my own side of the House about what all that should look like, but none of us should be in any doubt about the importance of our trading arrangements—not only for exports, but for imports.

This is not just about our cities; it is about places such as Doncaster and the other towns and communities around the country in which these arrangements are vital for jobs. When I did a survey of my constituents after the referendum campaign, I asked them what my three priorities should be. Jobs and investment came first. Tackling immigration came second. The £350 million a week that was apparently going to come back to the NHS came third. We heard about that in yesterday’s debate. I am not sure what I can do about that last one, but the first two are certainly going to get my full attention.

I believe that we have to look at freedom of movement. I have been saying for many years that immigration has not been attended to, by my party or by others, in the way that it should have been. The Prime Minister has said that she wants the negotiations to guarantee that EU workers who currently live here can stay. I agree with that. Many of my constituents have particular issues about freedom of movement and they want them to receive attention in a way that they have not done before. However, the Prime Minister could lead her MPs through the Lobby today and vote to guarantee the rights of EU nationals here. As others have said, she could make it clear that they will not be used as a bargaining chip and could end their uncertainty. Likewise, we also want to safeguard the rights of British people living in Europe, and by adopting a positive approach today we would make it more likely that British people living in the EU were treated fairly.

Mr MacNeil: The right hon. Lady touches on EU nationals. It has been misunderstood several times in this House, not just today, that Europe should make the first step. Which European state did those people mean? Should it be Bulgaria, Sweden, Portugal or wherever? The reality is that the UK is making a move with Brexit, so the UK should be leading and showing good will to the citizens of all European countries. We are talking not about two places—the UK and the EU—but about the UK and 27 other places.

Caroline Flint: The tone of the debate as we move forward is crucial not only to how we in this country work together for the best deal, but to how we are perceived in the other 27 member states. Something will have to be done about EU nationals living here and British people living in the other member states. That is a fact. There will have to be a deal. There are those on the Government Benches—remain voters and leave voters—who cannot understand why the Prime Minister is not stepping up and making a decision to make that clear.

Several hon. Members rose—

Caroline Flint: I am going to make progress.

I also want us to be open to EU students. I understand the concern in parts of our country—maybe not so much in London, but certainly in Scotland and the north of England—about the continuing brain drain from our communities that is hindering our ability to grow our economy. My constituents do not have much of a problem with that, just like they do not have much of a problem with having the ability to travel for their two weeks in the sun maybe once a year, which will be important for Doncaster Sheffield airport in my constituency. However, they do know that we have to think about some rules to manage migration, because the net benefits of migration, of which there are many, have not been shared equally across the country. In some communities in some towns, the rate of change with people coming in, particularly from eastern Europe, has had economic and social effects—with no blame accorded to those individuals. When a factory finds, perhaps over a matter of weeks or even overnight, that the number of people from eastern Europe outweighs the number of people from the local community, it cannot be denied that that creates worries, problems and pressure on services.

The debate over the next few years cannot be just about migration from the EU. Over the past seven years, the Tory Government’s policies on migration and immigration have failed. The Secretary of State for Exiting the European Union is not here, but I remember when he caused a by-election on the basis of getting rid of ID cards. I supported ID cards then and I support them today. In the world in which we live, and given identity fraud, crime and needing to know who should
have access to what, they could have been part of the solution to some of the problems we have seen since he caused that by-election.

Dr Murrison: I have been following the right hon. Lady’s remarks with great interest. She has reiterated the shadow Minister’s abandonment of her party’s long-standing principled commitment to free movement. Given that she wants the House to control migration in the future, how would that be possible without leaving the EU?

Caroline Flint: We have failed to raise that issue under successive Governments and influence how the change should happen, and I believe that discussions are happening across the other 27 member states about what freedom of movement has meant for them. Unfortunately, we have not attended to that issue for too long. As a result of not doing so, when David Cameron tried to negotiate a deal, he did not leave enough time to broaden the scope for some real reform, so we hurtled into a referendum of his choosing on the date that he set and the consequences are there for all to see.

Liam Byrne: Mr right hon. Friend is making a brilliant and honest speech. When I was the Immigration Minister in 2007, it was clear to me that there could have been a consensus throughout Europe on the reform of free movement. If only the Labour party had pursued it then, when we were in government—indeed, if only the Conservative party had pursued it with care and forensic detail when they came to office in 2010—the Government would not have been forced to offer a bargain-basement deal to the British people when the Prime Minister’s back was against the wall.

The Temporary Chair (Mr George Howarth): Order. I do not want to stifle interventions, but it occurs to me that some people who are intervening and are still hoping to speak will have nothing left to say by the time they get to speak.

Caroline Flint: I absolutely agree with that statement by my right hon. Friend the Member for Hodge Hill (Liam Byrne). We should be having a more grown-up discussion about the mistakes that have been made and how we navigate what is for us all uncharted territory. A little humbleness in all that would not go amiss.

Sir Oliver Letwin: I have been following the right hon. Lady’s remarks with great interest. She has reiterated the shadow Minister’s abandonment of her party’s long-standing principled commitment to free movement. Given that she wants the House to control migration in the future, how would that be possible without leaving the EU?

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Liam Byrne: Mr right hon. Friend is making a brilliant and honest speech. When I was the Immigration Minister in 2007, it was clear to me that there could have been a consensus throughout Europe on the reform of free movement. If only the Labour party had pursued it then, when we were in government—indeed, if only the Conservative party had pursued it with care and forensic detail when they came to office in 2010—the Government would not have been forced to offer a bargain-basement deal to the British people when the Prime Minister’s back was against the wall.

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The decision of the British people on 23 June was an instruction not just to the Prime Minister and a handful of Ministers, but to all of us in this House.

3.45 pm

In that spirit, I urge the Government to adopt new clause 163 and consult the English regions. As a Yorkshire MP, I hope that we do not need to remind Ministers that Yorkshire has a population greater than Scotland. We had a gross value added economic output of £110 billion in 2015, just £17 billion less than Scotland, so I call on the Government not to overlook the English regions.

Finally, I urge Ministers to clarify our future relationship with the European Atomic Energy Community, which has already been mentioned in this debate. We all know that that is such an important sector, and it is a sector that should grow in the UK not only because of the nuclear energy that we create here, but because of the potential export market that it provides.

New clauses 185 and 192 and amendment 89 all seek to ensure that the Government take this matter very seriously. There is an onus on Ministers urgently to clarify whether, on leaving the EU, the UK will forfeit this serious sector. There is an onus on Ministers urgently to ensure that the Government take this matter very seriously.

Albert Owen: My right hon. Friend is right to press the Minister, because we have had some very thin talk on this important matter. The industry wants this working party, and it wants Government to give some clear assurances. I make my appeal to the Minister, through my right hon. Friend, to do that tonight. I am sure that he is listening.

The Minister of State, Department for Exiting the European Union (Mr David Jones) indicated assent.

Caroline Flint: I absolutely agree with my hon. Friend. As a remain campaigner, I saw many positive benefits from our membership of the European Union. I am determined that this House will respect the referendum outcome and seek the best for my constituents from our new relationship.

Some in the Prime Minister’s Cabinet talk as though Brexit will be nothing but boundless prosperity. Some remainers talk as though Britain is hurtling off a cliff and they are all doom and gloom. The reality is likely to be something in between. After a long and sometimes difficult marriage, we are getting a divorce. During that process, we need to leave behind some of the false promises and distortions of the referendum campaign. Dramatic false claims only damage trust. We need to replace the rhetoric with honest discussion and honest endeavour to achieve the best outcomes from the path that our country has chosen. That is how we rebuild trust and secure a deal that most leave and most remain voters can accept. That is the way I will be approaching the discussions in the months ahead.

Mr Baker: In rising to support the Government, I wish to consider new clause 2, and amendments 5 and 42 and new clause 185 relating to Euratom.

I am enormously encouraged by today’s debate not least because I take new clause 2, as my right hon. Friend the Member for Wokingham (John Redwood) explained, as an endorsement of the Government’s position. I look forward to a very full aye Lobby on Third Reading. Paragraph (e) talks about “maintaining all existing social, economic, consumer and workers’ rights”.

That is something to which the Prime Minister is committed. Along with other Members, I look forward to seeing her succeed in guaranteeing reciprocal rights as soon as possible. I think we know from the press why that has not been done already. It is because the German Chancellor and various figures within the EU institutions have stood in the Prime Minister’s way. We know, from what we have read in the press, that the Prime Minister has a clear framework for guaranteeing reciprocal rights and she has sought to deliver it, but, because our negotiating partners have insisted on no negotiation before notification, she has not made progress on it. None the less, I have full confidence in her intent and in the solidity of her work, and I will certainly vote with the Government tonight.

Of course, looking at the character of this sheaf of amendments, I think many right hon. and hon. Members have indicated why they have been tabled. They are undoubtedly meant to draw within the jurisdiction of the courts a wide range of issues that would keep us mired in the courts for ever, putting off the inevitable day of leaving. I think it is far better to be strong, confident and committed and to act with a constructive and positive spirit to take us out of the EU successfully.

With that in mind, having dramatically curtailed my remarks on the new clause in the light of what colleagues have said, I want to turn to Euratom. What is it? It is a legal framework for civil nuclear power generation, radioactive waste management, arrangements for nuclear safeguards and movement of and trade in nuclear materials.

The first point I want to address is the suggestion that this issue was not on the ballot paper. I suggest that if we had put all the issues that are of concern to hon. Members on the ballot paper, it would have been very long indeed. The question on the ballot paper was perfectly adequate and if the fault can be laid at anyone’s door for Euratom’s not being discussed in the course of the campaign, it lies with the pro-EU Britain Stronger in Europe campaign.

The Euratom treaty is a separate treaty, signed in 1957 by the founding members of the EU. The UK joined it at the same time as it entered the EEC, and the European Communities Act 1972 gives effect to that treaty as well as to the EEC treaty. Section 3(2) of the European Union (Amendment) Act 2008 makes it clear that any Act that refers to the European Union includes a reference to the European Atomic Energy Community. It is absolutely clear that conferring on my right hon. Friend the Prime Minister the power to notify that we are leaving the European Union gives her the power to take us out of Euratom.

That leaves a couple of questions. The first is whether the Government are seized of the importance of nuclear safeguards, which are an extremely important issue for the House. My experience of working with nuclear systems is, I admit, distant and limited. I joined the Royal Air Force at a time when we still had tactical
nuclear weapons and I was trained to certify aircraft nuclear weapons electrical installations. I must say that it was neither rocket science nor magic; it was about using the finest components to the highest quality standards. From my experience of that work, I would say that I have complete confidence in British scientists and engineers to do everything necessary to ensure that safeguards continue.

I particularly observe that we will continue to be part of Euratom throughout the negotiation period. Since Euratom brings into effect in Europe the provisions made by the International Atomic Energy Agency, and since we will continue to be members of that agency, we can expect not only to continue to comply with Euratom but to continue as members and put in place appropriate arrangements as we move forward.

In addition to the points made by my hon. Friend the Member for North West Hampshire (Kit Malthouse) about the French bilateral, I point out that the Trident system is evidence that we can collaborate on nuclear issues outside the framework of Euratom. I know from experience that anything to do with a nuclear system focuses the mind like nothing else, and I know that my right hon. and hon. Friends on the Front Bench are seized of the issues and will prioritise this point.

Albert Owen: The hon. Gentleman says that Euratom was not on the ballot paper, and he is right, but it was not even mentioned by the Government until they produced the Bill. If it was such a big and obvious issue, why did the Government not raise this important point while the European Union Referendum Bill was going through this House, or at another opportunity? Secondly, and finally, he talks about the two years. Is he suggesting that if there is no agreement after two years, there should be a transitional period, or will we lose our place in the world?

Mr Baker: I thought that I had explained that carefully, but I will say it again. Section 3(2) of the European Union (Amendment) Act 2008 makes it clear that any Act that refers to the European Union includes a reference to the European Atomic Agency Community. It is very clear that Euratom was included in the scope of the referendum. On the hon. Gentleman’s point about the transition, the Government will make it a priority, as I have just explained at some length, and I have absolute confidence in British scientists and engineers to do everything necessary to ensure that safeguards continue.

Mr Baker: That is an important point. About half of Business for Britain’s 1,000-page “Change, or go” report went through, section by section, all the areas on which we currently co-operate with other nation states through the European Union and its agencies. In each case, it explained that there were bases on which we could co-operate internationally. During the Prüm debate, I made a point particularly in relation to Europol: in a globalised world of cheap, fast air travel, and the internet making just about everywhere milliseconds away, we need global co-operation on police, judicial and security matters. We need to escape the mindset that the only way to do that is through the hierarchical arrangements of the European Union. I hope that my hon. Friend the Member for Kingston and Surbiton (James Berry) will not mind if I dilate slightly on his point.

I remember being told back in 2010 by Members across the House, particularly by the then leader of the Liberal Democrats, that politics was changing and that we were seeing a realignment of politics. I thought of Ronald Reagan’s words on choice:

“Up to the maximum of individual freedom consistent with law and order, or down to the ant heap of totalitarianism”.

That reorientation of politics is happening.

The availability of the internet and air travel means that the old hierarchical structures that were necessary for communication in the absence of the internet are no longer appropriate for the world in which we live. It is quite right that we should seek, as my hon. Friend the Member for Kingston and Surbiton suggests, to co-operate on a global basis on all these issues under new arrangements that allow us to act with far greater agility.

Sue Hayman: The hon. Gentleman talks about international and global relations. If it is so straightforward, why is the Nuclear Industry Association saying, “Given the international nature of the nuclear industry the biggest risk in leaving Euratom is an interruption to normal trade both in the European Union and overseas”? My hon. Friend the Member for Henley (John Howell) will come to negotiate with the European Union on this matter, if it is straightforward intervention by making the point that the Joint European Torus project over at Culham does not want these amendments. That is not to say that people do not want collaboration; of course we all want that. However, the question today is whether these amendments should be made. The clear answer coming from Culham—I am grateful that my hon. Friend the Member for Henley is indicating assent—is that the amendments should not be made.

John Howell: My hon. Friend’s point is absolutely clear. The management at Culham do want to co-operate, and they want a much larger project. We should do that not by making amendments, but by having discussions with Ministers.

Mr Baker: Indeed. In emphasising how committed the Government are to the issue, it might well assist the Committee to return to the Secretary of State’s comments on Second Reading, where he pointed out:

“The Bill also gives the Prime Minister the power to start the process to leave Euratom...This is because, although Euratom was established in a treaty separate from the EU agreements and treaties, it uses the same institutions as the European Union, including the European Court of Justice.”

He went on, in response to an intervention, to say

“Euratom passes to its constituent countries the regulations, rules and supervision that it inherits, as it were, from the International Atomic Energy Agency, of which we are still a member. When we come to negotiate with the European Union on this matter, if it is
not possible to come to a conclusion involving some sort of relationship with Euratom, we will no doubt be able to reach one with the International Atomic Energy Agency”.—[Official Report, 31 January 2017; Vol. 620, c. 819-20.]

The point I am making is that this is a crucial issue and the Government understand that. We are fully committed to making progress on nuclear matters in research, development, implementation, safety and global collaboration, but we need to leave Euratom as we leave the European Union. The Government are entitled to do so, and it is quite right that the Bill stands as it is as the Government move forward. I will certainly be voting for the Bill as it stands. The amendments are unnecessary and counterproductive. I commend all the Ministers’ work on Euratom.

Jess Phillips (Birmingham, Yardley) (Lab): I feel the need to say that I will be brief and then just talk for as long as possible, just because I would not like to revert to type. I wish to speak specifically to new clause 100, which is principally in the name of my right hon. and learned Friend the Member for Camberwell and Peckham (Ms Harman). I would like to start by saying how grateful she and I are to the 64 colleagues who have added their names in support of it. That shows the real strength of feeling and concern in the House on this issue. It has already been mentioned by some of my hon. Friends, and I shall go into it in more detail.

4 pm

Despite the assurances we have had from Ministers and the Prime Minister herself, very real concerns remain about the potential impact of leaving the European Union on women’s rights and about the Government’s intention of defending them. The new clause addresses that in four key areas. The first is employment rights and protections derived from EU legislation.

We know that the rights of part-time workers and pregnant women at work, as well as—we have seen many different cases about this—the right to equal pay for work of equal value, derived from the EU. The Government’s White Paper argues that we have more generous maternity leave systems here in the UK than are required at EU level, and that is absolutely correct—yes, we do. What I would say to the people in this room about that is, “You are very welcome,” because it was the Labour Government that introduced those things. Specifically, it was my right hon. and learned Friend and other women who sit in this Chamber with me today who fought for those rights.

At the moment, we have something that is better than what exists in the EU, but we have seen in many of the different global changes in the past few days—I was going to say months—how easily women’s rights can be undone when our global alliances begin to fail.

Caroline Lucas: I certainly pay tribute to the role that Labour has played in those rights. Does the hon. Lady agree, though, that the EU does actually take us further than the Bill?

Jess Phillips: Absolutely. I agree entirely, and I will talk a little about what the EU has done that goes beyond UK legislation.

Mr Harper: Will the hon. Lady give way?

Jess Phillips: I will give way—perhaps—shortly.

The rise of pregnancy discrimination in the past few years because of changes in UK legislation means that women’s rights definitely need to be protected and considered, and I would be very happy if we had external protection.

The rights of part-time workers are crucial for women. That includes pension rights and equal treatment at work for part-time workers. Some 75% of part-time workers are women, and 42% of women work part time. Equal pay for work of equal value is crucial for women. The issue derives from the speech therapist case brought to the European Court of Justice in 1993. It is a very live issue, because low-paid women in the UK are today fighting equal value pay cases against Asda and Reading Council—this is still going on today.

The Government’s White Paper touches on this. I am just going to make a minor segue: because my favourite moment in the White Paper was the bit where it said that Britain does have sovereignty but it has not always felt like it. That reminded me of my children saying, “I know you love him more than me. I know you love me too, but it hasn’t always felt like it.” We really made Britain look like a petulant teen. Anyway, back to women’s rights.

The White Paper says:

“What the Government is committed to strengthening rights when it is the right choice for UK workers and will continue to seek out opportunities to enhance protections.”

What exactly does “the right choice” mean? When do the Ministers in front of me think that strengthening workers’ rights is not the right choice?

I remind the Committee that it is not long since we had the red tape challenge. The Equality Act 2010 was included in the red tape challenge in 2012, so the very rights to which the Government now say they are committed they have previously considered to be red tape. The Prime Minister herself was the then Minister who led that review. When Ministers wonder why we doubt the sincerity of their commitment, I say to them that I have read the White Paper very carefully. Much like the Government Front-Benchers going out to the European Union as part of the Brexit team, there is not a single mention of a woman, nor equality, anywhere in the White Paper.

Mr Harper: Will the hon. Lady give way?

Jess Phillips: I think it is time for a woman’s voice to fill this Chamber for now. I believe that the right hon. Gentleman has had his say.

Seema Malhotra: Will my hon. Friend give way?

Jess Phillips: I absolutely will give way. [Laughter.]

Seema Malhotra: My hon. Friend is making a characteristically powerful and passionate, and humorous, speech. Would it not be fair to approach the wording in the White Paper with some caution, bearing in mind that prominent leave campaigners argued that leaving the EU would be an opportunity to cut EU social and employment protections?
Jess Phillips: Absolutely. My hon. Friend makes a very good point, unfortunately. The thing that we might get, as the leave campaign said, is a squashing of workers’ rights: the thing that we will not get is £350 million going into the NHS. If only there was a level of consistency in what we have been promised.

Mims Davies (Eastleigh) (Con): I have always enjoyed working on the Women and Equalities Committee, which has been incredibly harmonious, listening to both men’s and women’s voices. I understand the spirit of new clause 100, but I find it faintly objectionable—I know who I am addressing this to in using that phraseology—to criticise our Prime Minister in talking about women’s rights and equalities, because she has led the way on tackling female genital mutilation, making sure that workers in particular areas have better life chances, and tackling coercive control. May I implore the hon. Lady to believe that Conservative Members, particularly our Prime Minister, do believe in the rights of those both male and female?

Jess Phillips: I have absolutely no doubt that some Conservative Members care about women’s rights, but I have lots of evidence to suggest that some absolutely do not, and need, frankly, a good, strong talking to by our Prime Minister. It is because I know how committed the Prime Minister has been to dealing with issues of violence against women like FGM, and cross-border issues to do with FGM, that I cannot understand why she would whip her party not to vote for this.

When Ministers are at the negotiating table thinking about the competitiveness of the UK economy, what will be high on their list? Will it be how to ensure that we protect and enhance workers’ rights or women’s rights—I think we can see the answer on the Government Front Bench—or will it be to undercut our EU neighbours by becoming a low-regulation, low-tax economy? The esteemed High Court Justice Dame Laura Cox has said:

“Some of the basic rights that we now take for granted—pregnancy and maternity rights, part-time workers’ rights, equal pay for work of equal value—are all at risk if the UK becomes a low regulation economy.”

Is that the true destination of these negotiations? Can the Minister give us an assurance that powers in the great—or otherwise—repeal Bill will not be used to remove any equality and employment rights at a later date? Will the rights of part-time workers, pregnant women at work and women fighting for equal pay really be safe with them, whatever happens?

Charlie Elphicke: The hon. Lady is making a passionate case, but it is not really for this Bill; rather, it is for the great repeal Bill, which will come in due course.

Jess Phillips: I acknowledge the hon. Gentleman’s assertion, but I am being asked to vote on something tonight and I want to be certain that people like me and people who live in my constituency are going to be protected. At the moment, I do not feel confident about that.

Mr Harper: May I give the hon. Lady some help?

Jess Phillips: No. To clarify, a lot of Members are waiting to speak. The right hon. Gentleman has been on his feet for many minutes during this debate, and I think it is time for someone else to have a chance to speak.

My second concern, which has been touched on, is the issue of violence against women and girls. The new clause would not only defend women’s rights at work, but protect those women escaping domestic violence and FGM and those trafficked across the EU and the UK. In 2010, up to 900 schoolgirls across the city of Birmingham were at risk of FGM, with the key risk ages being at birth, four to six years old and during puberty. One in five children in Birmingham will have experienced or seen domestic violence before they reach adulthood. At least 300 forced marriages of women take place in the west midlands every year. When Ministers are at the negotiating table, who will be in their minds? Will it be the women in my constituency experiencing FGM and those fleeing their violent partners and using services such as Birmingham and Solihull Women’s Aid?

In Birmingham, four women have been murdered in the past year, with another woman found dead in my constituency only last week. The European protection order ensures that women who have suffered domestic violence are protected from the perpetrators if they travel or move anywhere in the EU. Predictions about the consequences of Brexit for policing measures will depend on the outcome of the negotiations.

On 4 February 2016, history was made in the Hammersmith specialist domestic abuse court when the first European protection order in England and Wales was imposed. In this case the survivor had returned to Sweden. A restraining order and an EPO were granted so that she is protected in the UK as well as in Sweden. It is generally accepted that the UK will want to continue with certain parts of EU policing, justice and co-operation, and it is essential that the UK is able to opt into the EPO agreement following Brexit. The White Paper notably neglects to mention any of this. It does not mention FGM, domestic violence or, indeed, any areas in which the Government will continue to work with European partners on the issue of violence against women.

In the area of crime, only organised crime and terrorism are mentioned. Although they are incredibly serious things, no Member will be able to find as many constituents who are as affected by those two crimes as are affected by what I am talking about. Will ending violence against women and girls and, in particular, the UK’s continued use of the EPO be a priority for the Government during and after the Brexit negotiations?

Finally—this is not a penultimate “finally”—the new clause would achieve what the Prime Minister says she wants to achieve, which is to make the UK a fairer place and to not only protect workers’ rights but build on them. Those were her words.

There are many gaps in our equalities legislation, and there is a need to make our legislative framework fit for the 21st century. Sections 14 and 106 have been there since the Act was passed but have not been commenced. Will the Minister undertake to establish a cross-departmental and cross-party—I put myself on the line by saying that I will come and help—working group to assess and make recommendations on developing legislation on equality and access to justice? My challenge to the Government is this: will they take this opportunity that Brexit gives us and make the UK the best place to be a woman, or will it be one of the worst?
4.15 pm

**Suella Fernandes:** I am pleased to follow the hon. Member for Birmingham, Yardley (Jess Phillips), who speaks with passion about her cause and argues for women with much persuasion. I gently point out that only when the Labour party can claim to have elected its second lady Prime Minister can it preach to Conservatives on how to support women. I rise to speak against the entirety of the proposals tabled by Opposition Members, but particularly against the references to trade with the European Union and the rest of the world in new clauses 2, 11, 77 and 181.

I have two key points, the first of which is on trade. I am struck by the premise in the wording of, for example, new clause 181 on trade agreements, which calls on the Government to “have regard to the value of UK membership of the EU Customs Union in maintaining tariff and barrier-free trade with the EU.”

The new clause is wrong for several reasons. It is totally misguided, and a misreading of what the British people voted for on 23 June. If we “have regard to the value” of the customs union, we are missing the point. Where is the call to have regard to the costs of UK membership of the EU customs union? Why does the new clause not refer to the reasons why Britain must leave the customs union, and what we stand to gain? There is simply no point to Brexit and no meaning to the result of the referendum if we do not leave the EU customs union.

Where is the acknowledgment of the restrictions and costs of the common commercial policy inherent in our membership of the EU customs union? The new clause and all those containing that reference to trade are one-sided, prejudiced and lack any objectivity or impartiality.

Where is the reference to, or acknowledgment of, the simple fact that Britain can set her own rules on trade policy, and forge new and dynamic agreements with the rest of the world, only if she leaves the EU customs union? Where is the reference to the gains we stand to make by striking new trade deals with the rest of the world? The Legatum Institute special trade commission estimates a 50% increase in global world products over 15 years.

I am concerned that there is no impact assessment of the damaging effect of the EU’s trade agreements on developing countries, or of the common external tariff, which binds members of the customs union.

**Yvette Cooper** (Normanton, Pontefract and Castleford) (Lab): The hon. Lady is commenting on a proposal that is in my name and the name of three other Select Committee Chairs. Is she aware of the evidence given to the Home Affairs Committee by a series of hauliers, ports and so on? They said that if their goods from the EU were subject to the type of customs checks to which goods from outside the EU are subject, there could be delays of between one and three days.

**Suella Fernandes:** The right hon. Lady needs to do her research before she makes points like that. If she had attended the meeting I had with experienced trade negotiators just two days ago—they are part of the special trade commission and have led trade deals on behalf of other countries—she would know that they say that the rules to which she refers are already part of free trade agreements around the world. The problems she highlights are being blown out of all proportion, given the reality of what we stand to gain from leaving the customs union.

**Mr Baker:** My hon. Friend makes her point with typical force. At our last Treasury Committee meeting, we heard from the director of customs at Her Majesty’s Revenue and Customs, who pointed out repeatedly that 96% of customs clearance, where required, takes place electronically within a few seconds and requires no intervention.

**Suella Fernandes:** That is exactly the point that needs to be made. Where is the amendment making that point?

**Charlie Elphicke:** My hon. Friend is making a typically powerful case. As the Member of Parliament who represents Dover and Deal, where this issue will have the greatest impact, I have put together a group to look at it. It is perfectly possible to build a frictionless border, using the latest technology. The Opposition want it to fail; we will make it succeed.

**Suella Fernandes:** I could not agree more with the point that my hon. Friend makes.

**Helen Goodman:** The hon. Lady says that we are not interested in an unbiased assessment. Had she been here yesterday, she would have seen new clause 43, which sought an even-handed impact assessment. Why cannot she read the amendment paper before making her wild assertions?

**Suella Fernandes:** We can all see that the amendments are an attempt to pull the wool over the British people’s eyes and foob us all off, and I will have nothing whatever to do with them.

EU protectionism has placed farmers and workers in developing countries at a disadvantage when exporting to the EU, because of the common external tariff. Why should British consumers be denied cheaper sugar, wheat or tomatoes from developing nations to protect less efficient farmers in northern Europe? That is the effect of the common external tariff, and the effect on our consumers of our membership of the EU customs union.

**Chris Green:** Does my hon. Friend share my concern that it is perverse that the external tariffs impoverish third-world nations, and that we then hand money over through the Department for International Development to try to raise their standards?

**Suella Fernandes:** The absurdity of the current position is astonishing. We will be able to remedy that injustice only by leaving the customs union, taking control of our trade policy, having trade deals on a fairer basis and being real promoters of fair trade for those countries.

**Angela Smith:** Will the hon. Lady give way?

**Suella Fernandes:** I will not, because I have taken quite a few interventions and I want to make progress.

Business for Britain has estimated the cost to British consumers of the damage done by the common commercial policy and the customs union at some £500 per household. The amendments do not reflect the absurdity of the
current position. British companies such as JCB are no more able to sell their machinery tariff-free from India to the UK than Tata can from the UK to India. Since 1973, Britain’s trade has pivoted from being global to being European, and that has all been negotiated on our behalf by the European Trade Commissioner. Why is there no amendment recognising the influence to be regained by Britain resuming its own seat at the World Trade Organisation? Why is there no reference to the fact that EU trade policy has wrecked the ports of Glasgow and Liverpool, which are on the “wrong” side of the country, and denied us any chance of determining our own trade policy? That is a reflection of the one-sided prejudice in, and misguided nature of, the amendments.

The amendments fail to point out that in 2015, the UK’s deficit in trade in goods and services with the EU was £69 billion, while the surplus with non-EU countries was £30 billion. Why is there no amendment asking for an impact assessment on the gains from trading more widely and more freely with the rest of the world, building on our surplus with countries outside the EU? The amendments do not reflect the fact that Britain is losing out now because of our membership of the customs union, and they miss the fact that we have more to gain by leaving. They omit those salient features because Opposition Members do not want to be honest about the fact that the EU still does not have any agreements with major nations such as Brazil, the USA or China, and that we have more to gain from increasing our exports to the rest of the world than by remaining a member of the customs union.

My second-to-last point is on EU nationals. I consider the Prime Minister’s position appropriate in the circumstances: she will guarantee the position of approximately 3.5 million EU nationals as soon as possible once the negotiations have started. I want to ensure that this issue is put in perspective. Of the 3.5 million EU nationals currently residing in the UK, approximately 64% already have the right to stay here, 8% are children with an EU national parent and therefore have a right to reside here, and 12% will have accrued their five years permanent residency by 2018. This means that 84% already have a secure immigration status in this country. We are talking about a minority of people.

Sir Edward Leigh (Gainsborough) (Con): Let us be practical. We cannot even deport convicted criminals. The truth is that not a single EU national will ever be deported.

Suella Fernandes: I agree wholeheartedly. That course of action would go against any idea of natural justice, legitimate expectation and the rule of law.

Stephen Gethins (North East Fife) (SNP): If that is the case and we have certainty for EU nationals, will the hon. Lady join us in voting for new clause 27 tonight?

Suella Fernandes: I will not be voting with the Opposition. I am very content with the Government’s position on EU nationals.

Simon Hoare (North Dorset) (Con): Does my hon. Friend share my concern and disappointment that while EU Governments could have sorted this out already, some have put the brakes on and have refused to do so? We should be putting pressure on them to sort out this very important issue much, much earlier, and outside the renegotiation process.

Suella Fernandes: I could not agree more. I see my hon. Friend the Member for Mid Dorset and North Poole (Michael Tomlinson) is in his place; I recall the letter he sent to Donald Tusk on this very issue.

Michael Tomlinson: Was my hon. Friend not as disappointed as I was by the response to that letter, which signally failed to grasp the nettle? This could all have been resolved before Christmas, on 15 December. The answer then was no; it should have been yes.

Suella Fernandes: That reflects the wisdom of the current position. We must safeguard the rights of UK nationals abroad before making any move on this issue. I was involved, with the right hon. Member for Birmingham, Edgbaston (Ms Stuart) and the hon. Member for Stratford and Urmston (Kate Green), in a cross-party study with the think-tank British Future. We made suggestions to the Government on how to regularise and deal practically with the legal position of the 3.5 million EU nationals in this country. There will be issues for the Government to deal with. For example, what should the cut-off date be? Our report recommended that the date after which the new rules should apply be the date when article 50 is triggered, at which point a legitimate expectation will have arisen in respect of new arrivals to the country. We felt that that struck the right balance between fairness and pragmatism.

4.30 pm

We also recommended that EU nationals who already qualified for permanent residency by virtue of their five years’ residency in the UK be offered permanent residency under the current rules, and that EU nationals who did not meet the five-year criterion be granted a transitional period, in accordance with the old rules. Again, that would safeguard their legitimate expectation. We also made recommendations on the practical ways in which the Home Office could deal with the considerable number of applications and the paperwork. Home Office officials will have over 1 million cases to deal with, so we recommend that the local authority nationality checking services be given first-line responsibility for processing and approving applications for permanent residency.

I shall conclude—[HON. MEMBERS: “Hear, hear!”]—as hon. Members will be pleased to hear. The majority of constituents in Fareham voted to leave the EU. They chose to do that because they wanted to re-empower themselves, free up our country and take back control. These amendments are an attempt to pull the wool over their eyes and fob off Parliament. They aim only to delay and frustrate, and I will have nothing to do with them; it would be an insult to my voters in Fareham and to the British people, and a dereliction of my duty as a representative in this place, if I did.

Several hon. Members rose—

The Temporary Chair (Sir Roger Gale): Order. I am holding in my hand a list of Members who wish to speak; it stretches from here to Brussels. There are
[Sir Roger Gale]

21 Members who wish to participate, so a degree of self-restraint in terms of the length of speeches and interventions would be helpful. Several hon. Members on both sides of the House have spoken already in the course of these three days. It is only fair, therefore, that I try to give some preference to those who have not been able to contribute at all.

Caroline Lucas: I am pleased to follow the hon. Member for Fareham (Suella Fernandes), not least because I would like to disagree with several of the points she made—I am sure she will not find that surprising. She says that she finds the Prime Minister’s attitude to EU nationals “appropriate”. I find it deeply inappropriate, and so do the EU nationals themselves, who simply want certainty about their future in this country. The Prime Minister’s refusal to guarantee that now, when she has the ability to do so, is cruel and, frankly, immoral. We are talking about people’s lives, which are not commodities to be traded in some wider bargain. The Prime Minister could and should guarantee to people who have made their lives here in good faith that of course they can stay. The idea that it is appropriate to do otherwise is out of order.

Tom Brake (Carshalton and Wallington) (LD): Is the hon. Lady aware, as I am, of EU nationals holding senior positions in UK institutions already leaving the country and of EU nationals being interviewed for senior positions but asking searching questions about what Brexit means for them and their families?

Caroline Lucas: I completely agree. I was talking to the vice-chancellor of one of the universities in my constituency the other day and hearing that already staff were wondering about their future and whether it was worth leaving. Some of them feel unwanted, despite having made a massive contribution to our society and communities. That is why, again, I think that the Government’s attitude is incredibly irresponsible.

I want to talk in particular about my amendment 38 on the environment. I am so pleased that we have at least a few moments to talk about the impact of Brexit on our wider environment and on sustainability. So many of us have been trying to raise these issues for a long time, because they are massively significant, and I know that the Chair of the Environmental Audit Committee was waiting hopefully yesterday to make some interventions, based on some of the evidence that we heard in that Committee about the environmental impacts of Brexit. They are deeply worrying, and I would particularly like to focus on the issue of the monitoring and enforcement of environmental legislation once we leave the EU.

Mary Creagh (Wakefield) (Lab) rose—

Caroline Lucas: I am happy to give way to the Chair of the Environmental Audit Committee.

Mary Creagh: Does the hon. Lady share my disappointment that, as a result of last night’s filibuster by the Scottish National party, it has not been possible to share in this Committee debate the work done by the Environmental Audit Committee on both the benefits and the potential risks to the natural environment of leaving the EU and on our new inquiry into chemicals regulation, which affects every single aspect of our manufactured and exported goods?

Caroline Lucas: I am not going to pick out any one particular party for filibustering. I am afraid that it is an epidemic that affects this whole place, and I would love to see it end. I do, however, want to talk about precisely that kind of evidence that the Environmental Audit Committee heard.

One almost believes that it is precisely the complexity demonstrated when evidence is given about the environmental impacts of Brexit that explains why Conservative Members do not want to hear about it. Such complexity underlines to them the fact that this Brexit process is not going to be done and dusted in two years. The idea that we will have a whole new trade agreement in two years is cloud cuckoo land; anybody with any knowledge of this issue would certainly say that now.

James Heappey: Will the hon. Lady give way?

Caroline Lucas: No, not at the moment; I want to make a bit more progress.

As many Members have noted over the last few days, the protections currently guaranteed by our membership of the EU—whether it be on the environment, workers’ rights or food safety—relies on an established and robust system of monitoring and enforcement provided by EU institutions and agencies. Perhaps the most important part of this system has been precisely the strong pressure to implement the law within a specified timescale.

The incentive to adhere to the law arises from the monitoring and enforcement role of the EU agencies. The Commission acts as the guardian of the law and responds to legitimate complaints; serious breaches are referred to the European Court of Justice; and sanctions can follow, including fines of many hundreds of millions of pounds. It is exactly that enforcement mechanism that we are going to lose as a result of Brexit. Although the Government talk about moving across lots of this legislation in the great repeal Bill, the enforcement processes and the agencies that make sure that this stuff gets done do not get automatically transferred.

James Heappey: The hon. Lady and I share an enthusiasm for the greater deployment of renewables within our energy mix, so does she agree with me that one of the protections that the EU also affords is the protection of the German solar photovoltaic manufacturing sector, which is inflating prices for PV cells in the UK because the EU has put in place the minimum import price on those cells from China?

Caroline Lucas: I do not support that decision, but the idea that we should go down the road of leaving the EU, with all the problems that are going to arise, which would cause much greater damage to the environment, simply because we do not agree with one or two key decisions really is the definition of someone throwing their toys out of the pram. That is not a sensible way forward.

Mary Creagh: Is the hon. Lady as concerned as I am that when we leave the single market and the customs union, the birds and habitats directive, which protects
migratory species and Britain’s special places for special wildlife, will cease to apply in this country, affecting all environmental impact assessments? Is she also concerned that air pollution standards that are currently set and enforced by the European Union could be downgraded?

Caroline Lucas: I absolutely share the hon. Lady’s concerns. On the air pollution issue, we have seen very recently that it was precisely the threat of EU sanctions that eventually got this Government moving when it came to dealing with the problem. Without the extra sanction at the EU level, they simply would not have taken the necessary action. I think that absolutely makes the point.

John McNally (Falkirk) (SNP): Since its establishment, the European Chemicals Agency has built up a staff of over 600. Together with the EU Directorate-General for the environment in the UK, it has become the natural home of chemical risk assessment in Europe. Does the hon. Lady agree and share my concern that the UK does not have the resources—financial or human—to create its own regulatory agency in chemicals?

Caroline Lucas: The hon. Gentleman is a fellow member of the Environmental Audit Committee, and just this week he and I heard experts give evidence about the impact on our chemicals industry of leaving the EU, and, in particular, of losing membership of the REACH directive. This country has not the capacity or the resource simply to step in and take that over.

Mary Creagh: Our Committee heard yesterday from industry representatives that British chemical manufacturers could pay up to €300 million, and have already paid about €130 million, to register chemicals with the REACH database and the European Chemicals Agency. Those sunk costs, which must be incurred by 2018, could be lost to UK industry as a result of the duplication of setting up a UK-based chemicals agency. Does the hon. Lady share my concern about that?

Caroline Lucas: I apologise, Sir Roger. I know that the Temporary Chairman (Sir Roger Gale): Order. I do not know what more I have to say. I gave an indication that I wanted to enable as many Members possible to speak. A significant number of Members have not spoken at all during the three days of this debate, and that is hard on some Members who have tabled new clauses or amendments and wish to speak. I want to give a fair crack of the whip to those who have not spoken at all, but long interventions and long speeches do not help that process.

Caroline Lucas: I apologise, Sir Roger. I know that my hon. Friend the Member for Wakefield (Mary Creagh)—who chairs the Environmental Audit Committee—tried to make some of these points for hours yesterday, but I will confine myself to saying that I agree with what she has said. I think that the impact on our chemical industry has been massively underestimated. Given that it is our second largest manufacturing export and given that at least 50% of those exports go to the EU, the impact on the sector will be massive.

If the Government are serious in their ambition to be the first Government to leave the environment in a better condition than they found it in, Ministers must explain to us in detail how the legislative system for monitoring and enforcement will be replaced. I find it astonishing that they expect us to vote for the Bill without being given any idea of what the present complex, robust and unique system of legal enforcement might look like when we leave.

In evidence given to the Environment Audit Committee, the Royal Society for the Protection of Birds made the important point that the European Court of Justice operates on a slightly broader basis than the Supreme Court in the UK, which must follow narrower due process. It is therefore possible that great swathes of environmental protections, once transferred to UK statute, will in effect become redundant owing to the absence of monitoring and enforcement by the European Commission and the European Court of Justice. That loss of an effective judicial system will come at a time when UK regulators, tasked with monitoring compliance with environmental legislation, have had their own budgets slashed. The Department for Environment, Food and Rural Affairs has a third of the staff that it had 10 years ago. Furthermore, because the great repeal Bill will not carry over the jurisprudence from the European Court of Justice, we seem to be set to lose the important case law which, for the past 40 years, has proved so effective in protecting the UK environment.

Rachael Maskell: Will the hon. Lady give way?

Caroline Lucas: At risk.

Rachael Maskell: We are also in danger of losing access to the European Environment Agency, which brings such expertise to the advancing of environmental legislation.

Caroline Lucas: I agree, and the same applies to the European Food Safety Agency. Some of the new clauses draw attention to the fact that we still need to have access to those bodies. It strikes me as completely baffling that the hon. Member for Fareham can somehow think it insulting to her constituents for us to be talking about such vitally important new clauses.

This is not only an issue of law relating directly to wildlife and nature. As it stands, the Government’s push for an extreme Brexit opens the way for changes in key environmental policies relating to air, water, waste, food and much more, all of which will have an impact, direct or indirect, on UK biodiversity and our natural environment. For all those reasons, I think that new clauses which are intended to protect our environment, and which ask for that protection to be guaranteed before article 50 is triggered, make good sense.

I will end my speech in just 30 seconds, Sir Roger. Let me simply say that I particularly support new clause 100, about which the hon. Member for Birmingham, Yardley (Jess Phillips) spoke so passionately and eloquently. In recent weeks we have heard repeated and welcome assurances from Ministers that workers’ and women’s rights will be protected. If that is the case, let us get the new clause into the Bill. Let us ensure that this will not be rolled back through secondary legislation.

Several hon. Members rose—
Mr Harper: Will my hon. Friend give way on that?  
Charlie Elphicke: I give way.

Mr Harper: There are sedentary interventions asking my hon. Friend how we might do that. Let me give a constructive suggestion. Because of the common travel area and the rights of Irish citizens in the United Kingdom, which are also reciprocal, it seems to me that there is no need to have checks on people movements across the border, and from the conversations we had earlier about the fact that most customs checks can be done electronically, it seems to me that we can perfectly well maintain a soft border and the prosperity of both parts of the island of Ireland when we leave the EU.

Charlie Elphicke: I thank my right hon. Friend for that intervention.

I want briefly in the last minute available to me—

Lady Hermon rose—

Charlie Elphicke: I cannot take an intervention as I need to let others get in.

In the last minute, I want to touch on the issue of the customs union. It is clear in the decision that we want to enter trade agreements elsewhere in the world that we must leave the customs union. Opposition parties say that will all be a terrible disaster; in fact, as always, they hope it will be a complete disaster. But, on this side of the House, Members like me have been putting together industry groups to look at how it can be done, listening to what HMRC says, listening to how checks can be put in place, and listening to how we can construct a frictionless border that will work for Britain and work for Europe. It is in the interests of both—

Stephen Gethins: Will the hon. Gentleman give way?

Charlie Elphicke: No, not at the moment.

It is in the interests of Britain and the European Union that we construct a frictionless border, and that is why I am also in discussions with the authorities in Calais. It is in the interests of Britain and France, of Dover and Calais, and of the United Kingdom and the European Union that we ensure that this works. We need to embrace electronic bills of lading, risk-based checking and audits in workplaces. We need to treat the border as a tax point rather than as a hard place with border posts. That is a further answer to the hon. Member for North Down (Lady Hermon). That is how we can ensure that we continue to have frictionless trade even if we have to leave the customs union. On that note, and given your injunction, Sir Roger, I shall conclude my remarks so that others may speak.

Catherine McKinnell (Newcastle upon Tyne North) (Lab): I rise to speak to new clause 163, which stands in my name, and would require the Government to publish a strategy for properly consulting the English regions, including those without directly elected mayors. We are getting ever closer to the Prime Minister’s self-imposed 31 March deadline for invoking article 50, but a question that I put to the Secretary of State for Exiting the European Union on 17 January remains unanswered.

To remind the House—and the Secretary of State, who is in his place—I asked him what discussions he had held with key stakeholders in the north-east about
the effects of leaving the single market, given that 58% of our region’s exports go to the EU. I received an entirely unsatisfactory response to that question, and I remain concerned that the Government have ruled out membership of the single market before negotiations have even begun and without properly consulting those parts of the country likely to be most affected by this move.

Even more worrying is the fact that, despite the publication of the Government’s White Paper last week, we are still no closer to knowing what role representatives from all the regions of England, including the north-east, will play in informing the Government’s negotiating strategy and objectives. Instead, we have been provided with this entirely meaningless statement:

“In seeking such a future, we will look to secure the specific interests of Scotland, Wales and Northern Ireland as well as those of all parts of England.”

Peter Dowd (Bootle) (Lab): Does my hon. Friend agree that comments from Members such as the hon. Member for Fareham (Suella Fernandes) about the port of Liverpool, which is in my constituency, having been in some decline are complete nonsense? The port is doing more tonnage than it has ever done, and it has recently had £350 million of investment. Conservative Members do not realise the good that the regions do for the economy.

Catherine McKinnell: I am pleased that I took that intervention. My hon. Friend makes a strong case for why the Government’s “we know best” approach to the Brexit negotiations just will not wash with the British public. Furthermore, the word “region” appears just four times in the White Paper, and three of those references are in the footnotes.

The Government claim that around 150 stakeholder engagement events have taken place to help to inform the Government’s understanding of the key issues ahead of the negotiations, but I would be interested to know when, where and with whom those meetings were held. We know that the Secretary of State made a vague commitment in the House to “get all the mayors of the north to come and have a meeting in York”—[Official Report, 17 January 2017, Vol. 619, c. 802.]

but of course that cannot happen until after the mayoral elections have been held in May. I appreciate the sentiment behind the offer, but it is wholly inadequate. What will happen to those regions, including the north-east, that will not have an elected mayor after May and will therefore be excluded from that meeting? Surely, if the English regions are to have a truly meaningful input to this process, those discussions must start before May, given that the UK’s negotiations with the EU will already have commenced, and given the incredibly tight two-year timescale for achieving a deal that does not damage jobs and our economy.

We are repeatedly told that Brexit was about taking back control. We now know that that means an unelected Prime Minister who has sought every means possible to avoid scrutiny of her approach ploughing ahead with a hard Brexit, regardless of the consequences for different parts of the country. I am not convinced that people voted for that. I am not convinced that this Whitehall-knows-best approach will get the best deal for everybody up and down the country.

The only way for the Government to secure the best possible deal for all the regions—the north-east in particular—which have so much to lose from a bad deal, is to engage properly with those on the ground about what we need. That is why I am supporting new clause 163, which would compel the Government to ensure that that proper consultation took place.

Mrs Flick Drummond (Portsmouth South) (Con): Sir Roger, you will be pleased to know that I have never spoken for more than four minutes in the Chamber—I have never had the opportunity—and I do not intend to start now.

I agree with the intention and emotion behind many of the amendments tabled by hon. Members across the House, but I do not support them simply because I do not want the Prime Minister’s hands to be tied throughout the negotiations. I campaigned fiercely to stay in the EU as I passionately believed that it was in Britain’s interests to do so, and I have not changed my mind. I agree with everything my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke) said last week and that, in addition to the economic implications, we will lose a tremendous amount of influence. However, there is one difference between me and him: I voted for the referendum and I have to accept the result. It may have been advisory, but the public, including those in Portsmouth South, voted to come out of the EU, and I respect that. I will be monitoring the negotiations closely, and I am pleased with yesterday’s reassurance that there will be a vote in good time on the final deal. It may be that we will get a very good deal, and that is why I cannot support new clause 2, which is too limiting.

I understand new clause 100, which was eloquently introduced by my hon. Friend—I will call her that—the Member for Birmingham, Yardley (Jess Phillips), but I hope that those who added their name to it will agree that the matter is already being addressed through the Women and Equalities Committee; the Modern Slavery Act 2015, brought in by this Prime Minister; and the Government’s work on domestic violence. We can be assured that what new clause 100 would address will be included in those things. I assure the Opposition that there are enough strong women on the Government Benches, led by a female Prime Minister.—[Interruption.]

There are strong women in the Opposition, too. Equality and women’s rights are well understood by the Government, and I am sure that there will be cross-party collaboration.

We have already received many assurances from the Prime Minister about EU and UK nationals, so I hope that we will get a firm agreement shortly. The sooner we get on with the negotiations, the better it will be for everyone. This could be a great opportunity for this country, but I will not support any deal that is not better for the UK. That would be a dereliction of duty. However, I have every confidence in the Prime Minister and the Secretary of State for Exiting the European Union—that they will have taken into account the views of people such as me and the intentions behind many of the amendments tabled for debate today. I am confident that the deal will be great for us and for our European friends and neighbours.

Dame Rosie Winterton (Doncaster Central) (Lab): It is a pleasure to serve under your chairmanship, Sir Roger. I add my support to new clauses 163 and 193, tabled by
my hon. Friend the Member for Newcastle upon Tyne North (Catherine McKinnell) and my right hon. Friend the Member for Birmingham, Hodge Hill (Liam Byrne). My hon. Friend the Member for Newcastle upon Tyne North made an excellent speech about why the Government should accept the new clauses, but I want to add something else.

At a meeting of the Yorkshire and northern Lincolnshire all-party parliamentary group yesterday, we heard from representatives from the four LEPs, from industry, from the creative industries and from universities, and we agreed to analyse what Brexit means for Yorkshire and the Humber. We agreed on a cross-party basis to submit that analysis to Ministers so that we can analyse not only what leaving the European Union would mean, but what we want to see from the negotiations. As my hon. Friend the Member for Newcastle upon Tyne North said, the Secretary of State for Exiting the European Union talked about a meeting with mayors in York; that is a very vague promise, and we need to put some meat on its bones.

5 pm

We heard yesterday that the LEPs have a ministerial champion, who is terrific news, I am sure. Apparently, that champion is the Minister for Climate Change and Industry. I suggest that the Member of State, Department for Exiting the European Union, the right hon. Member for Clwyd West (Mr Jones), asks the LEP champion to draw together the proposals from all the regions—I know that there will be right hon. and hon. Members who would be happy to go back to their regions to see whether a similar plan could be put forward for them all—and then convene the MPs and representatives from the regions, so that we would be on an equal footing with Scotland, Wales, Northern Ireland and London and really have an input into the process. I urge the Minister to look carefully at that proposal.

I turn to new clause 193, tabled by my right hon. Friend the Member for Birmingham, Hodge Hill. You are, Sir Roger, the leader of the UK delegation to the Council of Europe. I am sure Members will be aware of the different media reports on the Government’s view of the European convention on human rights, so I hope that the Minister will accept the new clause to dispel, once and for all, any doubts about the Government’s view of the Council of Europe and the convention. The Prime Minister said that we need to be a good neighbour to other European countries; accepting the new clause would be a way to illustrate that. We must not vacate such global platforms and we need to continue to have a voice in Europe, so I hope the Minister will accept the proposals I have outlined.

James Heappey: I, too, will try to be brief. Like many colleagues, I voted to remain, but I was clear at the time that I would be bound by the result in both my constituency and the country. The result in the Wells constituency was that we should leave, as it was in the country at large, so that is what we must do.

I am baffled by the number of amendments that have been tabled to the Bill, not because they lack value or do not make good points about our extraction from the EU—they obviously do—but because, as the shadow Secretary of State for Exiting the European Union, the hon. and learned Member for Holborn and St Pancras (Keir Starmer), rightly said on Second Reading, primary legislation will follow the triggering of article 50, and both Houses of Parliament will have an important role in scrutinising that legislation and what we do in the negotiations. I certainly intend to play a full part in that scrutiny, as I know will Opposition Members.

Earlier, we were discussing the impact of free trade agreements, particularly on our farmers. It stands to reason that when free trade agreements are introduced, they, too, will be scrutinised by the House, so the interests of the farmers and food producers in our constituencies can be brought to bear then to ensure that the deals are in their interests.

I associate myself with the comments made by so many colleagues about the rights of EU nationals to remain in the UK. In Somerset, people from elsewhere in the EU play a huge part in our local economy, particularly in our tourism, farming, and food and drink manufacturing industries. It is inconceivable to me that they would ever have their right to be here taken away.

On Euratom, Hinkley Points A and B are in the neighbouring constituency to mine, and we will soon be the neighbour of Hinkley Point C, too. It is clear to me that the UK nuclear industry has a world-class reputation for having the very highest regulatory standards. Those standards have been developed within the Euratom framework, but we should be clear that the United States, Japan and China also operate within that framework, without being members of the European Union. I fully expect that we will do the same when we have left Euratom by virtue of our leaving the European Union.

Those who have expressed any doubt that the Government will seek to continue to maintain the highest safety standards in our nuclear industry are perhaps not giving them the credit that they deserve. We have always set those standards, and we will always do so whether or not we are in the EU and Euratom. As for the willingness of other nations in Euratom to want to continue to co-operate with us, I am certain that they will. The French Government are very heavily invested in EDF, and it is inconceivable that they will not want their operations here in the UK to remain a part of the common regulatory framework across the European continent.

The Government have rightly committed to working with the industry and with all the nuclear research bodies in the country to make sure that they fully understand what the priorities of that sector are within the UK, so that those needs can be met with whatever it is that we put in place once we have left Euratom.

The UK’s nuclear industry is the gold standard globally. Many countries want their technologies to be employed here so that they can have the tick to say that their technologies have been approved for operation in the UK. It is apparent to me, therefore, that, as we put in place regulatory standards in the future, we will want to maintain that high standard and our great reputation around the world. Crucially, this House of Commons will have an important role in that.

My final point on energy policy generally is to encourage the Government to clarify that they see a clear distinction between the EU single market and the EU single internal
energy market. From the perspective of security of supply, of cost and of decarbonisation, it is in our interests—

**Helen Goodman:** The hon. Gentleman is making a very good point now. In fact, it is exactly the point that I would have made had I been called. He is absolutely right. Does he agree that, if we leave the single energy market and lose the interconnectors, we will need higher baseload capacity, which will cost more, and electricity prices will shoot up?

**James Heappey:** I absolutely agree that, from an energy perspective, the interconnection of the UK and the European mainland is hugely important, but my point is that that is not a part of the EU single market. The EU’s internal energy market is a separate entity. I invite the Government to clarify that they recognise that and that their commitment to leaving the European single market, which I fully understand, is distinct from a continued enthusiasm for the internal energy market, which is an entirely separate thing and hugely to our benefit.

The will of my constituents and our country is clear: we have been instructed to leave. It is not what I voted for, but it is what we will do now. The process starts with this binary decision of whether or not to trigger article 50. The Bill, without amendment, does exactly that. As we go forward, the role of this House and our responsibilities to our constituents are clear: we must engage fully in scrutinising the result of the referendum to trigger article 50 and then to our constituents are clear: we must engage fully in scrutinising the result of the referendum to trigger article 50 and then to

**Liam Byrne:** There is a reason why Russia has had its credentials suspended by the Council of Europe, and that is that it is not prepared to honour the great European Magna Carta that British civil servants helped to draw up under Churchill’s inspiration in the years after the second world war. The Conservative manifesto—

**Mr David Jones rose**—

**Liam Byrne:** I will give way in a moment, as I want to put a specific question to the Minister.

The Conservative manifesto is not well read on the Government Benches; we study it forensically and in detail. In 2010, the manifesto said that the Conservatives would introduce a British Bill of Rights, replace the Human Rights Act and ensure that the European Court of Human Rights was no longer binding over the UK Supreme Court, ensuring that the European Court of Human Rights could no longer change British laws. That position was repeated in the 2015 manifesto. I hope that the Minister can say that that plan is now in the bin.

**Mr Jones:** I am grateful to the right hon. Gentleman for giving way. I have resisted intervening throughout the course of the debate, but I think I can help him to this extent: I do not know whether he was present during the wind-ups on Second Reading, but I informed the House that the Government have no plans to withdraw from the European convention on human rights.

**Liam Byrne:** The Minister is good to put that on the record, but the fact is that there are plans—plans were set out in the Conservative manifesto in 2010 and in 2015, and the draft British Bill of Rights that is circulating in the Ministry of Justice contains similar plans. That is why in August 2016 the Justice Secretary told the House...
that a British Bill of Rights would be introduced, and the House wants categorically to know whether that British Bill of Rights will have the implication and result of taking us out of the European Court of Human Rights. That is the point that I want the Minister to put beyond doubt by accepting new clause 193.

Mr Dominic Raab (Esher and Walton) (Con): May I give the right hon. Gentleman some reassurance on two points? First, having served as the Minister responsible for human rights, I can say that it was never in the Conservative plans for a Bill of Rights to pull out of the European convention on human rights. I made that clear monthly at Justice questions. Secondly, precisely because the Council of Europe is completely independent of the EU, this is an entirely meaningless amendment.

Liam Byrne: It is absolutely not. It is essential if the Prime Minister is to be good to her word that we will remain committed to the European club that we helped to create.

Mr Kenneth Clarke: Let me help to set the right hon. Gentleman's mind at rest. I am sure that I have heard the Prime Minister say publicly—I think, during her leadership campaign—that she was abandoning plans to leave the European convention on human rights because she accepted that she could not win a parliamentary majority for such a proposal.

Liam Byrne: I am grateful to the right hon. and learned Member for that point, but I would like the question put beyond doubt by asking the Minister to accept new clause 193, which would give us a degree of assurance. The right hon. and learned Member for Rushcliffe (Mr Clarke) is perfectly prepared to vote against his own Whip in order to seek cast-iron reassurances, and I seek the same level of reassurance this afternoon.

It was back in September 1946 that Winston Churchill went to Zurich and proposed the Council of Europe as a first step towards recreating the European family whose breakdown led to the tragedy of the second world war. In the face of rising risks and threats, those old words are still wise words to guide us.

5.15 pm

Mims Davies: It is a great pleasure to speak in this Committee of the whole House on the European Union (Notification of Withdrawal) Bill. I fully support the Government as they enact the will of the people shown in the European Union referendum, and welcome the White Paper.

Taking them at face value, I agree with some of the new clauses; they look benign and fairly honourable. The problem is that it is illogical to try to muddle the negotiations into the middle of this withdrawal Bill as if it were a Christmas tree Bill. I shall speak briefly about some of my constituents' concerns, and set out my own view on new clause 2. I will not be supporting it because although it seems agreeable and benign, it does not mention migration. The Prime Minister spoke today about the priority she will place on the UK’s need for highly skilled workers from the EU throughout the negotiation process. The new clause fails to deal with that.

Anyone who has been part of any negotiation, particularly in the private sector, will be only too aware of the importance of not having our hands tied behind our back as we go into the process. Revealing our complete negotiation strategy at the start seems somewhat absurd. The aim of the Opposition's new clause is simply to fudge the issues by suggesting that they care more about the negotiating principles than the Government do. The Prime Minister laid out guiding principles in her Lancaster House speech. My constituents on both sides of the referendum debate appreciated that speech and welcomed those principles. Many people are simply asking us politicians to get on with it.

I welcome all the contributions from speakers across the Committee over the past few days. The debate has been fascinating, and it has been important to be a part of it. Inevitably, the fine details will be part of the key negotiations to enact the will of the people in the coming months and years. Local businesses have spoken to me about the need to move forward. They are having to make key decisions about their staffing and arrangements, and wish that politicians would do exactly the same.

One of the issues I have found most surprising during the Committee stage is the attempt by some to suggest that various leave campaigns' proposals were some kind of direct manifesto that the Government ought to follow to the letter. The Government are seeking to enact the will of the people, and to negotiate a strong and appropriate deal. We are in a post-referendum phase, but despite having been in Committee over the past few days—it feels like weeks—it appears that that is something the Liberal Democrats are gleefully unaware of. These are likely to be the most complex negotiations that the country will ever enter into, and the effects will be far ranging. Free trade treaties have been referred to a great deal, with separate sectors needing separate discussions and focus points. It is absolutely right that they should be separate from the Bill.

Taking anything but the smartest approach to this issue would be letting down our constituents, so I will not be supporting these weak attempts to dilute the Bill. Instead, I will be putting my trust in the Prime Minister and the work she will do in the national interest. As I said earlier, I find it objectionable that new clause 100 suggests that the Prime Minister and Government Members would somehow put women's rights back because of this Bill—our Prime Minister, who did so much on this issue as Home Secretary, when she was committed to working against FGM, dealing with coercive control and fighting the gender pay gap. It is absolutely wrong to say that, in areas such as women trafficking, the Government and the Prime Minister will somehow just roll over and that these issues will not be a highlight of what we seek to achieve in leaving the EU.

Many of my constituents have rightly asked me about the rights of EU citizens working in this country. I totally agree with the right hon. Member for Don Valley (Caroline Flint) about the tone of the debate on this: it is very frightening and nerve-racking for constituents, and we are keen to protect all our constituents. No one in this Chamber is in any doubt about the huge contribution that EU citizens make to our economy, our society, our culture, our tourism industry and our national life, but in planning for free movement, issues around homes, doctors and pressures on NHS services have been very difficult to manage.

I was reminded at the recent local enterprise partnership conference that EU students make a positive contribution to my area, and particularly in Eastleigh as they come...
and go through Southampton airport. However, I would expect this House to have the same view of the contribution that our citizens make in other EU countries, so we need to make sure that we take a balanced approach.

All Members of this House do great casework in their constituencies. Often, we are dealing with international and EU citizens with immigration and homelessness issues, which are complicated and difficult. I therefore do not understand why there is a feeling that Conservative Members are somehow going to forget the work they do for people who may be married intercontinentally and who may have issues we need to resolve. In some cases, I have helped to get passports so that members of families can go to funerals, and I have helped with other issues that people needed help with. Ultimately, these people have complicated and difficult lives too.

In terms of the Bill, I believe we all understand that we need a mutual recognition of the work UK citizens do abroad and the work EU citizens do here. We also need recognition of all that Members of Parliament do to help to resolve the issues that affect all our communities. I do not believe that that will somehow change because of this Bill and that we will forget what we have to do for our constituents.

The Prime Minister was very clear today at Prime Minister’s questions about her intention at a priority first stage to look after all our citizens at home and abroad. I fully support her in the work she does, and I fully support her in the work she does, and I expect this House to have the same view of the contribution our citizens make in other EU countries, so we need recognition of all that Members of Parliament do to help with other issues that people needed help with. Ultimately, these people have complicated and difficult lives too.

In terms of the Bill, I believe we all understand that we need a mutual recognition of the work UK citizens do abroad and the work EU citizens do here. We also need recognition of all that Members of Parliament do to help to resolve the issues that affect all our communities. I do not believe that that will somehow change because of this Bill and that we will forget what we have to do for our constituents.

The Prime Minister was very clear today at Prime Minister’s questions about her intention at a priority first stage to look after all our citizens at home and abroad. I fully support her in the work she does, and I believe we will eventually get a deal that is right for the UK—a UK that is open and strong and that looks to the future. I will support the Bill, and I go back to my previous point: it is a notification of withdrawal—it is not about negotiations.

**Sue Hayman:** I would like to speak to new clause 192, to which I have added my name, about Euratom. A number of Conservative Members have spoken with great knowledge about the nuclear industry today, and as chair of the all-party group on nuclear energy I invite them all to join us and to come to our meetings to share their knowledge.

The nuclear industry is critical to my constituency in west Cumbria. Because of that, I have probably had an unusual inbox compared with most hon. Members, in that I have had a large number of direct emails from concerned constituents about the proposed withdrawal from the Euratom treaty. Those constituents are particularly concerned because of the significant negative impact that withdrawal could have on the nuclear industry in the UK. They believe it unnecessary and ill-considered, and are concerned that it will create great disruption in the nuclear industry at a time when we really need to be pressing forward with our nuclear new build programme.

Euratom has had a significant role in establishing its members’ credibility and acceptability in the wider global nuclear community. A constituent has contacted me to say that he believes that exiting will have a significant impact on the cost and the duration of decommissioning, which is of course very important in west Cumbria because of Sellafield. They also believe that the nuclear new build programme at Moorside will be impacted. EDF Energy, which is building the Hinkley Point C project, has said that it believes that ideally the UK should stay in the treaty, as it provides a framework for complying with international standards for handling nuclear materials.

On the issue of safety and materials, another constituent, who worked for very many years as a radiation protection adviser, has been in touch to share his concerns. He has wide experience of applying regulatory controls in workplaces including hospitals, the oil and gas industry, paper and plastics manufacturing, radiography, and the nuclear industry. He says that every one of these is considerably safer today as a result of Euratom—so this is not just about the nuclear industry directly. He goes on to say that he believes it is extremely short-sighted to remove the wealth of information and expertise that has resulted from our membership of Euratom.

**James Heappey:** The hon. Lady and I share a real enthusiasm for the nuclear industry and host it in or near our constituencies. How, specifically, will our withdrawal from Euratom lead to a diminishment of our expertise in how to regulate the nuclear industry?

**Sue Hayman:** I am talking about what constituents who actually work in the industry are telling me. To be honest, I would trust the judgment of my own constituents. In an intervention, I mentioned a constituent who works at the National Nuclear Laboratory, who says that leaving will impair his ability to collaborate with leading scientists and engineers across Europe, to the detriment of science and technology in this country. This is what my constituents are telling me. The hon. Gentleman can choose to disbelieve them—I do not. I trust my constituents.

I do not understand why, when we have conflicting legal opinion on why we have to leave, the Government are insisting so much that we have to. We need to make sure that a rapid exit does not do serious harm to our nuclear industry. We have so much to lose, with so little to gain. I therefore ask Members to support new clause 192.

**Mr Lilley:** For the sake of brevity, I will focus, if I may, on new clause 11, which is entitled “Tariff-free trade in goods and services”. Of course, there are no tariffs on services worldwide, so that should be fairly easy to achieve. I take it to mean tariff-free trade in goods and the minimum of barriers to services.

With regard to trade, there are only two realistic outcomes to the negotiations we will have: first, that we negotiate a free-trade agreement continuing tariff-free trade—more or less what we have at present—and secondly, that we move to trading on the basis of most favoured nation tariffs under WTO rules, which is basically what America, China, Japan and Russia, the four most successful countries exporting to the EU, do.

From what I have heard in this House and what I know of the Government’s position, everybody would like us to negotiate continuing tariff-free trade with our European partners. We do not particularly need any clause in this Bill to try to achieve that. Moreover, it is very simple to negotiate. It is very easy to go from zero tariffs to zero tariffs—it can be done in an afternoon. It is not like negotiating the removal of tariffs, as the EU has had to do with Canada. Canada had 5,000 different tariffs, the EU had 12,500 different tariffs, and they had to trade off one against the other.

Tariff-free trade is very simple to negotiate. As far as barriers and services are concerned, if our regulatory systems began to diverge, all we would have to negotiate—after assessing whether or not the matter was serious—is
the normal dispute resolution procedure, because after the great repeal Bill we will start with identical regulatory arrangements.

5.30 pm

Tariff-free trade is also in the interests of the European Union. We are the biggest single market for the rest of the EU—bigger than the United States, with which it has laboriously been trying for years to negotiate the removal of tariffs. The EU also has a big surplus in trade with us, so it should not be difficult. It is very much in the EU’s interests and it already has free-trade agreements with some 50 other countries that do not involve free movement of labour, paying a contribution or accepting European legislation. It has demonstrated that that is the sort of thing it can do with countries with which it wants free trade.

It might be the case that, within the EU, politics will trump economics. Although it is in its economic interests to continue tariff-free trade with us, the EU may feel it necessary to punish us in order to deter other countries from following our example and their voters from voting for Eurosceptic parties. This House has to acknowledge—few people seem willing to do so—that that will be the EU’s choice. It will either decide to go along with continuing free trade, or it will say, “No. For political reasons, we can’t accept that. We must trade on most favoured nation terms in future.” We cannot go back to it and say, “Sorry. You didn’t give it to us the first time, but the House voted against, so can you give it to us the second time?” If it does not give it to us the first time, it will not give it to us at all.

We need to acknowledge that, although trading on most favoured nation terms is not as good as continuing free trade, it is the second best option and better than continuing with our previous arrangement. If Europe applies the common external tariff to us, most favoured nation tariffs would average 4%. The net contribution that we make to the EU annually is equivalent to 7% of the value of our exports. We are currently paying 7% to avoid a charge of 4%.

Clive Efford (Eltham) (Lab): How much do we get back?

Mr Lilley: The 7% is after taking account of everything we get back. If the hon. Gentleman wants to know, he should look up table 4.27 on page 159 of the Office for Budget Responsibility report, which spells out how much we will get back net when we leave, which is £13 billion—£250 million a week.

Kelvin Hopkins (Luton North) (Lab): Does the right hon. Gentleman agree that if a 4% tariff is imposed, it is possible that the pound will depreciate by the same amount, because we have our own currency?

Mr Lilley: It is already 15% more competitive than it was a year ago, which dwarfs the average of 4%. We can, of course, give processing relief—that is, remit tariffs—on components that are part of processing and manufacturing chains and that will be re-exported. We will get £12.3 billion of revenues, if we apply the common external tariff to imports from the EU, but our exporters will pay some £6.5 billion of tariffs on their exports to the EU, so we would have ample money to compensate any exporters who were not sufficiently advantaged by a 15% devaluation, and still have billions of pounds to reduce general taxation. We can also, of course, negotiate free trade agreements with the rest of the world and slash unilaterally the tariffs that we currently charge on food, clothing and other things that we do not produce but that mean that our consumers have to pay higher prices to subsidise inefficient producers elsewhere in the EU, instead of importing from, say, the less-developed countries from which we should naturally be importing.

There are many other advantages, but as you have urged brevity, Ms Engel, I will not tell the Committee what they are but hold them back for a future occasion.

Albert Owen: It is always interesting to follow the right hon. Member for Hitchin and Harpenden (Mr Lilley). I will concentrate my brief remarks on Euratom. As the Minister and the Committee will know, its principal goals are the promotion of research and the dissemination of information; the establishment of safety standards; and facilitating investment. It also governs the supply of ore and nuclear fuels.

Euratom establishes a nuclear common market. The Euro sceptics always used to say, “We want to be in the common market,” yet their decision is to pull out of it. I believe that the Government want to retain the principal goals, and they stated on the publication of the Bill that we are leaving Euratom only because of legally binding arrangements, but that is debatable—I have seen conflicting legal advice—and cynics suggest that it is more to do with the European Court of Justice.

The Government say that they support Euratom and want us to continue both to co-operate and to have the highest standards. The hon. Member for Wells (James Heappey) is absolutely right that we are world leaders on nuclear standards, but in co-operation with other countries, which is why it is so important to keep Euratom, the umbrella body.

The purpose of new clause 192, which is supported by the industry and industry bodies, is to continue co-operation and have greater certainty. I have raised this matter with the Secretary of State for Business, Energy and Industrial Strategy, who was very courteous. He said he had met the industry and was sure that we will be able to continue outside Euratom, but that is not what the industry in general believes. The hon. Member for Henley (John Howell) said that the management of the JET energy research programme in Oxfordshire did not want the proposal, but the workforce had lobbied me in great numbers through the union, saying that there are risks if we pull out.

Access to information and data sharing are important. We will be way behind if we pull out. Companies in the industry need to plan in advance; they need that certainty. Euratom deals with nuclear co-operation with the United States. It is ironic that although we are talking about coming out of Europe and trading with the United States, we need to be part of Euratom to get agreements to move fuels to the US, Japan, Canada and other countries. Renegotiating will take an awful long time.

Ideally, the Minister would retain the UK’s membership of Euratom even if we left the European Union. If the Government proceed to give notice to withdraw, we must have an agreement on transitional arrangements. We must also have sufficient time to negotiate and
complete new arrangements with EU states and third countries such as the US, Japan and Canada. If in two years an agreement cannot be reached, the UK should remain a member. Our standing in the nuclear industry is at stake, as are jobs and our reputation as a major country in nuclear research. I hope that the Minister takes that on board.

Mr David Jones: I have listened to a large number of very important contributions this afternoon from right hon. and hon. Members, and a large number of proposals have been considered. I hope that the Committee will forgive me if I say that I prefer—

Chris Leslie (Nottingham East) (Lab/Co-op): Will the Minister give way before he says that he would prefer not to give way to anybody?

Mr Jones: I will give way once and no more.

Chris Leslie: Does the Minister agree that it is totally farcical that I have tabled 35 proposals but have been unable to speak to any of them? Does that not prove that the curtailing of the debate leaves Parliament unable to scrutinise withdrawal from the EU?

Mr Jones: I commend the hon. Gentleman for his enthusiasm and say that the House has voted for and adopted a programme motion.

Kate Hoey (Vauxhall) (Lab): The public watching need to know that this is not the right place for many of the amendments and new clauses to be debated. As my right hon. Friend the Member for Birmingham, Edgbaston (Ms Stuart) has said, this is not the right Bill.

Mr Jones: That is what I was about to say. I would like to address all the amendments if I can, so I hope that the House will forgive me if I take no further interventions.

The amendments serve as a valuable reminder of the numerous important matters that will need to be considered and discussed throughout the process of negotiation. They seek to ensure that specific aspects of our future relationship with the European Union are prioritised by the Government. Let me take this opportunity to tell the House once again that we are committed to delivering the best possible deal for the whole of the United Kingdom. However, we can only set about delivering that deal after we have triggered article 50. It is not appropriate, therefore, to seek to tie the hands of the Government on individual policy areas at this stage; that could only serve to jeopardise our negotiating position.

I will do my best to respond to each of the amendments, given their broad scope, but for the avoidance of doubt, there is a common response to them all: elementally, this is a straightforward procedural Bill that serves only to give the Prime Minister the power to trigger article 50 and thereby respect the result of the referendum. As a consequence, these amendments are not for this Bill. Instead, they are for the many future debates that will take place in this House and the other place—

Chris Leslie: On a point of order, Ms Engel. The Minister said that the amendments were not for this Bill. Will you remind the House that the Chair has ruled that all the amendments are within the scope of the Bill?

The Second Deputy Chairman of Ways and Means (Natascha Engel): The Chair’s ruling has been mentioned time and again. The Content of amendments is a matter for debate.

Mr David Jones: Thank you, Ms Engel. The amendments will be debated at a later stage.

New clauses 2, 7, 100, 163 and 193, as well as amendments 32, 34, 40 and 55, would require the Prime Minister either to have regard to, or to set out in a report, a number of matters prior to triggering article 50. Those include, but are not limited to, the common travel area with the Republic of Ireland and the preservation of peace in Northern Ireland; tariff-free trade with the European Union; workers’, women’s, human, civil, social and political rights; climate change and environmental standards; and the British economy and economic model. The White Paper published last week sets out our strategic aims for the negotiations and covers many of the topics that hon. Members have addressed in these and other amendments.

With regard to the common travel area, for instance, we have already stressed that we are committed to working with both the Irish Government and the Northern Ireland Executive to recognise the unique economic, social and political context of the land border between the UK and Ireland. We have also made it clear that we are seeking a bold and comprehensive free trade agreement with the European Union that is as tariff-free and frictionless as possible.

On new clause 7, which concerns the preservation of EU tax avoidance measures, the Prime Minister has made it very clear that we will convert the acquis into British law, and that it will then be for the British Parliament to decide on any changes to that law, with appropriate scrutiny. Similarly, amendments 7, 9 and 38 to clause 1 and new clauses 16, 70 and 133 seek to require the Government to commit to a position on specific issues before triggering article 50. Amendment 7, for example, seeks to ensure that the UK continues to participate in EU common foreign and security policy after withdrawal from the European Union. A matter such as that cannot be resolved through unilateral action and, instead, must be clearly addressed through discussion with the other 27 member states of the EU. We have been clear that we want to see continued close co-operation on foreign and security policy with European partners, but those discussions can begin only after article 50 has been triggered.

New clause 16 is designed to ensure that the employment rights of those living or working in the UK will be unaffected by the Bill. The Government have made it clear that not only will there be no change to employment protections as a result of triggering article 50, but we will protect and enhance the rights people have at work.

5.45 pm

A further distinct set of amendments, new clause 141 and amendments 29, 35 and 54 to clause 1, seek to clarify the position of Gibraltar. This was addressed most notably by the hon. Member for Ilford South (Mike Gapes). The Government are clear that Gibraltar is covered by our proposed exit negotiations. We have
committed to fully involving Gibraltar as we prepare for the process of exiting the EU. We must seek a deal that works for Britain, and that deal must work for Gibraltar, too.

A number of amendments tabled by hon. Members raise issues relating to the negotiations. New clauses 11, 12, 21, 76, 77, 104 and 181 relate to our future trading relationship with the EU, and some seek carve-outs for specific areas of the UK economy, such as financial services or the agricultural sector. Again, the Government’s position is clear: the Prime Minister has said that the UK will seek to strike a unique agreement with the European Union that gets the right deal for people at home, and the best deal for Britain abroad.

On new clause 13, the Prime Minister has said that we expect a phased process of implementation in which both the UK and the EU prepare for any new arrangements. This will not, however, be some form of unlimited transitional status; that would be unhelpful for both the UK and the EU. New clauses 15, 166 and 183 also address the UK’s negotiating objectives, but focus on the right to free movement and matters concerning immigration. The precise nature of the deal will be a matter for the negotiations, but let me reassure the Committee that we are seeking a deal that will work for everyone in the UK.

Another set of amendments seeks to ensure that the UK retains its membership of specific European Union agencies. I will first address the issue of Euratom, since many hon. Members have made explicit reference to it, including in new clauses 185, 186 and 192, and in amendments 31, 42 and 89 to clause 1. I would like to explain why, as we trigger article 50, we will also commence the process of leaving Euratom. Although Euratom is a separate treaty-based organisation, it shares a common institutional framework with the EU, making the EU and Euratom uniquely legally joined. The Government’s view is that it would not be possible for the UK to leave the EU and continue its current membership of Euratom.

When article 50 is triggered, the UK will therefore leave Euratom as well as the EU. The Government’s aim for this relationship is clear: to maintain the mutually successful civil nuclear co-operation with EU nations. Our exact relationship with Euratom, however, will be subject to negotiations with our EU partners. Those negotiations have not yet started, and cannot start until we have triggered article 50, but we will continue to engage closely with MPs, industry and stakeholders.

New clauses 78 to 97, 170, 172, 174 and 178, and amendments 30 and 32 to clause 1, refer to other specific agencies, bodies and schemes. We recognise the importance of these and stress that we do want close co-operation with our European partners in all these areas, but the Bill is not the place to ensure that; it is a matter for the negotiations. Our intention, as set out in the White Paper, is to leave the EU. It would be wrong to start negotiating our new relationship with our membership of one European body or another already predetermined, and it would be wrong to set out unilateral demands before negotiations have even begun. We recognise the importance of all of these agencies, bodies and schemes, but the nature of our membership of them will be a matter for negotiation with the EU.

Further amendments seek to specify the timing of the triggering of article 50. There are many reasons why the end of March deadline is extremely important. We need to progress now. We have done a great deal of analysis and preparation, and the time is right to get on and serve the article 50 notice.

The issue of EU nationals was once again raised, having been debated earlier this week as well. I want to restate to the House that the Government fully recognise that the issue of EU nationals resident in the UK is an extremely important one that we wish to address as a matter of priority, just as we wish to address the issue of the rights of UK nationals resident in the EU. This, however, must be addressed after the negotiations have commenced.

Helen Goodman rose—

Mr Jones: No, I will not give way.

I am grateful for the contributions of Members to this Committee stage. The Bill respects the judgment of the Supreme Court. I urge right hon. and hon. Members to support both clauses of the Bill. Clause 1 gives the Prime Minister Parliament’s authority to notify the European Council of the UK’s intention to withdraw from the EU. It also makes it clear that this power applies notwithstanding the European Communities Act 1972; this is to address the Supreme Court’s conclusions on the status of the 1972 Act. I urge all right hon. and hon. Members who have tabled amendments not to press them to a Division, so that we can make progress with the Bill, start the process of withdrawal and work to deliver a deal that respects the vote of the British people in the referendum.

Paul Blomfield: In the few seconds left to me, I want to say that we will not withdraw the new clause and we will hold the Government to account in respect of the Secretary of State’s commitment to achieve a deal that provides for the exact same benefits as we enjoy from our current membership of the single market.

The issue of our membership of Euratom has caused concern among Members on both sides of the House, which the Minister failed to allay in his closing remarks. To clear up any doubts, such as those that the hon. Member for Wells (James Heappey) expressed, I remind the House that the Nuclear Industry Association has made it clear that we should not leave Euratom. It is not in the interests of the industry or people’s jobs. They will watch how the House votes on new clause 192, and will judge the Government accordingly. I hope that Members will recognise that and vote for the new clause, and for all the other helpful amendments we have tabled.

Question put. That the clause be read a Second time.

The Committee divided: Ayes 291, Noes 336.

Division No. 152] [5.52 pm

AYES

Abbot, Ms Diane
Abrahams, Debbie
Ahmed-Sheikh, Ms Tasmina
Alexander, Heidi
Ali, Rushanara
Allen, Mr Graham
Aliin-Khan, Dr Rosena
Anderson, Mr David
Arkless, Richard
Ashworth, Jonathan
Austin, Ian
Bailey, Mr Adrian
Bardell, Hannah
Barron, rh Sir Kevin
Beckett, rh Margaret
Benn, rh Hilary
Berger, Luciana
Betsis, Mr Clive
Black, Mhairi
Blackford, Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta

Noes

Blackman-Woods, Dr Roberta
Blackford, Ian
Blackman, Kirsty
Black, Mhairi
Betsis, Mr Clive
Benn, rh Hilary
Beckett, rh Margaret
Barron, rh Sir Kevin
Benn, rh Hilary
Berger, Luciana
Betsis, Mr Clive
Black, Mhairi
Blackford, Ian
European Union (Notification of Withdrawal) Bill

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Blenkinsop, Tom
Blomfield, Paul
Boswell, Philip
Brabin, Tracy
Bradshaw, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Burnham, rh Andy
Butler, Dawn
Byrne, rh Liam
Cadbury, Ruth
Cameron, Dr Lisa
Campbell, rh Mr Alan
Campbell, Mr Ronnie
Carmichael, rh Mr Alistair
Champion, Sarah
Chapman, Douglas
Chapman, Jenny
Cherry, Joanna
Clarke, rh Mr Kenneth
Clegg, rh Mr Nick
Cloidy, rh Ann
Coaker, Veronica
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
Craddick, Jon
Cryer, John
Cummins, Judith
Cunningham, Alex
Cunningham, Mr Jim
Danczuk, Simon
David, Wayne
Davies, Geraint
Day, Martyn
De Piero, Gloria
Debono-Blanchard, Thangam
Docherty-Hughes, Martin
Donaldson, Stuart Blair
Doughty, Stephen
Dowd, Jim
Dowd, Peter
Dromey, Jack
Dugher, Michael
Durkan, Mark
Eagle, Ms Angela
Eagle, Maria
Edwards, Jonathan
Efford, Clive
Elliott, Julie
Elliott, Tom
Ellman, Mrs Louise
Elmore, Chris
Esterson, Bill
Evans, Chris
Farron, Tim
Fellows, Marion
Ferrier, Margaret
Fitzpatrick, Jim
Fello, Robert
Fletcher, Collen
Flint, rh Caroline
Flynn, Paul
Fovargue, Yvonne
Foxcroft, Vicky
Furniss, Gill
Gapes, Mike
Gardiner, Barry
Gethins, Stephen
Gibson, Patricia
Glinion, Mary
Goodman, Helen
Grady, Patrick
Grant, Peter
Gray, Neil
Green, Kate
Greenwood, Lilian
Greenwood, Margaret
Griffith, Nia
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Hanson, rh Mr David
Harman, rh Ms Harriet
Harris, Carolyn
Hayes, Helen
Hayman, Sue
Healey, rh John
Hendrick, Mr Mark
Hendy, Drew
Heburn, Mr Stephen
Hermon, Lady
Hillier, Meg
Hodgson, Mrs Sharon
Holloen, Kate
Hosie, Stewart
Huq, Dr Rupa
Hussain, Imran
Jarvis, Dan
Johnson, rh Alan
Johnson, Diana
Jones, Gerald
Jones, Graham
Jones, Helen
Jones, Mr Keivan
Jones, Susan Elan
Kane, Mike
Keeley, Barbara
Kendall, Liz
Kerevan, George
Kerr, Calum
Kinaan, Danny
Kinnock, Stephen
Kyle, Peter
Lamb, rh Norman
Lammy, rh Mr David
Lavery, Ian
Law, Chris
Leslie, Chris
Lewell-Buck, Mrs Emma
Lewis, Clive
Lewis, Mr Ivan
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
MacNeil, Mr Angus
MacTaggart, rh Fiona
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Mann, John
Marris, Rob
Marsden, Gordon
Maskell, Rachael
Matheson, Christian
Mc Nally, John
McCabe, Steve
McCaig, Callum
McCarthy, Kerry
McDonagh, Siobhain
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, Dr Alasdair
McDonnell, rh John
McFadden, rh Mr Pat
McGarry, Natalie
McGinn, Conor
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McLaughlin, Anne
McMahon, Jim
Meale, Sir Alan
Milliband, rh Edward
Monaghan, Carol
Monaghan, Dr Paul
Moon, Mrs Madeleine
Morden, Jessica
Morris, Grahame M.
Mulholland, Greg
Mullin, Roger
Murray, Ian
Nandy, Lisa
Newlands, Gavin
Nicolson, John
O’Hara, Brendan
O’neil, Sarah
Onn, Melanie
Onwurah, Chi
Osamor, Kate
Oswald, Kirsten
Owen, Albert
Paterson, Steven
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Pound, Stephen
Powell, Lucy
Pugh, John
Qureshi, Yasmin
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Rachel
Reynolds, Emma
Reynolds, Jonathan
Rimmer, Marie
Ritchie, Ms Margaret
Robertson, rh Angus
Robinson, Mr Geoffrey
Rotheram, Steve
Ryan, rh Joan
Salmond, rh Alex
Saville Roberts, Liz
Shah, Nazir
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheppard, Tommy
Sherriff, Paula
Shuker, Mr Gavin
Siddiq, Tulip
Skinner, Mr Dennis
Slaughter, Andy
Smeeth, Ruth
Smith, rh Mr Andrew
Smith, Angela
Smith, Cat
Smith, Jeff
Smith, Owen
Smyth, Karin
Spellar, rh Mr John
Starmer, Keir
Stephens, Chris
Stevens, Jo
Streeting, Wes
Tami, Mark
Thewliss, Alison
Thomas, Mr Gareth
Thomas-Symonds, Nick
Thompson, Owen
Thomson, Michelle
Thomberry, Emily
Timms, rh Stephen
Trickett, Jon
Turley, Anna
Turner, Karl
Twigg, Derek
Twigg, Stephen
Umunna, Mr Chuka
Vaz, rh Keith
Vaz, Valerie
Watson, Mr Tom
Weir, Mike
West, Catherine
Whiteford, Dr Eilidh
Whitehead, Dr Alan
Whitford, Dr Philippa
Williams, Hywel
Williams, Mr Mark
Wilson, Corri
Wilson, Phil
Winnick, Mr David
Winterton, rh Dame Rosie
Wishtart, Pete
Woodcock, John
Wright, Mr Iain
Zeichner, Daniel

Tellers for the Ayes:
Nic Dakin and
Nick Smith

NOES
Allen, Heidi
Amess, Sir David
Andrew, Stuart
Ansell, Caroline
Swire, rh Sir Hugo
Syms, Mr Robert
Thomas, Derek
Throup, Maggie
Timpson, Edward
Tolhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David
Trevelyan, Mrs Anne-Marie
Truss, rh Elizabeth
Tugendhat, Tom
Turner, Mr Andrew
Tyrie, rh Mr Andrew
Vazeey, rh Mr Edward
Vara, Mr Shaiihe
Vickers, Martin
Villiers, rh Mrs Theresa
Walker, Mr Charles
Walker, Mr Robin
Wallace, Mr Ben
Warburton, David
Warman, Matt
Watkinson, Dame Angela
Wharton, James
Whatley, Helen
Wheeler, Heather
White, Chris
Whitaker, Craig
Whittingdale, rh Mr John
Wiggin, Bill
Williams, Craig
Williamson, rh Gavin
Wilson, Mr Rob
Wilson, Sammy
Wollaston, Dr Sarah
Wragg, William
Wright, rh Jeremy
Zahawi, Nadhim

Tellers for the Noes:
Jackie Doyle-Price and
Chris Heaton-Harris

Question accordingly negatived.

6.5 pm
More than five hours having elapsed since the commencement of proceedings, the proceedings were interrupted (Programme Order, 1 February).

The Chair put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83D).

New Clause 7

Conduct of Negotiations—Anti-Tax Haven

(1) In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must have regard to the public interest in maintaining all existing EU tax avoidance and evasion legislation.

(2) In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union, Ministers of Crown must comply with the European Union Code of Conduct on Business Taxation. —(Paul Blomfield)

This new clause sets out the Government’s commitment to observe the Code of Conduct on business taxation to prevent excessive tax competition and lays out the statutory objectives that the Government must have regard to EU tax avoidance and evasion whilst carrying out negotiations under article 50.

Brought up.

Question put, That the clause be added to the Bill.

The Committee divided: Ayes 289, Noes 336.

Division No. 153 [6.6 pm]

AYES

| Abbott, Ms Diane | Barron, rh Mr Ben | Bradshaw, rh Mr Ben |
| Abrahams, Debbie | Beckett, rh Margaret | Brake, rh Tom |
| Ahmed-Sheikh, Ms Tasmina | Benn, rh Hilary | Brennan, Kevin |
| Alexander, Heidi | Berger, Luciana | Brock, Deidre |
| Ali, Rushanara | Betts, Mr Clive | Brown, Alan |
| Allen, Mr Graham | Black, Mhairi | Brown, Lyn |
| Allin-Khan, Dr Rosena | Blackford, Ian | Brown, rh Mr Nicholas |
| Anderson, Mr David | Blackman, Kirsty | Bryant, Chris |
| Arkless, Richard | Blackman-Woods, Dr Roberta | Buck, Ms Karen |
| Ashworth, Jonathan | Blenkinsop, Tom | Burden, Richard |
| Austin, Ian | Blomfield, Paul | Burgon, Richard |
| Bailey, Mr Adrian | Boswell, Philip | Burnham, rh Andy |
| Bardell, Hannah | Brabin, Tracy | Butler, Dawn |
| | | Byrne, rh Liam |
| | | Cadbury, Ruth |
| | | Cameron, Dr Lisa |
| | | Campbell, rh Mr Alan |
| | | Campbell, rh Mr Ronnie |
| | | Carmichael, rh Mr Alistair |
| | | Champion, Sarah |
| | | Chapman, Douglas |
| | | Chapman, Jenny |
| | | Cherry, Joanne |
| | | Clegg, rh Mr Nick |
| | | 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 |
| | | Cruddas, Jon |
| | | Cryer, John |
| | | Cummins, Judith |
| | | Cunningham, Alex |
| | | Cunningham, Mr Jim |
| | | Danczuk, Simon |
| | | David, Wayne |
| | | Davies, Geraint |
| | | Day, Martyn |
| | | De Piero, Gloria |
| | | Debono-Kies, Angalene |
| | | Docherty-Hughes, Martin |
| | | Donaldson, Stuart Blair |
| | | Doughty, Stephen |
| | | Dowd, Jim |
| | | Dowd, Peter |
| | | Dromey, Jack |
| | | Dugher, Michael |
| | | Dunkan, Mark |
| | | Eagle, Ms Angela |
| | | Eagle, Maria |
| | | Edwards, Jonathan |
| | | Efford, Clive |
| | | Elliott, Julie |
| | | Ellman, Mrs Louise |
| | | Elmore, Chris |
| | | Esterson, Bill |
| | | Evans, Chris |
| | | Farrelly, Paul |
| | | Farron, Tim |
| | | Fellows, Marion |
| | | Ferrier, Margaret |
| | | Fitzpatrick, Jim |
| | | Fiell, Robert |
| | | Fletcher, Colleen |

NAYS

| Flint, rh Caroline | Flynn, Paul | Fovargue, Yvonne |
| Foxcroft, Vicky | Furness, Gill | Gapes, Mike |
| Gardiner, Barry | Gethins, Stephen | Gibbon, Patricia |
| Glindon, Mary | Goodman, Helen | Grady, Patrick |
| Grant, Peter | Gray, Neil | Green, Kate |
| Greenwood, Lilian | Greenwood, Margaret | Griffith, Nia |
| Gwynee, Andrew | Haigh, Louise | Hamilton, Fabian |
| Hanson, rh Mr David | Harman, rh Ms Harriet | Harris, Carolyn |
| Hayes, Helen | Hayman, Sue | Healey, rh John |
| Hendrick, rh Mark | Hendry, Drew | Hepburn, Mr Stephen |
| Hermon, Lady | Hillier, Meg | Hodgson, Mrs Sharon |
| Hollern, Kate | Hosie, Stewart | Huq, Dr Rupa |
| Hussain, Imran | Jarvis, Dan | Johnson, rh Alan |
| Johnson, Diana | Jones, Gerald | Jones, Graham |
| Jones, Helen | Jones, Mr Kevan | Jones, Susan Elan |
| Kane, Mike | Keeley, Barbara | Kendall, Liz |
| Keravan, George | Kerr, Calum | Kinnock, Stephen |
| Kyle, Peter | Lamb, rh Norman | Lammy, rh Mr David |
| Lavery, Ian | Law, Chris | Leslie, Chris |
| Lewis, Clive | Lewis, Mr Ivan | Long Bailey, Rebecca |
| Lucas, Caroline | Lucas, Ian C. | Lynch, Holly |
| MacNeil, Mr Angus Brendan | MacTaggart, rh Fiona | Madders, Justin |
| Mahmood, Mr Khalid | Mahmood, Shabana | Malhotra, Seema |
| Mann, John | Marris, Rob |
Tellers for the Ayes:

Nic Dakin and Nick Smith

NOES

Adams, Nigel
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Amess, Sir David
Andrew, Stuart
Ansell, Caroline

Bebb, Guto
Bellingham, Sir Henry
Benyon, Richard
Beresford, Sir Paul
Berry, Jake
Berry, James
Bingham, Andrew
Blackman, Bob
Blackwood, Nicola
Blunt, Crispin
Boles, Nick
Bone, Mr Peter
Bowick, Victoria
Bottomley, Sir Peter
Bradley, rh Karen
Brady, Mr Graham
Brazier, Sir Julian
Bridgen, Andrew
Brine, Steve
Brokenshire, rh James
Bruce, Fiona
Buckland, Robert
Burns, Conor
Burns, rh Sir Simon
Burrowes, Mr David
Burt, rh Alistair
Cairns, rh Alun
Cairns, rh Alun
Camara, Neil
Carswell, Mr Douglas
Cartidge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishi, Reham
Chope, Mr Christopher
Churchill, Jo
Clark, rh Greg
Cleverly, James
Clifton-Brown, Geoffrey
Collins, Damion
Colville, Oliver
Costa, Alberto
Courts, Robert
Cox, Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Davies, Byron
Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Dr James
Davies, Mims
Davies, Philip
Davies, rh Mr David
Dinenage, Caroline
DjOUNG, rh Mr Jonathan
Dods, rh Mr Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Dorries, Nadine
Double, Steve
Dowden, Oliver
Drax, Richard
Drummond, Mrs Flick
Dudridge, James
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Dunne, Mr Philip
Elliott, Tom
Ellis, Michael
Ellison, Jane
Ellwood, Mr Tobias
Elphicke, Charlie
Eustice, George
Evans, Graham
Evans, Mr Nigel
Evennett, rh David
Fabricant, Michael
Fallon, rh Sir Michael
Fernandes, Suella
Field, rh Frank
Field, rh Mark
Foster, Kevin
Fox, rh Dr Liam
Francois, rh Mr Mark
Frazier, Lucy
Freeman, George
Freer, Mike
Fuller, Richard
Fysh, Marcus
Garner, rh Sir Edward
Garner, Mark
Gauke, rh Mr David
Ghani, Nusrat
Gibb, rh Mr Nick
Gillian, rh Mrs Cheryl
Glen, John
Goodwill, Mr Robert
Gove, rh Michael
Graham, Richard
Grant, Mrs Helen
Gray, James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Greening, rh Justine
Grieve, rh Mr Dominic
Griffiths, Andrew
Gummer, rh Ben
Gyimah, Mr Sam
Halmon, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harrington, Richard
Harris, Rebecca
Hart, Simon
Haselhurst, rh Sir Alan
Hayes, rh Mr John
Heald, rh Sir Oliver
Heappey, James
Heaton-Jones, Peter
Henderson, Gordon
Hinds, Damian
Hoare, Simon
Hoe, Kate
Hollingbery, George
Hollinrake, Kevin
Holloboone, Mr Philip
Holloway, Mr Adam
Hopkins, Kelvin
Hopkins, Kris
Howarth, Sir Gerald
Howell, John
Howlett, Ben
Huddleston, Nigel
Hunt, rh Mr Jeremy
Hurd, Mr Nick
Jackson, Mr Stewart
Question accordingly negatived.

Clause 1

POWER TO NOTIFY WITHDRAWAL FROM THE EU

Amendment proposed: 29, page 1, line 3, at end insert “after consultation with the Government of Gibraltar.”—[Mike Gapes]

Question put. That the amendment be made.

The Committee divided: Ayes 288, Noes 338.

Division No. 154 [6.19 pm]
European Union (Notification of Withdrawal) Bill

Day, Martyn
De Piero, Gloria
Debonnaire, Thangam
Docherty-Hughes, Martin
Donaldson, Stuart Blair
Doughty, Stephen
Dowd, Jim
Dowd, Peter
Dromey, Jack
Dugher, Michael
Durkan, Mark
Eagle, Ms Angela
Eagle, Maria
Edwards, Jonathan
Elfed, Clive
Elliot, Julie
Elm, Mrs Louise
Elmore, Chris
Esterson, Bill
Evans, Chris
Farrelly, Paul
Farron, Tim
Fellows, Marion
Ferrier, Margaret
Fitzpatrick, Jim
Fiell, Robert
Fletcher, Colleen
Fint, rh Caroline
Flynn, Paul
Fovargue, Yvonne
Foxcroft, Vicky
Furniss, Gill
Gapes, Mike
Gardiner, Barry
Gethins, Stephen
Gibson, Patricia
Glindon, Mary
Goodman, Helen
Grady, Patrick
Grant, Peter
Gray, Neil
Green, Kate
Greenwood, Lilian
Greenwood, Margaret
Griffith, Nia
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Hanson, rh Ms Harriet
Harman, rh Ms Harriet
Harris, Carolyn
Hayes, Helen
Hayman, Sue
Healey, Msp
Hendrick, rh Mark
Hendry, Drew
Hepburn, Mr Stephen
Heron, Lady
Hillier, Meg
Hodgson, Mrs Sharon
Hollem, Kate
Hosie, Stewart
Huq, Dr Rupa
Hussain, Imran
Jarvis, Dan
Johnson, rh Alan
Johnson, Diana
Jones, Gerald
Jones, Graham
Jones, Helen
Jones, Mr Kevan
Jones, Susan Elan
Kane, Mike
Keeley, Barbara
Kendall, Liz
Kerevan, George
Kerr, Calum
Kinnock, Stephen
Kyle, Peter
Lamb, rh Norman
Lammy, Mr David
Lavery, Ian
Law, Chris
Leslie, Chris
Lewell-Buck, Mrs Emma
Levis, Clive
Lewis, Mr Ivan
Long Bailey, Rebecca
Lucas, Caroline
Lynch, Holly
MacNeil, Mr Angus Brendan
Maclaggart, rh Fiona
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Marsden, Rob
Marsden, Gordon
Maskell, Rachael
Matheson, Christian
Mc Nally, John
McCabe, Steve
McCaug, Callum
McCarthy, Kerry
McDonagh, Siobhain
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, Dr Alasdair
McDonnell, rh John
McFadden, rh Mr Pat
McGarry, Natalie
McGinn, Conor
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McLaughlin, Anne
McMahon, Jim
Meale, Sir Alan
Miliband, rh Edward
Monaghan, Carol
Monaghan, Dr Paul
Moon, Mrs Madeleine
Morden, Jessica
Morris, Grahame M.
Mulholland, Greg
Mullin, Roger
Murray, Ian
Nandy, Lisa
Newlands, Gavin
Nicolson, John
O’Hara, Brendan
Olney, Sarah
Onn, Melanie
Onwurah, Chi
Osamor, Kate
Oswald, Kirsten
Owen, Albert
Paterson, Steven
Pearce, Teresa
Penso, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Pound, Stephen
Powell, Lucy
Pugh, John
Qureshi, Yasmin
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reyes, Rachel
Reynolds, Emma
Reynolds, Jonathan
Rimmer, Marie
Ritchie, Ms Margaret
Robertson, rh Angus
Robinson, Mr Geoffrey
Rotheram, Steve
Ryan, rh Joan
Salmond, rh Alex
Saville Roberts, Liz
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheppard, Tommy
Sheriff, Paula
Shuker, Mr Gavin
Siddiq, Tulip
Skinner, Mr Dennis
Slaughter, Andy
Smeeth, Ruth
Smith, rh Mr Andrew
Smith, Angela
Smith, Cat
Smith, Jeff
Smith, Owen
Smyth, Karin
Spellar, rh Mr John
Starmore, Keir
Stephens, Chris
Stevens, Jo
Streeting, Wes
Tami, Mark
Thewliss, Alison
Thomas, Mr Gareth
Thomas-Symonds, Nick
Thompson, Owen
Thomson, Michelle
Thornberry, Emily
Timms, rh Stephen
Trickett, Jon
Turley, Anna
Turner, Karl
Twigg, Derek
Twigg, Stephen
Umunna, Mr Chuka
Vaz, rh Keith
Vaz, Valerie
Watson, Mr Tom
Weir, Mike
West, Catherine
Whiteford, Dr Edith
Whitehead, Dr Alan
Whitfield, Dr Philippa
Williams, Hywel
Williams, Mr Mark
Wilson, Corri
Wilson, Phil
Winnick, Mr David
Winterton, rh Dame Rosie
Wishart, Pete
Woodcock, John
Wright, Mr lain
Zeichner, Daniel

Tellers for the Ayes:
Nic Dakin and 
Nick Smith

NOES
Brazier, Sir Julian
Bridgen, Andrew
Brine, Steve
Brokenshire, rh James
Bruce, Fiona
Buckland, Robert
Burns, Conor
Burns, rh Sir Simon
Burrowes, Mr David
Burt, rh Alistair
Cairns, rh Alun
Campbell, Mr Gregory
Carmichael, Neil
Carswell, Mr Douglas
Cartlidge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehan
Chope, Mr Christopher
Churchill, Jo
Clark, rh Greg
Cleverly, James
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Colville, Oliver
Costa, Alberto
Courts, Robert
Cox, Mr Geoffrey
Crabbe, rh Stephen
Question accordingly negatived.
Amendment proposed: 11, page 1, line 5, at end insert—
“(3) Before exercising the power under subsection (1), the
Prime Minister must prepare and publish a report on the effect of
the United Kingdom’s withdrawal from the EU on national
finances, including the impact on health spending.”—(Mr Umunna.)
This amendment calls for the Government to publish a report on the
effect of EU withdrawal on the national finances, particularly
health spending following claims in the referendum campaign that
EU withdrawal would allow an additional £350 million per week to
be spent on the National Health Service.

Question put, That the amendment be made.

The Committee divided: Ayes 288, Noes 337.

Division No. 155] [6.32 pm

AYES
Abbott, Ms Diane
Abrahams, Debbie
Ahmed-Sheikh, Ms Tasmina
Alexander, Heidi
Ali, Rushanara
Allen, Mr Graham
Allin-Khan, Dr Rosena
Anderson, Mr David
Arkless, Richard
Ashworth, Jonathan
Austin, Ian
Bailey, Mr Adrian
Bardell, Hannah
Barron, rh Sir Kevin
Beckett, rh Margaret
Bell, rh Hilary
Berger, Luciana
Benn, rh Hilary
Beckett, rh Margaret
Bercow, Mr
Betts, Mr Clive
Black, Mhairi
Blackford, Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Blenkinsop, Tom
Blomfield, Paul
Boswell, Philip
Brabin, Tracy
Brady, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Burnham, rh Andy
Butler, Dawn
Byrne, rh Liam
Cadbury, Ruth
Cameron, Dr Lisa
Campbell, rh Mr Alan
Campbell, Mr Ronnie
Carmichael, rh Mr Alistair
Champion, Sarah
Chapman, Douglas
Chapman, Jenny
Cherry, Joanna
Clegg, rh Mr Nick
Clwyd, rh Ann
Coaker, Vernon
Coffey, Anna
Cooper, Julie
Cooper, Rosie

Grant, Peter
Gray, Neil
Green, Kate
Greenwood, Lilian
Greenwood, Margaret
Griffith, Nia
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Hanson, rh Mr David
Harman, rh Ms Harriet
Harris, Carolyn
Hayes, Helen
Hayman, Sue
Healey, rh John
Hendrick, Mr Mark
Hendry, Drew
Hepburn, Mr Stephen
Hermon, Lady
Hillier, Meg
Hodgson, Mrs Sharon
Hollern, Kate
Hosie, Stewart
Huq, Dr Rupa
Hussain, Imran
Harvies, Das, Jon
Johnson, John Alan
Johnson, Diana
Jones, Gerald
Jones, Graham
Jones, Helen
Jones, Mr Kevan
Jones, Susan Elan
Kane, Mike
Keelley, Barbara
Kendall, Liz
Kerevan, George
Kerr, Calum
Kinnock, Stephen
Kyle, Peter
Lamb, rh Norman
Lammy, rh Mr David
Lavery, Ian
Law, Chris
Leslie, Chris
Lewell-Buck, Mrs Emma
Lewis, Clive
Levis, Mr Ivan
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
MacNeil, Mr Angus Brendan
Mactaggart, rh Fiona
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Mann, John
Marris, Rob
Marsden, Gordon
Maskell, Rachael
Matheson, Christian
Mc Nally, John
McCabe, Steve
McCaig, Callum
McCarthy, Kerry
McDonald, rh Sir John
McDonald, Siobhain
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, Dr Alasdair

McDonnell, rh John
McFadden, rh Mr Pat
McGarry, Natalie
McGinn, Conor
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McLaughlin, Anne
McMahon, Jim
Meaile, Sir Alan
Moniband, rh Edward
Monaghan, Carol
Monaghan, Dr Paul
Moon, Mrs Madeleine
Morden, Jessica
Morris, Grahame M.
Mulholland, Greg
Mullin, Roger
Murray, Ian
Nandy, Lisa
Newlands, Gavin
Nicolson, John
O’Hara, Brendan
Olney, Sarah
Onn, Melanie
O玑seor, Chi
Osamor, Kate
Oswald, Kirsten
Owen, Albert
Pattersen, Steven
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Pound, Stephen
Powell, Lucy
Pugh, John
Qureshi, Yasmin
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Rachel
Reynolds, Emma
Reynolds, Jonathan
Rimmer, Marie
Ritchie, Ms Margaret
Robinson, rh Angus
Robinson, Mr Geoffrey
Rotheram, Steve
Ryan, rh Joan
Salmond, rh Alex
Saville Roberts, Liz
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheppard, Tommy
Sherriff, Paula
Shuker, Mr Gavin
Siddiq, Tulip
Skinner, Mr Dennis
Slaughter, Andy
Smeeeth, Ruth
Smith, rh Mr Andrew
Smith, Angela
Smith, Cat
Smith, Jeff
Smith, Owen
Smyth, Karin
Spellar, rh Mr John
Stamer, Keir
Stephens, Chris
Weir, Mike  
West, Catherine  
Whiteford, Dr Eilidh  
Whitehead, Dr Alan  
Whitford, Dr Philippa  
Williams, Hywel  
Williams, Mr Mark  
Wilson, Corri  
Wilson, Phil  
Winnick, Mr David  
Winterton, rh Dame Rosie  
Wishart, Pete  
Woodcock, John  
Wright, Mr Iain  
Zeichner, Daniel  

**Tellers for the Ayes:**  
Nic Dakan and Nick Smith

---

**NOES**

Adams, Nigel  
Afriyie, Adam  
Aldous, Peter  
Allan, Lucy  
Allen, Heidi  
Amess, Sir David  
Andrew, Stuart  
Ansell, Caroline  
Argar, Edward  
Atkins, Victoria  
Bacon, Mr Richard  
Baker, Mr Steve  
Baldwin, Harriett  
Baron, Mr John  
Barwell, Gavin  
Bebb, Guto  
Bellingham, Sir Henry  
Benyon, Richard  
Beresford, Sir Paul  
Berry, Jake  
Berry, James  
Bingham, Andrew  
Blackman, Bob  
Blackwood, Nicola  
Blunt, Crispin  
Boles, Nick  
Bone, Mr Peter  
Borwick, Victoria  
Bradley, rh Karen  
Brady, Mr Graham  
Brazier, Sir Julian  
Bridge, Andrew  
Brine, Steve  
Brokenshire, rh James  
Bruce, Fiona  
Buckland, Robert  
Burns, Conor  
Burns, rh Sir Simon  
Burrowes, Mr David  
Burt, rh Alistair  
Cairns, rh Alun  
Campbell, Mr Gregory  
Carmichael, Neil  
Carswell, Mr Douglas  
Cartidge, James  
Cash, Sir William  
Caufield, Maria  
Chalk, Alex  
Chishti, Rehman  
Chope, Mr Christopher  

Fox, rh Dr Liam  
Francis, rh Mr Mark  
Frazer, Lucy  
Freeman, George  
Freer, Mike  
Fuller, Richard  
Fysh, Marcus  
Garnier, rh Sir Edward  
Garnier, Mark  
Gauke, rh Mr David  
Ghani, Nusrat  
Gibb, rh Mr Nick  
Gillan, rh Mrs Cheryl  
Glen, John  
Goodwill, Mr Robert  
Gove, rh Michael  
Graham, Richard  
Grant, Mrs Helen  
Gray, James  
Grayling, rh Chris  
Green, Chris  
Green, rh Damian  
Greening, rh Justine  
Grieve, rh Mr Dominic  
Griffiths, Andrew  
Gummer, rh Ben  
Gyimah, Mr Sam  
Halfon, rh Robert  
Hall, Luke  
Hammond, rh Mr Philip  
Hammond, Stephen  
Hancock, rh Matt  
Hands, rh Greg  
Harper, rh Mr Mark  
Harrington, Richard  
Harris, Rebecca  
Hart, Simon  
Haselhurst, rh Sir Alan  
Hayes, rh Mr John  
Heald, rh Sir Oliver  
Heappey, James  
Heaton-Jones, Peter  
Henderson, Gordon  
Hinds, Damian  
Hoare, Simon  
Hoey, Kate  
Hollingbery, George  
Hollinrake, Kevin  
Hollobone, Mr Philip  
Holloway, Mr Adam  
Hopkins, Kelvin  
Hopkins, Kris  
Howarth, Sir Gerald  
Howell, John  
Howlett, Ben  
Hudson, rh Nigel  
Hunt, rh Mr Jeremy  
Hurd, rh Nick  
Jackson, Mr Stewart  
James, Margot  
Javid, rh Sajid  
Jayawardena, rh Ranil  
Jenkin, rh Sir Mark  
Jenkyns, Andrew  
Jennrick, Robert  
Johnson, rh Boris  
Johnson, Dr Caroline  
Johnson, Gareth  
Johnson, Joseph  
Jones, Andrew  
Jones, rh Mr David  
Jones, rh Mr Marcus  

Kawczynski, Daniel  
Kennedy, Seema  
Kinahan, Danny  
Kirby, Simon  
Knight, rh Sir Greg  
Knight, Julian  
Kwarteng, Kwasi  
Lancaster, Mark  
Latham, Pauline  
Leadsom, rh Andrea  
Lee, Dr Philip  
Lefroy, Jeremy  
Leigh, Sir Edward  
Leslie, Charlotte  
Letwin, rh Sir Oliver  
Lewis, rh Brandon  
Lewis, rh Dr Julian  
Liddell-Grainger, rh Mr Ian  
Liddington, rh Mr David  
Lilley, rh Mr Peter  
Lopresti, Jack  
Lord, Jonathan  
Loughton, Tim  
Lumley, Karen  
Mackinlay, Craig  
Mackintosh, David  
Main, Mrs Anne  
Mak, Mr Alan  
Malthouse, Kit  
Mann, Scott  
Mathias, Dr Tania  
May, rh Mrs Theresa  
Maynard, Paul  
McCartney, Jason  
McCartney, Karl  
McLoughlin, rh Sir Patrick  
McPartland, Stephen  
Menzies, Mark  
Merrion, Huw  
Metcalfe, Stephen  
Miller, rh Mrs Maria  
Milling, Amanda  
Mills, Nigel  
Milton, rh Anne  
Mitchell, rh Mr Andrew  
Mordaunt, Penny  
Morgan, rh Nicky  
Morris, Anne Marie  
Morris, David  
Morris, James  
Morton, Wendy  
Mowat, David  
Mundell, rh David  
Murray, Mrs Sheryl  
Murrison, Dr Andrew  
Neill, Robert  
Newton, Sarah  
Nokes, Caroline  
Norman, Jesse  
Nuttall, rh Sir David  
Offord, Dr Matthew  
Opperman, Guy  
Osborne, rh Mr George  
Paisley, Ian  
Parish, Neil  
Patel, rh Priti  
Paterson, rh Mr Owen  
Pawsey, Mark  
Penning, rh Mike  
Penrose, John  
Percy, Andrew
Edwards, Jonathan
Coyle, Neil
Clwyd, rh Ann
Clegg, rh Mr Nick
Brown, Lyn
Bradshaw, rh Mr Ben

Division No. 156] 8 FEBRUARY 2017
European Union (Notification of Withdrawal) Bill

Amendment proposed: 43, page 1, line 5, at end insert—
‘(3) Before exercising the power under section 1, the Prime Minister must prepare and publish a report on the process for ratifying the United Kingdom’s new relationship with the European Union through a public referendum.’—(Tim Farron.)

The Committee divided: Ayes 33, Noes 340.

A Y E S

Farron, Tim
Hayes, Helen
Huq, Dr Rupa
Lamb, rh Norman
Lammy, rh Mr David
Lucas, Caroline
Macaggart, rh Fiona
Maskell, Rachel
McDonnell, Dr Alasdair
Mulholland, Greg

Murray, Ian
O’neil, Sarah
Pugh, John
Ritchie, Ms Margaret
Saville Roberts, Liz
Slaughter, Andy
Smith, Owen
Stevens, Jo

Adams, Nigel
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Amess, Sir David
Andrew, Stuart
Ansell, Caroline
Argar, Edward
Atkins, Victoria
Bacon, Mr Richard
Baker, Mr Steve
Baldwin, Harriett
Baron, Mr John
Barwell, Gavin
Bebb, Guto
Bellingham, Sir Henry
Benyon, Richard
Beresford, Sir Paul
Berry, Jake
Berry, James
Bingham, Andrew
Blackman, Bob
Blunt, Crispin
Boles, Nick
Bone, Mr Peter
Borwick, Victoria
Bradley, rh Karen
Brady, Mr Graham
Brazier, Sir Julian
Bridge, Andrew
Brine, Steve
Brokenbrow, rh James
Bruce, Fiona
Buckland, Robert
Burns, Conor
Burns, rh Sir Simon
Burrowes, Mr David
Burt, rh Alistair
Cairns, rh Alun
Campbell, Mr Gregory
Carmichael, Neil
Carswell, Mr Douglas
Cartidge, James
Cash, Sir William
Cauerfield, Maria
Chalk, Alex
Chishi, Rehan
Chope, Mr Christopher
Churchill, Jo
Clark, rh Greg
Clarke, rh Mr Kenneth
Cleverly, James
Clifton-Brown, Geoffrey
Cook, Dr Thérèse
Collins, Damian
Colville, Oliver
Costa, Albert
Courts, Robert
Cox, Mr Geoffrey

Timms, rh Stephen
West, Catherine
Williams, Hywel
Williams, Mr Mark
Zeichner, Daniel

Tellers for the Ayes:
Mr Alistair Carmichael and
Tom Brake

N O E S

Crabb, rh Stephen
Crouch, Tracey
Davies, Byron
Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Dr James
Davies, Mims
Davies, Philip
Davies, rh Mr David
Dinenage, Caroline
Djanogly, Mr Jonathan
Dodds, rh Mr Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Dorries, Nadine
Double, Steve
Dowden, Oliver
Drax, Richard
Drummond, Mrs Flick
Duddridge, James
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Dunne, Mr Philip
Elliot, Tom
Ellis, Michael
Ellison, Jane
Ellwood, Mr Tobias
Elphicke, Charlie
Eustice, George
Evans, Graham
Evans, Mr Nigel
Evernett, rh David
Fabricant, Michael
Fallon, rh Sir Michael
Fernandes, Suella
Field, rh Frank
Field, rh Mark
Foster, Kevin
Fox, rh Dr Liam
Francois, rh Mr Mark
Frazer, Lucy
Freeman, George
Freer, Mike
Fuller, Richard
Fysh, Marcus
Garnier, rh Sir Edward
Garnier, Mark
Gauke, rh Mr David
Ghani, Nusrat
Gibb, rh Mr Nick
Gillan, rh Mrs Cheryl
Glen, John
Goodwill, Mr Robert
Gove, rh Michael
Graham, Richard
Grant, Mrs Helen
Gray, James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Division No. 157 [6.56 pm]

The Committee having divided: Ayes 288, Noes 327.

The Committee proceeded to a Division.

Mr Deputy Speaker (Mr Lindsay Hoyle): I ask the Assistant Serjeant at Arms to investigate the delay in the Aye Lobby—there seems to be a slight blockage that she might be able to relieve.

The Committee having divided: Ayes 288, Noes 327.

**Division No. 157**

**AYES**

Abbott, Ms Diane
Abrahams, Debbie
Ahmed-Shiekh, Ms Tasmina
Alexander, Heidi

Ali, Rushanara
Allen, Mr Graham
Allin-Khan, Dr Rosena
Anderson, Mr David
European Union (Notification of Withdrawal) Bill

8 FEBRUARY 2017

European Union (Notification of Withdrawal) Bill

Arkless, Richard
Ashworth, Jonathan
Austin, Ian
Bailey, Mr Adrian
Bardell, Hannah
Barron, rh Sir Kevin
Beckett, rh Margaret
Benn, rh Hilary
Berger, Luciana
Betts, rh Clive
Black, Mhairi
Blackford, Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Bienkin, Tom
Blomfield, Paul
Boxwell, Philip
Brabin, Tracy
Bradshaw, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Burnham, rh Andy
Butler, Dawn
Byrne, rh Liam
Cadbury, Ruth
Cameron, Dr Lisa
Campbell, rh Mr Alan
Campbell, Mr Ronnie
Carmichael, rh Mr Alistair
Champion, Sarah
Chapman, Douglas
Chapman, Jenny
Cherry, Joanna
Clarke, rh Mr Kenneth
Clegg, rh Mr Nick
Ciwyd, rh Ann
Coaker, Vernon
Coffey, Ann
Cooper, Julie
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowen, Ronnie
Coyle, Neil
Crausby, Sir David
Crawley, Angela
Creagh, Mary
Creasy, Stella
Crudgian, Jon
Cryer, John
Cummings, Judith
Cunningham, Alex
Cunningham, Mr Jim
Dakin, Nic
Danczuk, Simon
David, Wayne
Davies, Geraint
Day, Martyn
De Piero, Gloria
Debbie, Thangam
Docherty-Hughes, Martin
Donaldson, Stuart Blair
Doughty, Stephen
Dowd, Jim
Dowd, Peter
Dromey, Jack
Dugher, Michael
Durkan, Mark
Eagle, Ms Angela
Eagle, Maria
Elford, Clive
Elliot, Julie
Ellman, Mrs Louise
Elmore, Chris
Esterson, Bill
Evans, Chris
Farron, Tim
Fellows, Marion
Ferrier, Margaret
Fitzpatrick, Jim
Fello, Robert
Fletcher, Colleen
Flint, rh Caroline
Flynn, Paul
Fovargue, Yvonne
Foxcroft, Vicky
Furniss, Gill
Gapin, Mike
Gardiner, Barry
Gethins, Stephen
Gibson, Patricia
Glindon, Mary
Goodman, Helen
Grady, Patrick
Grant, Peter
Gray, Nick
Green, Kate
Greenwood, Lilian
Greenwood, Margaret
Griffith, Nia
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Hanson, rh Mr David
Harman, rh Ms Harriett
Harris, Carolyn
Hayes, Helen
Hayman, Sue
Healey, rh John
Hendrick, Mr Mark
Hendry, Drew
Hepburn, Mr Stephen
Hermon, Lady
Hillier, Meg
Hodgson, Mrs Sharon
Hollern, Kate
Hosie, Stewart
Hugo, Dr Rupa
Hussain, Imam
Jarvis, Dan
Johnson, rh Alan
Johnson, Diana
Jones, Gerald
Jones, Graham
Jones, Helen
Jones, Mr Kevan
Jones, Susan Elan
Kane, Mike
Keeley, Barbara
Kendall, Liz
Kerevan, George
Kerr, Callyn
Kinnoch, Stephen
Kyle, Peter
Lamb, rh Norman
Lammy, rh Mr David
Lavery, Ian
Law, Chris
Leslie, Chris
Lewell-Buck, Mrs Emma
Lewis, Clive
Lewis, Mr Ivan
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
MacNeil, Mr Angus Brendan
Mactaggart, rh Fiona
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Mann, John
Marris, Rob
Marsden, Gordon
Maskell, Rachael
Matheson, Christian
Mc Nally, John
McCabe, Steve
McCaig, Callum
McCarthy, Kerry
McDonagh, Siobhain
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, Dr Alasdair
McDonnell, rh John
McFadden, rh Mr Pat
McGarry, Natalie
McGinn, Conor
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McLaughlin, Anne
McMahon, Jim
Meale, Sir Alan
Milliband, rh Edward
Monaghan, Carol
Monaghan, Dr Paul
Moon, Mrs Madeleine
Morden, Jessica
Morris, Grahame
Mulholland, Greg
Mullin, Roger
Murray, Ian
Nandy, Lisa
Newlands, Gavin
Nicolson, John
O'Hara, Brendan
Oliney, Sarah
O'Neill, Melanie
Onwurah, Chi
Osamor, Kate
Oswald, Kirsten
Owen, Albert
Paterson, Steven
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Pound, Stephen
Powell, Lucy
Pugh, John
Qureshi, Yasmin
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Rachel
Reynolds, Emma
Reynolds, Jonathan
Rimmer, Marie
Ritchie, Ms Margaret
Robertson, rh Angus
Robinson, Mr Geoffrey
Rotheram, Steve
Ryan, rh Joan
Salmond, rh Alex
Saville Roberts, Liz
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheppard, Tommy
Sherriff, Paula
Shuker, Mr Gavin
Siddiq, Tulip
Skinner, Mr Dennis
Slaughter, Andy
Smeeth, Ruth
Smith, rh Mr Andrew
Smith, Angela
Smith, Cat
Smith, Jeff
Smith, Nick
Smith, Owen
Smyth, Karin
Spellar, rh Mr
Street, Mark
Styger, Kate
Stevens, Chris
Stevens, Jo
Streeting, Wes
Tami, Mark
Thewliss, Alison
Thomas, Mr Gareth
Thomas-Symonds, Nick
Thomson, Michelle
Thornberry, Emily
Timms, rh Stephen
Trickett, Jon
Turley, Anna
Turner, Karl
Tiggw, Derek
Tiggw, Stephen
Umunna, Mr Chuka
Vaz, rh Keith
Vaz, Valerie
Watson, Mr Tom
Weir, Mike
West, Catherine
Whiteford, rh Dr Eilidh
Whitehead, Dr Alan
Whitford, Dr Philippa
Williams, Hywel
Williams, Mr Mark
Wilson, Corri
Wilson, Phil
Winnick, Mr David
Winterton, rh Dame Rosie
Wishart, Pete
Woodcock, John
Wright, Mr Iain
Zeichner, Daniel

Tellers for the Ayes:
Owen Thompson and Jonathan Edwards
NOES

Djanogly, Mr Jonathan
Dodds, rh Mr Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Dotries, Nadine
Double, Steve
Dowden, Oliver
Doyle-Price, Jackie
Drax, Richard
Drummond, Mrs Flick
Duddridge, James
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Durnie, Mr Philip
Elliott, Tom
Ellis, Michael
Ellison, Jane
Ellwood, Mr Tobias
Elphicke, Charlie
Eustice, George
Evans, Graham
Evans, Mr Nigel
Evennett, rh David
Fabrictain, Michael
Fallon, rh Sir Michael
Fernandes, Suella
Field, rh Frank
Field, rh Mark
Foster, Kevin
Fox, rh Dr Liam
Francois, rh Mr Mark
Frazer, Lucy
Freeman, George
Freer, Mike
Fuller, Richard
Fysh, Marcus
Garnier, rh Sir Edward
Garnier, Mark
Gauke, rh Mr David
Ghani, Nusrat
Gibb, rh Mr Nick
Gillan, rh Mrs Cheryl
Glen, John
Goodwill, Mr Robert
Gove, rh Michael
Graham, Richard
Grant, Mrs Helen
Gray, James
Graying, rh Chris
Green, Chris
Green, rh Damian
Greening, rh Justine
Grieve, rh Mr Dominic
Griffiths, Andrew
Guamer, rh Ben
Gyimah, Mr Sam
Halton, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harrington, Richard
Harris, Rebecca
Hart, Simon
Haselhurst, rh Sir Alan
Hayes, rh Mr John
Heald, rh Sir Oliver
Heap, Mr James
Heaton-Jones, Peter
Henderson, Gordon
Hinds, Damian
Hoare, Simon
Hoey, Kate
Hollingbery, George
Hollinrake, Kevin
Hollobo, Mr Philip
Holloway, Mr Adam
Hopkins, Kelvin
Hopkins, Kris
Howarth, Sir Gerald
Howell, John
Howlett, Ben
Huddlestone, Nigel
Hunt, rh Mr Jeremy
Hurd, rh Nick
Jackson, Mr Stewart
James, Margot
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkin, Mr Bernard
Jenkins, Andrea
Jenrick, Robert
Johnson, rh Boris
Johnson, Dr Caroline
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, rh Mr David
Jones, Mr Marcus
Kawczyński, Daniel
Kennedy, Seema
Kinahan, Danny
Kirby, Simon
Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi
Lancaster, Mark
Latham, Pauline
Leadsom, rh Andrea
Lee, Dr Phillip
Lefroy, Jeremy
Leigh, Sir Edward
Leslie, Charlotte
Letwin, rh Sir Oliver
Lewis, rh Brandon
Lewis, rh Dr Julian
Liddell-Grainger, Mr Ian
Lidington, rh Mr David
Lilley, rh Mr Peter
Lopresti, Jack
Lord, Jonathan
Loughton, Tim
Lumley, Karen
Mackinlay, Craig
Mackintosh, David
Main, Mrs Anne
Mak, Mr Alan
Malthouse, Kit
Mann, Scott
Mathias, Dr Tania
May, rh Mrs Theresa
Maynard, Paul
McCabe, Mr Richard
McCartney, Jason
McCabe, Mr Richard
McLaughlin, rh Sir Patrick
McPartland, Stephen
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Metcalfe, Stephen
Miller, rh Mrs Maria
Millett, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Mordaunt, Penny
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mowat, David
Mundell, rh David
Murray, Mrs Sherryl
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, Caroline
Norman, Jesse
Nuttall, Mr David
Offord, Dr Matthew
Opperman, Guy
Osborne, rh Mr George
Paisley, Ian
Parish, Neil
Patel, rh Prti
Paterson, rh Mr Owen
Pawsey, Mark
Penning, rh Mike
Penrose, John
Percy, Andrew
Perry, Claire
Philp, Chris
Pickles, rh Sir Eric
Pincher, Christopher
Poutter, Dr Daniel
Pow, Rebecca
Prentis, Victoria
Prisk, Mr Mark
Pritchard, Mark
Pursglove, Tom
Quin, Jeremy
Quince, Will
Raab, Mr Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Gavin
Robinson, Mary
Rosindell, Andrew
Rudd, rh Amber
Rutley, David
Sandbach, Antoinette
Scully, Paul
Selous, Andrew
Shannon, Jim
Shapps, rh Grant
Sharma, Alok
Shelbrooke, Alec
Simpson, David
Simpson, rh Mr Keith
Skidmore, Chris
Smith, Chloe
Smith, Henry
Smith, Julian
Smith, Royston
Soames, rh Sir Nicholas
Soloway, Amanda
Soubry, rh Anna
Spelman, rh Dame Caroline
Spencer, Mark
Stephenson, Andrew
Stevenson, John
Question put (single Question on successive provisions of the Bill), That clauses 1 and 2 stand part of the Bill. 

The Committee proceeded to a Division.

The Chairman of Ways and Means (Mr Lindsay Hoyle): I ask the Serjeant at Arms to investigate the delays in the Aye and No Lobbies.

The Committee having divided: Ayes 496, Noes 111.

Division No. 158] [7.14 pm

AYES

Abbott, Ms Diane
Abrahams, Debbie
Adams, Nigel
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Allin-Khan, Dr Rosena
Amess, Sir David
Anderson, Mr David
Andrew, Stuart
Ansell, Caroline
Argar, Edward
Ashworth, Jonathan
Atkins, Victoria
Austin, Ian
Bacon, Mr Richard
Baker, Mr Steve
Baldwin, Harriett
Barclay, Stephen
Baron, Mr John
Barron, rh Sir Kevin
Barwell, Gavin
Bebb, Guto
Beckett, rh Margaret
Bellingham, Sir Henry
Benn, rh Hilary
Benyon, Richard
Beresford, Sir Paul
Bera, Mr Shuker
Bercow, Sir Lindsay
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European Union (Notification of Withdrawal) Bill

8 FEBRUARY 2017

European Union (Notification of Withdrawal) Bill

Haselhurst, Sir Alan
Hayes, Mr John
Hayman, Sue
Heald, Sir Oliver
Healey, John
Heappey, James
Heaton-Jones, Peter
Henderson, Gordon
Hendrick, Mr Mark
Hepburn, Sir Stephen
Hinds, Damian
Hoare, Simon
Hodgson, Mrs Sharon
Hoey, Kate
Hollem, Kate
Hollingbery, George
Hollinrake, Kevin
Hollonbone, Mr Philip
Holloway, Mr Adam
Hopkins, Kelvin
Hopkins, Kris
Howarth, Sir Gerald
Howell, John
Howlett, Ben
Hudson, Nigel
Hunt, Mr Jeremy
Hurd, Mr Nick
Hussain, Imran
Jackson, Mr Stewart
James, Margot
Jarvis, Dan
Javid, Mr Sayid
Jayawardena, Mr Ranil
Jennings, Mr Bernard
Jenkyns, Andrea
Jenrick, Robert
Johnson, John Alan
Johnson, Mr Boris
Johnson, Dr Caroline
Johnson, Diana
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, Mr David
Jones, Gerald
Jones, Helen
Jones, Mr Kevan
Jones, Mr Marcus
Jones, Susan Elan
Kane, Mike
Kawczynski, Daniel
Keeley, Barbara
Kendall, Liz
Kennedy, Seema
Kinnahan, Danny
Kinnoch, Stephen
Kirby, Simon
Knight, Sir Greg
Knight, Julian
Kwarteng, Kwasi
Lancaster, Mark
Latham, Pauline
Lavery, Ian
Leadsom, Mr Andrea
Lee, Dr Phillip
Lefroy, Jeremy
Leigh, Sir Edward
Leslie, Charlotte
Leatham, Sir Oliver
Lewell-Buck, Mrs Emma
Lewis, Mr Brandon
Lewis, Clive
Lewis, Dr Ivan
Liddell-Grainger, Mr Ian
Lidington, Mr David
Lilley, Mr Peter
Long Bailey, Rebecca
Lopresti, Jack
Lord, Mark
Loughton, Tim
Lucas, Ian C.
Lumley, Karen
Lynch, Holly
Mackinlay, Craig
Mackintosh, David
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Main, Mrs Anne
Mak, Mr Alan
Malthouse, Kit
Mann, John
Mann, Scott
Marris, Rob
Marsden, Gordon
Matheson, Christian
Mathias, Dr Tania
May, Mr Tanya
Maynard, Paul
McCabe, Steve
McCARTYON, Jason
McCARTYON, Karl
McDonagh, Siobhain
McDonald, Andy
McDonnell, Mr John
McGinn, Conor
Mclnnes, Liz
McLoughlin, Mr Sir Patrick
McMahon, Jim
McPartland, Stephen
Meade, Sir Alan
Menzies, Mark
Mercer, John
Merriman, Huw
Metcalfe, Stephen
Millband, Mr Edward
Miller, Mrs Maria
Million, Amanda
Mills, Nigel
Milton, Mr Anne
Mitchell, Mr Andrew
Mordaunt, Penny
Morden, Jessica
Morgan, Mr Nicky
Morris, Anne Marie
Morris, David
Morris, Grahame
Murnieks, Mr,
Morris, James
Morton, Wendy
Mowat, David
Mundell, Mr David
Murray, Mrs Sherryl
Murrison, Mr Andrew
Nandy, Lisa
Neill, Robert
Newton, Sarah
Nokes, Caroline
Norman, Jesse
Nuttall, Mr David
Offord, Dr Matthew
Onn, Melanie
Opperman, Guy
Osborne, Mr John
Owen, Belinda
Paisley, Ian
Parish, Neil
Patel, Mr Priti
Paterson, Mr Owen
Pawsey, Mark
Pearce, Teresa
Penning, Mr Mike
Pennycook, Matthew
Penrose, John
Percy, Andrew
Perkins, Toby
Perry, Claire
Phillips, Jess
Phillipson, Bridget
Philip, Chris
Pickles, Mr Sir Eric
Pincher, Christopher
Pouler, Dr Daniel
Pow, Rebecca
Powell, Lucy
Prentis, Victoria
Prisk, Mr Mark
Pritchard, Mark
Pursglove, Tom
Quin, Jeremy
Quince, Will
Qureshi, Yasmin
Raab, Mr Dominic
Rayner, Angela
Redwood, Mr John
Reed, Mr Steve
Rees, Christine
Rees-Mogg, Mr Jacob
Reeves, Rachel
Reynolds, Emma
Reynolds, Jonathan
Rimmer, Marie
Roberts, Mr Laurence
Robinson, Gavin
Robinson, Mr Geoffrey
Robinson, Mary
Rosindell, Andrew
Rotheram, Steve
Rudd, Mr Amber
Rutley, David
Ryan, Mr Joan
Sandbach, Antoinette
Scully, Paul
Selous, Andrew
Shah, Naz
Shannon, Jim
Shapps, Mr Grant
Sharma, Allok
Sheerman, Sir Barry
Sheelbrooke, Alec
Sherriff, Paula
Simpson, David
Simpson, Mr Keith
Skidmore, Chris
Skinner, Mr Dennis
Smith, Ruth
Smith, Mr Andrew
Smith, Cat
Smith, Chloe
Smith, Henry
Smith, Julian
Smith, Nick
Smith, Royston
Smyth, Karin
Somers, Mr Sir Nicholas
Solloway, Amanda
Soubry, Mr John
Spellar, Mr John
SPelman, Mr Dame Caroline
Spencer, Mark
Starmer, Keir
Stephenson, Mr Andrew
Stevenson, John
Stewart, Bob
Stewart, lain
Stewart, Rory
Streeter, Mr Gary
Streeting, Wes
Stride, Mel
Stringer, Graham
Stuart, Mr Ms Gisela
Stuart, Graham
Sturdy, Julian
Sunak, Rishi
Swayne, Mr Sir Desmond
Swire, Mr Sir Hugo
Sym, Mr Robert
Tami, Mark
Thomas, Derek
Thomas, Mr Gareth
Thomas-Symonds, Nick
Thornberry, Emily
Throup, Maggie
Timpson, Edward
Tohill, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David
Trevelyan, Mrs Anne-Marie
Trickett, Jon
Truss, Mr Elizabeth
Tugendhat, Tom
Turley, Anna
Turner, Mr Andrew
Turner, Carl
Twigg, Derek
Twigg, Stephen
Tyrie, Mr Mr Andrew
Umunna, Mr Chuka
Vaizey, Mr Mr Edward
Vara, Mr Shailesh
Vaz, Mr Keith
Vaz, Valerie
Vickers, Martin
Villiers, Mr Mrs Theresa
Walker, Mr Charles
Walker, Mr Robin
Wallace, Mr Ben
Warburton, David
Warmans, Matt
Watkinson, Dame Angela
Watson, Mr Tom
Wharton, James
Whatley, Helen
Wheeler, Heath
White, Chris
Whittaker, Craig
Whittingdale, Mr John
Wiggin, Bill
Williams, Craig
Williamson, Mr Gavin
Wilson, Phil
Wilson, Mr Rob
Question accordingly agreed to.

Clauses 1 and 2 ordered to stand part of the Bill.

**New Clause 57**

**Effect of Notification of Withdrawal**

“Nothing in this Act shall affect the continuation of those residence rights enjoyed by EU citizens lawfully resident in the United Kingdom on 23 June 2016, under or by virtue of Directive 2004/38/EC, after the United Kingdom’s withdrawal from the European Union.”—(Ms Harman.)

This saving new clause is designed to protect the residence rights of those EU citizens who were lawfully resident in the United Kingdom on the date of the EU referendum. It would ensure that those rights do not fall away automatically two years after notice of withdrawal has been given, if no agreement is reached with the EU. This new clause would implement a recommendation made in paragraph 53 by the Joint Committee on Human Rights in its report ‘The human rights implications of Brexit’.

**Brought up.**

**Question put.** That the clause be added to the Bill.

**Division No. 159** [7.33 pm]

**AYES**

<table>
<thead>
<tr>
<th>Ayes</th>
<th>290</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noes</td>
<td>332</td>
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- Abbott, Ms Diane
- Abrams, Debbie
- Ahmed-Sheikh, Ms Tasmina
- Alexander, Heidi
- Ali, Rushanara
- Allen, Mr Graham
- Allin-Khan, Dr Rosena
- Anderson, Mr David
- Arkless, Richard
- Ashworth, Jonathan
- Austin, Ian
- Bailey, Mr Adrian
- Bell, Hannah
- Barron, Sir Kevin
- Beckett, Sir Margaret
- Bevins, Sir John
- Blackman-Woods, Dr Roberta
- Blenkinsop, Tom
- Blomfield, Paul
- Boswell, Philip
- Brabin, Tracy
- Bradshaw, Mr Ben
- Brake, Mr Tom
- Brennan, Kevin
- Brock, Deidre
- Brown, Alan
- Brown, Lyn
- Brown, Mr Nicholas
- Bryant, Chris
- Buck, Ms Karen
- Burden, Richard
- Burgon, Richard
- Burnham, Mr Andy
- Byrne, Mr Liam
- Cadbury, Ruth
- Cameron, Dr Lisa
- Campbell, Mr Alan
- Carmichael, Mr Alan
- Champion, Sarah
- Chapman, Douglas
- Chapman, Jenny
- Cherry, Joanna
- Clarke, Mr Kenneth
- Clegg, Mr Nick
- Clywd, Mr Ann
- Cranmer, Vernon
- Coffey, Ann
- Cooper, Julie
- Cooper, Rosie
- Cooper, Mr Yvette
- Corbyn, Mr Jeremy
- Cowan, Mr Ronnie
- Coyle, Neil
- Crasby, Sir David
- Crawley, Angela
- Creagh, Mr Mary
- Creasy, Stella
- Davies, Geraint
- Day, Martin
- Debono, Thangam
- Docherty-Hughes, Martin
- Donaldson, Stuart Blair
- Doughty, Stephen
- Dowd, Jim
- Durham, Mark
- Edwards, Jonathan
- Ellman, Mrs Louise
- Farron, Tim
- Fernier, Margaret
- Gapes, Mike
- Gethin, Stephen
- Gibson, Patricia
- Gradyn, Patrick
- Grant, Peter
- Gray, Neil
- Green, Kate
- Greenwood, Lilian
- Hayes, Helen
- Hendry, Drew
- Hermon, Lady
- Hillier, Meg
- Hosie, Stewart
- Huq, Mr Rupa
- Kerevan, George
- Kerr, Calum
- Kyle, Peter

**NOES**

<table>
<thead>
<tr>
<th>Noes</th>
<th>332</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ayes</td>
<td>290</td>
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</table>

- Lammy, Mr David
- Law, Chris
- Lucas, Caroline
- MacNeil, Mr Angus Brendan
- MacNeill, Catherine
- McLaughlin, Ann
- Monaghan, Carol
- Monaghan, Dr Paul
- Moon, Mrs Madeleine
- Mullin, Roger
- Murray, Ian
- Newlands, Gavin
- Nicolson, John
- O’Hara, Brendan
- Olney, Sarah
- Onwurah, Chi
- Oswald, Kirsten
- Paterson, Stephen
- Pound, Stephen
- Pugh, John
- Ritchie, Ms Margaret
- Robertson, Dr Angus
- Salmont, Mr Alex
- Saville, Robert
- Sharma, Mr Virendra
- Sheppard, Tommy
- Siddiq, Tulip
- Slaughter, Andy
- Smith, Jeff
- Smith, Owen
- Stephens, Chris
- Stevens, Jo
- Thewliis, Alison
- Thomson, Michelle
- Timms, Mr Stephen
- Weir, Mike
- West, Catherine
- Whiteford, Dr Elididh
- Whitehead, Dr Alan
- Whitford, Mr Philippa
- Williams, Hywel
- Williams, Mr Mark
- Wilson, Corri
- Wishart, Pete
- Zeichner, Daniel

**Tellers for the Ayes:**

- Chris Heaton-Harris and
- Jackie Doyle-Price

**Tellers for the Noes:**

- Daniel Zeichner, Pete Wishart and
- Corri Wilson, Mark Williams, Hywel Whitford, Dr Philippa

**European Union (Notification of Withdrawal) Bill**
NOES

Campbell, Mr Gregory  
Cairns, rh Alun  
Burt, rh Alistair  
Burns, rh Sir Simon  
Burns, Conor  
Buckland, Robert  
Bruce, Fiona  
Buckland, Robert  
Burns, Conor  
Burns, rh Sir Simon  
Burrowes, Mr David  
Burt, rh Alistair  
Cairns, rh Alun  
Campbell, Mr Gregory  
Trickett, Jon  
Turley, Anna  
Turner, Karl  
Twigg, Derek  
Twigg, Stephen  
Tyrie, rh Mr Andrew  
Umunna, Mr Chuka  
Vaz, rh Keith  
Vaz, Valerie  
Watson, Mr Tom  
Weir, Mike  
West, Catherine  
Whiteford, Dr Eliod  
Whitehead, Dr Alan  
Whitford, Dr Philippa  
Williams, Hywel  
Williams, Mr Mark  
Wilson, Corri  
Wilson, Phil  
Winnick, Mr David  
Winterton, rh Dame  
Rosaie  
Wishart, Pete  
Wright, Mr lain  
Zeichner, Daniel  

Tellers for the Ayes:  
Nic Dakin and  
Nick Smith
Howlett, Ben
Howarth, Sir Gerald
Holloway, Mr Adam
Hollobone, Mr Philip
Hollingbery, George
Hoey, Kate
Holmes, Diana
Hollinrake, Kevin
Holloway, Mark
Holmes, Simon
Hopkins, Kelvin
Hopkins, Kris
Howarth, Sir Gerald
Howell, John
Howlett, Ben
Huddleston, Nigel
Hunt, Mr Jeremy
Hurd, Mr Nick
Jackson, Mr Stewart
James, Margot
Javid, Rashid
Jayawardena, Mr Ranil
Jenkin, Mr Bernard
Jenkins, Neil
Jenrick, Robert
Johnson, Mr Boris
Johnson, Dr Caroline
Johnson, Joseph
Jones, Andrew
Jones, Mr David
Jones, Mr Marcus
Kawczynski, Daniel
Kennedy, Seema
Kirby, Simon
Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi
Lancaster, Mark
Latham, Pauline
Leadsom, Mrs Andrea
Lee, Dr Phillip
Leigh, Sir Edward
Leslie, Charlotte
Lettwin, rh Sir Oliver
Lewis, rh Brandon
Lewis, Mr Dr Julian
Liddell-Grainger, Mr Ian
Liddington, Mrs Andrea
Lilley, rh Mr Peter
Lopresti, Jack
Lord, Jonathan
Loughton, Tim
Lumley, Karen
Mackinlay, Craig
Mackintosh, David
Main, Mrs Anne
Mak, Mr Alan
Malthouse, Kit
Mann, Scott
Marris, Rob
May, rh Mrs Theresa
Maynard, Paul
McCartney, Jason
McCartney, Karl
McLoughlin, rh Sir Patrick
McPartland, Stephen
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Metcalfe, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Mordaunt, Penny
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mowat, David
Mundell, rh David
Murray, Mrs Sheryll
Murrison, Dr Andrew
Neil, Robert
Newton, Sarah
Nokes, Caroline
Norman, Jesse
Nuttall, Mr David
Offord, Dr Matthew
Opperman, Guy
Osborne, rh Mr George
Paisley, Ian
Parish, Neil
Patel, rh Priti
Paterson, rh Mr Owen
Pawsey, Mark
Penning, rh Mr
Penrose, John
Percy, Andrew
Perry, Claire
Philip, Chris
Pickles, rh Sir Eric
Pincher, Christopher
Poulter, Dr Daniel
Powney, Rh
Pretis, Victoria
Prisk, Mr Mark
Pritchard, Mark
Purseglove, Tom
Quin, Jeremy
Quine, Will
Raab, Mr Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Gavin
Robinson, Mary
Rosindell, Andrew
Rudd, rh Amber
Rutley, David
Sandbach, Antoinette
Scully, Paul
Selous, Andrew
Shannon, Jim
Shapps, rh Grant
Sharma, Aklok
Shelbrooke, Alec
Simpson, David
Simpson, rh Mr Keith
Skidmore, Chris
Smith, Chloe
Smith, Henry
Smith, Julian
Smith, Royston
Soames, rh Sir Nicholas
Solloway, Amanda
Soubry, rh Anna
Spelman, rh Dame Caroline
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, iain
Stewart, Rory
Streeter, Mr Gary
Stride, Mel
Stringer, Graham
Stuart, rh Ms Gisela
Stuart, Graham
Sturdy, Julian
Sunak, Rishi
Swayne, rh Sir Desmond
Swire, rh Sir Hugo
Syms, Mr Robert
Thomas, Derek
Throup, Maggie
Timpson, Edward
Tolhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David
Trevelyan, Mrs Anne-Marie
Truss, rh Elizabeth
Tugendhat, Tom
Turner, Mr Andrew
Vaizey, rh Mr Edward
Vara, Mr Shailesh
Vickers, Martin
Villiers, rh Mrs Theresa
Walker, Mr Charles
Walker, Mr Robin
Wallace, Mr Ben
Warburton, David
Warman, Matt
Watkinson, Dame Angela
Wharton, James
Whately, Helen
Wheeler, Heather
White, Chris
Whittaker, Craig
Whittingdale, rh Mr John
Wiggin, Bill
Williams, Craig
Williamson, rh Gavin
Wilson, Mr Rob
Wilson, Sammy
Wollaston, Dr Sarah
Wragg, William
Wright, rh Jeremy
Zahawi, Nadhim

Tellers for the Noes:
Mark Spencer and
Steve Brine

Question accordingly negatived.

New Clause 192

Nuclear Collaboration

“(1) Nothing in this Act shall affect the UK’s membership of the European Atomic Agency Community (Euratom).

(2) Notwithstanding the provisions of any other Act, Her Majesty’s Government shall treat the process of leaving Euratom as separate to that of leaving the European Union.”—(Paul Blomfield.)

Brought up.

Question put, That the clause be added to the Bill.
The Committee divided: Ayes 287, Noes 336.

**Division No. 160**

[7.45 pm]

**AYES**

Abbott, Ms Diane
Abrahams, Debbie
Ahmed-Sheikh, Ms Tasmina
Alexander, Heidi
Ali, Rushanara
Allen, Mr Graham
Allin-Khan, Dr Rosena
Anderson, Mr David
Arkless, Richard
Ashworth, Jonathan
Austin, Ian
Bailey, Mr Adrian
Bardell, Hannah
Bardell, Ian
Blackman-Woods, Dr Roberta
Blackman, Kirsty
Blankensop, Tom
Blomfield, Paul
Boswell, Philip
Brabin, Tracy
Bradshaw, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Burnham, rh Andy
Byrne, rh Liam
Cameron, Dr Lisa
Campbell, rh Mr Alan
Campbell, Mr Ronnie
Carmichael, rh Mr Alistair
Champion, Sarah
Chapman, Douglas
Chapman, Jenny
Cherry, Joanna
Clarke, rh Mr Kenneth
Clegg, rh Mr Nick
Clwyd, rh Ann
Coaker, Vernon
Coffey, Ann
Cooper, Julie
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowen, Ronnie
Coyle, Neil
Crausby, Sir David
Crawley, Angela
Creagh, Mary
Creasy, Stella
Cruddas, Jon
Cryer, John
Cumnings, Judith
Cunningham, Alex
Cunningham, Mr Jim

Jarvis, Dan
Johnson, rh Alan
Johnson, Diana
Jones, Gerald
Jones, Graham
Jones, Helen
Jones, rh Mr Kevan
Jones, Susan Elan
Kane, Mike
Keeley, Barbara
Kendall, Liz
Kerevan, George
Kerr, Calum
Kinnoch, Stephen
Kyle, Peter
Lamb, rh Norman
Lammy, rh Mr David
Lavery, Ian
Law, Chris
Leslie, Chris
Lewell-Buck, Mrs Emma
Lewis, Clive
Lewis, rh Mr Ivan
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
MacNeil, Mr Angus Brendan
MacTaggart, rh Fiona
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Mann, John
Marris, Rob
Marsden, Gordon
Maskell, Rachael
Matheson, Christian
Mc Nally, John
McCabe, Steve
McCaig, Callum
McCarthy, Kerry
McDonald, Sibbahn
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, Dr Alasdair
McDonnell, rh John
McFadden, rh Mr Pat
McGarry, Natalie
McGinn, Conor
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McLaughlin, Anne
McMahon, Jim
Meale, rh Sir Kevin
Miliband, rh Edward
Monaghan, Carol
Monaghan, Dr Paul
Moon, Mrs Madeleine
Morden, Jessica
Morris, Grahame M.
Mulholland, Greg
Mullin, Roger
Murray, Ian
Nandy, Lisa
Newlands, Gavin
Nicholson, John
O’Hara, Brendan
O’neill, Sarah
Onn, Melanie

Onwurah, Chi
Osamor, Kate
Oswald, Kirsten
Owen, Albert
Paternson, Steven
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Pound, Stephen
Powell, Lucy
Pugh, John
Qureshi, Yasmin
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Rachel
Reynolds, Emma
Reynolds, Jonathan
Rimmer, Marie
Ritchie, Ms Margaret
Robertson, rh Angus
Robinson, Mr Geoffrey
Rotheram, Steve
Ryan, rh Joan
Salmond, rh Alex
Saville Roberts, Liz
Shah, Naz
Sharma, Mr Virendra
Sheeran, Mr Barry
Sheppard, Tommy
Sherriff, Paula
Shuker, Mr Gavin
 Siddiq, Tulip
Skinner, Mr Dennis
Slaughter, Andy
Smeeth, Ruth
Smith, rh Mr Andrew
Smith, Angela
Smith, Cat
Smith, Jeff
Smith, Owen
Smyth, Karin
Spellar, rh Mr John
Starmer, Keir
Stephens, Chris
Stevens, Jo
Streeting, Wes
Tami, Mark
Thewliss, Alison
Thomas, Mr Gareth
Thomas-Symonds, Nick
Thompson, Owen
Thomson, Michelle
Thornberry, Emily
Timms, rh Stephen
Trickett, Jon
Turley, Anna
Turner, Karl
Twigg, Derek
Twigg, Stephen
Umunna, Mr Chuka
Vaz, rh Keith
Vaz, Valerie
Watson, Mr Tom
Weir, Mike
West, Catherine
Whiteford, Dr Eilidh
Whitehead, Dr Alan
Whitford, Dr Philippa
Williams, Hywel
Tellers for the Ayes:

Nick Smith and Nic Dakin

Tellers for the Noes:

Woodcock, John
Wright, Mr Iain
Zeichner, Daniel

Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Dr James
Davies, Mims
Davies, Philip
Davis, rh Mr David
Dinenage, Caroline
Djanogly, Mr Jonathan
Dodds, rh Mr Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Durries, Nadine
Double, Steve
Dowden, Oliver
Drax, Richard
Drummond, Mrs Flick
Duddleidge, James
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Dunne, Mr Philip
Elliot, Tom
Ellis, Michael
Ellison, Jane
Ellwood, Mr Tobias
Ephiche, Charlie
Eustice, George
Evans, Graham
Evans, rh Mr Nigel
Evernett, rh David
Fabricant, Michael
Fallon, rh Sir Michael
Fernandes, Suella
Field, rh Frank
Field, rh Mark
Foster, Kevin
Fox, rh Dr Liam
Francois, rh Mr Mark
Frazer, Lucy
Freeman, George
Freer, Mike
Fulher, Richard
Fysh, Marcus
Garnier, rh Sir Edward
Garnier, Mark
Gauke, rh Mr David
Ghani, Nusrat
Gibb, rh Mr Nick
Gillian, Mrs Cheryl
Glenn, John
Goodwill, Mr Robert
Gove, rh Michael
Graham, Richard
Grant, Mrs Helen
Gray, James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Greening, rh Justine
Grieve, rh Mr Dominic
Griffiths, Anthony
Gummer, rh Ben
Gyimah, Mr Sam
Halfon, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harlington, Richard
Harris, Rebecca
Hart, Simon
Haselhurst, rh Sir Alan
Hayes, rh Mr John
Heald, rh Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Hinds, Damian
Hoare, Simon
Hoey, Kate
Hollingbery, George
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Mr Adam
Hopkins, Kelvin
Hopkins, Kris
Howarth, Sir Gerald
Howell, John
Howlett, Ben
Huddleston, Nigel
Hunt, rh Mr Jeremy
Hurd, Mr Nick
Jackson, Mr Stewart
James, Margaret
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkin, Mr 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
Kennedy, Seema
Kinhaha, Danny
Kirby, Simon
Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi
Lancaster, Mark
Latham, Pauline
Leadsom, rh Andrea
Lee, Dr Phillip
Leftroy, Jeremy
Leigh, Sir Edward
Leslie, Charlotte
Letwin, rh Sir Oliver
Lewis, rh Brandon
Lewis, rh Dr Julian
Liddell-Grainger, Mr Ian
Liddington, rh Mr David
Lilley, rh Mr Peter
Lopresti, Jack
Lord, Jonathan
Loughton, Tim
Lumley, Karen
Mackinlay, Craig
Mackintosh, David
Main, Mrs Anne
Mak, Mr Alan
Malthouse, Kit
Mann, Scott
Mathias, Dr Tania
May, rh Mrs Theresa
Maynard, Paul
McCartney, Jason
McCartney, Karl
McLaughlin, rh Sir Patrick
McPartland, Stephen
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Metcalfe, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Mordaunt, Penny
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mowat, David
Mundell, rh David
Murray, Mrs Sheryll
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, Caroline
Norman, Jesse
Nuttall, rh Mr David
Offord, Dr Matthew
Opperman, Guy
Osborne, rh Mr George
Paisley, Ian
Parish, Neil
Patel, rh Priti
Paterson, rh Mr Owen
Pawsey, Mark
Penning, rh Mike
Penrose, John
Percy, Andrew
Perry, Claire
Philip, Chris
Pickles, rh Sir Eric
Pinner, Christopher
Poulter, Dr Daniel
Pow, Rebecca
Prentis, Victoria
Prisk, rh Mr Mark
Pritchard, Mark
Pursglove, Tom
Quin, Jeremy
Quince, Will
Raab, Mr Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Gavin
Robinson, Mary
Rosindell, Andrew
Rudd, rh Amber
Rutley, David
Sandbach, Antoinette
Scully, Paul
Selous, Andrew
Shannon, Jim
Shapps, rh Grant
More than seven hours having elapsed since the commencement of proceedings, the proceedings were interrupted (Programme Order, 1 February).

The Deputy Speaker put forthwith the Question necessary for the disposal of the business to be concluded at that time (Standing Order No. 83E), That the Bill be now read the Third time.

The House divided: Ayes 494, Noes 122.

**Division No. 161**

**AYES**

Abbott, Ms Diane  
Abrahams, Debbie  
Adams, Nigel  
Afriyie, Adam  
Aldous, Peter  
Allan, Lucy  
Allen, Heidi  
Amess, Sir David  
Anderson, Mr David  
Andrew, Stuart  
Ansell, Caroline  
Arger, Edward  
Ashworth, Jonathan  
Atkins, Victoria  
Austin, Ian  
Bacon, Mr Richard  
Bailey, Mr Adrian  
Baker, Mr Steve  
Baldwin, Harriett  
Barclay, Stephen  
Baron, Mr John  
Barron, rh Sir Kevin  
Barwell, Gavin  
Bebb, Guto  
Beckett, rh Margaret  
Bellingham, Sir Henry  
Ben, rh Hilary  
Benyon, Richard  
Beresford, Sir Paul  
Berry, Jake  
Berry, James  
Betts, Mr Clive  
Bingham, Andrew  
Blackman, Bob  
Blackwood, Nicola  
Blenkinsop, Tom  
Blomfield, Paul  
Blunt, Crispin  
Boles, Nick  
Bone, Mr Peter  
Borwick, Victoria  
Brabin, Tracy  
Bradley, rh Karen  
Brady, Mr Graham  
Brazier, Sir Julian  
Bridgen, Andrew  
Brine, Steve  
Brokenshire, rh James  
Brown, Mr Nicholas  
Bruce, Fiona  
Buckland, Robert  
Burden, Richard  
Burges, Richard  
Burnham, rh Andy  
Burns, Conor  
Burns, rh Sir Simon  
Burrowes, Mr David  
Burt, rh Alistair

Byrne, rh Liam  
Cairns, rh Alun  
Campbell, rh Mr Alan  
Campbell, Mr Gregory  
Campbell, Mr Ronnie  
Carmichael, Neil  
Carswell, Mr Douglas  
Carling, James  
Cash, Sir William  
Caulfield, Maria  
Chalk, Alex  
Champion, Sarah  
Chapman, Jenny  
Chishti, Rehman  
Chope, Mr Christopher  
Churchill, Jo  
Clark, rh Greg  
Cleverly, James  
Clifton-Brown, Geoffrey  
Coaker, Vernon  
Coffey, Dr Thérèse  
Collins, Damian  
Colville, Oliver  
Cooper, Julie  
Cooper, Rosie  
Cooper, rh Yvette  
Corbyn, rh Jeremy  
Costa, Alberto  
Courts, Robert  
Crabb, rh Stephen  
Crausby, Sir David  
Crouch, Tracey  
Craddes, Jon  
Cryer, John  
Cummins, Judith  
Cunningham, Alex  
Cunningham, Mr Jim  
Dakin, Nic  
Danczuk, Simon  
David, Wayne  
Davies, Byron  
Davies, Chris  
Davies, David T. C.  
Davies, Glyn  
Davies, Dr James  
Davies, Mims  
Davies, Philip  
Davis, rh Mr David  
De Piero, Gloria  
Dinenage, Caroline  
Djanogly, Mr Jonathan  
Dodds, rh Mr Nigel  
Donaldson, rh Sir Jeffrey M.  
Donelan, Michelle  
Dorries, Nadine  
Double, Steve  
Dow, Peter  
Dowden, Oliver  

**QUESTION**

The Deputy Speaker resumed the Chair.

Bill reported, without amendment (Standing Order No. 83D(6)).

Alex Salmond: On a point of order, Mr Deputy Speaker. The Government's refusal to accept a single amendment means there will be no Report stage. The programme motion means there is no debate on Third Reading. I am informed by the Library that the last time that combination happened was the Defence of the Realm Act 1914, which was about the first world war. For this to happen on any Bill would be an abuse; for it to happen on this Bill is an outrage. What is it about the procedures of this place that allows a Bill of this constitutional significance to be railroaded through in this disgraceful fashion?

Mr Deputy Speaker (Mr Lindsay Hoyle): The House agreed to a programme motion, and that is what has been adhered to. What I would say is that the point is on the record; you have certainly pointed out the last time this happened. There are other channels where I think that conversation ought to go and to be taken up, but I thank you for that.

Mr Jacob Rees-Mogg (North East Somerset) (Con): On a point of order, Mr Deputy Speaker. This House has nobly represented the will of the British people in a referendum, and that is why the Bill has passed as it has.

Mr Deputy Speaker: May I just say to the hon. Gentleman, who is a constitutional expert, that he will recognise that that is also definitely not a point of order?
8 FEBRUARY 2017

European Union (Notification of Withdrawal) Bill
Butler, Dawn
Bryant, Chris
Brown, Lyn
Brown, Alan
Brock, Deidre
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Lyn
Bryant, Chris
Buck, Ms Karen
Butler, Dawn
Cadbury, Ruth
Trickett, Jon
Trus, rh Elizabeth
Tugendhat, Tom
Turley, Anna
Turner, Mr Andrew
Turner, Karl
Tigg, Derek
Tigg, Stephen
Tyrie, rh Mr Andrew
Urmuna, Mr Chuka
Vaizey, rh Mr Edward
Vara, Mr Shailesh
Vaz, rh Keith
Vaz, Valérie
Vickers, Martin
Villiers, rh Mrs Theresa
Walker, Mr Charles
Walker, Mr Robin
Wallace, Mr Ben
Warburton, David
Warman, Matt
Watkinson, Dame Angela
Watson, Mr Tom
Wharton, James
Whately, Helen
Wheeler, Heath
data
White, Chris
Whittaker, Craig
Whittingdale, rh Mr John
Wiggin, Bill
Williams, Craig
Williamson, rh Gavin
Wilson, Phil
Wilson, Mr Rob
Wilson, Sammy
Winnick, Mr David
Winterton, rh Dame Rosie
Wollaston, Dr Sarah
Woodcock, John
Wragg, William
Wright, Mr Iain
Wright, rh Jeremy
Zahawi, Nadhim
Tellers for the Ayes:
Jackie Doyle-Price and
Mark Spencer
Edwards, Jonathan
Ellman, Mrs Louise
Farrelly, Paul
Farron, Tim
Ferrier, Margaret
Foxcroft, Vicky
Gapes, Mike
Gethins, Stephen
Gibson, Patricia
Grady, Patrick
Grant, Peter
Gray, Neil
Green, Kate
Greenwood, Lilian
Hayes, Helen
Hendry, Drew
Hermon, Lady
Hiller, Meg
 Hosie, Stewart
Huq, Dr Rupa
Kerevan, George
Kerr, Calum
Kyle, Peter
Lammy, rh Mr David
Law, Chris
Lewis, Clive
Lucas, Caroline
MacNeil, Mr Angus Brendan
Maskell, Rachael
Mc Nally, John
McCaig, Callum
McCarthy, Kerry
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, Dr Alasdair
McGarry, Natalie
McGovern, Alison
McKinnell, Catherine
McLaughlin, Anne
Monaghan, Carol
Monaghan, Dr Paul
Moon, Mrs Madeleine
Mullin, Roger
Murray, Ian
Newlands, Gavin
Nicolson, John
O’Hara, Brendan
Olney, Sarah
Onwurah, Chi
Oswald, Kirsten
Paton, Steven
Pound, Stephen
Pugh, John
Ritchie, Ms Margaret
Robertson, rh Angus
Salmond, rh Alex
Saville Roberts, Liz
Sharma, Mr Virendra
Sheppard, Tommy
Siddiq, Tulip
Slaughter, Andy
Smith, Jeff
Smith, Owen
Stephens, Chris
Thewliss, Alison
Thomson, Michelle
Timms, rh Stephen
Weir, Mike
West, Catherine
Whiteford, Dr Eilidh
Whitehead, Dr Alan
Whitford, Dr Philippa
Williams, Hywel
Williams, Mr Mark
Wilson, Corri
Wishart, Pete
Zeichner, Daniel
Tellers for the Noes:
Marion Fellows and
Owen Thompson

Question accordingly agreed to.
Bill read the Third time and passed.

Mr Deputy Speaker (Mr Lindsay Hoyle): Order. Ms Gibson, it is very good to hear the choir. I personally do not mind singing, but I certainly cannot allow it in the Chamber, because before we know it we could hear other tunes, and I do not want to get into that—and some of those on that side of the Chamber have not quite got the voice that they might have on the other. I do not want a sing-off within the Chamber. It is very good of you, and much appreciated, but if we could just leave it for a little while: it has been a very tense week already, and I do not need any extra. Thank you.

Business without Debate

DELEGATED LEGISLATION

Motion made, and Question put forthwith (Standing Order No. 118(6)),

FINANCIAL SERVICES AND MARKETS

That the draft Investment Bank (Amendment of Definition) and Special Administration (Amendment) Regulations 2017, which were laid before this House on 16 January, be approved.—(Guy Opperman.)

Question agreed to.
EUROPEAN UNION DOCUMENTS

Motion made, and Question put forthwith (Standing Order No. 119(11)).

STEEL: PRESERVING SUSTAINABLE JOBS AND GROWTH IN EUROPE

That this House takes note of European Union Document No. 7195/16, a Communication from the Commission on Steel: Preserving sustainable jobs and growth in Europe; and notes the action taken by the Government to secure a sustainable and competitive future for the steel industry in the United Kingdom. —(Guy Opperman.)

Question agreed to.

PETITIONS

Closure of Maryhill Jobcentre

8.19 pm

Patrick Grady (Glasgow North) (SNP): The petition states:

The petition of residents of Glasgow North,

Declares that the Department for Work and Pensions’ plan to close Maryhill Jobcentre and half of all Jobcentre Plus offices in Glasgow is morally outrageous; express our concerns that the city is being used as the testing ground for more devastating cuts across the UK; further that the proposals to close eight of the 16 Jobcentre offices across Glasgow, will impact on tens of thousands of people in receipt of Jobseeker’s Allowance, Employment Support Allowance and Universal Credit; further that the UK Government have brought forward these proposals without carrying out an Equality Impact Assessment and without consulting the Scottish Government; and further that any Jobcentre closures in Glasgow will see one of the most deprived parts of the UK starved of a vital service that should be available in communities; impacting both on Scottish workers at these centres and also those most disadvantaged in need of benefits.

The petitioners therefore request that the House of Commons urges the Government to halt any moves to close Maryhill Jobcentre, or at the very least carry out an Equality Impact Assessment immediately prior to a full public consultation across Scotland.

And the petitioners remain, etc.

Closure of Anniesland Jobcentre

Carol Monaghan (Glasgow North West) (SNP): The petition states:

Following is the full text of the petition:

[The petition of residents of Glasgow North West,

Declares that the Department for Work and Pensions’ plan to close Anniesland Jobcentre and half of all Jobcentre Plus offices in Glasgow is morally outrageous; express our concerns that the city is being used as the testing ground for more devastating cuts across the UK; further that the proposals to close eight of the 16 Jobcentre offices across Glasgow, will impact on tens of thousands of people in receipt of Jobseeker’s Allowance, Employment Support Allowance and Universal Credit; further that the UK Government has already indicated that 20% of the Jobcentre estate will see closures, and Glasgow has been handpicked to take a disproportionate hit of 50% closures; further that it will result in the poorest communities not being serviced by a Jobcentre and make it even harder for those seeking employment to get support; further that thousands of people could also have to travel further at additional cost to attend their appointments; further that the UK Government have brought forward these proposals without carrying out an Equality Impact Assessment and without consulting the Scottish Government; and further that any Jobcentre closures in Glasgow will see one of the most deprived parts of the UK starved of a vital service that should be available in communities; impacting both on Scottish workers at these centres and also those most disadvantaged in need of benefits.

The petitioners therefore request that the House of Commons urges the Government to halt any moves to close Anniesland Jobcentre, or at the very least carry out an Equality Impact Assessment immediately prior to a full public consultation across Scotland.

And the petitioners remain, etc.]

Closure of Bridgeton Jobcentre

Alison Thewliss (Glasgow Central) (SNP): The petition states:

Following is the full text of the petition:

[The petition of residents of Glasgow Central,

Declares that the Department for Work and Pensions’ plan to close Bridgeton Jobcentre and half of all Jobcentre Plus offices in Glasgow is morally outrageous; express our concerns that the city is being used as the testing ground for more devastating cuts across the UK; further that the proposals to close eight of the 16 Jobcentre offices across Glasgow, will impact on tens of thousands of people in receipt of Jobseeker’s Allowance, Employment Support Allowance and Universal Credit; further that the UK Government has already indicated that 20% of the Jobcentre estate will see closures, and Glasgow has been handpicked to take a disproportionate hit of 50% closures; further that it will result in the poorest communities not being serviced by a Jobcentre and make it even harder for those seeking employment to get support; further that thousands of people could also have to travel further at additional cost to attend their appointments; further that the UK Government have brought forward these proposals without carrying out an Equality Impact Assessment and without consulting the Scottish Government; and further that any Jobcentre closures in Glasgow will see one of the most deprived parts of the UK starved of a vital service that should be available in communities; impacting both on Scottish workers at these centres and also those most disadvantaged in need of benefits.

The petitioners therefore request that the House of Commons urges the Government to halt any moves to close Bridgeton Jobcentre, or at the very least carry out an Equality Impact Assessment immediately prior to a full public consultation across Scotland.

And the petitioners remain, etc.

Closure of Jobcentres in Parkhead and Easterhouse

Natalie McGarry (Glasgow East) (Ind): The petition states:

Following is the full text of the petition:

[The petition of residents of Glasgow East,

Declares that the Department for Work and Pensions’ plan to close Parkhead and Easterhouse Jobcentres and half of all Jobcentre Plus offices in Glasgow is morally outrageous; express our concerns that the city is being
used as the testing ground for more devastating cuts across the UK; further that the proposals to close eight of the 16 Jobcentre offices across Glasgow, will impact on tens of thousands of people in receipt of Jobseeker’s Allowance, Employment Support Allowance and Universal Credit; further that the UK Government has already indicated that 20% of the Jobcentre estate will see closures, and Glasgow has been handpicked to take a disproportionate hit of 50% closures; further that it will result in the poorest communities not being serviced by a Jobcentre and make it even harder for those seeking employment to get support; further that thousands of people could also have to travel further at additional cost to attend their appointments; further that the UK Government have brought forward these proposals without carrying out an Equality Impact Assessment and without consulting the Scottish Government; and further that any Jobcentre closures in Glasgow will see one of the most deprived parts of the UK starved of a vital service that should be available in communities; impacting both on Scottish workers at these centres and also those most disadvantaged in need of benefits.

The petitioners therefore request that the House of Commons urges the Government to halt any moves to close Castlemilk and Langside Jobcentres, or at the very least carry out an Equality Impact Assessment immediately prior to a full public consultation across Scotland.

And the petitioners remain, etc.

Closure of Castlemilk and Langside Jobcentres

Stewart Malcolm McDonald (Glasgow South) (SNP): In similar terms to the petitions lodged by my colleagues, the constituents of Glasgow wish to petition that the Department for Work and Pensions halt the sham of a proposal to close half the city’s jobcentres, including the two in my constituency in Castlemilk and Langside. They should get a grip of themselves and get back round the table.

Following is the full text of the petition:

[The petition of residents of Glasgow South, declares that the Department for Work and Pensions’ plan to close Castlemilk and Langside Jobcentres and half of all Jobcentre Plus offices in Glasgow is morally outrageous; express our concerns that the city is being used as the testing ground for more devastating cuts across the UK; further that the proposals to close eight of the 16 Jobcentre offices across Glasgow, will impact on tens of thousands of people in receipt of Jobseeker’s Allowance, Employment Support Allowance and Universal Credit; further that the UK Government has already indicated that 20% of the Jobcentre estate will see closures, and Glasgow has been handpicked to take a disproportionate hit of 50% closures; further that it will result in the poorest communities not being serviced by a Jobcentre and make it even harder for those seeking employment to get support; further that thousands of people could also have to travel further at additional cost to attend their appointments; further that the UK Government have brought forward these proposals without carrying out an Equality Impact Assessment and without consulting the Scottish Government; and further that any Jobcentre closures in Glasgow will see one of the most deprived parts of the UK starved of a vital service that should be available in communities; impacting both on Scottish workers at these centres and also those most disadvantaged in need of benefits.

The petitioners therefore request that the House of Commons urges the Government to halt any moves to close Castlemilk and Langside Jobcentres, or at the very least carry out an Equality Impact Assessment immediately prior to a full public consultation across Scotland.

And the petitioners remain, etc.]

Construction of an A36-46 link road, east of Bath

Ben Howlett (Bath) (Con): I am grateful to be able to present a petition to the House tonight on the construction of an A36-46 link road, east of Bath. I present the petition on behalf of residents of Bath and the wider north-east Somerset area. The petition has attracted 2,846 signatures from the concerned residents. I thank all of those who have signed the petition in support of the link road.

Following is the full text of the petition:

[The petition of residents of Bath and the wider North East Somerset Area, declares that transport networks in Bath need improvement to reduce congestion in the area; further that a link road between the A36 and A46 should be built; further that an A36-46 link road would provide economic benefit to Bath; further that it would improve transportation links; and further that it would reduce congestion and air pollution.

The petitioners therefore request that the House of Commons urges the Government to work with Bath and North East Somerset Council and Highways England to bring this long discussed and much needed project of building an A36-46 link road to fruition.

And the petitioners remain, etc.]

Post office in Westcliffe, Scunthorpe

Nic Dakin (Scunthorpe) (Lab): Post offices are very important and are at the heart of communities. The proposals to close the post office on the Westcliff Estate in my constituency are greatly opposed by local residents.

The petition states:

[The petition of residents of Scunthorpe County, declares that residents are opposed to the closure of the Post Office branch on the Westcliff Estate in Scunthorpe.

The petitioners therefore request that the House of Commons urges North Lincolnshire Council to work with residents of the Westcliff Estate in Scunthorpe to try and stop the closure of the Post Office.

And the petitioners remain, etc.]
Educational Attainment: Oldham

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

8.26 pm

Jim McMahon (Oldham West and Royton) (Lab): It feels odd to have an Adjournment debate on such an historic day for our country. I suspect we are in for a long period of scrutiny, review and challenge. It is also a very important day for me personally, as it is my son’s 15th birthday. He was the reason I came into politics and he amazes me every day.

“Oldham kids can be the best in the world and they can aim as high as they want.” That was the message from Baroness Estelle Morris on the launch of the Oldham Education and Skills Commission. For many years, we saw the fragmentation of education, with a diminishing role for the local education authority. In part, that led to a deferral of responsibility for education in academies and free schools at local level. The commission reviewed this in great detail and the message was simple: for education to be the best it must become everybody’s business. Regardless of the type of school they attend, we are our children, our future and our collective responsibility. Even with a complex system of education, there was a collective desire to see standards in Oldham improve. The town needed a joined-up plan—not many different plans that might conflict with each other, but a single vision for what the future could be. Critically, this included early years, primary, secondary, further and higher education, as well as lifelong learning.

When others talk about Oldham they do not always present an accurate picture of our education system. There are some problems, and we acknowledge them in an honest and open way, but there are also reasons to be proud of what has been achieved. Since 2012, Oldham has seen a positive improvement in the proportion of pupils reaching the expected standard—up from 51% to 76%. We accept fully that there is room for improvement, but it should be recognised that progress has been made. The number of primary schools judged good or outstanding has increased from 80% to 95% in just three years. Our secondary schools must do much better, but we should acknowledge that they too have seen an improvement, with the percentage of schools judged good or outstanding increasing from 22% to 62%.

I pay tribute to parents, students, teachers, governors and the local authority for the great strides that have been made, but I am unrelenting in my ambition for that positive experience to be available to all young people in Oldham, not just the lucky ones. All our young people must be given the best possible start in life, a life which will be better but more complicated than ever before. The world is more complicated than ever before. It will be challenging for them to be in an ultra-competitive environment. They will have to be the best they can be.

The Oldham Education and Skills Commission proposed 19 recommendations that would form the foundation of the vision for a “self-improving education system”. It also brought forward two local performance indicators, which the ambition is to get on in life and do well. The first was that all national performance indicators be met at the national average or beyond by 2020. The second was that all Oldham education providers be judged as “good” or “outstanding” by Ofsted by 2020. I am sure the Minister would concur with that ambition. The commission outlined its vision in detail in a report published in 2016, and I know that the Minister has taken the time to read it. I greatly appreciate the time he spent doing that and meeting me and my hon. Friend the Member for Oldham East and Saddleworth (Debbie Abrahams). We discussed in that meeting how we could work together on this.

The Minister will be aware that the Government have selected Oldham, along with five other towns, to be an opportunity area for social inclusion, meaning that it will share the £60 million that has been allocated. I want to be fair and balanced, because education in Oldham is so important that I am not willing to create artificial political dividing lines, if we can work together positively. However, as you would expect, Madam Deputy Speaker, I will be challenging those concerned where I think a decision has been made that runs counter to the interests of young people in Oldham. I hope that with that mature relationship we can work across parties to achieve our aim.

For Oldham to do well in a sustained way, it must have the strongest possible foundations on which to build. That means clear leadership, adequate resourcing and collective responsibility—and of course that goes beyond individual schools.

Jim Shannon (Strangford) (DUP): I know that this debate is about Oldham, but this issue applies across the whole of the United Kingdom. Does the hon. Gentleman agree that educational attainment must incorporate not simply grades in academic subjects, but vocational skills, such as mechanics and joinery, and that schools must support those skills of a practical nature so that, whatever their vocation in life, young people are prepared?

Jim McMahon: I absolutely concur. I was an apprentice myself. It gave me the chance of a career and options that I did not have when I was going through the schools system. For a lot of working class kids in particular, a technical vocation means that they can live a decent life with a well-paid job.

As we are clear in our vision for what the town can be, we must also be clear about what our town should not be. Over the last two weeks alone, we have seen the removal of a free school sponsor and, this week, the closure of the university technical college. Every school and college will see a cut to its core budget, and in many places the facilities are simply not fit for modern learning, let alone an inspiring environment fit for our young people. We are left hanging while we wait for the delayed area based review, which has left many colleges in the area not knowing what the future will be. We have not had a meaningful discussion about the future and introduction of new independent faith schools for the town either. We are also left with many unanswered questions about the failure of the Collective Spirit free school and the closure of the £9 million UTC, where not a single child gained the required GCSE results.

I commend the inclusive approach from the regional schools commissioner, but the sheer scale of the challenge is huge and the resources limited. As Vicky Beer moves on to pastures new, there is concern about whether the new commissioner will make the same effort to reach out to local MPs.
There are still many unanswered questions about the financial practices at the Collective Spirit free school, and they need to be answered, not just for sake of the school and the town, but because it might expose more fundamental weaknesses in the academy and free schools system. For a period, the school’s director was also the sole director of a trading company that provided services to that school and another one in Manchester. Collectively, it invoiced for £500,000+ of services. Rules from the Department for Education and the Education Funding Agency allow connected party transactions, providing they are provided at cost.

The problem is that, providing the contractor can prove that every penny invoiced was spent, the EFA seems happy to sign it off as within scope. It does not account, however, for where the money eventually goes. For example, a school could trade to a company behind which another company with the same directors is invoicing to get the money out the door. Technically, that meets the criteria—that these limited trading companies should offer an at-cost provision—but it does not tell us how £500,000+ of public money has been spent by a relatively small school.

We have asked the questions. I submitted a dossier to the regional schools commissioner last year. That came to me as a result of the bravery of whistleblowers—people who were involved in the school and were concerned about the financial practices going on there and wanted to expose them. I understand that the EFA carried out a review, but it has not been made public, and there is nothing on the website to say what the conclusion was.

The public have no way of knowing, either from the EFA, the school website or Companies House which individuals and which companies benefited from those contracts.

No breakdown has been provided, and I suspect that that problem is not limited to this school alone; it is potentially a much wider problem. So today, along with my hon. Friend the Member for Manchester Central (Lucy Powell), I have written to the National Audit Office in order to provide confidence that the money invoiced into those trading companies was spent on the education of the young people attending the school. When I mention a breakdown, I do not mean just a breakdown of service headings provided at the school; what we want to know is whether invoices can be provided that demonstrate that those services were provided, whether the invoices related to another company and whether connected parties were involved.

My question is this: in the interests of getting the best deal for taxpayers, will the Minister lend his support to ensuring that this review is carried out in a full and meaningful way, and that its results will be published so that the public can make up their own minds? That will lead to one of two things. Either it will prove that the whistleblowers were right and that financial practices were taking place that were not in the interests of the young people at the school; or it will prove that everything was above board, the school adhered to the rules and the money was spent appropriately. It will provide the opportunity to set the record straight, irrespective of what the result of the review turns out to be.

We have talked about the Education and Skills Commission, the issue of the Collective Spirit free school and the information that is still outstanding, so let us now move on quickly to the university technical college. This was a flagship college, with £9+ million of public money spent on it. Oldham college gifted land to enable it to happen. I absolutely agree with the principle of wanting to look at things differently and try out new ideas. However, it is not acceptable that the young people who were students there have left school without the required qualifications, thus not achieving their full potential. Again, therefore, I ask the Minister for his support to make sure that if young people have been let down and have not reached their full potential—I must say that the local authorities have been extremely supportive in this matter—they are supported to re-sit their exams.

I also ask the Minister formally to sign up to the efforts and recommendations of the Oldham Education and Skills Commission. That is necessary because there is a danger, as we have seen with the free school and the UTC, of the opportunity area becoming a one-size-fits-all, centrally dictated model that is imposed on Oldham because it shows up as an area that needs intervention. If that happens out of context, and not in line with the Education and Skills Commission findings, it will really be a missed opportunity that will not reflect the significant work that has already taken place, and it will not ensure that the money already provided is used to best effect.

My strong view is that the teaching professionals, the parents, the students and the local authority can, by working together, regardless of the structure of the schools involved, genuinely transform educational outcomes for young people in Oldham, provided that they do so as part of a single plan, instead of through contradictory plans.

I also ask for the area-based review of education to be concluded and, importantly, that a democratic vote takes place in each of the local authorities involved. There is concern that the pressure is coming from central Government, and that the decision will be made by the combined authority before the mayoral elections. At the moment, the combined authority is not a directly elected body, and it is important that those who are elected by their communities have a say on the area-based review, especially if it means fundamental changes to Oldham College.

I ask that current funding arrangements, the review and the consultation take into account areas of high deprivation, particular areas with high in-migration and where a high number of youngsters and parents have English as a second language. We know that that requires additional support. I ask, too, that the former UTC building be transferred to Oldham College, to support the ageing campus on Rochdale Road and benefit Oldham College students. It cost a significant amount of public money, and could still be used to benefit Oldham children. I think that Oldham College is best placed to provide education from that building.

We should not allow a UTC to fail, thus preventing children from realising their potential, without fully understanding the reasons for that failure. I ask the Government to review the project and publish the lessons that could be learned, in order to ensure that the same thing does not happen again. I repeat my call for a review of the performance of Collective Spirit free school, and of the due diligence that was exercised in the selection of the sponsor. However, it is even more important for the financial concerns expressed by whistleblowers to be addressed in a public report.
Finally—a word that Members may be pleased to hear—I ask the Minister to consider the devolution of education to Greater Manchester. The move away from local education authorities has been detrimental to education standards in my town. When there is local control, people know where to go to get answers if schools are not performing well, and when they come together and support each other, it is like a family relationship. We are not seeing that now. What we are seeing is a fragmentation of education, which I do not believe is in the interests of the people of Oldham.

Devolution to Greater Manchester would provide a potential framework for a compromise—not a return to a local education authority arrangement that the Government clearly do not support, but a new model involving a combined authority with a directly elected Mayor. My view is really quite simple. If we trust the combined authority and the new Mayor from May onwards to get on with running the health service and social care, justice, policing, fire, transport and housing, we ought to trust them to get on with sorting out the education system in Greater Manchester. If we could do that responsibility to lead and drive skills across Greater Manchester, so that areas in need of that support and capacity at local level could realise their full potential.

What I have said is not intended to be an overt criticism of the Government, although there may be differences between us. I want the Minister to take on board that there are local Members of Parliament who care passionately about Oldham and want to invest time and education to ensure that it can be the best that it can be, while also recognising that we may have to meet in the middle.

8.42 pm

The Minister for School Standards (Mr Nick Gibb): I congratulate the hon. Member for Oldham West and Royton (Jim McMahon) on securing the debate. I agree with him about the historic nature of today. Let me also offer my congratulations to his son on turning 15.

As the Prime Minister has said, the Government want to create a true meritocracy in this country, and there is no more important place to start than education. I was pleased to meet the hon. Gentleman and his colleagues in the Oldham area, when we were able to discuss how we could work together to raise education standards in the town, and also to discuss the Oldham Education and Skills Commission. I enjoyed reading its report.

According to the Government’s policy for school improvement, a high-performing education system must be driven by the best school leaders. Teachers and senior leaders should be free to innovate and improve standards in their own schools, driven by a genuine sense of responsibility to share knowledge with their peers, and swift and fearless in challenging failure wherever they find it. In turn, the Government have an important role to play in helping the best teachers and headteachers to lead the system.

Teaching practice, and what is taught in the classroom, should be determined solely by evidence. The Government, school leaders and teachers share responsibility for seeking to learn from those who teach in the best schools in England, and in higher performing systems internationally. One example is the Government’s reforms of primary education, and particularly the much needed drive to improve early literacy through systematic synthetic phonics and the essentials—spelling, punctuation and grammar. Another is the adoption of the south-east Asian “mastery” approach to maths teaching, with its emphasis on fluency in mental and written calculation and its refusal to allow any pupil to fall behind.

Those are critical education reforms, and they share an important characteristic with our third principle. A high-performing education system must provide opportunities for all pupils to achieve their potential, and no children should enter education with the odds already stacked against them simply because of who their family are or where they are growing up. Despite all the evidence on what makes a difference, our society remains unequal. The effects of this inequality are evident in the social mobility index, published last year by the Social Mobility Commission. Its indicators illustrated the daunting barriers faced by children in Oldham and other areas identified as coldspots for social mobility. The Government’s selection of Oldham and 11 other coldspots as opportunity areas represents an important commitment to those children.

We are making significant investments in each opportunity area, through new funding and access to additional support from the Department’s existing improvement programmes. This expenditure will, in line with our principles, be determined through rigorous assessment of specific barriers to social mobility and be based on evidence of what works in education. Our approach to removing these barriers must involve working with all schools and local partners who share our goal, with the support of the most effective system leaders. I am therefore very grateful to the hon. Gentleman for the foundations he and his colleagues have laid in Oldham, and for this opportunity to confirm the Government’s commitment to Oldham and the other opportunity areas, and to discuss with the House our approach to improving education across the country.

The reforms of the last six years show that professional autonomy combined with strong accountability is delivering improvement in our education system. Academy leaders benefit from that autonomy. The latest data show that 10 of the 26 academies in Oldham have been inspected since they opened. All those with more than one inspection since opening have maintained or improved their Ofsted grades.

We want to see good schools choosing academy status as a positive choice, and we expect academies and academy sponsors to play their part in Oldham and the other opportunity areas. We know that strong sponsors with commitment, drive and the right resources can drive up standards in a school. The recent report by Sir Nick Weller on education standards in the north endorsed the role of strong sponsors and strong partnerships. There is, however, despite improvement across academy and maintained schools in Oldham, a clear need for further improvement, particularly at secondary level.

We have seen how being a multi-academy trust can provide opportunities to bring together educational expertise and develop and trial innovative new approaches. We will want to support new and existing MATs to
develop in Oldham, and ensure that knowledge and approaches developed in those MATs are shared across Oldham’s schools, to drive up performance.

A school-led system is, of course, not just one in which headteachers can drive up standards in their own school, but also one that enables them to support each other, and challenge each other to improve. Oldham now has six teaching schools. All were selected because of their strong leadership and their commitment to helping partner schools in Oldham develop knowledgeable teachers and excellent teaching practices. There are also nine national leaders of education working with schools in Oldham—leaders such as Julie Hollis, headteacher of Oldham’s Blue Coat academy, a teaching school and an outstanding school with very high EBacc attainment figures.

Julie, her team, and the many other national leaders of education, senior leaders of education and national leaders of governance in Oldham and across the country are our system leaders. One of the reasons we can be confident that the opportunity areas will be successful is that we can already look with pride to their record of achievement, and their continuing appetite to support and drive improvement across the system.

We must, however, acknowledge the stark reality that, despite the hard work and achievements of our headteachers and system leaders, children growing up in Oldham and other opportunity areas are still less likely to attend an outstanding school, or to gain the qualifications they need to progress to higher education, training or the best jobs. They are still being left behind, and they start falling behind even before they start school. There can be no argument with the hon. Gentleman’s own clear and damning judgment: in his introduction to the Oldham Education and Skills Commission’s report, he stated that this

“Unfulfilled talent is criminal. It wastes…public money and blights families and communities.”

We are, therefore, as one in our recognition of the need to act, and in our commitment to supporting improvements.

As the hon. Gentleman mentioned, we have already announced new funding for the opportunity areas, and have confirmed that additional support will be made available through national improvement programmes, such as the new teaching and leadership innovation fund. Also, £1 million from the careers and enterprise investment fund will go towards improving the quality of advice and guidance given to pupils in opportunity areas. Together, these extra Government resources, combined with the local commitment embodied by the hon. Gentleman and his colleagues, will make the difference that we all want to see in Oldham.

I shall refer to the issues that the hon. Gentleman raised during the debate. The academy trust has agreed with the regional schools commissioner that the Collective Spirit free school and Manchester Creative Studio School should join new multi-academy trusts. Our priority is to ensure that pupils receive high-quality education, and we are working with the trusts to ensure that there are swift improvements. I will ensure that the hon. Gentleman’s concerns about conflicts of interest in the trust are investigated.

The closure of Greater Manchester University Technical College was not a decision that was taken lightly. I can assure the hon. Gentleman that our priority is the education and welfare of the UTC’s pupils. We are working closely with local schools and colleges to ensure that significant support from the local authority enables pupils to continue and progress in their studies. I am grateful to the new Greater Manchester UTC trustees who have stepped in to ensure that this happens, and that action is taken in the best interests of the pupils and their parents.

In conclusion, the hon. Gentleman is right to highlight the challenges in Oldham. I hope that I have assured him and the House that we share his commitment to tackling those challenges. We look forward to working with him and other Members in the area, and with local partners, to transform educational attainment in Oldham.

Question put and agreed to.

8.51 pm

House adjourned.
Deferred Divisions

Trade Unions

That the draft Important Public Services (Education) Regulations 2017, which were laid before this House on 5 December 2016, be approved.

The House divided: Ayes 327, Noes 264.

Division No. 145]

AYES

Adams, Nigel
Afreijé, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Amess, Sir David
Andrew, Stuart
Ansell, Caroline
Argar, Edward
Atkins, Victoria
Baker, Mr Steve
Baldwin, Harriett
Barclay, Stephen
Baron, Mr John
Barwell, Gavin
Bebb, Guto
Bellingham, Sir Henry
Benyon, Richard
Beresford, Sir Paul
Berry, Jake
Berry, James
Bingham, Andrew
Blackman, Bob
Blackwood, Nicola
Blunt, Crispin
Boles, Nick
Bone, Mr Peter
Borwick, Victoria
Bradley, rh Karen
Brady, Mr Graham
Brazier, Sir Julian
Bridgen, Andrew
Brine, Steve
Brokenshire, rh James
Bruce, Fiona
Buckland, Robert
Burns, Conor
Burns, rh Sir Simon
Burrowes, Mr David
Burt, rh Alistair
Cairns, rh Alun
Campbell, Mr Gregory
Carmichael, Neil
Cartidge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chope, Mr Christopher
Churchill, Jo
Clark, rh Greg
Clarke, rh Mr Kenneth
Cleverty, James
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Colvile, Oliver
Costa, Alberto
Courts, Robert
Cox, Mr Geoffrey
Crabb, rh Stephen

Crouch, Tracey
Davies, Byron
Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Dr James
Davies, Mims
Davies, rh Mr David
Dinenage, Caroline
Djanogly, Mr Jonathan
Dods, rh Mr Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Dorries, Nadine
Double, Steve
Dowden, Oliver
Doyle-Price, Jackie
Drax, Richard
Drummond, Mrs Flick
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Duncan Smith, rh Mr Iain
Dunne, rh Mr Philip
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Ellis, Michael
Ellison, Jane
Ellwood, Mr Tobias
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Evans, Graham
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Evennett, rh David
Fabricant, Michael
Fallon, rh Sir Michael
Fernandes, Suella
Field, rh Mark
Foster, Kevin
Fox, rh Dr Liam
Francois, rh Mr Mark
Frazer, Lucy
Freeman, George
Freer, Mike
Fuller, Richard
Fysh, Marcus
Gale, Sir Roger
Garnier, rh Sir Edward
Garnier, Mark
Gauke, rh Mr David
Ghani, Nusrat
Gibb, rh Mr Nick
Gillan, rh Mrs Cheryl
Glen, John
Goodwill, Mr Robert
Gove, rh Michael
Graham, Richard
Grant, Mrs Helen
Gray, James
Gray, Michael
Green, Chris
Green, rh Damian
Greening, rh Justine
Grieve, rh Mr Dominic
Griffiths, Andrew
Gummer, rh Ben
Gyimah, Mr Sam
Halton, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harrington, Richard
Harris, Rebecca
Hart, Simon
Haselhurst, rh Sir Alan
Hayes, rh Mr John
Heald, rh Sir Oliver
Heappey, James
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Henderson, Gordon
Heron, Lady
Hinds, Damian
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Howell, John
Howlett, Ben
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Hunt, rh Mr Jeremy
Hurd, Mr Nick
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James, Margot
Javid, rh Sajid
Jayawardena, Mr Ranil
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Johnson, Dr Caroline
Johnson, Joseph
Jones, Andrew
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Jones, Mr Marcus
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Kinahan, Danny
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Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi
Lancaster, Mark
Latham, Pauline
Leadsom, rh Andrea
Lee, Dr Phillip
Lefroy, Jeremy
Leigh, Sir Edward
Leslie, Charlotte
Letwin, rh Sir Oliver
Lewis, rh Brandon
Lewis, rh Dr Julian
Liddell-Grainger, Mr Ian
Liddington, rh Mr David
Lilley, rh Mr Peter
Lopresti, Jack
Lord, Jonathan
Loughton, Tim

Mackinlay, Craig
Mackintosh, David
Main, Mrs Anne
Mak, Mr Alan
Malthouse, Kit
Mann, Scott
Mathias, Dr Tania
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Maynard, Paul
McCartney, Jason
McCartney, Karl
McCoughlin, rh Sir Patrick
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Mitchell, rh Mr Andrew
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Mundell, rh David
Murray, Mrs Sheryl
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Norman, Jesse
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Offord, Dr Matthew
Opperman, Guy
Osborne, rh Mr George
Parish, Neil
Pate, rh Priti
Paternoster, rh Mr Owen
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Penning, rh Mike
Penrose, John
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Pickles, rh Sir Eric
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Prentis, Victoria
Prisk, rh Mr Mark
Pritchard, Mark
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Quin, Jeremy
Quince, Will
Raab, Mr Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Roberts, Mr Laurence
Robinson, Gavin
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Rudd, rh Amber
Rutley, David
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<td>McFarry, Natalie</td>
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</table>
Question accordingly agreed to.

Trade Unions

That the draft Important Public Services (Health) Regulations 2017, which were laid before this House on 5 December 2016, be approved.

The House divided: Ayes 323, Noes 263.

Division No. 147]

AYES

Adams, Nigel
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Amess, Sir David
Andrew, Stuart
Ansell, Caroline
Arger, Edward
Atkins, Victoria
Baker, Mr Steve
Baldwin, Harriett
Barclay, Stephen
Baron, Mr John
Barwell, Gavin
Bebb, Guto
Bellingham, Sir Henry
Benyon, Richard
Beresford, Sir Paul
Berry, Jake
Berry, James
Bingham, Andrew
Blackman, Bob
Blunk, Crispin
Boles, Nick
Bone, Mr Peter
Borwick, Victoria
Bradley, rh Karen
Brady, Mr Graham
Brazier, Sir Julian
Brigden, Andrew
Brine, Steve
Brokenheath, rh James
Bruce, Fiona
Buckland, Robert
Burns, Conor
Burns, rh Sir Simon
Burrowes, Mr David
Burt, rh Alistair
Cairns, rh Alun
Campbell, Mr Gregory
Carmichael, Neil
Cartidge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chope, Mr Christopher
Churchill, Jo
Clark, rh Greg
Clarke, rh Mr Kenneth
Cleverly, James
Clifton-Brown, Geoffrey
Coffey, Dr Therese
Collins, Damian
Colville, Oliver
Costa, Alberto
Courts, Robert
Cox, Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Davies, Byron
Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Dr James
Davies, Mims
Davies, rh Mr David
Dinenage, Caroline
Djankoly, Mr Jonathan
Dodds, rh Mr Nigel
Donaldson, sir Jeffrey M.
Donelan, Michelle
Dorries, Nadine
Double, Steve
Dowden, Oliver
Doyle-Price, Jackie
Drax, Richard
Drummond, Mrs Flick
Duddridge, James
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Dunne, Mr Philip
Elliott, Tom
Ellis, Michael
Ellison, Jane
Ellwood, Mr Tobias
Elphicke, Charlie
Eustice, George
Evans, Graham
Evans, Mr Nigel
Evnett, rh David
Fabricant, Michael
Fallon, rh Sir Michael
Fernandes, Suella
Field, rh Mark
Foster, Kevin
Fox, rh Dr Liam
Francois, rh Mr Mark
Frazier, Lucy
Freeman, George
Fulcher, Richard
Gale, Sir Roger
Garner, rh Sir Edward
Garnier, Mark
Ghani, Nusrat
Gibb, rh Mr Nick
Gillan, rh Mrs Cheryl
Glen, John
Goodwill, Mr Robert
Gove, rh Michael
Graham, Richard
Grant, Mrs Helen
Gray, James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Greening, rh Justine
Grieve, rh Mr Dominic
Griffiths, Andrew
Gummer, rh Ben
Gyimah, Mr Sam
Haldon, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harrington, Richard
Harris, Rebecca
Hart, Simon
Haselhurst, rh Sir Alan
Hayes, rh Mr John
Heald, rh Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Hermon, Lady
Hinds, Damian
Hoare, Simon
Hollingbery, George
Hollinsrake, Kevin
Holloboone, Mr Philip
Hopkins, Kris
Howarth, Sir Gerald
Howell, John
Howlett, Ben
Huzzleston, Nigel
Hunt, rh Mr Jeremy
Hurd, Mr Nick
Jackson, Mr Stewart
James, Margot
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkin, Mr Bernard
Jenkins, Andrea
Jennick, Robert
Johnson, rh Boris
Johnson, Dr Caroline
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, rh Mr David
The House divided: Ayes 323, Noes 263.

** Division No. 148**

**AYES**

Davies, Chris  
Davies, David T. C.  
Davies, Glyn  
Davies, Dr James  
Davies, Mims  
Davis, rh Mr David  
Dinenage, Caroline  
Djanogly, Mr Jonathan  
Dodds, rh Mr Nigel  
Donaldson, rh Sir Jeffrey M.  
Donelan, Michelle  
Dornes, Nadine  
Double, Steve  
Downing, Oliver  
Doyel-Price, Jackie  
Drax, Richard  
Drummond, Mrs Flick  
Duddridge, James  
Duncan, rh Sir Alan  
Duncan Smith, rh Mr Iain  
Dunne, Mr Philip  
Elliot, Tom  
Ellis, Michael  
Ellison, Jane  
Ellwood, Mr Tobias  
Elphicke, Charlie  
Eustice, George  
Evans, Graham  
Evans, Mr Nigel  
Evans, Rhodri  
Fabricant, Michael  
Fallow, rh Sir Michael  
Fernandes, Suella  
Field, rh Mark  
Foster, Kevin  
Fox, rh Dr Liam  
Francois, rh Mr Mark  
Frazer, Lucy  
Freeman, George  
Frer, Mike  
Fuller, Richard  
Gale, Sir Roger  
Garner, rh Sir Edward  
Garnier, Mark  
Ghar, Nusrat  
Gibb, rh Mr Nick  
Gillian, rh Mrs Cheryl  
Glen, John  
Goodwill, Mr Robert  
Gove, rh Michael  
Graham, Richard  
Grant, Ms Helen  
Gray, James  
Grayling, rh Chris  
Green, Chris  
Green, rh Damian  
Greengrass, rh Justine  
Greene, rh Mr Dominic  
Griffiths, Andrew  
Gummer, rh Ben  
Gyfiah, Mr Sam  
Halfon, rh Robert  
...
Deferred Divisions
8 FEBRUARY 2017
Deferred Divisions

Mathias, Dr Tania
May, rh Mrs Theresa
Meynard, Paul
McCartney, Jason
McCartney, Karl
McLaughlin, rh Sir Patrick
McPartland, Stephen
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Metcalfe, Stephen
Miller, rh Mrs Maria
Millington, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Mordaunt, Penny
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mowat, David
Mundell, rh David
Murray, Mrs Sheryll
Morrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, Caroline
Norman, Jesse
Nuttall, Mr David
Olford, Dr Matthew
Opperman, Guy
Osborne, rh Mr George
Parish, Neil
Patel, rh Priti
Pawsey, Mark
Penning, rh Mike
Penrose, John
Percy, Andrew
Perry, Claire
Philp, Chris
Pickles, rh Sir Eric
Pincher, Christopher
Poutier, Dr Daniel
Prentis, Victoria
Prisk, Mr Mark
Pritchard, Mark
Pursglove, Tom
Quin, Jeremy
Quince, Will
Raab, rh Dominic
Redwood, rh John
Rees-Mogg, rh Mr Jacob
Roberson, rh Laurence
Robinson, Gavin
Rosindell, Andrew
Rudd, rh Amber
Rutley, David
Sandbach, Antoinette
Scully, Paul
Selous, Andrew
Shannon, Jim
Shapps, rh Grant
Sharma, Alok
Shebrooke, Alec
Simpson, David
Simpson, rh Mr Keith
Skidmore, Chris
Smith, Jeremy
Smith, Julian
Smith, Royston
Soames, rh Sir Nicholas
Solloway, Amanda
Soubry, rh Anna
Spelman, rh Dame Caroline
Spencer, Mark
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, Iain
Stewart, Rory
Streeter, Mr Greg
Stride, Mel
Sturdy, Julian
Sunak, Rishi
Swayne, rh Sir Desmond
Swire, rh Sir Hugo
Syms, Mr Robert
Thomas, Derek
Throup, Maggie
Timpson, Edward
Tolhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David
Trevelyan, Mrs Anne-Marie
Truss, rh Elizabeth
Tugendhat, Tom

Abbott, Ms Diane
Abrahams, Debbie
Ahmed-Sheikh, Ms Tasmina
Alexander, Heidi
Ali, Rushanara
Anderson, rh Mr David
Arkless, Richard
Ashworth, Jonathan
Austin, Ian
Bardell, Hannah
Barron, rh Sir Kevin
Beckett, rh Margaret
Benn, rh Hilary
Berger, Luciana
Betts, Mr Clive
Black, Mhairi
Blackford, Ian
Blackman-Woods, Dr Roberta
Blenkinsop, Tom
Blomfield, Paul
Boswell, Philip
Bradshaw, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Burnham, rh Andy
Butler, Dawn
Byrne, rh Liam
Cadbury, Ruth
Cameron, Dr Lisa
Campbell, rh Mr Alan
Campbell, Mr Ronnie
Carmichael, rh Mr Alistair
Champion, Sarah
Turner, rh Mr Andrew
Tyrie, rh Mr Andrew
Vaizey, rh Mr Edward
Vara, Mrs Shailesh
Vickers, Martin
Villiers, rh Mrs Theresa
Walker, Mr Charles
Walker, Mr Robin
Wallace, Mr Ben
Warburton, David
Warman, Matt
Watkinson, Dame Angela
Watson, Tim
Whately, Helen
Wheeler, Heather
White, Chris
Whittaker, Craig
Whittingdale, rh Mr John
Wiggin, Bill
Williams, Craig
Williamson, rh Gavin
Wilson, Mr Rob
Wilson, Sammy
Wollaston, Dr Sarah
Wragg, William
Wright, rh Jeremy
Zahawi, Nadhim

Chapman, Jenny
Cherry, Joanna
Clegg, rh Mr Nick
Coaker, Vernon
Coffey, Ann
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowan, Ronnie
Coyle, Neil
Crausby, Sir David
Crawley, Angela
Creagh, Mary
Creasy, Stella
Cruddas, Jon
Cummins, Judith
Cunningham, Alex
Cunningham, Mr Jim
Dakin, Nic
David, Wayne
Davies, Geraint
Day, Martyn
De Piero, Gloria
Debbonaire, Thangam
Docherty-Hughes, Martin
Donaldson, Stuart Blair
Dougherty, Stephen
Dowd, Peter
Dugher, Michael
Durkan, Mark
Eagle, Ms Angela
Edwards, Jonathan
Efford, Clive
Elliott, Julie
Ellman, Mrs Louise
Elmore, Chris
Esterson, Bill
Evans, Chris
Farron, Tim
Fellows, Marion
Ferrier, Margaret
That the draft Important Public Services (Fire) Regulations 2017, which were laid before this House on 5 December 2016, be approved.

Question accordingly agreed to.

TRADE UNIONS

That the draft Important Public Services (Fire) Regulations 2017, which were laid before this House on 5 December 2016, be approved.

The House divided: Ayes 323, Noes 262.

Division No. 149

AYES

Adams, Nigel
Afriyie, Adam
Allison, Peter
Allan, Lucy
Allen, Heidi
Amess, Sir David
Andrew, Stuart
Ansell, Caroline
Argar, Edward
Akins, Victoria
Baker, Mr Steve
Baldwin, Harriet
Barclay, Stephen
Baron, Mr John
Barwell, Gavin
Bebb, Guto
Bellingham, Sir Henry
Benyon, Richard
Beresford, Sir Paul
Berry, Jake
Berry, James
Bingham, Andrew
Blackman, Bob
Blackwood, Nicola
Blunt, Crispin
Boles, Nick
Bone, Mr Peter
Borwick, Victoria
Bradley, rh Karen
Brady, Mr Graham
Brazier, Sir Julian
Bridge, Andrew
Brine, Steve
Brokenshire, rh James
Bruce, Fiona
Buckland, Robert
Burns, Conor
Burns, Mr David
Burrows, Mr David
Burt, rh Alistair

Smyth, Karin
Spellar, rh Mr John
Stephens, Chris
Stevens, Jo
Streeting, Wes
Stringer, Graham
Stuart, rh Ms Gisela
Tami, Mark
Thewliis, Alison
Thomas, Mr Gareth
Thomas-Symonds, Nick
Thompson, Owen
Thomson, Michelle
Thornberry, Emily
Timms, rh Stephen
Trickett, Jon
Turley, Anna
Turner, Karl
Twigg, Derek

Twick, Stephen
Umunna, Mr Chuka
Vaz, rh Keith
Vaz, Valerie
Weir, Mike
West, Catherine
Whiteford, Dr Eilidh
Whitehead, Dr Alan
Whitford, Dr Philippa
Williams, Hywel
Williams, Mr Mark
Wilson, Corri
Wilson, Phil
Winnick, Mr David
Winterton, rh Dame Rosie
Wishart, Pete
Woodcock, John
Wright, Mr Iain
Zeichner, Daniel

Cairns, rh Alun
Campbell, Mr Gregory
Carmichael, Neil
Cardiff, James
Cash, Mr William
Caulfield, Maria
Chalk, Alex
Chope, Mr Christopher
Churchill, Jo
Clark, rh Greg
Clarke, rh Mr Kenneth
Cleverly, James
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Colville, Olive
Costa, Alberto
Courts, Robert
Cox, Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Davies, Byron
Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Dr James
Davies, Mims
Davies, rh Mr David
Dinenage, Caroline
Djanogly, Mr Jonathan
Dodds, rh Mr Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Dorries, Nadine
Double, Steve
Downing, Oliver
Doyle, Mr Philip
Draught, Richard
Drummond, Mrs Flick
Duddridge, James

NOES

Field, rh Frank
Fitzpatrick, Jim
Fiell, Robert
Fletcher, Colleen
Flint, rh Caroline
Flynn, Paul
Fovargue, Yvonne
Foxcroft, Vicky
Furniss, Gill
Gapes, Mike
Gardiner, Barry
Gethins, Stephen
Gibson, Patricia
Gildon, Mary
Goodman, Helen
Grady, Patrick
Grant, Peter
Gray, Neil
Green, Kate
Greenwood, Lilian
Greenwood, Margaret
Griffith, Nia
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Hanson, rh Mr David
Harris, Carolyn
Hayes, Helen
Hayman, Sue
Hendrick, Mr Mark
Hendry, Drew
Hepburn, Mr Stephen
Hillier, Meg
Hodgson, Mrs Sharon
Hoey, Kate
Hollern, Kate
Hopkins, Kelvin
Hosie, Stewart
Hussain, Imran
Jarvis, Dan
Johnson, rh Alan
Johnson, rh Diana
Jones, Gerald
Jones, Graham
Jones, Helen
Jones, Mr Kevan
Jones, Susan Elan
Kane, Mike
Kendall, Liz
Kerevan, George
Kerr, Calum
Kinnock, Stephen
Kyle, Peter
Lamb, rh Norman
Lavery, Ian
Law, Chris
Leslie, Chris
Lewell-Buck, Mrs Emma
Lewis, Mr Ivan
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
MacNeil, Mr Angus Brendan
Mactaggart, rh Fiona
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Mann, John
Marris, Rob
Marsden, Gordon
Maskell, Rachael
Matheson, Christian
Mc Nally, John
McCabe, Steve
McCaig, Callum
McCarthy, Kerry
McDonagh, Siobhain
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, Dr Alasdair
McDonnell, rh John
McFadden, rh Mr Pat
McGary, Natalie
McGinn, Conor
McGovern, Liz
McKinnell, Catherine
McLaughlin, Anne
Mearns, Ian
Miliband, rh Edward
Monaghan, Carol
Monaghan, Dr Paul
Moon, Mrs Madeleine
Morden, Jessica
Mulholland, Greg
Mullin, Roger
Murray, Ian
Newlands, Gavin
Nicolson, John
Olney, Sarah
Onn, Melanie
Onwurah, Chi
Osamor, Kate
Oswald, Kirsten
Owen, Albert
Paterson, Steven
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Pound, Stephen
Powell, Lucy
Pugh, John
Qureshi, Yasmyn
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Rachel
Reynolds, Emma
Reynolds, Jonathan
Rimmer, Marie
Ritchie, Ms Margaret
Roberts, rh Angus
Robinson, Mr Geoffrey
Rotheram, Steve
Ryan, rh Joan
Saville Roberts, Liz
Shah, Naz
Shaurma, Mr Virendra
Sheerman, Mr Barry
Sheppard, Tommy
Sherriff, Paula
Shuker, Mr Gavin
Skinner, Mr Dennis
Slaughter, Andy
Smith, rh Mr Andrew
Smith, Angela
Smith, Cat
Smith, грн
Smith, Nick
Smith, Owen

Stevens, Chris
Streeting, Wes
Stringer, Graham
Stuart, rh Ms Gisela
Tami, Mark
Thewliis, Alison
Thomas, Mr Gareth
Thomas-Symonds, Nick
Thompson, Owen
Thomson, Michelle
Thornberry, Emily
Timms, rh Stephen
Trickett, Jon
Turley, Anna
Turner, Karl
Twigg, Derek

Umunna, Mr Chuka
Vaz, rh Keith
Vaz, Valerie
Weir, Mike
West, Catherine
Whiteford, Dr Eilidh
Whitehead, Dr Alan
Whitford, Dr Philippa
Williams, Hywel
Williams, Mr Mark
Wilson, Corri
Wilson, Phil
Winnick, Mr David
Winterton, rh Dame Rosie
Wishart, Pete
Woodcock, John
Wright, Mr Iain
Zeichner, Daniel

Cairns, rh Alun
Campbell, Mr Gregory
Carmichael, Neil
Cardiff, James
Cash, Mr William
Caulfield, Maria
Chalk, Alex
Chope, Mr Christopher
Churchill, Jo
Clark, rh Greg
Clarke, rh Mr Kenneth
Cleverly, James
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Colville, Olive
Costa, Alberto
Courts, Robert
Cox, Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Davies, Byron
Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Dr James
Davies, Mims
Davies, rh Mr David
Dinenage, Caroline
Djanogly, Mr Jonathan
Dodds, rh Mr Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Dorries, Nadine
Double, Steve
Downing, Oliver
Doyle, Mr Philip
Draught, Richard
Drummond, Mrs Flick
Duddridge, James
### Deferred Divisions

8 February 2017

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<th>Deferred Divisions</th>
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<tr>
<td>Duncan, rh Sir Alan</td>
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<td>Green, Chris</td>
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<td>Loughton, Tim</td>
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Corbyn, rh Jeremy
Cowan, Ronnie
Coyle, Neil
Crausby, Sir David
Crawley, Angela
Creagh, Mary
Creasy, Stella
Crudging, Jon
Cummins, Judith
Cunningham, Alex
Cunningham, Mr Jim
Dakin, Nic
David, Wayne
Davies, Geraint
Day, Martyn
De Piero, Gloria
Debonaire, Thangam
Docherty-Hughes, Martin
Donaldson, Stuart Blair
Doughty, Stephen
Dowd, Peter
Dugher, Michael
Durkan, Mark
Eagle, Ms Angela
Edwards, Jonathan
Efford, Clive
Elliot, Julie
Ellman, Mrs Louise
Elmore, Chris
Esterson, Bill
Evans, Chris
Farron, Tim
Fellows, Marion
Fenner, Margaret
Field, rh Frank
Fitzpatrick, Jim
Fiello, Robert
Fletcher, Colleen
Flint, rh Caroline
Flynn, Paul
Fovargue, Yvonne
Foxcroft, Vicky
Furniss, Gill
Gapes, Mike
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Gray, Neil
Green, Kate
Greenwood, Lilian
Greenswood, Margaret
Griffith, Nia
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Hanson, rh Mr David
Harris, Carolyn
Hayes, Helen
Hayman, Sue
Hendrick, Mr Mark
Hendry, Drew
Hepburn, Mr Stephen
Hillier, Meg
Hodgson, Mrs Sharon
Hoey, Kate
Hollern, Kate
Hopkins, Kelvin
Hosie, Stewart
Hussain, Imran
Jarvis, Dan
Johnson, rh Alan
Johnson, Diana
Jones, Gerald
Jones, Graham
Jones, Helen
Jones, Mr Kevan
Jones, Susan Elan
Kane, Mike
Kendall, Liz
Kerevan, George
Kerr, Calum
Kinnock, Stephen
Kyle, Peter
Lamb, rh Norman
Lavery, Mrs
Law, Chris
Leslie, Chris
Lewell-Buck, Mrs Emma
Lewis, Mr Ivan
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
MacNeil, Mr Angus Brendan
Maclaggart, rh Fiona
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Mann, John
Marris, Rob
Marsden, Gordon
Maskell, Rachael
Matheson, Christian
Mc Nally, John
McCabe, Steve
McCaig, Callum
McCarthy, Kerry
McDonagh, Siobhain
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stewart C.
McDonnell, Dr Alasdair
McDonnell, rh John
McFadden, rh Mr Pat
McGary, Natalie
McGinn, Conor
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McLaughlin, Anne
Mearns, Ian
Miliband, rh Edward
Monaghan, Carol
Monaghan, Dr Paul
Moon, Mrs Madeleine
Morden, Jessica
Mulholland, Greg
Mulligan, Roger
Murray, Ian
Newlands, Gavin
Nicolson, John
Olney, Sarah
Onn, Melanie
Onwurah, Chi
Osamor, Kate
Oswald, Kirsten
Owen, Albert
Paterson, Steven
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Pound, Stephen
Powell, Lucy
Pugh, John
Qureshi, Yasmin
Rayner, Angela
Reed, Mr Steve
Rees, Christine
Reeves, Rachel
Reynolds, Emma
Reynolds, Jonathan
Rimmer, Marie
Ritchie, Ms Margaret
Robinson, rh Angus
Robinson, Mr Geoffrey
Rotheram, Steve
Ryan, rh Joan
Saville Roberts, Liz
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheppard, Tommy
Sherriff, Paula
Shuker, Mr Gavin
Skinner, Mr Dennis
Slaughter, Andy
Smith, rh Mr Andrew
Smith, Angela
Smith, Cat
Smith, Jeff
Smith, Nick
Smith, Owen
Smith, Smyth "Mr Nick"
Spellar, rh Mr John
Stephens, Chris
Stevens, Jo
Streeting, Wes
Stringer, Graham
Stuart, rh Ms Gisela
Tami, Mark
Thewlis, Alison
Thomas, Mr Gareth
Thomas-Symonds, Nick
Thompson, Owen
Thompson, Michelle
Thornberry, Emily
Timms, rh Stephen
Trickett, Jon
Turley, Anna
Turner, Karl
Twigg, Derek
Twigg, Stephen
Umnuna, Mr Chuka
Vaz, rh Keith
Vaz, Valerie
Weir, Mike
West, Catherine
Whiteford, Dr Eilidh
Whitehead, Dr Alan
Whitford, Dr Philippa
Williams, Hywel
Williams, Mr Mark
Wilson, Corri
Wilson, Phil
Winnick, Mr David
Winterton, rh Dame Rosie
Wishtart, Pete
Woodcock, John
Wright, Mr Iain
Zeichner, Daniel

**Question accordingly agreed to.**

### TRADE UNIONS

That the draft Trade Union Act 2016 (Political Funds) (Transition Period) Regulations 2017, which were laid before this House on 5 December 2016, be approved.

**The House divided:** Ayes 322, Noes 254.

**Division No. 150**

#### AYES

Adams, Nigel
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Amess, Sir David
Andrew, Stuart
Ansell, Caroline
Argar, Edward
Atkins, Victoria
Baker, Mr Steve
Baldwin, Harriett
Barclay, Stephen
Baron, Mr John
Barwell, Gavin
Bebb, Guto
Bellingham, Sir Henry
Benyon, Richard

Smith, Nick
Smith, Owen
Smyth, Karin
Spellar, rh Mr John
Stephens, Chris
Stevens, Jo
Streeting, Wes
Stringer, Graham
Stuart, rh Ms Gisela
Tami, Mark
Thewlis, Alison
Thomas, Mr Gareth
Thomas-Symonds, Nick
Thompson, Owen
Thompson, Michelle
Thornberry, Emily
Timms, rh Stephen
Trickett, Jon
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Whitehead, Dr Alan
Whitford, Dr Philippa
Williams, Hywel
Williams, Mr Mark
Wilson, Corri
Wilson, Phil
Winnick, Mr David
Winterton, rh Dame Rosie
Wishtart, Pete
Woodcock, John
Wright, Mr Iain
Zeichner, Daniel
Deferred Divisions 8 FEBRUARY 2017 Deferred Divisions

NOES

Abbott, Ms Diane
Abrahams, Debbie
Ahmed-Sheikh, Ms Tasmina
Alexander, Heidi
Ali, Rushanara
Anderson, Mr David
Arkless, Richard
Ashworth, Jonathan
Austin, Ian
Bailey, Mr Adrian
Bardell, Hannah
Barron, rh Sir Kevin
Beckett, rh Margaret
Benn, rh Hilary
Berger, Luciana
Bets, rh Ms Clive
Black, Mhairi
Blackford, Ian
Blackman-Woods, Dr Roberta
Blankenismatch, Tom
Blomfield, Paul
Boswell, Philip
Bradshaw, rh Mr Ben
Brennan, Kevin
Brook, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, rh Ms Karen
Burden, Richard
Burgon, Richard
Burnham, rh Andy
Butler, Dawn
Byrne, rh Liam
Caddbury, Ruth
Cameron, Dr Lisa
Campbell, rh Mr Alan
Campbell, Mr Ronnie
Champion, Sarah
Chapman, Jenny
Cherry, Joanna
Coaker, Vernon
Coffey, Anne
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowan, Ronnie
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Ferrier, Margaret
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Fielo, Robert
Fletcher, Colleen
Flint, rh Caroline
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Hoey, Kate
Hollem, Kate
Hopkins, Kelvin
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Husain, Imran
Jarvis, Dan
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Jones, Susan Elan
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Kerevan, George
Kerr, Calum
Kinnock, Stephen
Kyle, Peter
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Leslie, Chris
Lewell-Buck, Mrs Emma
Lewis, rh Mr Ivan
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
MacNeil, Mr Angus

Maclayagart, rh Fiona
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Mann, John
Marris, Rob
Marshden, Gordon
Maskell, Rachael
Matheson, Christian
Mc Nally, John
McCabe, Steve
McCaig, Callum
McCarthy, Kerry
McDonagh, Siobhain
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, Dr Alasdair
McDonnell, rh John
McFadden, rh Mr Pat
McGarry, Natalie
McGinn, Conor
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McLaughlin, Anne
Mearns, Ian
Miliband, rh Edward
Monaghan, Carol
Monaghan, Dr Paul
Moon, Mrs Madeleine
Morden, Jessica
Mullin, Roger
Murray, Ian
Newlands, Gavin
Nicolson, John
Onn, Melanie
Onwurah, Chi
Osamor, Kate
Oswald, Kirsten
Owen, Albert
Paterson, Steven
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Pound, Stephen
Powell, Lucy
Qureshi, Yasmin
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Rachel
Reynolds, Emma
Reynolds, Jonathan
Rimmer, Marie

Ritchie, Ms Margaret
Roberts, rh Angus
Robinson, Mr Geoffrey
Rotheram, Steve
Ryan, rh Joan
Saville Roberts, Liz
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheppard, Tommy
Sherriff, Paula
Shuker, Mr Gavin
Skinner, Mr Dennis
Slaughter, Andy
Smith, rh Mr Andrew
Smith, Angela
Smith, Grahame
Smith, Jeff
Smith, Nick
Smith, Owen
Smyth, Karin
Spellar, rh Mr John
Stephens, Chris
Stevens, Jo
Streeting, Wes
Stuart, rh Ms Gisela
Tami, Mark
Theilwas, Alison
Thomas, Mr Gareth
Thomas-Symonds, Nick
Thompson, Owen
Thomson, Michelle
Thornberry, Emily
Timms, rh Stephen
Trickett, Jon
Turley, Anna
Turner, Karl
Twitch, Derek
Twitch, Stephen
Umunna, Mr Chuka
Vaz, rh Keith
Vaz, Valerie
Weir, Mike
West, Catherine
Whiteford, Dr Eilidh
Whitehead, Dr Alan
Whitford, Dr Philippa
Williams, Hywel
Wilson, Corri
Wilson, Phil
Winnick, Mr David
Winterton, rh Dame Rosie
Wishart, Pete
Woodcock, John
Wright, Mr Iain
Zeichner, Daniel

Question accordingly agreed to.

Comprehensive Economic Trade Agreement (CETA) between the EU and Canada

That this House has considered European Union Documents No. 10968/16 and Addenda 1 to 16, a Proposal for a Council Decision on the signing of the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States, No. 10969/16 and Addenda 1 to 16, a Proposal for a Council Decision on the provisional application of the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States, and No. 10970/16 and Addenda 1 to 16, a Proposal for a Council Decision on the conclusion of the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States.
The House divided: Ayes 409, Noes 126.

Division No. 151]

AYES

Adams, Nigel
Afriyie, Adam
Aldous, Peter
Ali, Rushanara
Allan, Lucy
Allen, Heidi
Amess, Sir David
Andrew, Stuart
Ansell, Caroline
Argr, Edward
Atkins, Victoria
Austin, Ian
Bailey, Mr Adrian
Baker, Mr Steve
Baldwin, Harriett
Baker, Mr Steve
Bailey, Mr Adrian
Argar, Edward
Ansell, Caroline
Andrew, Stuart
Allen, Heidi
Afriyie, Adam
Adams, Nigel
Division No. 151

AYES

Adams, Nigel
Afriyie, Adam
Aldous, Peter
Ali, Rushanara
Allan, Lucy
Allen, Heidi
Amess, Sir David
Andrew, Stuart
Ansell, Caroline
Argr, Edward
Atkins, Victoria
Austin, Ian
Bailey, Mr Adrian
Baker, Mr Steve
Baldwin, Harriett
Baker, Mr Steve
Bailey, Mr Adrian
Argar, Edward
Ansell, Caroline
Andrew, Stuart
Allen, Heidi
Afriyie, Adam
Adams, Nigel

8 FEBRUARY 2017

Johnson, Dr Caroline
Johnson, rh Boris
Johnson, rh Sir David
Johnson, Graham
Johnson, Helen
Johnson, Joseph
Jones, Andrew
Jones, Mr David
Jones, Graham
Jones, Mr Kevan
Jones, Mr Marcus
Kane, Mike
Kawczynski, Daniel
Kendall, Liz
Kennedy, Seema
Kinahan, Danny
Kinnock, Stephen
Kirby, Simon
Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi
Kyle, Peter
Lancaster, Mark
Latham, Pauline
Leadsom, rh Andrea
Lee, Dr Phillip
Lefroy, Jeremy
Leigh, Sir Edward
Leslie, Charlotte
Leslie, Chris
Letwin, rh Sir Oliver
Lewis, rh Brandon
Lewis, rh Dr Julian
Liddell-Grainger, Mr lan
Liddington, rh Boris
Lilley, rh Mr Peter
Lopresti, Jack
Lord, Jonathan
Loughton, Tim
Lucas, Ian C.
Lynch, Holly
Mackinlay, Craig
Mackintosh, David
Mahmood, Mr Khalid
Main, Mrs Anne
Mak, Mr Alan
Malhoushe, Kit
Mann, John
Mann, Scott
Matheson, Christian
Mathias, Dr Tania
May, rh Mrs Theresa
Maynard, Paul
McCartney, Jason
McCartney, Karl
McDonnell, Dr Alasdair
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McKinnell, Catherine
McLoughlin, rh Sir Patrick
McPartland, Stephen
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Metcalfe, Stephen
Miller, rh Mrs Maria
Millling, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Moon, Mrs Madeleine
Mordon, Penny
Morgan, Nicky
Morris, Anne Marie
Morris, David
Deferred Divisions
8 FEBRUARY 2017
Deferred Divisions

Smith, Royston
Smith, Kath
Smith, Arlene
Smith, John
Smith, Peter
Smith, Julian
Smith, Owen

NOES

Law, Chris
Lewell-Buck, Mrs Emma
Long Bailey, Rebecca
Lucas, Caroline
MacNeil, Mr Angus
Mactaggart, rh Fiona
Madders, Justin
Marris, Rob
Maskell, Rachael
Mc Nally, John
McCaig, Callum
McCarthy, Kerry
McDonald, Steward Malcolm
McDonald, Stuart C.
McDonnell, rh John
McGarry, Natalie
McInnes, Liz
McLaughlin, Anne
Mearns, Ian
Monaghan, Carol
Monaghan, Dr Paul
Mullin, Roger
Newlands, Gavin
Nicolson, John
Onwurah, Chi
Osborn, Kate
Oswald, Kirsten
Owen, Albert
Paterson, Steven
Qureshi, Yasmin
Rees, Christina
Rimmer, Marie
Ritchie, Ms Margaret
Robertson, rh Angus
Rotheram, Steve
Saville Roberts, Liz
Shah, Naz
Sharma, Mr Virendra
Sheppard, Tommy
Skinner, Mr Dennis
Smith, rh Mr Andrew
Smith, Cat
Smith, Nick
Stephens, Chris
Stringer, Graham
Thewliss, Alison
Thomas, Mr Gareth
Thomas-Symonds, Nick
Thompson, Owen
Thomson, Michelle
Turner, Karl
Twigg, Derek
Twygg, Stephen
Vaz, rh Keith
Weir, Mike
West, Catherine
Whiteford, Dr Edilid
Whitehead, Dr Alan
Whitford, Dr Philippa
Williams, Hywel
Wilson, Corri
Wishart, Pete
Zeichner, Daniel

Question accordingly agreed to.
Karen Bradley: I know that the hon. Member for City of Chester (Christian Matheson) is particularly interested in long-running soaps on Channel 4, given that “Hollyoaks” is set in his constituency. I want to make sure that “Hollyoaks” and other programmes set across the UK are able to prosper so that we have a plurality of broadcasting that works for everyone.

Nigel Huddleston (Mid Worcestershire) (Con): The Secretary of State will be aware that Channel 4 recently won broadcaster of the year at the Broadcast Awards. Does she therefore agree that if it ain’t broke, don’t fix it?

Karen Bradley: The important point is that we make sure that Channel 4 has a long-term, sustainable future. That is why we are looking at all options so that we can ensure that a station that relies very predominantly on advertising revenue is able to continue, and to provide the excellent broadcasting for which Channel 4 is renowned.

Kevin Brennan (Cardiff West) (Lab): When the Secretary of State spoke to the Culture, Media and Sport Committee last year, she said that she would come to a decision in the “nearish future.” Now she says that she will come to a decision “in due course.” I do not know whether the nearish future is sooner than in due course, but this faffing around on Channel 4 has to stop. She has to show some leadership because the uncertainty is damaging its business and our broadcasting industry. Rather than taking a decision in the nearish future, will she now commit to doing so immediately?

Karen Bradley: I do not agree that this is affecting the quality of broadcasting that Channel 4 is able to produce. The fact that Channel 4 has committed, for example, to broadcasting the para-athletics, which is being held in London next summer, is a very positive move that we all welcome. I want to get this right, and I am working with Channel 4 and all stakeholders. I want to make sure that Channel 4 has a long-term, sustainable future, and I will report back to the hon. Gentleman as soon as possible.

Brass Bands

2. Mr Philip Hollobone (Kettering) (Con): What steps she is taking to promote brass bands. [908717]

The Minister for Digital and Culture (Matt Hancock): We strongly support brass bands through regular Arts Council funding to organisations such as Brass Bands England. Additionally, large brass bands can take advantage of the orchestra tax relief, which was introduced in April 2016.
Mr Hollobone: Youth Brass 2000 is a young people’s brass band based in the village of Wilbarston in the Kettering constituency. Will my right hon. Friend join me in congratulating it on recently being crowned British open youth brass band champion for the fifth year running? Is it not an excellent example that other youth bands should be pleased to follow?

Matt Hancock: I am delighted to trumpet the success of the British open youth champions, who have won for the fifth year in a row. I played the cornet in a brass band when I was a boy, but I never rose to the dizzying heights of the national champions whom my hon. Friend represents. I send congratulations to them all.

Jim Shannon (Strangford) (DUP): In my constituency of Strangford, we have the wonderful Newtownards silver band, which brings together the young and the not so young playing instruments that are also young and not so young. I understand that the Minister is keen to support that, so will he endorse the need for cross-community participation and gender balance to ensure that the brass bands of the future can succeed?

Matt Hancock: As we can see by the response in the House, there are brass bands right across the country—the Haverhill band in my constituency is a particularly good example. The hon. Gentleman’s point that brass bands, like other music organisations, can bring together people from different backgrounds across cultural divides and provide a point of unity is well made.

Jake Berry (Rossendale and Darwen) (Con): The Minister is certainly not known for blowing his own trumpet. I am sure that, like me, he would like to congratulate the Haslingden and Helmshore band, the Water band, the 2nd Rossendale Scout band, the Whitworth Vale and Healey band and the Darwen brass band, all of which work with young people in particular. Will he take this opportunity to thank all those bands for the fantastic work that they do to get young people off the street, give them a love of music and get them performing?

Matt Hancock: I never got to the point of playing the trumpet—I was a mere cornet player—but I do want to bang the drum for all the brass bands that my hon. Friend mentioned.

Nick Thomas-Symonds (Torfaen) (Lab): The long-term sustainability of our brass bands, including the fine Blaenavon town band in my home town, depends on affordable music lessons being available in schools. Does the Minister agree that the Government’s cuts to the devolved Administrations’ local councils have put that at risk?

Matt Hancock: People who play in brass bands right across the country should be enthused by the support for this question from both sides of the Chamber. I disagree with the hon. Gentleman. In England, where the UK Government are responsible for support, we have put £300 million into music hubs to ensure that everybody gets the opportunity to play a musical instrument. It is up to devolved authorities to do that outside England, and I wish that the Welsh Government would do something similar.
Karen Bradley: The hon. Gentleman asks a very timely question not only because fashion week is coming up, but because the Minister of State and I met the fashion industry only on Monday to discuss exactly those points. I reassure him and the fashion industry that, because the great repeal Bill will bring European rules into UK law, therefore making sure that there is no cliff edge, those rights will be protected.

John Nicolson (East Dunbartonshire) (SNP): Last week, the Culture, Media and Sport Committee took evidence from John Kampfner and others representing the creative industries. Some of those industries employ a 40% EU workforce, and these people are now in limbo. What reassurances can the Secretary of State give that their roles and livelihoods are secure?

Karen Bradley: I pay tribute to the work of the Creative Industries Federation, led by John Kampfner, and the role that it has played in working with the Government to develop our plan to ensure that we get the right deal for the creative industries when the United Kingdom leaves the European Union. The hon. Gentleman will also know that my right hon. Friend the Prime Minister has been very clear that she wants an early settlement on the matter of EU nationals in the UK, and UK nationals living in Europe. She is working hard, as we all are across Government, to ensure that we can achieve that as soon as possible.

Sports Stadiums: Accessibility

4. Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): What recent progress the Government have made on making sports stadiums accessible for disabled people. [908719]

Dr Cameron: As chair of the all-party group on disability, people from across the United Kingdom have been contacting me with grave concerns about the lack of accessibility to sports stadiums. Will the Minister meet me and the all-party group to discuss this extremely important matter and the steps that can move us forwards?

Tracey Crouch: May I start by congratulating the hon. Lady on all that she does in championing disability rights? Her reputation on this matter is fast spreading around the Chamber and beyond.

My hon. Friend the Minister for Disabled People, Health and Work and I would be delighted to meet the hon. Lady to discuss this issue, which we care passionately about and are making progress on. It is not just the English premier league that we are talking about, but football throughout this country and across the other home nations. I urge all Members to do what they can to encourage their local clubs to be as successful as possible.

Damian Collins (Folkestone and Hythe) (Con): Given all the wealth in premier league football, does the Minister agree that it is unacceptable that there are still clubs that do not yet have a plan to meet accessibility targets for their stadiums? Does she also agree with the Select Committee’s report that clubs that fail to do that should face legal action?

Tracey Crouch: I do not agree that the clubs do not have a plan; they have a plan, but they might not be meeting it. My hon. Friend is right that there should be legal action, but it is not for me to advance that. He will be aware that the Equality and Human Rights Commission is the body that enforces the Equality Act 2010. If insufficient progress is being made by clubs, the commission should consider using its legal powers—it would have my full support were it to do so.

5. Mr Mark Williams (Ceredigion) (LD): What plans she has for the future funding of S4C; and if she will make a statement. [908720]

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Tracey Crouch): The forthcoming independent review of S4C is the body that enforces the Equality Act 2010. If insufficient progress is being made by clubs, the commission should consider using its legal powers—it would have my full support were it to do so.

S4C

5. Mr Mark Williams (Ceredigion) (LD): What plans she has for the future funding of S4C; and if she will make a statement.

The Secretary of State for Culture, Media and Sport (Karen Bradley): As the hon. Gentleman knows, we have committed to a comprehensive review of S4C this year. It will look at a range of issues, including funding arrangements, remit, accountability and governance. I look forward to his contributions to that review.

Mr Williams: I thank the Secretary of State for her answer. She will be aware of the huge significance of S4C to the people of Wales. When the announcement of a review was made last year, the Government wisely froze the cut to the Department’s share of S4C’s budget. The review has not yet started—it will conclude this year—so will she guarantee again to freeze any proposed cut to S4C’s budget?

Karen Bradley: The Government are committed to ensuring that S4C has a strong and sustainable long-term future in broadcasting. We will ensure that the appropriate budgets are available.

7. [908722] Liz Saville Roberts (Dwyfor Meirionnydd) (PC): The forthcoming independent review of S4C is welcome, although it remains something of a Scarlet Pimpernel. Will the Secretary of State confirm that the review’s remit will include the capacity to specify...
recommendations about present and future funding arrangements to ensure that the channel can achieve its public service obligations?

Karen Bradley: We have ensured that S4C has appropriate funding for a very long time. It was a Conservative Government who introduced S4C in the first place. The Government gave more than £6 million this year and we will be giving more than £6 million next year. That funding is in addition to the money that comes from the licence fee. I hope that that reassures the hon. Lady that funding is in addition to the money that comes from the licence fee. I hope that that reassures the hon. Lady that we are committed to S4C.

Mr David Hanson (Delyn) (Lab): The current projection for S4C still means a 10% cut in its funding between now and 2021. Will the Secretary of State assure me that the review will strongly look at ensuring that there is a definitive base for S4C’s funding?

Karen Bradley: We are putting together the terms of reference for the review. I look forward to the right hon. Gentleman’s comments when the review is put forward.

Superfast Broadband: Universal Coverage


The Minister for Digital and Culture (Matt Hancock): We strongly support the roll-out of superfast broadband, which is on track to be available to 95% of premises by the end of the year.

Stephen Kinnock: Almost one in three homes in my Aberavon constituency have broadband speeds of below 10 megabits a second. Moreover, I recently conducted a survey of my constituents in which 44% of respondents reported repeated loss of broadband service. Does the Minister agree that the future growth prospects of Aberavon will be severely constrained if this situation continues?

Matt Hancock: I will look into the figures that the hon. Gentleman mentions. Thinkbroadband, the independent body that publishes figures on this, thinks that the number of properties in Aberavon to which superfast broadband is available is much higher and, indeed, ahead of the national average. There has been a huge effort to roll out superfast broadband but, of course, there is a difference between something being available and it being taken up. It is important to ensure that people take up broadband when it is available.

Neil Parish (Tiverton and Honiton) (Con): The hardest-to-reach rural and isolated areas across the country have still not been reached by broadband. I urge the Government to have a flexible approach—perhaps using a voucher system in some cases—and to use all technologies to get broadband out to those isolated areas.

Matt Hancock: I very strongly agree with my hon. Friend.

Chi Onwurah (Newcastle upon Tyne Central) (Lab): When they were designing the superfast broadband tender, the Government were warned that they were effectively entrenching BT’s monopoly. In designing the universal service obligation, they now appear to be making exactly the same mistake again. Will the Minister commit to delivering choice in our broadband networks?

Matt Hancock: The premise of the hon. Lady’s question is wrong. Many companies are now delivering into the Broadband Delivery UK scheme. In fact, companies that did not even exist a few years ago are now delivering superfast broadband—and much faster—right across the country.

Library Services

8. Michael Fabricant (Lichfield) (Con): What steps she is taking to improve access to library services in (a) Staffordshire and (b) England; and if she will make a statement.

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr Rob Wilson): The Government are providing support for library authorities throughout England to deliver library services that are accessible and modern, and that meet local needs. That includes a £4 million libraries innovation fund, new wi-fi provision and support for library authorities to explore alternative operating models such as mutuals. I strongly believe that staff should have a stake in the public services they provide.

Michael Fabricant: Lichfield library is situated in a lovely old building, but it would cost more than £1 million to maintain it, so Staffordshire County Council decided to move the library into a heritage centre, which will strengthen that centre, and the old library building is now being privatised and restored. It is a win-win situation. What sort of advice on best practice does the Department give to other county councils? Perhaps Staffordshire County Council could be a model, in this instance at least.

Mr Wilson: I welcome the approach that has been taken by Lichfield library and congratulate Staffordshire County Council on its work. Local authorities need to think imaginatively about how libraries can deliver their priorities, and the ambition document that we recently published through the Libraries Taskforce challenges them to do so. Standing still is really not an option. I encourage local authorities to embrace change and to be bold in finding solutions, as Staffordshire has done.

Justin Tomlinson (North Swindon) (Con): May I thank the Minister for being so personally engaged in supporting our efforts to protect Swindon’s vital community libraries? Will he join me in praising Councillor Dale Heenan for setting up the community library trust that has saved Cogwingham library and that should be expanded further?

Mr Wilson: May I thank my hon. Friend for all the efforts he is making in Swindon? I recently visited the local authority, and I was really encouraged by the desire to keep local libraries open. I join him in congratulating his local colleague and local councillor on the work he has done in setting up a local trust and keeping libraries open.
Topical Questions

T1. [908699] Vicky Foxcroft (Lewisham, Deptford) (Lab): If she will make a statement on her departmental responsibilities.

The Secretary of State for Culture, Media and Sport (Karen Bradley): Today, my Department published the first annual report setting out our progress against “Sporting Future”, our sport strategy for an active nation. Since the last oral questions, my ministerial team and I have held a series of roundtable meetings with representatives from various DCMS sectors. The purpose of these meetings is to identify challenges and opportunities as the United Kingdom prepares to leave the European Union.

Vicky Foxcroft: Last week, when I visited Deptford Green secondary school, a teenager from the school council asked me a question, and she started by saying, “It’s not political.” She asked me, “Why are there not more sports facilities for young girls in the area?” Female sports participation is half men’s—this was a very political question from a young girl—and is that any surprise when female role models such as Steph Houghton, England’s women’s football captain, is paid £65,000 a year, while Wayne Rooney is paid £250,000 a week? That is £12 million—

Mr Speaker: Order. I am sorry—it is a very good question, but it is far too long. Topical questions have got to be much shorter. I am sorry to interrupt, but I think we have got the gist.

Karen Bradley: I very much got the gist of the question, Mr Speaker. I do appreciate the point. We are well aware of it, and we are working across the Government to address it.

T2. [908700] Sir Simon Burns (Chelmsford) (Con): Will the Minister tell the House what work her Department is doing to help small charities to secure public service contracts?

Karen Bradley: My right hon. Friend raises a very important point. We all know that the voluntary sector has the ability to bring greater social value to our public services, but we also know that it can sometimes face barriers when up against more established providers. That is why we announced a new programme of measures in this area in December and why an implementation group chaired by Sir Martyn Lewis and attended by my hon. Friend the Member for Reading East (Mr Wilson), the Minister for Civil Society, met for the first time yesterday to lead our work on this issue.

Louise Haigh (Sheffield, Heeley) (Lab): Keeping our children safe online is one of the Government’s most important responsibilities. That is why section 67 of the Serious Crime Act 2015 rightly made it a criminal offence for adults to send sexual messages to children, yet the National Society for the Prevention of Cruelty to Children says that, two years on, the law is still not enforced and the police cannot enforce it. Will the Minister explain to the House why the Government are dragging their feet on this and ensure that this legislation is implemented immediately?

The Minister for Digital and Culture (Matt Hancock): It is very good to see a member of the shadow team who has been voting with the rest of the shadow Front Bench this week.

On the important issue that she addresses, ensuring internet safety is, as she knows, at the top of the Government’s agenda. It has been a crucial part of the Digital Economy Bill, and the proposal she makes is also something we are considering very seriously.

T3. [908701] Kevin Hollinrake (Thirsk and Malton) (Con): Malton is widely recognised as the horse-racing capital of the north. The many racing stables and the hundreds of staff there very much welcome the introduction of the new horserace betting levy, which will bring up to £30 million a year into the industry. Will the Minister update us on the progress on its implementation?

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Tracey Crouch): I recognise the valuable contribution that horse-racing makes to the north and, indeed, to the whole country. We remain on course to implement the reforms to the levy in April 2017, and we will lay legislation to that effect shortly.

Sue Doherty (North Down) (SNP): Keeping our wine regions?

Tracey Crouch: I certainly join the hon. Gentleman in praising rugby league for all its efforts to make progress on this issue. Homophobia should not be allowed in sport. We share the same rugby league team, Leeds, and we wish them well this evening against St Helens.

T6. [908704] Greg Mulholland (Leeds North West) (LD): Every gay player, coach and volunteer in every sport should be made welcome. Will the Minister join me in praising the leadership shown by rugby league in tackling homophobia in sport, on this the day that the Super League season kicks off?

Tracey Crouch: I certainly join the hon. Gentleman in praising rugby league for all its efforts to make progress on this issue. Homophobia should not be allowed in sport. We share the same rugby league team, Leeds, and we wish them well this evening against St Helens.

T4. [908702] Tim Loughton (East Worthing and Shoreham) (Con): English and Welsh wine is a great British quality success story and will be producing more than 1.2 million bottles by 2020. I know that the Secretary of State personally does her bit to boost wine consumption, but what is she doing to promote the use of English wine as standard in her Department and across Departments, and its tourist value in attracting visitors to our emerging wine regions?

Tracey Crouch: I have in my constituency Chapel Down, one of the finest English wines that we sell in this country. I am certainly very passionate about English wine, for all the right reasons, and we must ensure that it is a key part of the tourism offer.

Christina Rees (Neath) (Lab/Co-op): Manchester United should be applauded for its recent announcement on increasing the number of disabled supporters attending games by 300, but this is not a step that clubs at all levels can afford to take. What will the Minister do to support the smaller clubs that are looking to improve the experience of disabled supporters attending their matches?

Tracey Crouch: Manchester United should be applauded for this. A number of other premier league clubs are improving their offer for disabled spectators, but it is true that clubs in lower leagues find it difficult. They are
working well with Level Playing Field to ensure that they meet their commitment going forward, and we as a Government do all we can to support that.

Matt Warman (Boston and Skegness) (Con): If a broadband service is advertised as fibre, should it not be full fibre, and should not the service speed advertised be accessible by at least half of all those paying for it?

Matt Hancock: I agree with my hon. Friend, who makes an important point. The Advertising Standards Authority, a non-statutory body, is looking into some of these issues, but it needs to look more broadly to make sure that people know what they are getting and advertising is proper and fair.

Alex Cunningham (Stockton North) (Lab): In 2014-15, nearly £4 million was lost in fixed odds betting terminals in my constituency by those who can least afford it. I know that the Minister is aware of the concerns again highlighted last week in a report by the all-party parliamentary group on fixed odds betting terminals. May I urge her to respond positively? Let us have lower stakes for these machines.

Tracey Crouch: The Government announced a review of gaming machines, including FOBs, on 24 October 2016. I am currently considering its findings and will publish my recommendations shortly.

Michelle Donelan (Chippenham) (Con): Melksham Town football club in my constituency is part of the very fabric of the Melksham community. It has inspired generation after generation to participate in sports and stay healthy, and fostered a sense of town pride. Will the Minister therefore join me in welcoming the opening of Oakfields, the home of Melksham’s football and rugby teams, thanks to a £7 million investment?

Tracey Crouch: I am very pleased to hear that Oakfields has now opened. Having the right facilities in the right places and combining sports within them is not only important in driving up participation but excellent value for money.

Stephen Timms (East Ham) (Lab): The tech sector’s No. 1 Brexit concern is that, when we leave, it will become unlawful to send personal data from Europe to UK firms unless the European Commission has declared our data protection arrangements to be adequate. What steps are being taken to secure that declaration in time?

Matt Hancock: This is a very important point. It is vital to make sure that we have an unhindered flow of data between the UK and the EU, and indeed other trading partners around the world such as the US. We are implementing the general data protection regulations to make sure that we can have that unhindered flow of data.

Karen Bradley: Last week, I had the honour of meeting the team who are putting together the Mayflower 400 celebrations. I also attended an event at the US embassy last summer where I saw a replica of the Mayflower that is going to be part of the celebrations that we look forward to in 2020. It is important that as many people as possible can visit those celebrations. I had discussions with the Secretary of State for Transport on this matter only last night.

Clive Efford (Eltham) (Lab): When the Government reduced the maximum stake on fixed odds betting terminals to £50, they accepted the principle that lowering the stake would have a positive impact on problem gambling. As part of the review, will you examine the success of that measure and, if it has been successful in dealing with that problem, will you consider reducing the stake even further?

Mr Speaker: I will do neither of those things, but the Minister might do one or the other or, conceivably, if the hon. Gentleman is a lucky boy, both.

Tracey Crouch: We have had plenty of responses to the consultation, and you will be very welcome to help to consider them, Mr Speaker. I will be making my recommendations shortly. We are looking through the body of evidence that came to us as a consequence of the review that was published in October. I expect to publish the recommendations and the findings of the call for evidence in the spring.

INTERNATIONAL TRADE

The Secretary of State was asked—

Comprehensive Economic and Trade Agreement

1. Nick Thomas-Symonds (Torfaen) (Lab): What assessment has he made of the potential effect on UK environmental legislation of investment protection provisions in the EU-Canada comprehensive economic and trade agreement?

The Minister for Trade and Investment (Greg Hands): The EU-Canada comprehensive economic and trade agreement—CETA—is a good agreement for the UK. It will promote jobs and growth and benefit consumers. The UK Government are fully committed to supporting such agreements while we remain an EU member. The investment protection provisions in CETA will have no impact on UK environmental legislation. They cannot force the UK or other parties to change their laws on the environment or any on other area of public policy.

Nick Thomas-Symonds: I am grateful for that answer, but many of my constituents are worried about us maintaining our current environmental standards post-Brexit. Can the Minister guarantee that with this trade deal and, indeed, any other trade deal that the UK intends to make, our current environmental standards will not be watered down?
Greg Hands: Enshrined in CETA and many other free trade agreements is the UK’s right to regulate in these areas, and that includes key environmental protections. There is nothing, for example, in the investment court system that would force the UK to change its environmental regulations. I notice, however, that the hon. Gentleman voted against CETA yesterday, in line with the Leader of the Opposition, but he may not know that when CETA was debated in Committee on Monday, the Official Opposition were actually in favour of it.

Michael Fabricant (Lichfield) (Con): Has my right hon. Friend heard of CANZUK, and is he encouraged by it? This is the plan being proposed in the Canadian Parliament for a Canada, Australia, New Zealand and United Kingdom trade partnership after Brexit. Does he share my enthusiasm for it?

Greg Hands: I have seen this proposal, and we are very enthusiastic about the future of UK trade with Canada. I repeat that we are currently very supportive of CETA going through. We think it is very important for the UK, for the European Union and for Canada, and we will continue to campaign for it to go through, not least in the face of the new-found opposition by Her Majesty’s Opposition.

Mr John Spellar (Warley) (Lab): May I point out to the Minister that in the deferred Division, a majority of Labour Members voted for the trade deal? Given that Canada is such a long-standing Commonwealth friend, ally and defence and trade partner, could he answer this basic question: in a post-Brexit world, if we cannot do a deal with Canada, who is the hell can we do a deal with?

Greg Hands: I thank the right hon. Gentleman very much indeed for that question. He is right that more Labour MPs—86—voted for CETA than the 68 who voted against it, with perhaps more than 100 abstaining. This agreement has been eight years in gestation. You would have thought, Mr Speaker, that the Opposition would have got their act together by now. On the point that the right hon. Gentleman made, I quote from one of his colleagues, who said:

“If we don’t support a trade deal with liberal, Justin Trudeau-led Canada, who do we support trade deals with?”

Mr Spellar: That was actually me.

Mr Philip Hollobone (Kettering) (Con): Post-Brexit, will CETA be transitioned into a bilateral arrangement, or will there need to be a fresh Canada-UK agreement?

Greg Hands: My hon. Friend raises an interesting point, and I think we will have to look at that when we come to it. There are a number of important aspects of CETA that we might look to replicate in a future deal, but, for the time being, while we remain a member of the EU, the UK remains strongly supportive of CETA going through.

I heard the right hon. Member for Warley (Mr Spellar) say that he was the unnamed Back Bencher referred to in the “Politics Home” article. It is good to see that he is now named, and that he is supporting the Labour party’s traditional friends in Canada, the Liberal party.

Fair Trade

2. Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): What recent progress the Government have made on promoting fair trade with developing countries.

The Secretary of State for International Trade and President of the Board of Trade (Dr Liam Fox): The Government will lead the way in ensuring that developing countries have the opportunity to trade their way out of poverty. While the UK is a member of the European Union, we remain committed to development through the EU, including economic partnership agreements, the generalised scheme of preferences and “Everything But Arms”. We are working closely with the Department for International Development to ensure that the global trading system of the future is as fair and as free as possible.

Dr Cameron: Trade with developing countries is crucial to ensuring jobs and livelihoods, and our commitment to the sustainable development goals. Will the Secretary of State commit to fair trade principles in relation to future trade deals with developing countries to ensure that local populations can benefit sustainably and to complement the work of the DFID staff in my constituency and beyond?

Dr Fox: Let me join the hon. Lady in paying tribute to the fair trade campaign. It is very important in ensuring that farmers receive a fair price for their products, that agricultural workers receive better wages and that agricultural practices are made more sustainable. As Britain leaves the European Union, we will actually have greater freedom outside the common external tariff to be able to do some of the things she recommends.

Mr Steve Baker (Wycombe) (Con): Whether we look at west African cocoa, east African coffee or Tunisian olives, time and again we find that the cause of unfair trade policy is the European Union. Does the Secretary of State agree with me that once we can set our own tariffs outside the common external tariff of the EU, we will be able to help those countries to trade their way out of poverty?

Dr Fox: This Government are committed to an open and liberal trading system. One of the best ways to help poor countries is to have even greater liberalisation than we have today. When we are outside the common external tariff of the European Union, Britain will have the opportunity to act unilaterally, which will give us new opportunities, as my hon. Friend rightly suggests.

Thangam Debbonaire (Bristol West) (Lab): The 21st century offers us an opportunity to build on our pride and identity as a nation that promotes human rights, workers’ rights and environmental protection—all part of fair trade principles. How will the Government build on this part of our national identity in trade negotiations?

Dr Fox: We are already playing a full part in that. Britain played a major role in the World Trade Organisation’s arrangement that is going to come into effect in just a short time—the trade facilitation agreement.
It will be worth about £70 billion to the global economy, and for some of the poorest countries, such as those in sub-Saharan Africa, it will be worth about £10 billion. We made a major contribution to that, and we should be very proud of it.

**John Howell** (Henley) (Con): I have a role as the Prime Minister’s trade envoy to Nigeria. In the context of fair trade, will the Secretary of State join me in encouraging the Nigerian Government to share the benefits of trade more widely with their people?

**Dr Fox:** That is a message I will be taking with me when I make a visit to Nigeria in the not-too-distant future.

**Space Exploration Sector**

3. **Mr Ranil Jayawardena** (North East Hampshire) (Con): What steps his Department is taking to support trade and investment in the space exploration sector.

**The Parliamentary Under-Secretary of State for International Trade (Mark Garnier):** The Department for International Trade supports efforts to grow the UK space sector. We are working closely with the UK Space Agency, Innovate UK and the industry to provide sector growth. In January, I led a DIT and UK Space Agency mission to the US, where I advocated the UK as an attractive market for space sector companies. We intend to highlight progress at the UK space conference in Manchester in May. UK Export Finance offers finance and insurance to help UK-based companies in the space sector.

**Mr Jayawardena:** It is really great to hear that the UK is fast becoming a world leader in the space sector. Will my hon. Friend inform the House about his efforts to secure future direct investment into the United Kingdom to support domestic growth in this industry?

**Mark Garnier:** My hon. Friend is right to raise the importance of this sector. The numbers are absolutely fantastic: it has six times the average research and development investment, and it has 2.7 times the average productivity in the UK. During the past couple of years, the DIT has supported 19 successful inward investment projects in this sector, and we will continue to work with the Department for Business, Energy and Industrial Strategy to deliver the UK space innovation and growth strategy in the future.

**George Kerevan** (East Lothian) (SNP): The encrypted public service channels of the new Galileo space navigation system are restricted to EU member states. What steps will the Government take post-Brexit to ensure that the UK has access to Galileo, in which we have invested?

**Mark Garnier:** Galileo is the satellite navigation system that is being put up by the European Space Agency and the European Union. That is one of the many things we have to negotiate over the coming years. The use of spectrum is incredibly important, because spectrum is limited. The Government will look at that among many other important things, but I assure the hon. Gentleman that spectrum is a very valuable asset for this country, and we will work with Ofcom to ensure that we get our fair share.

**Technology Sector**

4. **Mr Mark Prisk** (Hertford and Stortford) (Con): What steps his Department is taking to increase exports from and foreign direct investment in the technology sector.

**The Minister for Trade and Investment (Greg Hands):** Since 23 June, the UK has continued to attract investment from global technology companies, including SoftBank’s purchase of ARM, Facebook expanding by 50% in the UK. Google pledging to invest an estimated £1 billion, Snapchat’s new global headquarters in London and more. This Department additionally promotes and showcases the UK’s leading technology capability through our overseas network, and via our recently launched digital platform, GREAT.gov.uk.

**Mr Prisk:** The global market for smart city technologies is now worth something in the region of $400 billion. British firms will the way in many of the specialisations, but we could win more contracts if there were a UK approach to a complete smart city solution. I encourage Ministers to promote greater collaboration, both among businesses and between businesses and the Government.

**Greg Hands:** My hon. Friend is absolutely correct and I agree with everything he said on the size of the UK sector, the size of the potential market and the need for a “Team UK” approach, which I spoke about recently when I visited his smart cities all-party parliamentary group just two weeks ago. In addition, I can announce today that two UK companies—Carillion and Zaha Hadid Architects—have secured a contract worth tens of millions of pounds to build a new headquarters in Sharjah in the United Arab Emirates, with support from UK Export Finance, which shows that the UK remains very much open for business.

**Stephen Timms** (East Ham) (Lab): The No. 1 tech Brexit worry is that when we leave, it will become unlawful to send personal data from Europe to the UK unless we have achieved an adequacy declaration from the European Commission about our data privacy arrangements. Important businesses will overnight become unviable. Will that declaration be achieved in time?

**Greg Hands:** Fortuitously, I was in the Chamber for the earlier Question Time and heard the right hon. Gentleman ask precisely the same question of the Minister for Digital and Culture. The UK is committed to implementing the global agreement, and to ensuring that it works for the UK once we transition outside the European Union.

**Mr Alan Mak** (Havant) (Con): I welcome the British Business Bank announcement of £1 billion of funding. Will my right hon. Friend ensure that the technology sector gets its fair share so that Britain’s leadership in the fourth industrial revolution can continue?

**Greg Hands:** I very much agree with my hon. Friend. I again praise his work on the fourth industrial revolution both in the House and beyond. He is a key advocate,
not just in the UK but around the world, of ensuring that the UK takes advantage of its very great strengths in technology and its technological expertise.

Alison Thewliss (Glasgow Central) (SNP): Figures published by the Centre for Cities show that Glasgow’s exports of goods and services to the EU were worth more than £2.5 billion in 2014. Given the importance of Scotland’s membership of the single market to the technology sector in Glasgow, will the Minister commit to considering the Scottish Government’s proposals in the “Scotland’s Place in Europe” paper to keep Scotland in the single market?

Greg Hands: I am very sympathetic to Glasgow maintaining its exports and capability in smart cities. The UK and the Department for International Trade follow a whole-UK approach, often working with key partners such as Scotland Development International. However, I would point out to the hon. Lady that Scotland remaining in the United Kingdom is more important. Some four times as much Scottish produce and capability is exported within the United Kingdom than to the European Union.

Bill Esterson (Sefton Central) (Lab): British tech firms have been unable to go to two US trade shows, and look unlikely to be able to attend a top conference and exhibition in Singapore, owing to extensive delays by the Minister’s Department in announcing trade access partnership funding. Will he go back to the Department and confirm the funding, so that British businesses can attend trade shows and play their part in boosting our exports and economy?

Greg Hands: The Department continually reviews its products and services to ensure that it meets its customer needs and represents good value for the taxpayer. Business planning will be completed very shortly, so we will be confirming events shortly.

Taiwan

5. Simon Danczuk (Rochdale) (Ind): What plans his Department has to increase trade with Taiwan. [908690]

The Minister for Trade and Investment (Greg Hands): Building on my visit to Taiwan in September, we will continue to work with the Taiwanese authorities to address market access issues and to further increase our trade in this important market. The UK and Taiwan share a strongly favourable outlook on free trade and enjoy a robust trade partnership. Bilateral trade reached £5.9 billion in 2014, up 8% compared with 2010.

Simon Danczuk: I am pleased that the Minister met the Taiwanese President in September. I hope he shares my belief that as Britain reaches out to secure more trade deals, we keep in sight our foreign policy values. Does the Minister agree that increased trade with Taiwan and the UK is a win for both our economies and our liberal democratic values?

Greg Hands: I very much agree with the hon. Gentleman. The UK and Taiwan share so many commitments, including the importance of environmental protection and the importance of a free society. We also have very strong shared values of free trade, open markets and an openness to foreign investment. I had very productive talks with President Tsai in September. She is a big friend of the United Kingdom, not least because of her time as an undergraduate at the London School of Economics.

10. [908697] Jake Berry (Rossendale and Darwen) (Con): I know the Minister will be aware that back in 2008 Taiwan was granted Commonwealth Nations Research Society membership. As such, it will be looking to the Commonwealth Trade Ministers meeting in London in March. Will he confirm that trade with the Commonwealth is a top priority for the Government after we leave the European Union? Will he commit to ensuring that during the trade meeting many Members from all sides of the House can be involved to ensure key relationships with Commonwealth parliamentarians?

Greg Hands: Yes. In terms of both trade with Taiwan and the Commonwealth, the Department remains extremely supportive of Members being involved. In relation to the Commonwealth Trade Ministers meeting, I very much hope the Commonwealth Parliamentary Association will be involved in those discussions.

Jim Shannon (Strangford) (DUP): With trade deals in place for the likes of Bushmills whiskey and Northern Ireland pork products, will the Minister outline how he intends to use that success for other agri-food business products, such as long-life dairy supplied by Lakeland Dairies to 77 countries across the world?

Greg Hands: When I held talks with the Taiwan authorities in September, agricultural produce was very much at the centre of those talks. We talked about pork and poultry exports, and we made real progress on Scotch whisky. Taiwan is Scotch whisky’s third-largest global market and we made important progress on it being certified by Taiwan.

Mr Nigel Evans (Ribble Valley) (Con): I know a lot of British businesses focus on the China market, for obvious reasons, but when I led a delegation to Taiwan in September, as chairman of the British-Taiwanese all-party group, I witnessed a vibrant economy. Does the Minister agree that if British businesses ignore Taiwan they are missing a trick?

Greg Hands: I totally agree. I think my hon. Friend and I were in Taiwan at roughly the same time back in September. I applaud the work he does for the all-party group. Taiwan has been a longstanding open market for UK goods and services, and we need to ensure that we work hard to remove the few remaining barriers. That was the purpose of the Joint Economic Trade Committee—or JETCO—talks in September. The message from this House should go out loud and clear to British businesses that Taiwan is a very good place for them to do their business.

Mr David Nuttall (Bury North) (Con): Given that the UK currently receives two thirds of all investment into Europe from Taiwan, does my right hon. Friend see any reason why that will not continue after we leave the EU?

Greg Hands: No.
New Business Markets: Cornwall

6. Derek Thomas (St Ives) (Con): What steps his Department is taking to open new markets to businesses in Cornwall in (a) the food and drink and (b) other sectors.

Dr Fox: The Secretary of State for International Trade and President of the Board of Trade (Dr Liam Fox): The south-west FoodEx directory connects food and drink companies in Cornwall with buyers across the world. Local companies can also benefit from FoodEx workshops. Cornish companies in all sectors can access the full range of Department for International Trade services. We have launched the GREAT.gov.uk website, and our experienced international trade advisers are supporting new Cornish exporters to step into the global marketplace and helping experienced exporters compete in high-growth markets.

Derek Thomas: In west Cornwall and the Isles of Scilly, a flurry of businesses have been producing food, drink and other goods. There is no doubt about the quality of their produce, but the reality is that very few of those products—food and drink—go beyond Cornish borders, let alone overseas. Will the Minister accept an invitation to meet these producers and help them to expand their markets?

Mark Garnier: As my hon. Friend knows, my family has roots in Cornwall that go back over 100 years, which I think means that we are now no longer incomers. The Secretary of State, of course, is a south-west MP and I believe he has met Cornish producers, and I am a frequent visitor to the extraordinary county that produces such fabulous produce. At the very first opportunity, I will go with my hon. Friend. Friend to meet his constituents and, indeed, people across the whole of Cornwall to explore ways in which we can push this fantastic county’s product.

New Zealand

7. Mrs Sheryll Murray (South East Cornwall) (Con): What recent discussions he has had with the Government of New Zealand on future bilateral trade and investment.

Dr Fox: I very much agree. The UK exported over £1.2 billion-worth of goods to New Zealand last year, and opportunities for our rural businesses and farmers will be a very important part of our work as we take forward the dialogue with New Zealand, which I intend to visit over the summer months.

Robert Courts: This year the British New Zealand Business Association, which exists to develop trade between our two countries, reaches its centenary. As someone who has worked in New Zealand, I have first-hand experience of the warmth that exists between our two countries. Does my right hon. Friend agree that there is hope for, and that we look forward to, a great increase in trade between our countries in the years ahead?

Dr Fox: I certainly hope that will be possible, given the freedom that we will have outside the European Union to negotiate such a free trade agreement. It is not just our two countries that will benefit; all countries around the globe will benefit from the new global Britain and our attitude towards global free trade, with all the benefits it brings, especially to the world’s poor.

Barry Gardiner (Brent North) (Lab): The Secretary of State will know that New Zealand is a land of 30 million sheep—there are six or seven sheep for every person—so has he discussed the impact of a trade deal with the leader of the National Farmers Union? It regards the combination of a 43% World Trade Organisation tariff on sheepmeat and increased market access for New Zealand as potentially fatal to our sheep farmers. How will he protect them?

Dr Fox: As I said in answer to an earlier question, that will be an important part of our discussions. We will want to discuss how we do that with the NFU and others, but we also need to take something into account that does not seem to be mentioned very often, which is the interests of UK consumers in any trade deal that we come to.

Topical Questions

T1. Alan Brown (Kilmarnock and Loudoun) (SNP): If he will make a statement on his departmental responsibilities.

The Secretary of State for International Trade and President of the Board of Trade (Dr Liam Fox): The Department for International Trade has three tasks: promoting UK exports to support a growing economy that serves the whole country; maximising opportunities for wealth creation, including through overseas direct investment to support the current account; and negotiating the best international trading framework for the UK outside the EU. In terms of investment, I can announce to the House this morning that McLaren will be opening a £50 million manufacturing plant in Sheffield that will create 200 new jobs.
Alan Brown: Given how desperate the International Trade Secretary is to negotiate a trade deal with the US, what guarantees will he give that Scottish farmers will not be undercut by chlorinated chicken and substandard beef imports?

Dr Fox: The quality of produce sold will be a major part of any negotiation, but as for undercutting the Scottish economy, I am regularly told by investors in the United States that one of the things hanging over them and depressing investment opportunities is the threat of separation.

T2. [908710] Craig Tracey (North Warwickshire) (Con): I welcome the recent establishment of a UK-Israel trade working group. Bilateral trade between the two countries has increased year on year, and our close co-operation in cyber, academia and medicine continues to grow. Can the Minister provide any further information about how the group will work, and does he share my view that we should strike one of our first trade deals with the middle east’s only democracy?

The Parliamentary Under-Secretary of State for International Trade (Mark Garnier): My hon. Friend is absolutely right to highlight the very good trading relationship we have, and hope to continue to have, with Israel. The Prime Minister announced the trade working group when the Israeli Prime Minister visited earlier this week, but it is worth bearing in mind that the EU already has a trade arrangement with Israel, and this is something that, in the first instance, we would look to continue. I am sure, however, that there will be many opportunities to improve on that, given that that trade deal was done between one country and 28 countries, whereas a bilateral deal will be easier to negotiate.

Ms Tasmina Ahmed-Sheikh (Ochil and South Perthshire) (SNP): The Secretary of State promised that Parliament would have the opportunity to debate the important comprehensive economic and trade agreement between the EU and Canada on the Floor of the House. Unfortunately, he broke that promise and the debate was sidelined to an obscure Committee of the House earlier this week. Given that the UK will soon be responsible for negotiating its own international trade deals following Brexit, what assurances can the Minister give the House that parliamentarians will have an opportunity to scrutinise such trade deals fully in the future, and not be afforded the discount we unfortunately were in relation to CETA?

The Minister for Trade and Investment (Greg Hands): It was not an obscure Committee; it was a two-and-a-half hour debate in Committee Room 10 following the proper procedures laid out by the House. I remind the hon. Lady that, at the end of the debate, she failed to oppose CETA, yet the Scottish National party in yesterday’s deferred Division voted en masse against it. Like the official Opposition, it changed its position on something that has been debated for eight years now within the space of merely 24 hours.

T5. [908714] Mrs Sheryll Murray (South East Cornwall) (Con): Many Cornish men and women emigrated to seek work in New Zealand in the late 19th century. Will my hon. Friend now support other great Cornish exports of our wonderful produce, such as Cornish cider produced by Cornish Orchards in my constituency?

Mark Garnier: It is good to see the far west of this country being so well represented today, on a one-line Whip just ahead of the recess. My hon. Friend is absolutely right. There are fantastic products coming from her constituency, including award-winning brands such as Cornish Orchards cider, Cornish Blue and Cornish Gouda. It is absolutely the job of the Department to go out to the rest of the world and, as I said before, to push Cornish exports far beyond the Tamar to the four corners of the globe.

Barry Gardiner (Brent North) (Lab): When I wrote to the Secretary of State in November to ask for an investigation into his Department’s support for any British businesses engaged in corrupt practices, he replied that his Department had no power to conduct such an investigation. Last week, after the publicity surrounding Rolls-Royce’s deferred prosecution, he announced precisely such an investigation. When did the powers of his Department change, when will the inquiry report back, and will he explain why he has refused to comply with the open government principles of the OECD anti-bribery convention?

Greg Hands: Rolls-Royce has made it clear that it will not tolerate improper business conduct of any sort. It continues to co-operate fully with the Serious Fraud Office, and we await the final outcome, on which it would not be proper to comment beforehand. UK Export Finance notes, and is reviewing, the statement of facts released as part of the deferred prosecution agreement with regards to Rolls-Royce, but the details of the statement are a matter for the SFO and it would not be appropriate to comment further at this stage.

Richard Graham (Gloucester) (Con): Continuing the trend of exporting from the south-west, last week Gloucestershire-based SME Fluid Transfer International won a £6 million contract to supply aircraft-refuelling vehicles to Indonesian airports. The key ingredients were British manufacturing, a strong commitment to the market, and a very good local partnership. Will my hon. Friend join me in congratulating Fluid Transfer, and will his Department work with me to produce a short video to capture the story and inspire other small and medium-sized enterprises by showing them what can be achieved?

Mark Garnier: I am sure that my hon. Friend played a part in that deal, given that he is a trade envoy to Indonesia and given the extraordinary work that he does in some of the ASEAN countries. We shall all be delighted to help to promote investment of this kind in every way we can.

T3. [908711] Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): A hard Tory Brexit will damage the Scottish aerospace industry, which contributes more than £130 million to the Scottish economy. Will the Secretary of State assure us that that sector will continue to have barrier-free access to the European single market?

Dr Fox: It has been the Government’s clear aim to ensure that there is tariff and barrier-free access once we have left the European Union, and that is exactly
what we intend to negotiate—and, of course, the Scottish aerospace industry will be all the stronger for being represented by the whole United Kingdom.

**Dr Andrew Murrison** (South West Wiltshire) (Con): Does my right hon. Friend agree that company registration with the use of a Companies House-type model is important to promoting the economies of developing countries that seek foreign direct investment, and is also good news for the UK’s financial services sector?

**Dr Fox**: My hon. Friend has made an important general point in his specific question. An open trading system is a win-win: our economy, as well as other economies, can gain from sharing the same open system.

**T4. [008712] Louise Haigh** (Sheffield, Heeley) (Lab): How many trade negotiators has the civil service now managed to recruit?

**Dr Fox**: The entire departmental strength is now some 3,000. We are adding some 50 extra staff to our trade policy group this week, and the process will continue. We will increase the numbers further in the months ahead as we look to our WTO obligations, the transposition of our EU free trade agreements, and the FTAs that we have. The current number of about 200 staff will be augmented as we proceed.

**Tom Pursglove** (Corby) (Con): As the Secretary of State knows, UK steel is the best in the world. What opportunities does he envisage to promote the sale of it around the world?

**Greg Hands**: We take an ongoing and strong interest in the steel sector. It faces difficulties at present because of the low global steel price, but we see a good future for UK steel, and the Department looks forward to taking part in a whole-of-Government approach to ensuring that it is sold abroad.
**Unaccompanied Child Refugees**

10.37 am

**Yvette Cooper** (Normanton, Pontefract and Castleford) (Lab) *(Urgent Question):* To ask the Secretary of State for the Home Department to make a statement on the Government’s decision to close the Dubs scheme for child refugees.

The Secretary of State for the Home Department *(Amber Rudd)*: The Government take the welfare of unaccompanied asylum-seeking children extremely seriously. That is why we have provided more than £2.3 billion in aid in response to the Syria conflict—our largest ever humanitarian response to a single crisis.

The United Kingdom has contributed significantly to the hosting, supporting and protection of the most vulnerable children affected by the migration crisis. In the year ending September 2016, we granted asylum or another form of leave to more than 8,000 children. About 50% of the 4,400 individuals who have been resettled through the Syrian vulnerable persons resettlement scheme so far are children. Within Europe, in 2016, we transferred more than 900 unaccompanied asylum-seeking children to the UK, including more than 750 from France as part of the UK’s support for the Calais camp clearance. As Home Secretary, I am proud that the UK played such a key role in helping the French to close the camp safely and compassionately.

Yesterday the Government announced that, in accordance with section 67 of the Immigration Act 2016, we would transfer the specified number of 350 children who reasonably meet the intention and spirit behind the provision. That number includes more than 200 children who have already been transferred from France under section 67. I must make it absolutely clear that the scheme is not closed. As required by the legislation, we consulted local authorities on their capacity to care for unaccompanied asylum-seeking children before arriving at the number. We are grateful for the way in which local authorities have stepped up to provide places for those arriving, and we will continue to work closely to address capacity needs.

The Government have always been clear that we do not want to incentivise perilous journeys to Europe, particularly by the most vulnerable children. That is why children must have arrived in Europe before 20 March 2016 to be eligible under section 67 of the Immigration Act. The section 67 obligation was accepted on the basis that the measure would not act as a pull factor for children to travel to Europe and that it would be based on local authority capacity. The Government have a clear strategy and we believe this is the right approach.

Here in the UK, we have launched the national transfer scheme and we have also significantly increased funding for local authorities caring for unaccompanied asylum-seeking children by between 20% and 28%. The Government have taken significant steps to improve an already comprehensive approach and we are providing protection to thousands of children in this year. I am proud of this Government’s active approach to helping and sheltering the most vulnerable, and that is a position that will continue.

**Yvette Cooper:** Last week the Prime Minister said: “On refugees, this Government have a proud record of the support... and long may it continue.”—[Official Report, 1 February 2017; Vol. 620, c. 1016.]

This week, the Government cancelled the Dubs scheme after it had been running for less than six months. The Home Secretary said that it has not closed, but will she confirm what it said in the statement yesterday: that once those 350 children are here, that is it—it is closed? Where does it say in the Hansard record of our debates on the Dubs amendment that I have here that we will help lone child refugees for only six months? Where does it say that, instead of the 3,000 that Parliament debated, we will help only one tenth of that number? Where does it say that when we get the chance we will somehow turn our backs once again? It does not, because we did not say that at the time.

The Home Secretary knows that what she is doing is shameful. Not only has she closed the Dubs programme, but she has cancelled the fast-track Dublin scheme to help those with family here. The Home Secretary did very good work in the autumn of last year to help those in Calais and to make sure we could take as many children as possible, and I commended her for it. But she also knows that most of those have family here already and were entitled to be here. She has said local councils cannot do more; the truth is that many local councils have said they cannot do more for support or more time. It takes time to set up these schemes, and they should not be closed down so quickly.

There are still so many children in need of help. The Home Secretary knows there are thousands in Greece in overcrowded accommodation or homeless, or in Italy still at risk of human trafficking, or teenagers in French centres, which are being closed down now, who have nowhere left to go. The Home Secretary talked about clearing Calais; they are heading back to Calais, and back to Dunkirk: back to the mud, back to the danger, back into the arms of the people traffickers and the smugglers, the exploitation, the abuse, the prostitution rings—back into the modern slavery that this Parliament and this Government have pledged to end.

We know Britain and France can both do better. There are Eritrean teenagers here now in foster homes, after awful trafficking experiences, who are in school with a better future. We can do this; Britain can do better than this. Will the Home Secretary accept that and reinstate the Dubs programme now?

**Amber Rudd:** I have listened carefully to the right hon. Lady’s questions and I will try to address them all.

I repeat that the Dubs amendment that is in place is not closed. We have done what we were obliged to do, and we have correctly put a number on it. The right hon. Lady implies that this is a business of accepting the children and that it is all about numbers; I respectfully say to her that these are children who need looking after over a period. When we accept them here, it is not job done; it is about making sure that we work with local authorities and that we have the right safeguarding in place. That is why we engage with local authorities—why we make sure they have sufficient funds, which we have increased, to look after those young people.

I completely reject the right hon. Lady’s attack. The UK has a strong reputation in Europe and internationally for looking after the most vulnerable. That will continue. We have a different approach to where the most vulnerable are. We believe that they are in the region, and that is why we have made a pledge to accept 3,000 children from the region. We are committed to delivering on that. They are the most vulnerable.
I am clear, through working with my French counterparts, that they do not want us to continue to accept children under the Dubs amendment indefinitely. They specify that that acts as a draw, and I agree with them—

Amber Rudd: I thank my hon. Friend for his question. We are always grateful for the work that local authorities do. We must not underestimate the difficulties involved, particularly in taking children who have been through war zones. We work with them to ensure that they deliver the extra work and care that those children need. He is also right to suggest that we must ensure that the children in the UK are always looked after.

Ms Diane Abbott (Hackney North and Stoke Newington) (Lab): Last year, I visited a number of refugee camps in Europe, including some in Lesbos. I met the Red Cross volunteers who were saving refugees from the sea, and they said to me that the worst thing was the children. The worst thing about this Government’s failure to step up to the totality of the refugee crisis is the children. In a written statement yesterday, the Minister for Immigration said:

“All children not transferred to the UK are in the care of the French authorities.”

They might technically be the responsibility of the French authorities, but many of those children are not being cared for at all. They are sleeping on the streets and in informal encampments, and they are making their way back to Calais, to Dunkirk and to the mud. Will the Home Secretary tell me how the UK plans to find, screen and process the 150 extra Dubs children, and from which countries they will transferred? What conversations has the Home Office had with the French, Italian and Greek Governments regarding taking such a small number of children? How does she live with herself when she is leaving thousands of people—

Amber Rudd: I share one thing with the hon. Lady: it is the children who matter most. We have a disgraceful situation on the borders of Europe, with so many people being trafficked through to Italy and, in the past, to Greece to meet their desire to come to Europe. Too often, they find themselves in the hands of the people traffickers. It is because we care in this way that we have put together our plan to take the refugees from the most vulnerable places. She says she doubts that the children in France are being looked after, but I can tell her that the children who are most vulnerable are the ones in the camps in Jordan and Lebanon. They are the ones who are really vulnerable, and they are the ones we are determined to bring over here, to give them the benefit of safety in the UK.

I would also say to the hon. Lady that I do speak to my European counterparts about the best way to help the refugees who are now coming to Europe in such numbers. The French are very clear that they are processing the children who have come out of the Calais camp, and they want to continue to do that, but one of the things that stops the children operating with the French authorities is the hope of being taken into the Dubs scheme and coming to the UK. The authorities are clear with us that if they are to manage those children and do the best thing for them—which is what I want and, I think, what the hon. Lady wants-making it clear that the scheme is not going to be open indefinitely will provide the best outcome for them.

Mr Peter Bone (Wellingborough) (Con): I do not doubt the sincerity of Opposition Members, but this situation was a classic dilemma when I was chair of the all-party parliamentary group on human trafficking and modern slavery. If we continue to take unaccompanied children into this country, more and more will be taken from Syria and across the dreadful sea routes, with many dying, and we will be feeding and encouraging human trafficking. The right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper) is sincere, but she is absolutely wrong. I urge the Home Secretary to continue to take people from Syria, but to abandon taking them from Europe, which encourages human trafficking.

Amber Rudd: My hon. Friend has substantial experience in this area having worked so hard on the issue of human trafficking. I note his point about this being a dilemma. It is not always clear what the right strategy is, but I ask Opposition Members to recognise that we are a taking a different approach. It is honest and compassionate—they do not have a monopoly on that—and we can deliver the best. I urge them to support us in that aim.

Joanna Cherry (Edinburgh South West) (SNP): I am struggling to understand exactly what the Home Secretary is telling us. She says that the scheme is not closed, but she seems to have specified a number of 350, so that must mean that the scheme is closing once the 350 children get here. Will she clarify that? If that is the case, does she appreciate that that goes completely against the spirit of what was discussed in this House? I understand the “pull” argument, but thousands of children are already in Europe and many of them are unaccompanied and vulnerable.

Lord Alfred Dubs described what was done yesterday as “shabby” and deceitful. It seems that the Government tried to sneak out what they knew would be an unpopular announcement when they were busy avoiding scrutiny of the Brexit deal in this House. Is that the shape of things to come? Is that what comes from cosying up to President Trump?

Amber Rudd: I expected better from the hon. and learned Lady. Clearly, she did not listen to my point that taking this view is in the interests of the children we are helping. Instead, she is casting aspersions. There has
Amber Rudd: My hon. Friend makes a very good point. It is not the same. Perhaps the one comparison one might make is the condition, sometimes, of the camps out in the region, some of which are in a terrible situation. We should put all our effort there to make sure that we take the children that we can from that most vulnerable area.

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): Tens of thousands of refugees stranded in Greece, including hundreds of unaccompanied children, are living in appalling conditions and face immense and avoidable suffering. Yet last year the Government took only five Dublin children from the area and none under Dubs. What will the Home Secretary do proactively to seek out those who could benefit from Dublin transfers?

Amber Rudd: I can tell the hon. Gentleman that we have staff in the region who are looking to see which children might qualify under the Dubs amendment and which children might qualify under the Dublin regulations. We are actively looking to make sure that we do assist the children in Greece and Italy that we can.

Craig Whittaker (Calder Valley) (Con): While the Dubs amendment is one part of the overall strategy on refugees, does my right hon. Friend agree that the UK’s record on the full strategy has been exemplary and our biggest humanitarian contribution in our history?

Amber Rudd: My hon. Friend is absolutely right. The UK has stepped forward financially and with support for refugees. We will take 20,000 by 2020, about half of whom will be children. He, the House and the country can be proud of the UK’s commitment to helping refugees and the most vulnerable.

Mr Alistair Carmichael (Orkney and Shetland) (LD): The Prime Minister never misses an opportunity to tell us that she wants to see Britain as an outward-looking player with a global vision. May I say gently to the Home Secretary that on this issue she has an opportunity to demonstrate that this country’s global vision is about more than just trade deals? Limiting our ambition to less than 1% of the desperate children who need to be helped is not worthy of that vision. Will she look at the way in which she uses the Dublin regulations? They include discretionary clauses that could be used more effectively to identify children with family links already in the UK, to ensure that they are helped.

Amber Rudd: The right hon. Gentleman raises an important point about the Dublin arrangements. Until we had an accelerated process and really learnt in to identify children who qualified under the Dublin arrangements into Calais, it was not really working. The numbers of children being transferred under Dublin previously were small. We managed to transfer nearly 600 under Dublin last year, and I now feel that the Home Office and associated organisations that help us to deliver on Dublin have learnt how to make sure that it operates better in the future. I am confident that those numbers will improve going forward.

Thangam Debbonaire (Bristol West) (Lab): A two-tier—in fact, multi-tier—system in response to refugees and asylum seekers is emerging, with incomprehensible
contradictions and many vulnerabilities, especially for children. To live up to our well-deserved reputation, which we should be proud of as a nation, among those fleeing war and persecution, who see us as a place of safe haven, and to do our best for a fair share of the thousands who are arriving in Europe—desperate, but with huge potential to offer this country—will the Home Secretary commit to appointing a Minister for refugees and integration?

Amber Rudd: I thank the hon. Lady for her recommendation. I have a substantial ministerial team and an excellent Minister for Immigration. I do not see the need at the moment for additional Ministers, but of course I will keep that under review.

Alex Chalk (Cheltenham) (Con): The UK is helping the most vulnerable children in the region, and I agree that that must be the principal focus of our effort to avoid a pull factor. However, having committed to resettlement from Europe, we should revise our approach only after very careful thought. Can my right hon. Friend confirm that this announcement follows the clear advice of our French friends and allies?

Amber Rudd: I reassure my hon. Friend that I work closely with my European counterparts, particularly in France, because many young people arrive in the camps in northern France and create an environment that is so difficult for themselves and for the local authorities. Yes, I will always work closely, particularly with the French, to ensure that our plans work with theirs.

Paul Flynn (Newport West) (Lab): Does the Home Secretary agree that the secret to reforming the system in this country is a fair dispersal of refugees and asylum seekers? My city is happy, with some strain, to take hundreds of asylum seekers every year but there have never been any asylum seekers welcomed in the constituencies of the present Prime Minister, the previous Prime Minister or the previous Chancellor of the Exchequer. Will she look at that situation?

Amber Rudd: I am proud that my constituency of Hastings and Rye does welcome asylum seekers. The hon. Gentleman is of course right that we want more constituencies to welcome asylum seekers. Indeed, under the national transfer scheme, which allows some councils to help other councils where a lot of these children arrive, we are encouraging local authorities to step forward, on a voluntary basis, to spread the support around. The fact is that, at one point, Kent had to look after more than 1,000 children who had arrived unaccompanied. We must do more to spread that out, and I urge right hon. and hon. Members to speak to their local authorities about taking advantage of the scheme.

Mr Philip Hollobone (Kettering) (Con): Those who traffic and abuse young children across Europe really do meet the modern definition of evil people committing evil acts. What are the British security services and police, together with their European counterparts, doing to track down, arrest and prosecute these perpetrators of evil?

Amber Rudd: My hon. Friend raises such an important point. He is absolutely right that we will always make sure that we combat human trafficking and the misery and abuse that go with it. I work closely with my European counterparts to make sure that we share information. Our National Crime Agency carefully tracks serious organised crime groups, and Europol works with us and other European partners to make sure that we work across Europe to guard against the terrible damage done by these people.

Mr Pat McFadden (Wolverhampton South East) (Lab): The Home Secretary is a good person, so I am not here to make a personal attack on her, but what signal does she think this sends to the world in the wake of President Trump’s announcement last week, albeit in a different context? There are always those who say that we should look after our own, that charity begins at home—“Britain first”, “America first”, “France first” and so on. Does she want us to be aligned with that sentiment or a different one?

Amber Rudd: We are not saying that we are closing the door and pulling up the drawbridge. I urge the right hon. Gentleman and hon. Members on both sides of the House not to fall into the trap of suggesting that we are not a country that welcomes refugees. We are stepping up to our obligations and supporting the most vulnerable with money and refugee programmes. I do not recognise the comparison he is making, and I hope that other Members share my position.

Helen Whately (Faversham and Mid Kent) (Con): Like several other Members of this House, I saw for myself the conditions in Calais. I thank my right hon. Friend for her work to transfer children with family in the UK from France to the UK. As she has said, in Kent we look after more than 1,000 unaccompanied asylum-seeking children. Does she agree that, when we welcome vulnerable children to the UK, we must make sure that we can give them a genuine welcome, with councils having the resources and capacity to look after them as well as British children in need of care?

Amber Rudd: My hon. Friend makes a very good point. The fact is that we are so fortunate that Kent does step up, because it so often takes the brunt and has to take the largest number of unaccompanied children. We need other councils to engage with the national transfer scheme so that we can spread that responsibility around. My hon. Friend also makes a good point about the need not to feel that it is “job done” when we take the children in. We need to have care, time, money and professional support to look after these refugees, because they are children, they are here, and we will make sure they are looked after.

Mr David Winnick (Walsall North) (Lab): Regarding the unfortunate remarks made by the hon. Member for Lichfield (Michael Fabricant), is it not the case that what he referred to was an act of common humanity at the time, and it is no less now? It is the same, as far as children are concerned.

Amber Rudd: People will use their own language, but it seems clear to me that the most vulnerable place where there are children we can help is the region itself.
We have agreed to take 3,000 of those children by 2020, and we will absolutely be sticking to that. About half of the 20,000 that are coming from Syria by 2020 will be children, and we will continue to move the children we can to take them under the Dublin arrangements.

Mr Alan Mak (Havant) (Con): British charities are working hard on the ground in the Syria region to help young people. Will my right hon. Friend the Secretary of State continue to support their work and to tackle the people-trafficking networks that are exploiting their situation?

Amber Rudd: My hon. Friend is of course right about British charities. The British Government are the second-largest bilateral donor in the region, and we are proud of that. We work closely to make sure that part of the support that we give goes towards helping children and helping to educate them so that we do not have a generation who grow up without any schooling. We are very focused on making sure that we support the people and the children in the region, as well as fulfilling our obligations under refugee arrangements.

Ms Tasmina Ahmed-Sheikh (Ochil and South Perthshire) (SNP): I am genuinely struggling to understand how it could possibly be in the best interests of vulnerable lone children for us not to take more of them in. I just do not understand what kind of perverse global leadership this is. If we have the compassion and humanity—and, indeed, the capacity, which we do—to take in more, why are we not doing so? Will the Secretary of State please take the feeling from the House today and think about changing the decision she has made about these lone refugee children?

Amber Rudd: I respect the hon. Lady’s views, but they are different from the one we take. That is not because of a lack of compassion, though; it is basically about trying to work out what is best for those children. She has failed to acknowledge the point that several Members have made, and that I have made as well: if we continue to take numbers of children from European countries, particularly France, that will act as a magnet for the traffickers. I wonder whether she has come across traffickers, or children who have been trafficked. It is a terrible crime and such danger is done to lives. It is imperative that we take action here to protect those children and stop that crime. Part of our process, by focusing on the most vulnerable from the region, tries to do exactly that.

Nigel Huddleston (Mid Worcestershire) (Con): We should applaud all councils, individuals and families who have stepped up to the plate to assist these vulnerable children. Will the Secretary of State clarify whether the capacity of councils throughout the country to host these children has met, exceeded or disappointed the Government’s expectations?

Amber Rudd: My hon. Friend is right that part of the proposal was to make sure that local authorities can support these children. We need to ensure that when the children arrive, it is not a feeling of “job done,” and that they are supported over the few years, however young or old they are, to make sure they have a good life here. We consulted with councils, and they came up with the number 400. I remind the House that that is not the total number that councils take in; we have an average of 3,000 unaccompanied minors arriving in addition to that, which councils generally step forward and support. My hon. Friend is right: we should all thank them very much for the work they do.

Diana Johnson (Kingston upon Hull North) (Lab): I am very surprised that the Home Secretary did not understand the depth of feeling in the House and make a statement to the House on this announcement, rather than publishing it in a written ministerial statement yesterday. I am really struggling to understand how, if we put a cap of 350 on the scheme, that is not closing the scheme. Perhaps the Home Secretary can explain that one more time.

Amber Rudd: Under the Immigration Act 2016, we were required, by a date that is fast approaching, to name a number after having consulted with local councils. We have now done that. At some point, the scheme will close, but it is not closed yet, because we still need to transfer 150 under the amendment.

Bob Blackman (Harrow East) (Con): My right hon. Friend has already pointed out the disparity that exists in the dispersal of these vulnerable young children. What more can she do to ensure that they are received across the country in a variety of local authorities so that they have the opportunity to have the life that we all want for them?

Amber Rudd: That is a very good question. We have been working closely with local authorities. People in my Department have made presentations across the country, and more than 400 people have attended them. We are helping local authorities to step up by ensuring that they have sufficient support each year for the young people. I hope that they see this as the right thing to do when we are experiencing so many problems from the region and refugees arriving here. We are working with local authorities on a persuasion basis and urging them to participate. The sign is that more of them are stepping up.

Ian Murray (Edinburgh South) (Lab): When I spend time with my young niece and nephew, I often wonder what would happen to them if they were in similar circumstances. I would hope and pray that they found a country of compassion, safety and sanctuary, and that is what we want for all young children across the world. However, on that basis, can the Home Secretary tell us what discussions she and her Department have had with Lord Dubs and children’s charities before making this decision?

Amber Rudd: I can reassure the hon. Gentleman that my Department meets regularly with children’s charities and Lord Dubs.

Robert Courts (Witney) (Con): When the former Prime Minister announced that Britain would take 20,000 Syrian refugees, West Oxfordshire district council led the way in laying out the scheme, quite contrary to what the hon. Member for Newport West (Paul Flynn) said. West Oxfordshire has taken six Syrian refugee families. I know that, because I chaired the Committee that
helped to settle them in west Oxfordshire and I have met some of them. Does the Home Secretary agree that, although it is necessary that we take in as many children as we can, it is also important to ensure that councils have the capacity to help these families? We are constrained not by money, but by issues such as the availability of translators.

Amber Rudd: My hon. Friend makes a helpful point. We want to make sure that the refugees who arrive here—children, families and adults—are looked after in the best tradition of the UK. I am delighted to hear of his personal involvement. I have heard fantastic stories about local churches and local charities stepping up and ensuring that these frightened families are really well looked after. We sometimes see the real best of British values.

Mark Durkan (Foyle) (SDLP): We are told that the scheme is not closed; it will just be capped and discontinued. Hearts seem to be closed—that is the message that is going out. The Home Secretary attributes a lot of calculation to those desperate, lonely children who are making their way back to the camps. Is it not the case that what we are being treated to is calculated indifference dressed up as a measured commitment? Will the Government do more in respect of both Dubs and Dublin?

Amber Rudd: It is disappointing that the hon. Gentleman clearly has not heard a word of what I have been saying about the efforts that the UK is going to, the generosity of local authorities, and the commitment from the international aid budget. Those are all strong pieces of evidence to show that this country and this Government are stepping up to their responsibilities.

Jason McCartney (Colne Valley) (Con): Having been to Domiz refugee camp on the Iraq border, I am particularly proud of Britain’s biggest ever response to a humanitarian crisis, which amounts to £2.3 billion. Will the Home Secretary confirm that if communities and councils want to continue with the scheme and also to take more vulnerable young refugees in the future, they will be welcome to do so?

Amber Rudd: We always welcome initiatives from local councils to ensure that we look after the refugees and children who come over here. I urge any local authorities that think they can do more to get in touch with the national transfer scheme, which will support the councils that are, sometimes, having to accommodate too many children in their area and long for additional support.

Ms Karen Buck (Westminster North) (Lab): French centres are closing, and there are children in Dunkirk—in today’s freezing weather—who have families in this country and were hoping to be considered. Will their needs be assessed if the Dubs scheme is not closed? If not, what does the Home Secretary expect will happen to them?

Amber Rudd: The French have transferred the young people—indeed, all the people—from the Calais camp to centres, where they were given beds and food, so that their applications for asylum could be considered. The hon. Lady is right that some camps are now beginning to form in northern France. I am in constant touch with my French counterparts, and we are helping them with money, support and advice to ensure that another camp like that does not emerge. The French are committed, and they have a responsibility to allow the people there to apply for asylum in France, which is where that should happen. We will continue to monitor where we can help and act on the Dublin arrangements.

Richard Graham (Gloucester) (Con): The right hon. Member for Wolverhampton South East (Mr McFadden) said that there will always be some who say that charity begins at home. He is right, but the important thing is that charity does not stop at home. It never has done in this country and it never will do, which is why I applaud the Home Secretary’s comments that recognise the great work that has been done, that is still being done and that will continue to be done to help children and refugees from Syria in general. I commend the work of Gloucestershire County Council and Gloucestershire Action for Refugees and Asylum Seekers.

I regret that the hon. Member for Hackney North and Stoke Newington (Ms Abbott) made some very personal comments about the Home Secretary today. Surely it is time for all Members of this House to realise that, whatever our differences of opinion about the right way forward, everybody—particularly Ministers in the Department responsible—starts from the same position of wanting to do the best thing.

Amber Rudd: I thank my hon. Friend for those comments. It is disappointing when people do not recognise that the Government and the Opposition both share the ambition of compassion, but have a different strategy for delivering it.

Vernon Coaker (Gedling) (Lab): Many in this House have listened to the Home Secretary with total disbelief. We cannot understand, given the intensity of the debate around the Alf Dubs amendment, which was accepted by this House, why she has come forward with what is essentially the closure of the scheme at a number well below what any of us would have expected. Does she not agree that the reality is that many children in desperate need across Europe will be left with no hope?

Amber Rudd: No, I do not agree with the hon. Gentleman. We have communicated our plan to the French and to other European countries, and we have discussed with them what is best for these children. Like so many other hon. Members, he fails to listen to my points about how these children are made vulnerable and what is in their best interest. I respectfully ask him to reconsider his very high moral tone. Although he might not agree with it, we are doing what we believe is best for those children.

Lyn Brown (West Ham) (Lab): You’re not.

Amber Rudd: The hon. Lady is chuntering, but we are doing what we believe is best. I recognise that the hon. Member for Gedling (Vernon Coaker) has a different position, but I ask him to reconsider his language.
Mr Speaker: The capacity of the hon. Member for West Ham (Lyn Brown) to chunter from a sedentary position is not in doubt and does not require proof, but she should desist. I very politely say to her that as she is a supporter of West Ham—[Interruption] Well, I am glad she is an Arsenal supporter, but she still should not chunter. As she represents West Ham, she might find it therapeutic to blow some bubbles.

Margaret Ferrier (Rutherglen and Hamilton West) (SNP): As part of our commitments under the Dubs amendment, we have consulted local authorities on capacity. It is clear that there is capacity to support the children whom we intend to take from Calais at the same time as meeting our other commitments. I find it unbelievable that councils would be willing to take in only an average of two children each. Did the Home Office ask all local authorities individually how many children they could actually take, or did it suggest numbers to each of them?

Amber Rudd: No, we did not suggest numbers to the councils. We set out for them what the challenges were and what our payments were—those had been increased by 20% on one scale and 28% on another, so under-16s were to get £41,000 of support a year and over-16s were to get £33,000. We urged councils, we worked with them and we did presentations all around the country, and the councils came back to us with that proposed number. I repeat that accepting the children is one thing: having the capacity—and, indeed, the confidence—to look after them is what we urge local authorities to think about. I would like to give particular thanks to the Scottish authorities that did so much to accept vulnerable young women, in particular, who were moved from Calais. They are now making their life in Scotland, and we are very grateful for that.

Andy Slaughter (Hammersmith) (Lab): Contrary to what the Secretary of State seems to believe, civil society in my constituency—and, I am sure, many other constituencies—is ready to help the Dubs children. In the past few days, I have visited my local council; St Christopher’s Fellowship, which took in about 30 of the Calais children last year; and Hammersmith and Fulham Refugees Welcome, which sources accommodation locally for refugees. They all want to do their bit, so why will the Government not let them?

Amber Rudd: We are very grateful for the work that Hammersmith has done. I would urge it to also consider taking children who are just as vulnerable from the national transfer scheme. It is not just the children from Calais who need help, but those from the national transfer scheme. I urge the hon. Gentleman to have that conversation with his council as well.

Jim Shannon (Strangford) (DUP): The closure of the Dubs scheme will affect the most vulnerable child refugees who have been persecuted by Daesh, including Yazidis, 90% of whom are ineligible under the Syrian scheme and none of whom have been resettled in the United Kingdom. Many are trapped in countries in the Mediterranean. Given the UK’s role in Iraq over the past decade, is this where our legacy of aiding Iraqi citizens ends?

Amber Rudd: The UK position on aiding refugees from the region, which I think is what the hon. Gentleman is asking me about, is very strong. It is added to by the fact that we have one of the largest aid donation plans in the world, with our 0.7% commitment and the £2.3 billion that goes into the region. The hon. Gentleman should join me in being proud of the commitment and support, including financial support, that we give to the region to make sure we do look after vulnerable people.

Nick Thomas-Symonds (Torfaen) (Lab): I have seen at first hand the work of my local authority in Torfaen to assist refugees, but what sort of moral and political lead does the Home Secretary think the Government are giving by doing only the bare minimum under the Dubs scheme?

Amber Rudd: I would in no way identify what the Government and local authorities are doing as the bare minimum. We are taking 3,000 children from the region by 2020. We are taking 20,000 vulnerable citizens by 2020. We are making sure that we give them the financial support that they need. I do not recognise the hon. Gentleman’s characterisation.

Alan Brown (Kilmarnock and Loudoun) (SNP): As others have pointed out, the Home Secretary says that the Dubs scheme is not closed but the UK needs to send out a strong message against the pull factor. Both those statements cannot be correct. She also says she is still working within the spirit and intention of the Dubs scheme. If that is the case, will she confirm what she is doing to ask councils to take in more children rather than hiding behind the excuse that capacity has already been reached?

Amber Rudd: There is no hiding here. Another 150 children will be transferred over the next period under the Dubs agreement. We are working closely with local authorities to ensure that they have the support for the children they have said they will take. I would add that approximately 3,000 unaccompanied children a year already arrive. In addition to the Dubs commitment, local authorities work with us through the national transfer scheme to ensure that those children are looked after.

Louise Haigh (Sheffield, Heeley) (Lab): What assessment has been made of the numbers of children in Greece and Italy? The charities that have been working with many of those children believed that they would be eligible under the Dubs amendment? How many of those children will now not be eligible?

Amber Rudd: I cannot say how many children will or will not be eligible until those assessments have been made, but I can say that, having accepted 200 children under the Dubs amendment, there will be another 150. In addition to that, we will continue to assess the children to see whether they are eligible for the Dublin arrangements.

Graham Jones (Hyndburn) (Lab): We talk about numbers, but surely the only measure that matters is whether a child is vulnerable. On the bigger picture, I have been lucky enough to visit seven internally displaced person and refugee camps. There is a disparity between
those camps as some have very poor standards, whereas standards are high in others. The Government seem to be doing nothing to help the people in some of the poor camps. I have visited Harran camp, north of Raqqa, which is of a very high standard and provides good education, whereas some of the other camps are exceedingly poor. What are the Home Secretary and the Government doing to help the people living in these camps and to sort out this problem?

Amber Rudd: We work closely with the organisations that run some of these camps. I absolutely recognise that they are of differing standards. However, the UK is stepping up with a financial commitment of £2.3 billion to make sure that we help to make those camps places where families can exist and children can be taught. I want the hon. Gentleman to be in no doubt that we lean in to make sure that we assist in the vast movement of people that is taking place in the region.

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): As chair of the all-party group on disability, my understanding was that the most vulnerable children, including those with disabilities, were to be prioritised, so how many children with disabilities have arrived, and what are the arrangements for vulnerable disabled refugee children who are now left behind?

Amber Rudd: At the time of the clearance of the Calais camp, in particular, we were determined to prioritise the most vulnerable. That was why we immediately moved to remove a lot of girls and young women whom we believed—the evidence showed this—were most vulnerable to being trafficked. We will always ensure that we prioritise those young people who are more likely to be vulnerable, I do not have the information on the numbers of disabled people who have been transferred, but I will endeavour to get it and get back to the hon. Lady.

Jonathan Reynolds (Stalybridge and Hyde) (Lab/Co-op): I know that just one Christian charity in London is housing more than 30 children, which appears to be 10% of the entire national effort. Many faith communities are willing to step up to do what we would like the Government to do themselves. If they want to do more, will the Home Secretary let them?

Amber Rudd: There is still plenty of need for support from community organisations such as churches. I, too, have met several that are doing their bit to welcome families and look after children. I urge the hon. Gentleman to get in touch through the national transfer scheme, or via my office, and we will work closely to make sure that any communities groups that think they can support families or children are able to do so.

Carol Monaghan (Glasgow North West) (SNP): I am glad to hear that another 150 children will be coming to the UK under this scheme before it closes, but is the Secretary of State able to look the 151st child in the eye and say no?

Amber Rudd: I wonder how the hon. Lady would feel about the children who are in the camps in the region. They are not in France or Italy; they are the ones in the camps where the conditions are much, much worse. How would she feel about looking them in the eye?

Patrick Grady (Glasgow North) (SNP): Is this not a shameful betrayal of not just the thousands of children being denied a secure future, but the tens of thousands of our constituents who signed petitions and wrote letters in support of the Dubs amendment? No one is suggesting that this country is not welcoming of refugees, but it increasingly appears that the Government are not.

Amber Rudd: I would urge the hon. Gentleman to correct any misunderstandings that anybody has. The fact is that we have stuck to the agreement in the Dubs amendment. We were obliged to put out a number, having consulted local authorities. Perhaps he would consider putting out a message to his constituents so that they are clear that the Government are stepping up their commitments, are taking 20,000 by 2020, and are looking after these children. We are proud of our response.

Alison Thewliss (Glasgow Central) (SNP): Last week I met staff at the tech company Equator, who volunteered to create a digital classroom project for the 150 children at the La Linière camp in Dunkirk. Those children are stuck there. As everybody in this country—organisations, companies and individuals—seems to be willing to do something to help, what kind of signal does it send out when the Government are not meeting their commitments?

Amber Rudd: The hon. Lady should be clear that the Government are meeting their commitments, and exceeding them, through the aid that we give to the region of £2.3 billion, through our commitment to making sure that we bring over from the region the most vulnerable children—20,000 by 2020—and, most of all, through making sure that the children who arrive here, who are often from vulnerable areas, are looked after and given support. We ensure that local authorities have this ability. We should be proud of our response.

Mr Speaker: Before we proceed to the business question, I should like to congratulate the hon. Member for Newport West (Paul Flynn) on his 82nd birthday and on reaching the mid-point of his parliamentary career.
Business of the House

11.29 am

Valerie Vaz (Walsall South) (Lab): Will the Leader of the House give us the forthcoming business?

The Leader of the House of Commons (Mr David Lidington): Before I answer the hon. Lady’s question, I associate myself with your congratulations, Mr Speaker, to the hon. Member for Newport West (Paul Flynn).

The business for the week commencing 20 February will be as follows:

**Monday 20 February**—Remainder stages of the Cultural Property (Armed Conflicts) Bill [Lords] followed by consideration of Lords amendments to the High Speed Rail (London-West Midlands) Bill.

**Tuesday 21 February**—Remainder stages of the Criminal Finances Bill followed by motions relating to the draft Social Security Benefits Up-rating Order 2017 and the draft Guaranteed Minimum Pensions Increase Order 2017.

**Wednesday 22 February**—Motions relating to the police grant and local government finance reports.

**Thursday 23 February**—Opposition day (un-allotted half-day). There will be a debate on a motion in the name of the Democratic Unionist Party followed by business to be nominated by the Backbench Business Committee.

**Friday 24 February**—Private Members’ Bills.

The provisional business for the week commencing 27 February will include:

**Monday 27 February**—Estimates day (1st allotted day). Subject to be confirmed by the Liaison Committee.

I should also like to inform the House that the business in Westminster Hall for 23 and 27 February will be as follows:

**Thursday 23 February**—Debate on publicly accessible amenities for disabled people followed by a debate on the second report from the Transport Committee on road traffic law enforcement.

**Monday 27 February**—Debate on an e-petition relating to attacks on NHS medical staff.

Valerie Vaz: I thank the Leader of the House for his statement. May I add my birthday wishes to my hon. Friend the Member for Newport West (Paul Flynn), who is my predecessor? I bought his book, and I found it very handy when I first came into the House.

Will there be business questions on Thursday 20 July, or will that be allocated as a pre-recess adjournment day? Can the Leader of the House tell us whether there will be any progress on a debate in Government time on restoration and renewal? In the absence of my hon. Friend the Member for Gateshead (Ian Mearns), I note that the Leader of the House has allocated an Opposition day on 23 February. Is that going to be a regular occurrence, and will he ensure that the debates that have been listed by the Backbench Business Committee also have a day allocated to them?

It was 25 years ago this week that the Maastricht treaty was signed. This week, in responding to and respecting the referendum, we have voted to trigger article 50 and leave the EU. In July, the Prime Minister said, “Brexit means Brexit”. The Opposition asked, “What does that mean?” The Opposition asked, “Do you have a plan and a White Paper?” Seven months later, we had a speech at Lancaster House, and eight months later we have a White Paper—which is the speech, with a few graphs. On page 9, in paragraph 1.4, the White Paper states that the Government “will bring forward a White Paper on the Great Repeal Bill”.

Will that be a further White Paper and, if so, when will it be published? Could the Leader of the House ensure that it is not published on the day of the Queen’s Speech, whenever that is?

Businesses wanted to stay in the single market, and there is the prospect of losing 32,000 jobs in financial services. Could we have a statement on what the Government will do to protect those jobs and secure London’s place as the No. 1 financial centre, as ranked by the global financial centres index? The EU budget is mentioned only twice in the White Paper, both times in section 8.51, which consists of 83 words. Will the Government be revealing more words and, more importantly, figures on the budget in a statement?

Could we have a definition of “frictionless” negotiations? The word appears 12 times in the White Paper. Can the Leader of the House tell us whether the concession made on Tuesday by the Minister on a vote before the final deal was an example of frictionless negotiations—that is to say, meaningless and not to be trusted?

Labour Members tabled amendments to put the case for those who voted to remain and for the country, but it was a sad day when the Government voted down all the amendments so that the Prime Minister could say that the Bill was unamended. The Prime Minister delivered for her party, but not for England, Northern Ireland, Scotland or Wales.

The Government will want to take note, in negotiations, that the Serious Fraud Office has found that Rolls-Royce admitted it used multimillion pound bribes to secure export orders and received financial support from the Government’s credit agency in 1991, when it paid a $2 million bribe to win a contract with Indonesia. There is a review, so may we have a statement on what safeguards there will be to ensure that, as the Government negotiate trade deals around the world in 730 days’ time, there will not be a repeat of this?

At Prime Minister’s questions yesterday, the Leader of the Opposition asked the Prime Minister three times whether a special deal was offered to Surrey for social care. The Prime Minister was dismissive, and did not answer the question. If there is no special deal for Surrey, why did the Prime Minister simply not confirm that? I and other hon. Members want a memorandum of understanding to secure our libraries and social care, so may we have a statement on Surrey-gate and the discussions Nick and Dave had about securing an MOU?

Turning to House matters, my hon. Friend the Member for Barnsley Central (Dan Jarvis) has had his Child Poverty in the UK (Target for Reduction) Bill talked out yet again. I have previously raised the issue of Bills being talked out, which makes Parliament look petty. How can we move forward on the Procedure Committee recommendation about a time limit under Standing Order No. 47, given that the Government response of 16 January says that they will not accept that? How can we progress this matter and break this impasse? Many hard-working Members who have worked hard on their Bills want to see them get through.
May we have a debate on early-day motion 890, tabled by my hon. Friend the Member for Cardiff South and Penarth (Stephen Doughty), which has been signed by 201 Members, including Front Benchers?

[That this House deplores recent actions taken by US President Donald J Trump, including his Executive Order on Immigration and Refugees, and notably his comments on torture and women; notes the historical significance and honour that comes with an invitation to address both Houses of Parliament in Westminster Hall or elsewhere in the Palace of Westminster; and calls on the Speaker, Lord Speaker, Black Rod and Serjeant at Arms to withhold permission from the Government for an address to be made in Westminster Hall, or elsewhere in the Palace of Westminster, by President Trump.]

When a person refers to a senator, Elizabeth Warren, as Pocahontas and she is then silenced by her party; when a person repeats the cry “Lock her up” of a candidate when no offence has been committed; when a person suggests women should be grabbed in certain places without their consent; when a person has consistently questioned the birthplace of a president, President Obama; when a person wants “America first”, but made his business investments anywhere but America; when a person has a key adviser who ran an alt-right website and whose appointment was welcomed by the Ku Klux Klan; and when a person forgets there were native Americans or first nations before he arrived in the US, then I—born in Aden, Yemen, of Goan Indian heritage, who may or may not be directly affected by the travel ban—and others welcome the support given to us and to the reputation of Parliament. Will the Leader of the House therefore confirm that the Government will not support any attempts to act on the letter to the Prime Minister about comments made in a point of order in this Chamber? Will he also confirm that the House of Lords will not be threatened with abolition when dealing with article 50 legislation?

Sixty-five years ago on Monday, Her Majesty ascended the throne, and this House congratulates her on that sapphire milestone. May I ask the Leader of the House for clarification: who issues an invitation for a state visit, can the Prime Minister do it without consulting anyone and who did she consult in this case, or is this a case of frictionless negotiation—“You give me a trade deal in exchange for a state visit”? We should be told.

Mr Lidington: May I first associate myself wholeheartedly with the hon. Lady’s words about Her Majesty’s sapphire jubilee? At the same time, it is important for us to be conscious that the anniversary is inevitably a time for reflection, for Her Majesty in particular, as her accession was obviously made possible by the death of a much-loved father. I think everyone in the House, whatever views they have about our constitutional arrangements, will want to share in the tributes to Her Majesty for her selfless service to the United Kingdom over all those years.

The arrangements for state visits have not changed under this Government. They are exactly the same now as they were under Prime Ministers Blair and Brown.

On the subject of restoration and renewal, I am not in a position to announce a specific date, but I can tell the hon. Lady that the Government’s intention is that there should be debate in Government time before the Easter recess.

On the hon. Lady’s question about the arrangements for business, and particularly Back-Bench business on Thursday 23 February, I am conscious that I owe something of an apology to the hon. Member for Gateshead (Ian Mearns), the Chairman of the Backbench Business Committee. It is always difficult to accommodate the various pressures on time. A date that had been planned for an Opposition half-day was lost as a result of the Supreme Court judgment and the European Union (Notification of Withdrawal) Bill, which we debated earlier this week. The Government have therefore agreed that we will protect the time for the remaining Backbench Business Committee debate on Thursday 23 February. I will use my best endeavours to ensure that we reinstate as soon as possible the Backbench Business Committee time lost.

The hon. Lady asked me about trade deals. One change since the days to which she referred is that Parliament enacted the Bribery Act 2010, which has made a profound difference to the duties imposed on the directors and managers of United Kingdom companies when they do business overseas. In addition, the terms of the International Development Act 2002 mean that aid and help for the poorest in the world cannot be used to lubricate a trade deal in the way that once might have been the case.

The hon. Lady asked about the White Paper on the great repeal Bill. That is a separate and distinct White Paper and I cannot give her an exact date, but my right hon. Friend the Secretary of State for Exiting the European Union will know that there will be an appetite in the House for Members to read and digest it before we debate the repeal Bill, which will be launched early on in the next Session after the Queen’s Speech.

The hon. Lady asked about Surrey County Council and social care. She clearly missed the public statements made by the Department for Communities and Local Government yesterday. There is no secret deal. Surrey County Council has asked whether it can participate in one of the pilot projects for the proposed 100% return of business rates to local government responsibility. That is not possible in the 2017-18 financial year but, like any other local council, including hers, it is free to apply to be considered in the 2018-19 financial year. There is no memorandum of understanding. There is no secret document.

The hon. Lady asked about private Members’ Bills. The reality is that there is not and never has been under any Government an automatic right for proposed legislation to become law, including Government Bills—when Governments enjoy only a small majority, they have to think carefully about the legislation they introduce and how they ensure that they secure parliamentary support.

I take note of the strong feelings expressed in the early-day motion led by the hon. Member for Cardiff South and Penarth (Stephen Doughty). Hon. Members are of course entitled to have strong opinions not just on what happens in this country, but on what happens anywhere else in the world. Like previous Governments of different political parties, whatever view any of us as individuals have of any leader of another country,
the reality is that we have to deal with other Governments in the world as they exist, particularly elected Governments who can claim a mandate from their own people. The result of the election in the United States is a matter for the people and the constitution of the United States. We should note the fact that, despite the bitterness and the hard-fought nature of the presidential election campaign, Presidents Carter, Clinton and George W. Bush, and Secretary Hillary Clinton, attended President Trump’s inauguration. There was no challenge to the legitimacy of the constitutional process involved in that election.

On the House of Lords, the House of Lords has a valued function under our constitutional arrangements in terms of scrutinising and reviewing legislation from the House of Commons. I am sure they will do that on the Bill we have been debating this week, as they do on every other Bill. I am sure they will also bear in mind the reality of the referendum and the popular mandate that lies behind the article 50 decision.

Finally, the hon. Lady asked me at some length about Europe. I simply say this: her Front Bench supported the decision to have the referendum; her Front Bench supported the motion that endorsed the Prime Minister’s timetable for triggering article 50 before the end of March this year; and her Front Bench last night supported the Third Reading of the unamended Bill. It is therefore a little bit rich for those on the Opposition Front Bench to be giving us lectures or posting tweets saying the “Real fight starts now” when they have been endorsing, through their voices and their votes, the approach the Government are taking.

Mark Pritchard (The Wrekin) (Con): May we have a debate on how local councils review school catchment areas? Is the Leader of the House aware that the council in my area is seeking to tear up the current catchment areas in the Muxton ward, meaning that parents who have invested in local housing to access Burton Borough school in Newport will have to look elsewhere? It will also fundamentally change the way their children get to school. May we have an urgent debate to ensure children are not disenfranchised, either today or in the future?

Mr Lidington: In terms of opportunities for a debate, my hon. Friend may wish to seek an Adjournment debate through the usual procedures. These are always very difficult decisions. I think many of us know that from time to time, because of changes in population—to state the most obvious example—local authorities need to review school catchment areas. Such proposals are always subject to a period of public consultation and I am sure my hon. Friend will, as always, be extremely forceful in representing the interests of his constituents.

Pete Wishart (Perth and North Perthshire) (SNP): I thank the Leader of the House for announcing the business for the week but next. May I wish the happiest of birthdays to the hon. Member for Newport West (Paul Flynn)? I think he was my third shadow Leader of the House, but it is so hard to keep pace with the revolving door of the Labour shadow Cabinet.

It has been a thoroughly miserable, frustrating and depressing couple of weeks, which have shown this House at its absolute and utter worst. The article 50 Bill ran through Parliament at breakneck speed: no amendments accepted, very few amendments actually debated and considered, no Report stage programmed and no Third Reading debate held. It was more like a medieval court than an advanced parliamentary democracy.

It is not as if we are overburdened with work. Why was the Bill rushed through at such a speed when we could have taken time to consider the many amendments that were tabled? That showed massive disrespect not just to this House, but to the many constituents who paid very close attention to our proceedings last week.

The Bill is now on its way to our friends down the corridor. Our unelected friends have been threatened with abolition if they dare mess with the Government’s Bill and do not do their “patristic duty”, as the Secretary of State for Exiting the European Union said. I am sure they are now quaking in their ermine. I offer nothing other than encouragement to these fine tribunes in ermine, who will now pick up the case. For us, it is very much a win-win whatever the outcome. I say to their lordships: reach for the barricades and take on the Government.

We need a debate about respect for the devolved Parliaments in the nations of the UK. Article 50 was not just voted on by this House this week; the Scottish Parliament also voted on it, and the overwhelming majority of Members rejected triggering it, just as every single Scottish Member of Parliament did here, bar one. Yet we have to be driven off this cliff edge with this hardest of hard ToryBrexit, even though Scotland wants absolutely nothing to do with this madness. Time is running out for Scotland’s voice to be heard and our positions respected. I am sure that the Leader of the House saw this week’s opinion poll putting support for independence at almost 50%, so I gently say that we have options to consider if Scotland’s voice continues to be ignored.

Mr Lidington: I felt at times from the hon. Gentleman’s paeans of praise to the House of Lords that I could visualise the ermine and the coronet descending on him—that some hidden ambition was finally shining through.

The allocation of five days for a debate on this two-clause Bill that did no more than authorise the Prime Minister to trigger article 50 seems perfectly reasonable to me. That allocation of time has allowed, even this week, about half the number of Scottish National party Members to participate in proceedings, either through speeches or interventions. Listening to some of the contributions from the SNP Benches, my impression was that the atmosphere was far from being all doom and gloom. The hon. Member for Glasgow North (Patrick Grady) entertained us royally for nearly an hour this week and seemed to be enjoying himself immensely.

The reality is that the Bill has been brought forward in response to a very clear referendum decision by the electorate of the United Kingdom. It is very different from the Bills that the House debated previously to ratify various EU-amending treaties over the years.

The hon. Gentleman complaints about the alleged lack of respect and attention being paid to Scotland. As the Prime Minister said yet again yesterday, the United Kingdom Government are determined to work with the Scottish Government, as well as with the Governments in Cardiff and Belfast, to ensure that the interests of
every part of the United Kingdom are represented in the negotiations on which we are about to embark. That commitment is sincere: it is felt very strongly by the Prime Minister, and she has impressed it on every member of the Cabinet.

Mr Stewart Jackson (Peterborough) (Con): Local concerns have been raised in Cambridgeshire—not least as a result of the excellent forensic work of my neighbour, my hon. Friend the Member for North East Cambridgeshire (Stephen Barclay)—about funding decisions taken by the Greater Cambridge Greater Peterborough local enterprise partnership. May we have a debate in Government time to ensure that there is proper transparency and accountability of LEPs so that their decisions are fair, properly scrutinised and their efficacy is appropriately tested?

Mr Lidington: Members of LEPs on the whole do a good job in providing a forum for bringing local business and public authorities together and for trying to leverage private sector investment, along with public sector investment, to support such things as infrastructure projects. However, they have to pay regard to the fact that they are the custodians of public money and need to make sure that they have proper rules on accountability and transparency, as would be expected of anybody in receipt of taxpayers’ money. My hon. Friend may have the opportunity to raise these issues further at Communities and Local Government questions on Monday 27 February.

Vernon Coaker (Gedling) (Lab): Will the Leader of the House arrange for an urgent debate on social care funding? As part of that, will he ask the Department for Communities and Local Government to publish any contact between Surrey and Ministers or aides in the Department, so that the debate can be informed? My local authority in Nottinghamshire is absolutely incandescent, as I am sure are other authorities, about the way in which, it appears, Surrey has been offered a sweetheart deal while it has been left to fend for itself.

Mr Lidington: As I have already made clear, there is no sweetheart deal, and Nottingham is also welcome to apply, as Surrey has indicated it wishes to do, for the full return of business rates finance to local authorities in the 2018-19 financial year. The DCLG statement yesterday gave a full account of what has happened. There has been a lot of fuss and complaint, but actually it is much less of a story than the hon. Gentleman believes.

Jason McCartney (Colne Valley) (Con): May we have a debate on armed forces charities? I am optimistic and popular member of the Huddersfield branch of the Royal Air Forces Association.

Mr Lidington: No one in the Chamber would dissent from my hon. Friend’s tribute to the late Trevor Burgin. It was particularly good that my hon. Friend talked briefly about his late constituent’s career of service, because it reminds us that behind the statistics and generalities there are stories of true heroism and a lifetime of public service and commitment. We are all aware that armed forces charities do incredibly important and good work in our constituencies, often quietly and unsung, in reaching out to people still scarred by the physical and mental consequences for their health of their time in service.

Several hon. Members rose—

Mr Speaker: Order. Over 30 Members are seeking to catch my eye. I advise the House that 36 Members wish to speak in the first of the two Backbench Business Committee debates, and 12 wish to contribute to the second. If I am to have any chance of accommodating that latter Back-Bench interest we need to be moving on by, or very close to, 12.30 pm. May we please have short questions and short answers?

Daniel Zeichner (Cambridge) (Lab): Last week, I visited the Sanger Institute, just outside Cambridge, where 1,100 people, of whom over 25% are non-UK EU nationals, are transforming our understanding of the human genome. Its senior manager has impressed upon me the gravity of the situation. Many of those people are poorly paid and would be unable to work through the tier 2 visa system. May we have a statement on this pressing skills crisis, which could damage some of the UK’s most successful research institutions?

Mr Lidington: The hon. Gentleman makes a reasonable point about his and other scientific institutions. As the Prime Minister said, the Government regard an early deal to secure the position of both EU residents already here and British nationals in other European countries as a primary objective. We want that sorted as quickly as possible.

Sir Oliver Letwin (West Dorset) (Con): I very much agree with my right hon. Friend’s remarks about the recent proceedings on the European Union (Notification of Withdrawal) Bill. Should the other place seek to delay the triggering of article 50 beyond the end of March, will he find time for a debate in Government time so that this House can discuss possibility of either the abolition or the full-scale reform of the other place?

Mr Lidington: I am more optimistic than my right hon. Friend. I think there is an awareness among Members of the House of Lords that, in an unelected Chamber, there are conventions that apply to the way in which they scrutinise and deal with proposed legislation. I do not want to take anything away from their proper constitutional role. I think they are very cognisant of the fact that ours is the elected House and we voted in favour of the Bill by a huge majority last night, and also of the fact that behind that vote lay the much bigger vote of the people of the United Kingdom as a whole.
Ms Tasmina Ahmed-Sheikh (Ochil and South Perthshire) (SNP): May we please have a debate on the legal definition of the word “normally”? Section 2 of the Scotland Act 2016 states that it is recognised that the Parliament of the United Kingdom will not normally legislate with regard to devolved matters without the consent of the Scottish Parliament.

“If the Government intend to ignore the wishes of the Scottish Government and the Scottish Parliament over issues of such importance as the triggering of article 50, may we please find out what other important issues relating to the devolution agreement they intend to ride roughshod over?”

Mr Lidington: I think the ears of every lawyer in the country will have pricked up at the suggestion that we have a debate on the meaning of the word “normally”. I suspect that the interpretation of the word may depend on which lawyer’s opinion is sought.

I repeat that the Government have been absolutely consistent in saying that the interests of the entire United Kingdom, from Fair Isle to the Scillies, will be fully represented in the approach that we adopt to these negotiations.

Jo Churchill (Bury St Edmunds) (Con): Last month I hosted a reception to welcome a report published by Rural England, “State of Rural Services 2016”. It considers the growing impact of rural challenges on, for instance, health, education, welfare, broadband and transport. Last week I chaired a local meeting to discuss the impact of the loss of bus services. It is evident that the rural agenda is becoming increasingly difficult to deliver, and rural residents are understandably becoming ever more frustrated. Will my right hon. Friend grant a debate so that we can consider the challenges to rural funding and rural services more broadly?

Mr Lidington: My hon. Friend may have two bites at the cherry after the recess: Communities and Local Government questions will take place on 27 February, and Environment, Food and Rural Affairs questions on 2 March. I can also tell her that the Department for Communities and Local Government is currently undertaking a review of the fair funding formula to establish whether authorities throughout the country are indeed receiving their fair share of the overall cake.

Nick Thomas-Symonds (Torfaen) (Lab): Although the Department for Work and Pensions office in Cwmbran in my constituency does not face immediate closure, the jobs there will be relocated to Cardiff in the next three years. Before that happens and those jobs are lost from my local community, may we have a debate on the DWP’s strategy in relation to where it locates its offices?

Mr Lidington: I shall ensure that the hon. Gentleman’s particular concerns about Cwmbran are relayed to the Secretary of State for Work and Pensions, but the principle behind these changes must be the right one. It must be right for the Department to stop paying out unnecessary rent on property that is partly empty, to use a smaller estate—particularly given the significant fall in unemployment—and to use savings partly to fund additional advice services for the people whom it is most difficult to help into work. That must be the right way of going about things.

Dr Julian Lewis (New Forest East) (Con): This weekend, following an inquiry chaired by my hon. Friend the Member for Plymouth, Moor View (Johnny Mercer), the Defence Sub-Committee will publish a report entitled “Who Guards the Guardians?” It sets out in some detail the circumstances in which a poisonous charlatan such as Phil Shiner was able to abuse our system of legal aid and the provisions of human rights legislation to hounds hundreds of British soldiers who had served bravely in Iraq and done nothing wrong. May we, at the earliest opportunity, have a statement, resulting from consultations between the Ministry of Defence, the Northern Ireland Office and the Ministry of Justice, on what legislation will be introduced to ensure that nothing like that can happen to former service personnel who served in Northern Ireland?

Mr Lidington: As the Prime Minister made clear yesterday, we take this issue very seriously, and I can assure my right hon. Friend that when the report is published Ministers from the Departments he has mentioned will want to study it closely and commit our hon. Friend the Member for Plymouth, Moor View (Johnny Mercer) about the potential policy implications.

Mr Dennis Skinner (Bolsover) (Lab): Exactly a month ago I asked the Secretary of State for Transport about the new High Speed 2 spur line running through Derbyshire, which means there will be two HS2s running through Derbyshire, not one—a fast track and a slow track. This new line is going to bring destruction and havoc to the village of Newton, which will result in the villagers losing their homes. I called upon the Secretary of State to intervene, but have never had a reply. Shall we have a statement about this matter? How far will the Government take it without responding to the people of Newton, who have suddenly realised that the second HS2 line is going to destroy their homes and their lives? Now, sort it out.

Mr Lidington: I know only too well the impact of the HS2 proposals on communities close to the designated route, and I undertake to the hon. Gentleman to ensure that the Secretary of State for Transport is reminded about his inquiry on this matter. It is right that the people the hon. Gentleman represents should get a proper response from HS2 Ltd, and I undertake to try to make certain that that happens.

Martin Vickers (Cleethorpes) (Con): The Leader of the House will recall that last week I spoke about the mounting excitement in Cleethorpes in anticipation of a visit from the northern powerhouse Minister. He will appreciate that it is now at fever pitch, with the visit only 24 hours away, and people are talking about a parallel career path with the last Front Bencher to visit Seaview street, my right hon. Friend the Member for Maidenhead (Mrs May). More seriously, the Seaview street traders won a Great British high street awards award. Up and down the country, traders are facing difficulties. May we have a debate to discuss the future of our high streets?

Mr Lidington: I cannot offer my hon. Friend a debate in Government time, but I agree that this is an important issue that affects many communities, and the growth of online sales means many small retailers face challenges.
It is important that retailers are able to learn from high streets that are successful and innovative in managing to keep their customers. After what my hon. Friend has said, there will probably now be a swathe of my ambitious and thrusting ministerial colleagues making a beeline for Cleethorpes at the earliest opportunity.

Alex Salmond (Gordon) (SNP): May we have a statement on the shock and disappointment being felt across Scotland at the failure of former England captain David Beckham to gain a knighthood? This is particularly the case since he had been advised that his fawning support for the Better Together campaign in 2014 would “play well with establishment and in turn help your knighthood.” We can all associate with his sense of disappointment when he replied:

“They r a bunch of” expletive-deletives,

“It’s a disgrace to be honest and if I was American I would of got...this 10 years ago.”

Surely the Leader of the House can bend one for Beckham?

Mr Lidington: I was not quite sure whether the right hon. Gentleman was speaking on behalf of Mr Beckham or whether there was some other motive there—a certain yearning for the knighthood himself. But I can honestly say to him that this is not a matter for me.

Mims Davies (Eastleigh) (Con): The Leader of the House will know that I am keen to have another debate on international women’s day, which is forthcoming in March. Meanwhile, it is lesbian, gay, bisexual and trans history month, and given the utterly false suggestion by some Opposition Members yesterday that Brexit will mean a bonfire of lesbian, gay, transsexual and women’s rights, may we have a debate on this area around Brexit as Hampshire County Council starts to fly the rainbow flag for Hampshire Pride week?

Mr Lidington: I am glad that I can provide the reassurance that my hon. Friend seeks. The United Kingdom had a strong and proud tradition of human rights and liberal values before we entered the European Union, and that tradition will continue after we have left it. She has only to look at another non-EU country in Europe, Norway, to see that there is no bar to a liberal approach to individual rights as a result of being apart from the European Union.

Christina Rees (Neath) (Lab/Co-op): It is currently possible for the widowed parent of a new-born baby to receive up to £119,000 over 20 years, but if a partner dies after 6 April 2017 bereavement payments will be limited to a mere £9,800 over 18 months. May we please have a debate in Government time to discuss these Department for Work and Pensions reforms, which will cause severe hardship to grieving families?

Mr Lidington: There will be questions to the Secretary of State for Work and Pensions on our first day back, Monday 20 February, so the hon. Lady will have an opportunity to raise the matter on that occasion.

Mark Pawsey (Rugby) (Con): I do not know whether you have ever attended a speedway meeting, Mr Speaker, but that fast, exciting motor sport has always attracted a family audience. Speedway racing has taken place at Brandon in my constituency since the early days of the sport in the 1920s. Unfortunately, as a consequence of a dispute over the use of the stadium at Brandon, the Coventry Bees will start the new season this summer 25 miles away in Leicester, at great inconvenience to local fans. May we have a debate on the governance of this sport?

Mr Lidington: I am sure that if my hon. Friend were to draw his concerns to the attention of the Minister for Sport she would be only too delighted to see what is happening in the speedway world in the midlands. As he has suggested, however, the governance of the sport is a matter for the independent governing bodies of the sport rather than a matter in which Ministers should intervene.

Several hon. Members rose—

Mr Speaker: Order. Before we proceed further, I can say to the hon. Member for Bolsover (Mr Skinner), in the light of his business question, that before I came into the Chamber this morning I selected his proposed subject matter for the end-of-day Adjournment debate on the first Thursday after we return from the half-term recess, Thursday 23 February.

Ian Murray (Edinburgh South) (Lab): We have a statement from the Leader of the House himself—perhaps he could do it now—on how the Government bring forward Bills to this House? The fact that they did not programme a Report stage for the European Union (Notification of Withdrawal) Bill makes it quite clear that they had no intention of accepting any of the 100 amendments that were tabled by well-intentioned Members. May we have a statement on whether it was indeed the Government’s intention to ride roughshod over this parliamentary process, making the past three days a sham?

Mr Lidington: The programme motion was very clear that there was provision for a Report stage. Whether there would be debating time for one would, as always, depend on whether amendments had been carried and on how long the House wished to continue to debate the amendments in Committee ahead of a Report stage.

Mr Peter Bone (Wellingborough) (Con): I should like to wish the hon. Member for Newport West (Paul Flynn) a happy birthday. He has been an outstanding parliamentarian. I should also like to thank him for inspiring me. I was once his constituent, and his antics drove me to run for Parliament. I thank him for that. Does the Leader of the House accept that this Parliament works because we have two Houses? Sometimes the other place does not agree with us, which annoys the Government, but that is no reason whatever to threaten it with abolition. May we have a statement from the Leader of the House to confirm that?

Mr Lidington: The Government’s position is that we completely respect the constitutional role of the House of Lords. As I said earlier, the House of Lords itself accepts that, as an unelected House, it needs to abide by certain conventions.
Paul Flynn (Newport West) (Lab): I should like to thank you, Mr Speaker, and other Members for your very kind comments; I am less happy about the fact that I must carry for life the burden of being responsible for the parliamentary career of the hon. Member for Wellingborough (Mr Bone). I have a suggestion that might appeal to you, Mr Speaker, given your great record as an innovator and trailblazer in this House. May we have a debate on procedure during Divisions, to enable us to enjoy more of the singing of the Scottish National party choir? The only bright spark in the midst of yesterday evening’s bleak, mean-spirited chauvinism was hearing the glorious words of the European anthem:

“Freude, schöner Götterfunken,
Tochter aus Elysium,
Wir betreten feuertrunken,
Himmlische, dein Heiligtum!”

And the essence of the European ideal:

“All Menschen werden Brüder,
Wo dein sanfter Flügel weilt.”

That looks forward to the great European ideal, on which this Government are now trampling, and embodies the idea that a day will come when all humanity will be one family.

Mr Lidington: It is rightly a Welshman who highlights the importance of singing. My advice to hon. Members on the Scottish National party Benches would be that we have an all-party parliamentary choir—for staff as well as Members—that meets in the Crypt every Monday evening. I know that SNP Members would be welcome to join those who already participate.

Tom Pursglove (Corby) (Con): I am not sure how to follow that question! In the past 10 days, we have heard about Weetabix’s £30 million investment, and about the expansion of the Tayto Group, all of which is good for jobs in Corby. Of course we must never be complacent, but may we have a statement next week from Ministers on the real news, rather than fake news, about the jobs in Corby. Of course we must never be complacent, but may we have a statement next week from Ministers on the real news, rather than fake news, about the number of jobs that have been created and the investment that has taken place in the UK economy since 23 June?

Mr Lidington: My hon. Friend makes a good point. The additional investment projects that have been announced in the United Kingdom since the referendum are a tribute to the underlying strength of the economy of this country, and that is a strength on which this Government are determined to build further.

Bob Blackman (Harrow East) (Con): I should like to speak on behalf of the Chairman of the Backbench Business Committee, the hon. Member for Gateshead (Ian Mearns), who is indisposed with a prolapsed disc; I am sure that the whole House will wish him a speedy recovery.

The Committee was placed in an invidious position at our meeting on Tuesday, and I know that the Chairman has written to the Leader of the House about this. We believed that we had been given a full day on 23 February, and we had allocated two debates for that day. We have now been left in a very difficult position. I understand that the Budget will be on 8 March, and that it will be debated on a succession of days thereafter, so even if we fill every Thursday between now and Prorogation, we will not get all our allotted days. Furthermore, we have allocated a debate on Welsh affairs for 2 March, as close as possible to St David’s day, and a debate on international women’s day on a date prior to that day, which is the day of the Budget.

Will my right hon. Friend ensure that we get 2 March as a Back-Bench business day, and that the protected time on 23 February will be sufficient for a proper debate on the chosen subject, which is child refugees in Greece and Italy?

I should like to make one further point, if I may. There was a terrible incident in my constituency yesterday in which a young man was stabbed at Queensbury station. The whole station was closed, inconveniencing passengers, as a result of this gang fight. May we have a statement on the action that the Government are going to take to combat knife crime, so that no other individual need suffer that terrible fate?

Mr Lidington: On the points about the Backbench Business Committee, as I said earlier, what has happened in regard to 23 February is regrettable and I am sorry that that decision proved necessary. I can give my hon. Friend a firm assurance that the protected time on that day will be sufficient to allow for a full debate on the subject that the Committee continues to recommend. I will do my best to ensure that the time for a further debate that has been lost is made up as rapidly as possible. I will certainly take into careful account his remarks about 2 March, because I know how important the annual St David’s day debate is for Welsh Members from all political parties.

On my hon. Friend’s point about his constituency case, the sense of shock that came through in his question will have been shared across the House. I will ensure that the Home Secretary is alerted to that particular case, but my hon. Friend will know that the penalties for knife crime have been increased and that the police are doing their utmost to combat the sort of gang warfare that he describes.

Several hon. Members rose—

Mr Speaker: Order. To move on at 12.30 pm, I am afraid that we need one-sentence questions from now on.

Ian Paisley (North Antrim) (DUP): Forty-one years ago, 10 Protestants were murdered by the Provisional IRA at Kingsmill. A man was subsequently charged because his palm print was found on one of the vehicles involved in the atrocity, but the Public Prosecution Service told the families this morning that that was insufficient evidence to prosecute the alleged IRA man. At the same time, soldiers are being dragged through the courts in Northern Ireland. When will we get equity of prosecutions in Northern Ireland?

Mr Lidington: As the hon. Gentleman knows, the Secretary of State for Northern Ireland has made it clear that he is working to try to address the way in which soldiers have been unfairly singled out. The Public Prosecution Service is rightly independent of political direction, so I cannot comment on the particular case,
but anyone who knows anything about Northern Ireland will know that the scars of the Kingsmill massacre remain to this day.

Mary Glindon (North Tyneside) (Lab): Residents in my constituency have been badly let down by their house builder, Bellway, which has not completed houses to standard. This week, they have been further let down because the White Paper makes no provision for a new homes ombudsman. Will the Leader of the House please raise that omission with the Housing Minister?

Mr Lidington: I will certainly ensure that the Minister is alerted, but I inform the hon. Lady. That she will be able to raise that point again at Communities and Local Government questions on Monday 27 February.

George Kerevan (East Lothian) (SNP): My constituent, Mr Christopher Bronsdon, is a victim of an anomaly in the civil service pension arrangements whereby contract and short-service employees leaving service lose the employer contributions from their pension pot. As a result, people such as Mr Bronsdon have lost £10 million in recent years, so may we have a debate on that?

Mr Lidington: The best advice I can give the hon. Gentleman is to apply for an Adjournment debate. If he wants to write to me with the details of the problem, I will pass them on to DWP Ministers.

Diana Johnson (Kingston upon Hull North) (Lab): I was pleased that Surrey County Council spoke out about the social care funding scandal, but if it is bad there, think how much worse it is in Hull—the third most deprived area of the country—where a £45 million shortfall in social funding is forecast by 2020. After yesterday’s revelations, can all Members of Parliament outside the stockbroker belt be given the telephone number of “Nick” so that we can all text him to get the best deal that our areas need?

Mr Lidington: I am tempted to say that the hon. Lady had better make sure that she gets through to the right “Nick”, which can sometimes prove quite tricky. Nobody is pretending that the country is not facing a serious social care challenge, which is why the Government have increased funding through the better care fund and the social care precept. In the medium term, however, we need to ensure that the best, most successful local authorities are able to disseminate their achievements among local authorities that are not performing so well and that health and social care work together more closely.

Alan Brown (Kilmarnock and Loudoun) (SNP): Earlier on, the International Trade Secretary told me that US investors are reluctant to invest in Scotland due to the threat of Scottish independence. Can we have a statement from the International Trade Secretary to tell us who those investors are, how much money we are talking about, what the projects are, and what the UK Government are doing to ensure that Scotland is open for business?

Mr Lidington: As I said in answer to my hon. Friend the Member for Corby (Tom Pursglove), the United Kingdom’s track record since the referendum has been that we continue to attract investment from all around the world. If there are particular difficulties in attracting investment into Scotland, the hon. Gentleman might look at the recently approved Scottish Government budget, for example, which has made Scots the highest-taxed people in the United Kingdom.

Jim Shannon (Strangford) (DUP): Mr Ali Moezzi, a prominent Iranian political prisoner, was taken to an unknown location by agents from the Iranian Ministry of Intelligence following a weekly family prison visit on 4 January. In a statement on 13 January, the British Parliamentary Committee for Iran Freedom again warned about the threat to Mr Moezzi’s life and called for international action to secure his release. Time is of the essence, so can we have an urgent statement on the matter?

Mr Lidington: To the hon. Gentleman’s good fortune, the Minister responsible for the middle east is in his place on the Front Bench. He will have heard the hon. Gentleman’s remarks and I am sure he will want to respond.

Chris Stephens (Glasgow South West) (SNP): With industrial action today at the Equality and Human Rights Commission and with its chair advising the Joint Committee on Human Rights that the EHRC is at the limits of what it can do to discharge its statutory duties, can we have a debate in Government time on the EHRC’s funding so that victims of hate crime are protected?

Mr Lidington: The hon. Gentleman may want to seek an Adjournment debate, but the EHRC rightly operates at arm’s length from Ministers and has to make its own decisions about how to live within its means, just like every other public authority.

Mark Durkan (Foyle) (SDLP): May we have a debate in Government time to allow the House to reflect on the full import of what the Supreme Court said about the Sewel convention, so that important questions about its future application and adhererence to it are not just left to contend with the other frictions and fictions of the great repeal Bill?

Mr Lidington: There will be questions to the Secretary of State for Scotland on Wednesday 1 March, at which there will be opportunities for that matter to be raised. I am absolutely certain that there will be ample opportunity for all such questions to be debated when we get to the EU repeal Bill after the Queen’s Speech.

Peter Grant (Glenrothes) (SNP): Given that the Exiting the European Union Committee was told as recently as yesterday that the Joint Ministerial Committee (EU negotiations) has not even begun to consider the wording of the article 50 letter, which some reports suggest might be submitted exactly four weeks today, can we have a statement on the Committee’s intended timetable?

Mr Lidington: Although Joint Ministerial Committee meetings are important, contact between UK Ministers and their counterparts in the three devolved Administrations, and between UK Government officials in all relevant Departments and officials in the devolved Administrations, continues on a daily and weekly basis. The consultation
and understanding of the particular priorities of the devolved Administrations are part of the mainstream work of UK Government Departments.

Alison Thewliss (Glasgow Central) (SNP): At the Scottish Affairs Committee yesterday, the right hon. Member for Broxtowe (Anna Soubry) called the jobcentre closure plans “illogical”. In the Scottish Parliament, the Tories called for an equality impact assessment and greater detail. May we have a debate in Government time on the DWP’s estate closure plans and a moratorium on closures until Members across the House and people across these islands can have confidence that the Government actually know what they are doing?

Mr Lidington: It is a forlorn hope that the hon. Lady and members of her party might actually take some pleasure in the massive fall in unemployment and the growth in employment that we have seen in this country, including in Scotland and, indeed, in Glasgow. It cannot be right for the DWP to spend money unnecessarily on unoccupied buildings when that money could be redeployed to give additional advice and support to people with disabilities or the long-term unemployed, who want and need that additional support to get back into employment.

Margaret Ferrier (Rutherglen and Hamilton West) (SNP): Yesterday, TSB announced the closure of its Cambuslang branch. In less than a year, all three banks in the town will have vanished. In the light of the announced Post Office partnership with UK banks to deliver day-to-day banking services, can we have a debate on the capacity and capability of the post office network to cope actually with an increase in service and custom?

Mr Lidington: That might well be a good subject for either a Backbench Business debate or an Adjournment debate, if the hon. Lady is fortunate in the ballot.

Patrick Grady (Glasgow North) (SNP): Not only did the Scottish Parliament vote against article 50, but it managed to deal with all its votes and amendments in less than five minutes. Yesterday, it took us two hours to deal with 10 votes. Does the Leader of the House agree that if we had electronic voting, we would have more time for debate—even if it did mean that we had less time to sing “Ode to Joy”?

Mr Lidington: Call me old-fashioned, but it is quite a good idea that people are present in Parliament in order to vote. If we move to electronic and remote voting, that disconnects the voting decisions from the debate itself.

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): May we have an important debate on mobility payments to assist children who require palliative care? There is an arbitrary cut-off in that children must be aged three, which I am campaigning to change. The cut-off discounts the needs of families caring for very young children in life-threatening situations.

Mr Lidington: The hon. Lady makes an interesting point and I am not aware of the details of that particular issue. If she would like to give me some more detail, I will take it up with the appropriate Minister, and she may wish also to seek an Adjournment debate.

Carol Monaghan (Glasgow North West) (SNP): May we have a statement on the Government definition of a “marriage-like relationship”? My constituent, Robert Makutsa, is under imminent threat of deportation because the Home Office does not recognise Robert’s relationship with his fiancée Chloe. That is because, as committed Christians, Robert and Chloe have not cohabited before their marriage. Can the Government consider making such a statement urgently?

Mr Lidington: Individual cases are, of course, subject to an independent system of appeals under our immigration and asylum rules; Ministers do not intervene in the way that the hon. Lady suggests in individual cases. Those rules provide for tests to try to distinguish between people who are living together as a matter of convenience—as sadly does sometimes happen—and those in a genuine and committed relationship, whether within marriage or without. I encourage her to write to the Immigration Minister about the particular case.

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintillock East) (SNP): Fair Trade Fortnight is just around the corner: can we mark it with a debate on how UK trade policy affects some of the world’s poorest peoples?

Mr Lidington: UK support for free trade can be enormously beneficial to people living in poor countries because it means that they should be able to get readier access to customers in our country without tariffs or other regulations getting in the way. Trade and enterprise have shown themselves again and again over the decades to be the best long-term guarantee of economic growth and prosperity for people in poorer countries all around the world.

Mr Speaker: I have received a report from the tellers in the No Lobby yesterday for Division 157 on the European Union (Notification of Withdrawal) Bill in respect of amendment 86. The number of those voting No was erroneously reported as 327 instead of 337. The Ayes were 288 and the Noes were 337.
Points of Order

Louise Haigh (Sheffield, Heeley) (Lab): On a point of order, Mr Speaker. I cannot quite believe that I am having to raise Concentrix in the House again, but after the scandal that broke around that company HMRC announced that it would never again use a private provider to deal with tax credits, especially in relation to error and fraud. But today the Government have issued a written ministerial statement saying that they will transfer tax credit error and fraud to the Department for Work and Pensions and will seek an external provider to do so. That is a disgraceful U-turn on Government policy as stated to the House. Can you do anything to ensure that a Minister comes to the House and explains why that U-turn has happened, so that they can be held properly to account?

Mr Speaker: Ministers are responsible for their own statements and subsequent adherence to those statements—or not, as the case may be. I do not seek to adjudicate on such matters. The short answer is that it is not for me to say that a Minister must come here today. We have scheduled business that is heavily subscribed. The hon. Lady, with her usual persistence and indefatigability, has put her concern on the record and it will have been heard on the Treasury Bench. Knowing her as I have to come to do over the last 21 months, I rather doubt that she will let the matter rest. She may think about it during the recess and if she is dissatisfied with what is said, or not said, by the Government, she will doubtless return to it when we come back.

Peter Grant (Glenrothes) (SNP): On a point of order, Mr Speaker. During International Trade questions earlier, the Minister repeatedly referred to a deferred Division that took place yesterday and stated on several occasions that it gave Members an opportunity to vote for or against the CETA deal. The wording of the motion on which the House divided in that deferred Division makes no reference to support for or opposition to that trade deal. I accept that the Minister was acting in good faith, but can you advise me of some way in which we can set the record straight, so that the terms on which the House divided yesterday are correctly described?

Mr Speaker: The hon. Gentleman has made his own point in his own way, and it is on the record for all—including his constituents—to see. Moreover, I understand that at the end of European Committee B a vote took place on an amendment moved by the hon. Member for Swansea West (Geraint Davies). The result was seven to five against the amendment, and the record shows that the hon. Member for Ochil and South Perthshire (Ms Ahmed-Sheikh) was in the minority of five. Thereafter, the motion was passed unopposed in Committee and subject to a deferred Division in the House yesterday. I am not sure that I can add anything further. I am not seeking to be obtuse: if I have missed the hon. Gentleman’s point and he insists on having another go, I will indulge him—

Peter Grant rose—

Mr Speaker: I probably should not have given the hon. Gentleman such an opportunity.

Peter Grant: Further to that point of order, Mr Speaker. The motion that was divided on was not actually the same motion that we were asked to consider on Monday evening. The terms of the motion as described by the Minister were different from the terms of the motion on which the House actually divided. The motion subject to the deferred Division made no reference to support for or opposition to CETA, as the Minister suggested it did on several occasions.

Mr Speaker: It is fair to say that the Chair is not responsible for what might be called textual exegesis. I have not looked at the text of the amendment or compared and contrasted that text with the words uttered from the Treasury Bench by the Minister this morning. Clearly, the hon. Gentleman has made such a close study and may well have profited by it. I do not think there is anything further that I can do today. The hon. Gentleman is, in a sense, engaging in a debating point—perhaps a legitimate one—with the Minister and it would seem that, at least today, the hon. Gentleman has had the last word—[Interruption.] “Hopefully”, says someone from a sedentary position.

Patrick Grady (Glasgow North) (SNP): On a point of order, Mr Speaker. Given that the record has just had to be corrected to reflect perhaps understandable human error in the Division Lobbies last night, and given the number of intense votes we can probably expect on the great repeal Bill, does that not suggest that electronic voting might help to avoid some of those human errors? Can you tell us whose decision it would ultimately be to introduce electronic voting in this House?

Mr Speaker: The short answer to the hon. Gentleman, who never misses an opportunity, is that it would be a decision for the House. Let me be clear about that. A change could be agreed only by the House, and equally it could decide not to agree to such a change. I think we will leave it there for today.

If there are no further points of order and the appetite, at least for today, has been satisfied, we come to the Back-Bench motion on Israeli settlements in the occupied Palestinian territories. I warn colleagues that it is almost inevitable that we will have a five-minute limit on Back-Bench speeches, because some 35 colleagues wish to contribute.
Backbench Business

Occupied Palestinian Territories: Israeli Settlements

12.38 pm

Sir Desmond Swayne (New Forest West) (Con): I beg to move,

That this House reaffirms its support for the negotiation of a lasting peace between two sovereign states of Israel and Palestine, both of which must be viable and contiguous within secure and internationally recognised borders; calls on the Government to take an active role in facilitating a resumption of international talks to achieve this; welcomes UN Security Council Resolution 2334 adopted on 23 December 2016; and further calls on the government of Israel immediately to halt the planning and construction of residential settlements in the Occupied Palestinian Territories which is both contrary to international law and undermines the prospects for the contiguity and viability of the state of Palestine.

Given the investment that we have made in a two-state solution, my question to the Minister is: aside from standing on the touchlines watching the players on the field and shouting advice, what more can we do while our friend and ally pursues a policy on settlements that is bound, so proceeding, to deliver a situation in which the two-state solution becomes geographically and economically unworkable? Yesterday, my right hon. Friend the Member for Brentwood and Ongar (Sir Eric Pickles) rightly challenged the Prime Minister about the need for face-to-face negotiations. He is a champion of the case for greater investment in strategies and projects to bring about the integration of Palestinian and Israeli citizens, and he is right about that, too.

Our Department for International Development employees in Jerusalem, who travel into the city daily on a tortuous commute from the areas around Bethlehem, are young people in their mid-20s to mid-30s. The only interaction that they ever have with an Israeli subject is when, during that journey, they are challenged to show their papers under the operation of what I would call the pass laws that exist to ensure that people’s ability to live, stay and work in their own city is restricted.

I entirely understand how we got to that dreadful situation: because of the obscenity of suicide bombing. Israel—no Government—could not possibly tolerate the wholesale slaughter of its innocent citizens. The key question for us is, having got to this dreadful situation, how we get back from it. It is one thing to demand, quite properly, face-to-face negotiations, but pursuing a policy in respect of illegal settlements makes those negotiations much more difficult, particularly when that policy is driven by an increasingly strident ideology.

Mr John Spellar (Warley) (Lab): Will the right hon. Gentleman give way?

Sir Desmond Swayne: I will give way when I have developed my argument.

On Monday night, when a Bill was passed in the Knesset retrospectively legalising 4,000 homes in illegal settlements, the Israeli Minister of Culture welcomed the result, saying that it was “the first step towards complete... Israeli sovereignty over Judea and Samaria.”

The words “Judea and Samaria” were chosen carefully.

When President Trump was elected, the Israeli Interior Minister, no less, welcomed it by saying that we are witnessing “the birth pangs of the Messiah when everything has been flipped to the good of the Jewish people”.

On Monday, Mr Speaker put a rather different gloss on Mr Trump’s election but, nevertheless, it is absolutely clear that a significant proportion of the Israeli political establishment is in thrall to an increasingly strident settler movement that regards Palestine as a biblical theme park—Judea and Samaria.

The more strident and aggressive outriders of the settler movement are not people we would necessarily welcome as our neighbours. I particularly refer to what is now happening in Hebron. Setting aside some of the ruses that are used to acquire property, when the settlers move in, it is actually their Palestinian neighbours who have to erect grilles and meshes over their windows, and fences around their yards, to exclude projectiles and refuse. The reaction of the security forces to protect their newly resident citizens is to impose an exclusion zone, and to cordon off and sanitise the access and areas around those properties. So proceeding, Palestinians find that they are excluded from the heart of their city and, indeed, from the environs of their own homes. It has all the appearance of what we used to describe as petty apartheid.

Secretary Kerry explained at the turn of the year why the United States would no longer pursue its policy of exercising its veto in respect of UN Security Council resolution 2334. He said that if the two-state solution were abandoned, Israel could no longer be both a democracy and a Jewish state because, as a consequence of abandoning the policy, it would have to accommodate Palestinian citizens and all their civil and political rights within the state of Israel.

Ian Austin (Dudley North) (Lab): But did not John Kerry also say that “this is not to say that the settlements are the whole or even primary cause of the conflict—of course they are not. Nor can you say that if they were removed you would have peace without a broader agreement—you would not”?

That was what he said. The right hon. Gentleman could have tabled a more balanced motion that reflects—look, he is sneering—all the barriers to a two-state solution, which is what I want to see.

Sir Desmond Swayne: I certainly was not sneering. I entirely accept that that was what John Kerry said—I do not dispute it for one moment. Frankly, the motion could not be more anodyne.

Richard Graham (Gloucester) (Con) rose—

William Wragg (Hazel Grove) (Con): Is now not the time, more than ever, for the United Kingdom Government to be entirely consistent and to remind the world, without any qualification, that settlements in the Occupied Palestinian Territories are illegal?

Sir Desmond Swayne: I absolutely agree. Does my hon. Friend the Member for Gloucester (Richard Graham) still wish to intervene?
Richard Graham: In a moment.

Sir Desmond Swayne: Very well. I shall return to my point about John Kerry. The key question is the one I put to the Minister at the start of my speech: what can we do? I was delighted by the activism of the United Kingdom Government on UN Security Council resolution 2334.

Mrs Louise Ellman (Liverpool, Riverside) (Lab/Co-op): Will the right hon. Gentleman give way?

Sir Desmond Swayne: Not yet.

I was, of course, dismayed by the subsequent inactivity of Her Majesty’s Government in respect of the Paris conference. That comes back to the question of what we do every time there is some outrageous announcement on settlements.

Mr Spellar: Will the right hon. Gentleman give way?

Sir Desmond Swayne: I will not give way.

What we do—I have heard the Minister say this from the Dispatch Box—is make representations at the highest level. I have also said that at the Dispatch Box, and of course we do make those representations. I am certain that the Prime Minister will have made representations to the Prime Minister of Israel on Monday. I last made representations to an Israeli politician at a meeting in the Knesset with the chief negotiator with the Palestinians and Deputy Prime Minister. Halfway through that meeting, he stormed out announcing that I had launched a brutal assault—no! As you know, Mr Deputy Speaker, I am a pussy in comparison with the Under-Secretary of State for Foreign and Commonwealth Affairs, my hon. Friend the Member for Bournemouth East (Mr Ellwood), who is a terrier. I am absolutely convinced that his representations will be much more robust than mine but, so long as they remain representations, the Government of Israel will continue to act with absolute impunity.

The question to the Minister is: what do we do beyond representations? What else exists in his armoury to escalate the situation? I accept that that is an extraordinarily difficult question because Israel is our friend and ally. It is a democracy, and a nation in which we have huge commercial interests and with which we share vital intelligence agendas.

Richard Graham: Will my right hon. Friend give way?

Sir Desmond Swayne: I am afraid that my hon. Friend has missed his opportunity.

As I conclude, may I make one gentle suggestion to my hon. Friend the Minister? He might consider giving effect to this House’s instruction that we should recognise the Palestinians and Deputy Prime Minister. Halfway through the meeting, he stormed out announcing that I had launched a brutal assault—no! As you know, Mr Deputy Speaker, I am a pussy in comparison with the Under-Secretary of State for Foreign and Commonwealth Affairs, my hon. Friend the Member for Bournemouth East (Mr Ellwood), who is a terrier. I am absolutely convinced that his representations will be much more robust than mine but, so long as they remain representations, the Government of Israel will continue to act with absolute impunity.

Richard Burden: My hon. Friend is absolutely right. I am particularly pleased that he mentions the progressive voices in Israel, because they do exist. Among the most insidious things currently happening are the actions taken by some of the Israeli right, sadly supported by people in the Israeli Government, to silence the voices of organisations such as B’Tselem, Breaking the Silence and many others that have the guts and integrity to stand up and say, “This is wrong.”

Some 6,000 new units have been announced in just the past few weeks and the settlement footprints now make up more than 42% of the west bank’s land mass. Whatever the numbers, the reality is, as the hon. Member for Hazel Grove (William Wragg) said, that every single settlement built on occupied land is unlawful under the fourth Geneva convention.

If settlement building does not stop, the destruction of the two-state solution that will inevitably follow will mean the de facto annexation of the west bank by Israel. In the past week, we have seen another move towards that, with the passing of the so-called regularisation law, which retrospectively declares legal the illegal Israel
settlements on expropriated private Palestinian land. I commend Israel’s Attorney General for declaring that unconstitutional and pay tribute to the judicial independence that demonstrated, but the deception of travel is clear: both that law and the massive expansion of settlements that is taking place mean that, whatever Israel calls it in theory, annexation is happening in practice.

Stephen Timms (East Ham) (Lab): I pay tribute to my hon. Friend’s long record of work on this issue. In his view, are we now beyond the point at which a viable Palestinian state could be set up, were there the agreement to do that, or are there perhaps still grounds for some optimism?

Richard Burden: It is right that the long-standing policy of this House and of Britain to support the two-state solution endures, but let us make no mistake: the chances of that solution are disappearing.

Dr Philippa Whitford (Central Ayrshire) (SNP): Will the hon. Gentleman give way?

Richard Burden: I am afraid I cannot give way any more as there is not enough time. I am sure the hon. Lady will have her chance to speak a little later.

What John Kerry was getting at was that if we end up with the de facto annexation of the west bank, that gives Israel a choice. It can say either that everybody living there should have the vote and rights equal to those of its own citizens, or that they do not. If it says that they do have those rights, the future of Israel with a Jewish majority is at an end. If it says that they do not have those rights, Israel can no longer claim to be a democracy. Not only that, but if there is de facto annexation while Israel maintains a system of laws and controls that discriminate against the majority of people who live in the west bank and denies them basic democratic rights, what term can we use to decide what we are left with but a form of apartheid?

If one goes and looks at the reality of life for Palestinians on the west bank, it is difficult not to come away with the impression that what is happening there is already a creeping culture of apartheid. Is it any wonder, then, that if one talks to Palestinians today—particularly young Palestinians who have never experienced anything other than the grinding weight of occupation—they increasingly say that they see the international community’s constant going on about a two-state solution as a cruel deception for them and their lives? They say, “Actually, we are now getting to the stage where we don’t care how many states there are. We just want it ensured that we have equal rights with everybody else.”

We are left with choices about what we do about this situation, and the right hon. Member for New Forest West was right to put this to the Minister. We can either continue with the mantra that we support a two-state solution in theory, or we can do something to save that solution. I have two questions for the Minister. First, what actions—not simply words—are the UK Government prepared to take to differentiate settlements in the occupied west bank from Israel itself? Secondly, as settlements are illegal, should not there be a clear message from the Government that any trade preferences, either before or after Brexit, do not apply to settlements, and that this will be enforced? UK businesses should not collude with illegality through any financial dealings with settlements or through the import of settlement goods to the UK.

I conclude by echoing a point made by the right hon. Gentleman. Five years ago, William Hague, the then Foreign Secretary, said:

“"We reserve the right to recognise a Palestinian state bilaterally at a moment of our choosing and when it can best help to bring about peace."”—[Official Report, 9 November 2011; Vol. 535, c. 290.]

In October 2014, this House asked the Government to act on that, so does the Minister agree that, with the two-state solution that we all support under threat like never before, now is the time to act on that bilateral recognition? We have to ask ourselves: if not now, when; and if not now, are not those Palestinians who believe that we talk a good story but do nothing to end their misery actually right?

12.58 pm

Crispin Blunt (Reigate) (Con): I congratulate my right hon. Friend the Member for New Forest West (Sir Desmond Swayne) and the hon. Member for Birmingham, Northfield (Richard Burden) on introducing the debate.

Secretary Kerry’s speech after the adoption of resolution 2334 was outstanding in its depth and balance. Friends of both Israel and Palestine must address his central charge that the status quo is unsustainable and is both a threat to a democratic Israel and prevents a viable Palestinian state. The argument that resolution 2334, John Kerry’s speech, the Paris conference and even this motion are hollow words and simply serve to harden intransigence is transparent, self-serving nonsense. Reiterating basic tenets of international law and ceaselessly searching for peace should not be dismissed in that way.

I share Kerry’s analysis that settlements are not the “the whole or even the primary cause of this conflict.”

I welcome his work on securing Palestinian acknowledgement that the reference in the Arab peace initiative to the 1967 lines included the concept of land swaps, and he is right that even if the settlements were removed, we would not have peace without a broader agreement.

Since Oslo, Palestinians have been betrayed by two decades of factionalised leadership; by the international community in the disastrous consequences of the implementation of the Oslo process; historically, by their Arab neighbours in the catastrophic way that they first advanced their own interests ahead of the Palestinian cause; and, also historically, by Britain in our failure to deliver the second half of the Balfour declaration.

It is also true that, for more than 100 years, the Palestinian leadership has never missed an opportunity to miss an opportunity. Today, those encouraging violence are again betraying the opportunity to present the Palestinian cause with the legal and moral authority that it deserves. However, while admitting the enormity of these issues, one should not belittle the seriousness of the settlements issue. Settlements are illegal under international law for a reason.

Ian Murray (Edinburgh South) (Lab): I am very grateful to the distinguished Chair of the Foreign Affairs Committee for allowing me to intervene. Will he comment
on what message it sends out to the international community when UN resolution after UN resolution on settlements is ignored and on what we can do to ensure that we action the one that has just been passed?

Crispin Blunt: I agree with the hon. Gentleman, who is such a distinguished addition to the Foreign Affairs Committee. As he knows, we have announced an inquiry into British policy towards the middle east peace process, and it is an issue with which we will engage in detail over the months ahead.

Dr Whitford: Having been in Gaza a quarter of a century ago when the Oslo process started, I have to ask whether we are not now in a situation in which, if we do not recognise and enforce international law, we send out the message to other countries in the world that if they cover something in concrete, we will let them get away with it. If that is so, we will pay the price.

Crispin Blunt: I agree with the hon. Lady. The implications of these settlements are catastrophic. One should not belittle the seriousness of the issue. As I was saying, settlements are illegal under international law for a reason. One cannot conquer someone else’s territory and then colonise it. The end of that era was codified in the Geneva convention in 1949, and our experience since has been of decolonisation. That it should have happened over the past 50 years at the hands of a nation born out of the moral authority of the appalling treatment of the Jews in Europe over centuries that culminated in the holocaust is deeply troubling for the admirers of the heroic generation that founded the state of Israel.

We rightly talk about all that should be celebrated in Israel, which is often described as a beacon of our shared values in a troubled region, but the truth is that Palestinians, the Arab world and the wider international community, including our own population, increasingly see Israel through the clouded prism of the settlements. Within Israel, there is no consensus on settlements. The recent regularisation law has raised a particularly rancorous debate. It was Benny Begin, the son of a former Prime Minister and a Likud Member of the Knesset, who dubbed the law as the “robbery law”, while the head of the Zionist Union, Isaac Herzog, called it “a threat” to Israel. It is worth remembering that Parliaments cannot make legal what international law proscribes.

Richard Graham: Does my hon. Friend agree that the expansion of illegal settlements is to the despair of many people who wish Israel well and plays precisely into the hands of those who believe that there is a cynical intent never to pursue a two-state solution?

Crispin Blunt: I wholly agree with my hon. Friend. It distresses me that, despite the formal reiteration of the British position on settlements, the recent signals from the Government—briefing against the Kerry speech, not participating in the Paris conference and receiving an Israeli Premier who has just presided over the regularisation law and who is in deep domestic trouble—suggest that they do not fully appreciate the seriousness of this obstacle to peace and the threat to the values of a nation that our history of personal, economic and security relationships makes a firm friend and ally. Friends should not allow each other to make profound and damaging mistakes, which is why I support this motion.

1.4 pm

Joan Ryan (Enfield North) (Lab): Before addressing the motion, I wish to condemn the rocket attack on Israel last night when Islamic State fired four rockets from the Sinai peninsula into Eilat. I expect that the whole House wants to join me in that sentiment.

Three weeks ago, I introduced a ten-minute rule Bill in support of an international fund for Israeli-Palestinian peace. At the outset, I made it clear that I opposed continued settlement building in the west bank, a policy that threatens the viability of a future Palestinian state, the case for which is unarguable. It does immense damage to Israel’s standing in the world, and, over time, it will put at risk that which is most precious about Israel’s character—its Jewish and democratic character.

I also made it clear that settlements are not the only or even the principal obstacle to peace. As the former US Secretary of State, John Kerry, who has been much quoted today, said in his final speech on the middle east in December,

“The core issues can be resolved if there is leadership on both sides committed to finding a solution. In the end, I believe the negotiations did not fail because the gaps were too wide, but because the level of trust was too low.”

Settlement building in the west bank does nothing to contribute to raising those levels of trust—in fact, it does quite the reverse—but let us be clear: trust has to be built and earned by both sides. It is unfortunate that today’s motion makes scant recognition of that fact. Therefore, let me outline some of the factors, beyond settlement building, that contribute to that lack of trust.

Mike Gapes (Ilford South) (Lab/Co-op): Last month, I had the privilege of being on a delegation to Israel and Palestine. We met a group of young Palestinians and young Israelis on the MEET project—Middle East Entrepreneurs of Tomorrow—who are working together on IT and technology. That is surely the way to build trust that my right hon. Friend talks about.

Joan Ryan: I absolutely agree with my hon. Friend. I, too, have visited that project, and it is inspiring. Co-existence is building trust.

I do not believe that trust is built when the Palestinian Authority pumps out an unrelenting stream of anti-Semitic incitement—children’s programmes that teach their young audience to hate Jews; the naming of schools, sports tournaments and streets after so-called martyrs; and the payment of salaries to convicted terrorists—when it is suggested, as Palestinian state media regularly does, that all of Israel is occupied territory; or when the authority continues to insist on a right to return for the descendants of Palestinian refugees to pre-1967 Israeli territory.

Richard Graham rose—

Joan Ryan: I will not give way just now.
I do not believe that trust has been built by the experience of Gaza—territory that Israel unilaterally withdrew from 12 years ago only to see it come under the control of Hamas, which is committed to the creation of a Palestinian Islamist state from the Jordan river to the Mediterranean sea.

John Howell (Henley) (Con): The right hon. Lady has been talking about trust, but how would she assess the fact that when some 8,000 settlers were evacuated from Gaza, they were greeted by almost 20,000 rockets?

Joan Ryan: We all know that being greeted by that number of rockets will do anything but build trust. Hamas uses Gaza as a base indiscriminately to fire rockets into Israeli villages, towns and cities, which the hon. Gentleman was referring to, and build tunnels to carry out terrorist attacks.

Rushanara Ali (Bethnal Green and Bow) (Lab): Will my right hon. Friend give way?

Joan Ryan: Not at the moment, no. Hamas’s treatment of women, its political opponents, the lesbian, gay, bisexual and transgender community and journalists shows absolutely no respect for the basic human rights of the Palestinian people. Trust is not built when those international institutions, which might be expected to help foster a settlement and promote the values of peace and reconciliation, show that they cannot act as honest brokers.

The UN General Assembly ended its 2016 annual legislative session with 20 resolutions against Israel and only six on the rest of the world combined; there were three on Syria, one each on Iran, North Korea and Crimea, and 20 on Israel. There is no balance there. The UN Human Rights Council adopted 135 resolutions in its first decade of existence, 68 of which—more than half—attacked Israel. UNESCO has denied the Jewish people’s deep historical connection with Judaism’s holiest sites in Jerusalem.

As supporters of a two-state solution, we should commit to building trust with and between Israelis and Palestinians in our words and actions. In our words, we should avoid emotive language that feeds a narrative of victim and villain, recognise and encourage the need for compromise and never fail to acknowledge the complexities of a conflict that has endured for decades, the roots of which run deep. In our actions, we should steer clear of simplistic solutions such as the Boycott, Divestment and Sanctions movement, which, by seeking to delegitimise and demonise the world’s only Jewish state, is morally wrong and does nothing to follow the cause it claims to support. We should give no encouragement to those who deny Israel’s right to exist and refuse to renounce violence. Hamas and Hezbollah are no friends to the cause of a two-state solution.

We should do all we can to assist those in Israel and Palestine who are working for peace and reconciliation. That is why the greatest contribution Britain can make is all too apparent. Although 59% of Israelis and 51% of Palestinians still support a two-state solution, those already slim majorities are fragile and threatened by fear and distrust between the two peoples. After two decades, a significant body of evidence now indicates the impact that co-existence projects can have, despite the challenging environment in which they exist. Those participating in such programmes report higher levels of trust and co-operation, more conflict resolution values and less aggression and loneliness. Those are the kinds of measures we should support. I call on the Government to support the international fund for Israeli-Palestinian peace.

1.12 pm

Mike Freer (Finchley and Golders Green) (Con): I had no doubt that today would be an impassioned debate, and we have got off to a good start, hearing quite clear views from both sides of the issue.

As other hon. Members have mentioned, Israeli settlements are not the main obstacle to peace between Israel and the Palestinians by a long stretch. A No. 10 spokesman said in December that settlements are “far from the only problem in this conflict...the people of Israel deserve to live free from the threat of terrorism, with which they have had to cope for too long”.

The narrative seems to be that the conflict we see today started in 1967, when Israel gained control of the west bank and Gaza, but I ask hon. Members to consider why violence in the region pre-dates the existence of the settlements? It is worth recalling that the west bank and Gaza were occupied before 1967 not by Israel, but by Jordan and Egypt respectively. During those occupations, they refused to grant citizenship to Palestinian refugees, nor did they surrender the territory to be used for a Palestinian state. Where is the condemnation of Jordan and Egypt? The international outcry was deferred until Israel occupied the disputed lands, at which point it became unacceptable for an occupation to take place. From that point onwards, it was unacceptable; before that, no condemnation.

Legality is not subjective. It is often said that Israeli settlements are illegal, but stating that repeatedly does not make it true—[Interruption.] I would like to reply to any inflammatory comments, but I ask hon. Members to bear with me for a moment. The west bank and Gaza remain, as they have always been, disputed territories under international law. There has never been a Palestinian state, so the territory remains ownerless. That is a strong argument for some, although it is not one to which I necessarily subscribe.

Andy Slaughter (Hammersmith) (Lab): It sounds like it.

Mike Freer: The whole point of the Chamber—for those chuntering from a sedentary position—is to expose and discuss those arguments, not to merely rehearse entrenched positions. What, otherwise, is the point of a debate?

Ian Austin: The hon. Gentleman is making an important point. The truth is that a Palestinian state was proposed in 1947, but it was not established by other Arab countries, which chose instead to invade Israel at the moment of its establishment. A Palestinian state could have been
established at any point in the following 20 years by Egypt, which controlled Gaza at the time, or by Jordan, which controlled the west bank. He is completely right to make that point.

Mike Freer: I am grateful for that intervention. Of course, the debate is one-sided. People criticise Israel for demolishing tunnels, building walls and raising buildings, but they make no comment when Egypt does exactly the same. The international community is silent on Egypt, and only vocal on Israel. As the right hon. Member for Enfield North (Joan Ryan) said, where is the balance? I said that some people believe that the settlements are not illegal because the land is ownerless. I do not subscribe to that view, but it is important to mention because people hold that view very firmly and the issue is divisive.

Mr Clive Betts (Sheffield South East) (Lab): Will the hon. Gentleman give way?

Mike Freer: Would the hon. Gentleman give me a moment? As the right hon. Member for Enfield North said, this is a fundamental issue of building trust. Unless trust is built and the issue of disputed lands is dealt with, the trust deficit will continue.

Bob Blackman (Harrow East) (Con): Does my hon. Friend agree that, as far as Israel was concerned, the trust was almost ended when the only result of removing all settlements from Gaza was a torrent—an avalanche—of rockets and missiles?

Mike Freer: My hon. and long-time Friend makes a good point. Everyone talks about Israel giving up land for peace. It has given land, but it did not get the peace.

Imran Hussain (Bradford East) (Lab): Will the hon. Gentleman give way?

Mike Freer: Sorry, but I have taken two interventions and time is running short.

I wholeheartedly support and hope for a two-state solution that can be established with trust on both sides, but only two parties can decide on borders and other final status issues, and those two parties are Israel and the Palestinians. Accordingly, I welcome the Prime Minister’s reiterations yesterday that direct peace talks remain the best way to secure a solution—direct talks between the two parties involved, not European conferences excluding one of the parties. As I have said before, the two-state solution we all support should be the end, not the start, of the process. I strongly believe that such debates need to focus on the whole and complex picture and should not be imbalanced by focusing on one particular aspect.

Likewise, UN Security Council resolution 2334 does not help to advance peace, as it focuses on Israeli settlements and only serves to reward Palestinian intransigence and unilateralism. Of particular concern to my constituents is that, for the first time, resolution 2334 defines East Jerusalem as “Palestinian Territory occupied since 1967”, including the Western Wall and Temple Mount, which are Judaism’s holiest sites. The area also includes the holy sites of Christianity, where Jesus practised his ministry. The definition implies that Jews and Christians visiting their holiest sites are acting illegally, and that is an affront to Christians and Jews alike—[Interruption.] Hon. Members are chuntering from a sedentary position.

Joanna Cherry (Edinburgh South West) (SNP): Will the hon. Gentleman give way?

Mike Freer: No, I will not. I have given way twice. I am trying to reflect the concerns of my constituents. Hon. Members may not like those views, but it is my job to represent my constituents in an imbalanced debate, whether other hon. Members like it or not. That is the purpose of a constituency MP, and that is what I seek to do.

Joanna Cherry: Will the hon. Gentleman give way?

Mike Freer: No. I have already given way twice. As I said, and as my hon. Friend the Member for Harrow East (Bob Blackman) said, Israel has given up land for peace, but it has not had the peace, and it is important that this Government continue to nudge and cajole our ally to take the right course. However, a premature declaration of statehood by the Palestinians, acting unilaterally, would put back peace, not pursue it. If we support the Balfour declaration, we must stand alongside our ally, Israel, and make that declaration work.

1.20 pm

Ian Paisley (North Antrim) (DUP): I must say that I do believe the point that has been made: the best way to resolve this apparently intractable problem is the same way as peace processes around the world have resolved problems—through face-to-face negotiations between people on the ground, and not through grandiose schemes that play to certain galleries and certain outside influences. That is an important starting point for any peace process ultimately to work.

Ian Austin: Will the hon. Gentleman give way?

Ian Paisley: I will not at the moment.

Settlements are a symptom of the conflict in Israel; they are not the cause. If anyone thinks they are the cause of the conflict, they do not understand what has happened in that land. History shows that the unilateral removal and evacuation of settlements did not generate peace at all, but inspired more rocket attacks and the deaths of more innocents in other settlements—that is what it actually did. Instead of being part of a peace process, the unilateral removal of settlements would be a piece-by-piece process—a step-by-step process towards more attacks on innocent people. So let us stop the hand-wringing and the pretence that a unilateral move on settlements will make peace—it will not. For some—not in this Chamber—it is a cover for more aggression, and for most it reflects a misguided view of what is happening on the ground. You cannot negotiate away settlements in advance.

Mrs Ellman: I support the point the hon. Gentleman is making. Would he like to contrast the failure of Israel’s unilateral decision to remove settlements and to withdraw from Gaza to secure peace with the agreement
that was made with Egypt in 1979, when Israel withdrew and demolished its settlements as part of an agreement that has lasted until this day?

Ian Paisley: The hon. Lady, who has much experience and knowledge of the area, makes a vital point. If we look at the history of the area, we see that Israel has a very good track record of agreeing concessions on territory whenever peace is made. That was the history in 1979 between Sadat and Begin. When they made an agreement, what did Israel do? It gave up critical Sinai—91% of the territory it won in 1967—once peace was agreed. As part of that peace, Begin completely destroyed the Yamit settlement in Sinai. With Jordan, what was the attitude of the Israelis? When they got a settlement, both sides redeployed to their respective sides and agreed to the international boundaries.

The point made by the hon. Lady is supported by facts on the ground at the end of a peace process. I have been part of a peace process, and you cannot make a major concession at the beginning of a peace process and think that it starts at that point; you make the concessions at the end, on the basis of an agreement. That is what needs to take place.

Rushanara Ali: Will the hon. Gentleman tell the House whether he agrees that Israeli settlements are illegal? While that is not the only factor, it is critical that we address and acknowledge it. Secondly, in relation to Gaza, 800,000 children are living in what the former Prime Minister described as one of the world’s biggest open prisons. These are major humanitarian issues, which we need to confront and address.

Ian Paisley: To be absolutely clear, I am not dismissing any of the major humanitarian issues. I have absolute sympathy, concern and passion for the needs of Israeli and Palestinian children, men and women. I hope that they can live in new, harmonious, peaceful countries, but we have to get to the point of understanding how we get to that solution. The terms of reference for any negotiation should be the starting point that we want to get to a peaceful, secure Israel side by side with a sovereign Palestine. That is how we have to try to get a two-state solution, and the only way we will achieve that is through face-to-face negotiations between the practitioners on the ground.

Most Members will have had the opportunity in the last day or so to see the Women’s International Zionist Organisation project on Upper Committee corridor. Women of different races, creeds and backgrounds from across Israel and Palestine were asked to do one thing: to paint an olive tree. All those different women have given very different perspectives, but they have painted the same thing in all its glory. The important point about that experiment is that if we put people together on the ground and allow them to negotiate and do something face to face, they will ultimately get to a solution.

The message we should send out today is clear and unequivocal: only Israelis and Palestinians, sitting down together face to face, can sort this out and achieve peace in a much tortured and embattled region.

Several hon. Members rose—

Mr Deputy Speaker (Mr Lindsay Hoyle): Order. I am sorry, but owing to the number of interventions we are going to have to go down to four minutes already.

Dr Tania Mathias (Twickenham) (Con): I would like to give credit to everybody who has spoken—every speech has added to the debate. I am very grateful that there was cross-party support for bringing the debate forward.

So far, I do not think we have been straitjacketed by polarised views. If someone criticises Palestine, it does not mean they are an apologist for the occupation. If someone criticises Israeli policies, it does not mean they are against Israel or anti-Semitic. I deplore Hamas’s support for terrorism, and I deplore the building of settlements and outposts beyond the green line.

Our monitors say that the motion is “Occupied Palestinian Territories: Israeli Settlements”. That does not do credit to the full motion, which talks about the two-state solution and asks our Government to take a more active role. This is a very important debate, especially in this year of sad anniversaries—anniversaries of occupation, anniversaries of a blockade and, vitally for us and for our Government today, the centenary of the Balfour declaration. The declaration did commend the establishment of a national home for the Jewish people, but, as my hon. Friend the Member for Reigate (Crispin Blunt) said, it also uses the words: “it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine”. That is where our role is critical.

It is correct that the settlements are illegal. I know there is some dispute in Israel about the Geneva convention, but the International Court of Justice, the International Committee of the Red Cross and the United Nations Security Council claim that the settlements are illegal. President Obama, Secretary of State John Kerry—he said this in December—and even Ronald Reagan also claimed the settlements are illegal.

Helen Goodman (Bishop Auckland) (Lab): The hon. Lady is making a good speech. Does she agree that the Government are to be congratulated on supporting resolution 2334? Will she, like me, be looking to the Minister to say what action the Government are planning to take to enforce resolution 2334?

Dr Mathias: I appreciate the hon. Lady’s intervention. That is the problem with so many resolutions—2336, 242 and 181. Yes, I would look to the Minister to tell us what actions the Government are planning to take.

Worryingly, the number of settlements has increased to over 100, as has the number of outposts, to over 100. They are increasing in number, in population, and in geographical area. A matter of concern for anybody who has seen images of them are the settlements in the area just by Jerusalem, the so-called E1 area, which may split the Palestinian west bank north and south. Gaza and the west bank have been separate since 1947, yet this year there is the danger of even more fragmentation.

Bob Stewart (Beckenham) (Con): Does my hon. Friend agree that the regularisation law passed by the Israeli Government last Monday makes a two-state solution even more difficult, because settlements that previously were illegal are now legal under Israeli law?
Dr Mathias: I absolutely agree. That is why this debate is crucial.

I completely agree with other Members who have talked about trust and communities coming together. Many Israelis and many Palestinians have wonderful projects, and I have witnessed many of them.

There is a problem where settlements and outposts are on private Palestinian land. I have been in the region during a period of conflict and witnessed many events, but the only time I saw an Uzi being fired at a school was by a settler, not by any person in military uniform.

This year is critical. Our Government have failed on part of the Balfour declaration. I am keen to hear what the Minister says in reply to hon. Members who have said, yes, now is the time to recognise a Palestinian state, but also, even if all the settlements and outposts were dismantled today, there would not be peace, because the negotiations have to proceed about matters such as borders, Jerusalem, the refugees’ right to return, and Israeli bases.

1.32 pm

Ian Austin (Dudley North) (Lab): I oppose anything that stands in the way of the creation of the two-state solution that I have believed in and campaigned for all my life. It is wrong, however, to suggest, as I believe this motion does, that the settlements are the only barrier, or even the biggest barrier, to the peace process. We have to look at the actions of the Palestinian Authority, too: the denial of Israel’s right to exist; the depiction of all of modern Israel as part of Palestine; the incitement to, and glorification of, violence by its media, senior officials and Ministry of Education.

Joan Ryan: Does my hon. Friend agree that it is really important that we distinguish between legitimate criticism of Israel and de-legitimisation of Israel that questions its very right to exist?

Ian Austin: That is completely right. That is why the Palestinian Authority’s denial of Israel’s right to exist will not build the trust that we have discussed here this afternoon. Nor will the incentivising of terrorism through the payment of salaries to convicted terrorists.

Dr Philippa Whitford: Will the hon. Gentleman give way?

Ian Austin: Not at the moment.

Does anyone seriously believe that the settlements are a bigger barrier to the peace process than Hamas’s terrorism and extremism? Its charter sets out its goals with an explicit rejection of not just Israel’s right to exist, but the very idea of a peace process, which it says would involve the surrender of “Islamic land”. This is an organisation that spends millions, and uses building materials, which could build hospitals, schools and homes, for tunnels and terror. It pioneered suicide bombing in the middle east, and then celebrated the murder of Israelis in bars and restaurants.

Crispin Blunt: Will the hon. Gentleman give way?

Ian Austin: Not at the moment.

Settlements do not, as has been suggested in the debate, make the prospect of a two-state solution impossible. I do not defend settlement-building, but the House should recognise that Israel has shown its willingness to evacuate settlements before—from Sinai in 1982, as part of the Camp David accords, and when it unilaterally withdrew from Gaza in 2005.

John Howell: Will the hon. Gentleman congratulate Israel, because only last month it removed 50 families from land at Amona?

Ian Austin: The hon. Gentleman is completely right to raise that important point. I am pleased that it has been raised because it has not been discussed or mentioned by anyone who has spoken so far.

It is important for the House to recognise that 75% of the settlers are on 6.3% of the land, so when people talk about the west bank being concreted over, they are factually wrong—it is not true.

Dr Paul Monaghan (Caithness, Sutherland and Easter Ross) (SNP) rose—

Ian Austin: I will not give way any more—I have given way twice.

This issue can be dealt with through land swaps. That was accepted as a principle for building a peace process in all recent negotiations. In 2008, Ehud Olmert outlined a plan under which this could have been achieved.

I say all this because I want to argue that with compromise, creativity and concessions on both sides, the rights of both the Israeli and Palestinian peoples to self-determination and to peace can be secured. There are considerable further challenges facing a two-state solution, such as the status of Jerusalem, security, and refugees. However, it is also important to recognise, as has not been sufficiently recognised in this debate so far, that majorities on both sides still favour a two-state solution. None of these issues is insurmountable if there is a willingness on both sides to negotiate, to compromise, and to make concessions.

The solution is not one-sided, simplistic motions and calls for grand international gestures unilaterally imposed on the peoples of Israel and Palestine. In fact, grand gestures are counter-productive to the cause of peace because they suggest to the Palestinian people and the Palestinian Authority that there is a route to a Palestinian state that can be imposed from outside that does not involve face-to-face direct talks and negotiations, which is the only way this issue is going to be solved. The truth is that there is no alternative that will end the bloodshed.

Richard Graham rose—

Ian Austin: I have given way twice.

We should be doing everything we can to develop dialogue, to promote direct negotiations between the two sides, and to build trust instead of boycotts, sanctions and other measures that just drive people further and further apart. I want Britain to support organisations like the one we heard about earlier, which my hon. Friend the Member for Ilford South (Mike Gapes) and I visited recently in Jerusalem, that bring Israelis and Palestinians together to work to build the foundations for two viable states living peacefully alongside each other. It would have been really good if more Members had been in the Strangers Dining Room yesterday to hear about the WIZO project and what women—Jewish,
Muslim and Christian women—in Israel and in Palestine are doing to work together to create the building blocks for peace. I want Britain to be doing more to promote economic development, trade and investment on the west bank, encouraging brilliant projects like one that I have been to see—the new Palestinian city of Rawabi on the west bank. I want to see Britain pushing internationally for the demilitarisation and reconstruction of Gaza.

Peace talks have produced results in the past, they have come close to a breakthrough on several occasions since, and they will have to do so again, because the only way this conflict will be resolved is by people on both sides negotiating, compromising, and working together towards the two-state solution.

1.38 pm

John Howell (Henley) (Con): It is a great pleasure to follow the hon. Member for Dudley North (Ian Austin) because, like him and the hon. Member for Ilford South (Mike Gapes), I have been fully involved in visits to Israel and the west bank—six over the past three years—with organisations that encourage co-operation between Israelis and Palestinians. I also chair events here where those organisations come forward and describe what they are doing. I have on several occasions been to Tel Aviv to see Save a Child's Heart, a brilliant organisation that goes out of its way to treat Palestinian children who have heart problems. That involves fine surgery that requires a great deal of skill.

Bob Blackman: My hon. Friend mentioned Save a Child’s Heart. Will he confirm that children from other Arab countries and beyond receive life-saving treatment at the hospital in which it operates?

John Howell: My hon. Friend is absolutely right. The number of Arab children treated by the Israeli doctors at the hospital is phenomenal, and it sets a brilliant example for the whole region.

Ian Austin: I want to emphasise this point—[Interruption.] My hon. Friend the Member for Hammersmith (Andy Slaughter) is laughing and sneering in his usual way, but he ought to listen to this point, because it is really important. The truth is that we come into debates such as this one and hear a binary—[Interruption.] Madam Deputy Speaker, hon. Members can shout as much as they like, but I am going to speak.

Madam Deputy Speaker (Mrs Eleanor Laing): Order. No one can shout as much as they like. The hon. Gentleman will be heard.

Ian Austin: Thank you, Madam Deputy Speaker. We hear a binary, simplistic, polarised debate, when the truth about Israel and Palestine is that people on the ground are working together, co-operating, talking and building the peace process that we all want to see. It is about time people listened to that argument instead of laughing at it.

John Howell: I thank the hon. Gentleman kindly for his comments. I was about to come on to that.

Mr Betts: Will the hon. Gentleman give way?

John Howell: I have given way twice, and I am not giving way again.

Madam Deputy Speaker: Order. We are having very short speeches, and the interventions have been longer than the speeches. Let us allow Mr Howell to make his speech.

John Howell: Thank you, Madam Deputy Speaker. The point I was about to make was that here we have a wonderful example of co-operation between the Israelis and the Palestinians, and yet we are focusing on one issue—settlements. I would be the first to admit that settlement expansion is counter-productive, but we have heard from speaker after speaker that settlements are not the cause of conflict. They are not the cause of the violence, which long predates the existence of settlements, in this part of the world.

If that is the case, why are we picking settlements out for discussion? Settlements are one of the five final status issues, which also include borders, the status of Jerusalem, security and Palestinian sovereignty. A whole range of issues need to be addressed if the situation is to be moved forward. I was able in a recent meeting of the Council of Europe to expand on the matter for a little longer than I have now, particularly in relation to the activities of Hamas in Gaza. As I have already mentioned in an intervention, the Israelis pulled out 8,000 Israeli settlers, including their dead, from Gaza and they have been greeted by the almost 20,000 rockets that have been launched at them.

The interesting thing about Gaza, as my hon. Friend the Member for Finchley and Golders Green (Mike Freer) has mentioned, is that the restrictions on it are being implemented by Egypt as well as by Israel. I spoke to Anwar Sadat, the leader of the Reform and Development party in Egypt, and he said, “We are not going to sort out the problems of Gaza until terrorism in Egypt stops.” That was his message for the area. Settlements in East Jerusalem, for example, account for 1% of the territory.

The motion calls for the internationalisation of the peace process, and I do not think that that is very productive. The question that has been asked on a number of occasions is: what is required? What should we do? Direct peace talks are required between Israel and the Palestinians, without preconditions. Unfortunately, the Palestinian side comes up with preconditions every time, and those preconditions usually involve the release of yet more terrorists. If we look at Israel’s record over settlements, we see that in 2010 there was a 10-month moratorium, but the Palestinians allowed nine months to slip by before they resumed peace talks; they did not take it seriously. A month ago, as I have mentioned, Israel evicted 50 families from homes in Amona. In 2005, we saw the situation in Gaza, and in 2008 Israel made a fantastic offer to withdraw from 94% of the west bank.

The issue that needs to be discussed is how that fits in with land swaps. That needs to be dealt with face to face in negotiations between the two parties. At the moment, all that Israel has got out of the process is a denial of its right to exist, an intensification of violence and demands for the release of yet more terrorists. I do not think anyone should ignore the fact that that is happening because the Palestinians are scared of their own elections. Polling suggests that they are going to lose, whether we are talking about the Palestinian Authority or Hamas, and, sadly, they are going to be succeeded by organisations that are in favour of ISIS.
1.45 pm

Simon Danczuk (Rochdale) (Ind): I thank the right hon. Member for New Forest West (Sir Desmond Swayne) for securing this important debate. This is not the first time I have raised the issue of Palestinian rights in Parliament; sadly, I am sure it will not be the last.

In 2012, when I was chair of Labour Friends of Palestine and the Middle East, I had the privilege of visiting the west bank for the second time. I saw at first hand the degrading and inhuman way in which Palestinians were treated by the Israelis, who had demolished or stolen their homes. I also saw the effect that that had on Palestinian businesses and farmers. The suffering and the sense of loss experienced by the Palestinian people are indescribable. The loss that they have suffered is illegal under international law—a theft of land that continues to be denounced by world leaders across the globe and condemned, quite rightly, by the United Nations. Above all else, the perpetual land grabs are not only immoral and illegal, but a barrier to peace.

Although the Palestinians must provide assurances that Israel will be able to live in peace beside a Palestinian state, the Israelis, too, must come to peace talks in good faith. How can Palestinians take a peace offer seriously when settlements continue to be built? How can Palestinians trust Israel to recognise a Palestinian state when their homes are being demolished? How can Palestinians believe in a genuine two-state solution based on the 1967 borders when Israel continues its encirclement of East Jerusalem? The settlements must stop in order to give any framework for peace a chance, and Britain must be at the forefront of that effort. Britain has a moral responsibility to the Palestinian people, given our role in the region and our betrayal of the people who lived under our mandate after the first world war.

Given the new President in the White House, our country has to play a more important leadership role. Many in this House may be sceptical about the idea that the US has ever been an honest broker in this conflict. However, despite its strong ties with Israel, the US has condemned settlements and aggression. Trump’s view of the conflict appears to be a world apart from that of the former Secretary of State, John Kerry. Trump has made potentially inflammatory remarks about moving the US embassy to Jerusalem, and he has selected a pro-settlement real estate lawyer to be the US ambassador to Israel. That has so emboldened the Israeli right that within days of the Trump inauguration, the Israeli Government announced their plans to build a further 2,500 housing units in the west bank.

Helen Goodman: Does the hon. Gentleman agree that to make it clear to the Israelis how unsatisfactory the situation is, we should adopt the same policy as we have adopted towards the Russians over their invasion of Crimea and introduce personal sanctions on those who promote and benefit from the settlements?

Simon Danczuk: I appreciate the intervention, and I have to agree that there needs to be some consistency in British foreign relations regarding our attitude towards different countries.

Let me start to conclude. I am glad that Britain, alongside the EU, denounced the awful regulation law allowing further housing units to be built. That allays some of the fears I have that Britain is turning its back on the safeguarding of human rights and the promotion of democracy. However, I worry that in this post-Brexit world, such values will be forced down the list to secure trade deals. I know that trade was on the agenda at the Prime Minister’s meeting with the Israeli Prime Minister and I am sure many benefits can be gained from the new UK-Israel trade working group, but will the Minister assure me and my colleagues that the UK’s opposition to the new settlements in the west bank will be made forcefully? What is more, will he assure us that increased trade with Israel will not benefit those making a living out of the illegal occupation? Such small steps could make a difference.

In conclusion, Britain must live up to its responsibilities to the Palestinians. The aid we give makes a difference and it must continue, as must our criticism of illegal settlements, and our vocal condemnation must get louder if the US Administration choose to turn their back completely on the Palestinian people.

1.50 pm

Bob Blackman (Harrow East) (Con): It is a pleasure to follow the hon. Member for Rochdale (Simon Danczuk), who made an eloquent speech.

The motion before us is a curate’s egg—good in parts. At its heart, there is a false assertion. As hon. Members have said, the only way in which this crisis in the middle east will ever be solved is by face-to-face negotiations between the Palestinian leaders and the state of Israel. As we all know, this area of the world has had a long history of being occupied by empires down through the ages. The Ottoman empire ruled the area until the time of the first world war, when the British mandate came in, and the reality is that the west bank was annexed by Jordan in 1950. To call it occupied territory is of course to suggest that a country once existed, but it has never existed. That is the real dilemma in this whole problem.

I absolutely think that United Nations Security Council resolution 2334 should not have been supported by the United Kingdom Government; it was wrong for them to do so. It was passed in the dying days of President Obama’s presidency, and his refusal to support Israel in its hour of need was a deliberate swipe at that country, as history will show. However, I congratulate my right hon. Friend the Prime Minister on distancing herself from John Kerry’s one-sided speech. That was a unique point in history, because it was the first time that a British Government had distanced themselves from the serving Secretary of State of our greatest ally in the world. I congratulate the Government on not sending individuals to the Paris conference, which attempted to internationalise the solution to the problem.

I want to ask the Minister about one particular issue. What is his view of the Oslo accords and the agreements that the Palestinians made with the Israeli Government? Under those agreements, it was quite clear that developments could take place in area C of the west bank—that was permitted and agreed to by the Palestinians—so to call this illegal is incorrect.

Equally, we have heard that United Nations resolution 2334 would prevent Jews and Christians from celebrating at the western wall and at the greatest Christian sites. Before 1967, the western wall was out of bounds to Jews, and the same thing would happen again were this
implemented. The green line was never, ever an international line, and there has never, ever been an international agreement on the exact borders of any potential state of Palestine.

I want to talk about something that has not been mentioned thus far: the plight of the 2.3 million Jewish refugees who were forced out of Arab countries and had to flee for their lives. Some of them went to Israel, some to the United States and others to parts of Europe. They are never mentioned, but there clearly has to be a home for them. When the Israeli Government put up housing developments for Jewish people who are refugees from Arab states, we should not condemn them but congratulate them on providing those facilities.

Nigel Huddleston (Mid Worcestershire) (Con): My hon. Friend is making very pertinent points. Does he agree that the whole point of this debate is that concessions need to be made on both sides? It would be unfortunate if people interpreted it as meaning that everything would be solved if only Israel did this or that. Substantial concessions are needed from both sides.

Bob Blackman: My concern, and that of many hon. Members, is that the Palestinians are trying to internationalise the issue—taking their case to the United Nations, and seeking help and assistance from outside—but are not getting the real issue, which is the need for face-to-face talks with the state of Israel to resolve the existing problems so that we can reach a conclusion with a secure state of Israel and a secure state of Palestine. We should always remember that the green line represents an area that would be indefensible for the state of Israel in the event of another war.

Joan Ryan: The hon. Gentleman is making a powerful speech and giving a historical analysis that has been somewhat lacking. Does he agree that in the process of trying to internationalise the process, rather than accepting that there have to be direct, face-to-face talks, the Palestinians are being misled into believing that peace can be found for them without their having to make any compromise? As the hon. Member for Mid Worcestershire (Nigel Huddleston) said—many hon. Members agree—compromise and trust building on both sides is required.

Bob Blackman: We clearly have to build trust and experience on all sides. I have had the experience of going to Israel on six occasions, and I have also had the opportunity to visit the west bank and Jordan with the Palestinian Return Centre. The reality is that the Jordanians did not build trust among the Palestinians at that time; they refused to give them status or title to their land. The problem that still remains is the difficulty of resolving those particular land issues. As the right hon. Lady has outlined, we must build trust through joint projects and by bringing people together so that there can be negotiation, with trust being built between the peoples, rather than their being separated.

It is quite clear that everyone would like the security barrier around Jerusalem to be removed, but it can be removed only when there is trust between the Israelis and the Palestinians. Once that is in place, we can achieve the dream of a two-state solution, with proper viable borders and proper security for both states.

Mrs Louise Ellman (Liverpool, Riverside) (Lab/Co-op): It is extremely important that we recognise and reaffirm the importance of two states—Israel and Palestine—in resolving this tragic conflict between two peoples who are both legitimately seeking self-determination. Together with that, there must be a very clear understanding from the Palestinians that Israel, as a majority Jewish state, is there to stay as part of the middle east, and is not, as they too often suggest, an imposition from outside the area.

The origins of the settler movement, which I do not support, are not often known or understood. In 1967, Israel survived a defensive war, and then found that it was ruling Gaza, which had previously been under the control of Egypt, and the west bank, which had previously been under the control of Jordan. There were strong movements in Israel at the time to trade that land for peace—to trade it for recognition, which is the most basic part of peace. It is tragic that the Arab League Khartoum conference held in 1967 stridently declared to Israel: no peace, no recognition, no negotiation. That gave the green light to the settler movement that followed.

Ian Austin: My hon. Friend makes a really important point. She is also showing why comparisons between Israel and Russia are utterly fatuous. In 1967, Israel was invaded, but it managed to deal with the invasion. That was when the west bank and Gaza came under Israel’s control. That is the issue that both sides ought to be sitting down to try to resolve at the moment.

Mrs Ellman: I agree with my hon. Friend. Settlements are a problem, but they are not the only problem, and they are certainly not the only barrier to peace. In Sinai in 1979, in an agreement with Egypt that survives to this day, Israel withdrew not just from Sinai but from its settlements there. Israel unilaterally withdrew 8,000 settlers and soldiers from Gaza in 2005. It demolished its settlements and, tragically, that has not led to peace. In every attempt to make peace—there have been a number in recent years—with Palestinians and others, a solution has been found to settlements, whether that means land swaps or settlements becoming part of a Palestinian state.

Crispin Blunt: The hon. Lady’s version of history and what happened in 1967—she agreed with the hon. Member for Dudley North (Ian Austin)—is somewhat disputed. The key issue is that the settlements on the west bank are changing the physical geography. They are a physical barrier to change, rather than simply a policy barrier to change for both parties. The scale of the challenge on the west bank is that there are 400,000 rather than just 8,000 settlements. Therefore, vast political investment is needed, and it becomes more difficult every day for Israel to deliver an agreement as the settler interest becomes greater.

Mrs Ellman: I agree that the settlement policy is certainly not helpful, but it has developed because of the intransigence of the Palestinians and a failure to reach agreement.

I accept that settlements are a problem, but they are not an unsolvable one and they are certainly not the only one. One critical problem and barrier to resolving the situation is the deliberate incitement by the Palestinian
Authority and Hamas. Hamas is explicitly anti-Semitic—it has talked about Jews ruling the world and made a statement about killing every Jew behind a rock—but the Palestinian Authority is not totally innocent either.

I draw hon. Members’ attention to the Palestinian campaign of incitement to violence and individual terrorism. In the 12 months after October 2015—it is not finished yet—there were 169 stabbings, 128 shootings and 54 car rammings. Forty-six Israeli civilians were killed and more than 650 were injured on the streets of Israel. Individual terrorists—they are sometimes as young as 12 and 13—are fired up with hatred to go out on those streets and kill Israelis. That includes a teenage boy pulling a 13-year-old boy off his bike and stabbing him. That is because of incitement and the creation of hatred.

Richard Burden: Will my hon. Friend give way?

Mrs Ellman: Not just now.

The Palestinian Authority has taken actions such as naming schools after terrorists. One is named after Dalal Mughrabi, who organised the 1978 coastal road massacre, when a school bus was attacked and 37 people were killed, including 12 children. That is just one example of the Palestinian Authority—not Hamas, but the Palestinian Authority—honouring terrorists, calling them martyrs and encouraging others to do the same.

I could mention the case of Dafna Meir, a nurse and mother to six children who was murdered in her home. Thirteen-year-old Noah was stabbed and critically injured while he rode his bike on the streets of Pisgat Ze’ev in northern Jerusalem. Alon Govberg, Chaim Haviv and Richard Laken were killed as they rode on a bus in Armon Hanatziv in southern Jerusalem. They were victims of what President Abbas himself called a “peaceful uprising”.

If that does not make the point enough, I remind hon. Members that, just last month, President Abbas’s party honoured the martyrdom of Wafaa Idris, the first Palestinian female suicide bomber, who in 2002 used her cover as a volunteer for the Palestinian Red Crescent to enter Jerusalem in an ambulance. There, in the words of Fatah’s official Facebook page, she used “an explosive belt...so that her pure body would explode into pieces in the Zionists’ faces”.

She did indeed kill an Israeli and injured more than 100 other people.

Richard Burden rose—

Naz Shah (Bradford West) (Lab) rose—

Mrs Ellman: I am sorry but time is running out.

Those acts are horrendous. I ask all hon. Members to consider the role of incitement and the stirring up of hatred in creating a massive barrier to peace. The solution is for both peoples—Israelis and Palestinians—to sit together in direct talks and agree a compromise and a negotiated agreement, so that there is a secure Israel and a secure Palestine, and a homeland for Israelis, Jews and Palestinians.

Mr Philip Hollobone (Kettering) (Con): It is a great pleasure to follow the hon. Member for Liverpool, Riverside (Mrs Ellman), whose views on this issue I greatly respect. She clearly knows a huge amount about the subject. She is right about the disgusting incitement from the Palestinian side. On the other side, however, some of the language and behaviour of extremist Jewish settlers, particularly in places such as Hebron, is equally vile. We will never find a resolution to the conflict unless we deal with both sides of the argument.

I have been to Israel, the west bank and Gaza seven times. I have had the peculiar privilege of standing in Gaza looking out over to Israel, and of standing in Israel looking out over to Gaza. My late uncle served with British forces in Mandate Palestine after the end of the second world war. The Northamptonshire Regiment was instrumental in liberating Palestine, which is now Israel, from the Ottoman empire in the first world war. There were three huge battles in Gaza. Six men from the town of Desborough in my constituency were killed on the same day in the first world war in the third battle of Gaza. I had the privilege of laying a wreath on their behalf at the Commonwealth war graves cemetery in the middle of Gaza City on one of my visits.

Dr Mathias: Does my hon. Friend agree that it is extraordinary that, even during all the conflicts and intifadas, the British cemeteries in Gaza have been well maintained?

Mr Hollobone: Yes, and the elderly gentleman who maintains the Commonwealth war graves in Gaza City was awarded the MBE, of which he was extraordinarily proud. I believe he has been looking after the graves for something like 60 years.

My point was that Britain’s connection with the region goes back an awfully long way. For the best part of 30 years after the first world war, we did our best to try to come to a reconciled solution between Arabs and Jews. As a nation we failed, which was why we pulled out in 1948.

We will not solve the problem of Israel and the Palestinians this afternoon. We are being asked to agree to or oppose a motion on Israeli settlements. Yes, they are not the only issue, but that issue is the only one on the Order Paper. I support Her Majesty’s Government’s opposition to Israeli settlements.

Stephen Timms: I agree with the position the hon. Gentleman sets out. Does he agree that it would be helpful if the British Government made it clearer that British firms should not be trading with those illegal settlements?

Mr Hollobone: I hope that the Minister will address that in his response to the pertinent question asked by my right hon. Friend the Member for New Forest West (Sir Desmond Swayne). What more are Her Majesty’s Government going to do to let the Israeli Government know that we are opposed to settlements—and that we mean it? What more will we do apart from just shouting from the touchline?

Ian Austin: What evidence is there that sanctions and boycotts, which drive people further apart, will achieve anything? Surely we should be arguing for trade and investment with the west bank—

Madam Deputy Speaker (Mrs Eleanor Laing): Order.
Mr Hollobone: I am not in favour of boycotts or divestment, whatever the issue. I am in favour of Her Majesty’s Government having a robust method of action against the Israeli Government to ensure that they are clear about our policy. I voted for the recognition of Palestine and would do the same every day of the week. I am also a friend of Israel, which is a fantastic country that has brought many benefits to the world. We have heard about Save a Child’s Heart and the work that Israeli surgeons are doing to help vulnerable children from all nations around the world, including Muslim nations. Israel is a leader in the hi-tech industry and in medicine—many NHS medicines come from Israel—and a key ally in very rough and dangerous part of the world. But our friend and ally Israel now finds itself in the 50th year of a military occupation of 2.5 million people. Speaking as a candid friend, surely it is our duty to say to Israel, “You cannot go on like this.”

Hon. Members have spoken in favour of international and bilateral talks. I do not mind particularly what the talks are, so long as people start talking to each other. Clearly, we will ultimately have to end up with bilateral talks, but it is wrong to say that international talks are a diversion. The state of Israel was established as a result of international action through the United Nations. We have to be realistic. As friends of both the Israelis and the Palestinians, we have to say, “For goodness sake, how long does this have to go on?” Nowhere in the history of the world has there been 50 years of military occupation.

Both Israel and Palestine could have a fantastic future. Both are very entrepreneurial countries. Both have a lot of get up and go. Both have very civilised and educated peoples. They could be leaders to the world in how two conflicting peoples can come together in reconciliation and develop a wonderful future for themselves. Her Majesty's Government, in the 100th year of the Balfour declaration, have a bigger role to play than they might realise. They should seize this opportunity to knock heads together and say, “How can Britain help you two, our friends, to come together?”

Several hon. Members rose—

Madam Deputy Speaker (Mrs Eleanor Laing): Order. It will be obvious to the House that so far, because of lots of interventions, every speech has been well in excess of four minutes. We now have to reduce the time limit to three minutes.

2.11 pm

Mr Clive Betts (Sheffield South East) (Lab): I would like to draw the attention of the House to my entry in the Register of Members' Financial Interests. Last year, I went to the west bank. My visit was paid for by Fatah UK and organised by Travel2Palestine.

It is clear that the settlements are in breach of international law. The International Court of Justice and the UN resolution in December last year found that to be the case. There should not be any argument about that; we should just accept that the settlements are illegal and work from there. The hon. Member for Kettering (Mr Hollobone) is absolutely right. The motion before us is about the settlements and we should concentrate on that. That is what we are discussing today. No one is saying that they are the only barrier to peace, but they are a barrier. Removing the settlements would not create a peaceful agreement. Nevertheless, while the settlements are there—certainly while they continue to be built—we are not going to get a peace agreement. That is the reality.

The Israelis say they want talks to begin without preconditions, but they do not. They want the precondition that they can carry on building settlements while negotiations take place. That is absolutely fundamental. For the Israelis to say that they will stop building the settlements and negotiate while no settlements are being built would be an important step forward.

The problem with the settlements being a barrier—this point has just been made—is that they fragment the land that Palestine will form as a state. It is impossible to form a geographical entity of the state while there are settlements dotted around it. That is the problem. We could partly deal with it by swaps and land swaps. The Palestinian Authority does not rule out land swaps as part of eventual settlement, but the more settlements that are built, the harder an eventual peace agreement will be to formulate. That is the reality.

Dr Monaghan: Does the hon. Gentleman agree that, given that the settlements in the west bank are illegal, there will be no peace unless Israel starts to recognise and adhere to international law?

Mr Betts: Absolutely. There cannot be a peace agreement when one side does not recognise international law. That goes without saying.

The impact of the settlements on the economy of Palestine has to be understood. Palestinian people describe their journeys to work, a distance of 6 or 7 miles, as taking two or three hours because of the checkpoints that exist by and large to protect the settlements and Israeli interests. That is the reality of everyday life for Palestinian citizens and it damages the economy. The mayor of Hebron explains that the city wants and needs to expand. It cannot expand because the area outside Hebron is in area C, which is controlled by the Israelis, who do not allow the Palestinians to build there. Hebron is constrained. It cannot expand and that destroys its economic base.

There is hate and division. Go to the checkpoints and see the hatred that is formed between young Palestinians held up at gunpoint and strip-searched in the street, and the young Israeli soldiers who are the same age. The whole process brutalises both sides and sows the seeds of hatred for years to come.

Look at the racism. I am sorry, but it is racism when, because of their race, people are treated differently on whether they can build on a piece of land, get through a checkpoint easily or have to go to a different checkpoint, or, most fundamentally, have access to water. Israeli settlements have access to water seven days a week in the summer. Palestinians have to put water tanks on their roof, because they do not have the same access. What could be more discriminatory than that?

The Government supported the UN resolution in December. What will they now do to implement it?

2.16 pm

Tommy Sheppard (Edinburgh East) (SNP): This is the longest-running conflict in the modern era and its solution seems further away than ever, but its very intractability
is a reason why we should rededicate ourselves to trying to move the process forward. Every time the international community has considered the competing claims in the region, they have arrived at the same conclusion: that two states living side by side, one Jewish in character and one Arab in character, in peaceful coexistence is the solution to aim for. That was true when Balfour and Sykes looked at it 100 years ago; it was true when the fledgling UN considered what to do after the mandate in the late 1940s; and it was true when the Palestinians and the Israelis met in Oslo, under international support, in the last round of peace talks.

There are two fundamental truths for people who believe in the two-state solution. First, one state exists and one state does not. Trying to create and bring into existence the state of Palestine is therefore the world’s unfinished business, and we should support that. Secondly, there cannot be a two-state solution while one state is in military occupation of the lands designated for the other. At some stage, the occupation will have to end if there is to be a two-state solution.

In Oslo, it was agreed that the occupied territories would be divided into zones, with the new Palestinian Authority taking responsibility for the urban areas and the Israeli occupying force responsible for 62% of the land in area C. That, however, was envisaged as a transitional arrangement. People thought that by the end of the century that land and that responsibility would transfer to the Palestinian Authority as it emerged and became a fully-fledged Palestinian state. Not only has that not happened, but the actions of the Israeli Government since have made it even further away than it was then 25 years ago.

Dr Monaghan: Does my hon. Friend agree there is an enormous power imbalance between Israel, a state with the fourth largest and strongest army in the world, and Palestine, which is not a state and does not have an army? Palestinians have already conceded 78% of their land. International pressure is needed now. Ignoring UN resolution 2334 is not the way forward.

Tommy Sheppard: I agree, which is why the people who talk about face-to-face talks really ought to consider that this is a David and Goliath situation. In any conflict where that situation has existed and peace has been achieved, it has been with international support and an international framework. It was true with the Good Friday agreement in Northern Ireland, too. We need to listen to the Palestinians when they appeal for our help and support to try to achieve a resolution.

Over the past 25 years, the Israeli Government have, in contravention of the fourth Geneva convention, moved half a million of their own civilian population into an area in which they are in military occupation. That is why people call the settlements illegal. At some stage, they will have to be dealt with. There will need to be land swaps. Some settlers may wish to be Palestinian citizens and some may wish to take advantage of relocation schemes to go into Israeli proper, but the issue will have to be dealt with. Every brick that is laid and every new apartment that is built in the settlement complex puts a solution further away. When in a hole, stop digging: that is why the resolution calls on the Israeli Government to review their policy and to put a cessation on settlement building so that peace talks can begin. To have peace talks, there has to be a ceasefire; stopping building settlements would be the equivalent.

I will finish with four asks to the Minister and the Government. The first is that we implement UN resolution 2334, particularly with regard to differentiation of the occupied territories in Israeli proper. The second is—I am out of time.

Madam Deputy Speaker (Mrs Eleanor Laing): Order. The hon. Gentleman will to find another way of making his other points.

2.20 pm

Imran Hussain (Bradford East) (Lab): I put on record my support for UN resolution 2334, which calls for peace, denounces violence in all its forms and crucially, condemns the building of illegal settlements by the Israeli Government. Time is pressing, Madam Deputy Speaker, so although I recognise that there are many issues to discuss, I will concentrate my remarks on the illegal settlements that the Israeli Government are constructing. Those are clearly obstructing the peace process, which I am sure all Members agree needs to resume urgently.

Surprisingly, one or two Members have cast doubt on whether the settlements are illegal. The position is very clear. For the sake of clarity, let me cite the view of some authorities. The settlements have been declared illegal under international law by numerous UN resolutions, the Geneva convention, the International Court of Justice, the US State Department, the Rome statute, article 2 of the UN charter, the Hague regulations and, most importantly, by this House and Ministers of all parties. The illegality of the settlements was also reaffirmed by UN resolution 2334, which faced no opposition when it was voted on. I could cite other examples, but however we look at the situation, what cannot be contested is that the settlements are illegal.

I turn to the way in which the ongoing construction of illegal settlements obstructs the peace process. A two-state solution is the only viable option for peace in the region, but if we continue to see Palestinian land disappear under illegal settlements, the two-state solution will be dead and with it the hopes of peace for Palestinians and Israelis alike. The answer is a two-state solution—not a one-and-a-bit-state solution. Palestinians will not negotiate for that lesser deal, because it is not the one that they were promised under UN agreements, nor will they negotiate a deal on who gets what land at a time when the Government of Israel are taking chunk after chunk of the very same land away.

Time does not permit me to speak for much longer. What is paramount for peace in the region is peace between Israel and Palestine. That is what I want to see, as I hope we all do, but illegal settlements have to stop before we can reach that point or even get back on the path to it. I ask the Minister to condemn the further illegal settlements announced since resolution 2334, and will he tell me what concrete steps the Government are taking to move forward?

2.23 pm

Naz Shah (Bradford West) (Lab): Like many in this House who are determined to see a peaceful solution in the middle east, I welcome this timely debate, which
allows us to reaffirm our support for lasting peace and to commend the Government on signing UN resolution 2334 last December. As the Palestinians have done since 1993, I recognise and accept a two-state solution and Israel’s existence. However, the last two weeks has seen that vision placed at greater risk by the acts of the Israeli Government—a democracy that does not live up to the values that it espouses. The passing of the regulation law, which even the hard-right MP, Benny Begin, described as the “robbery law”, flies in the face of the resolution and international efforts for peace.

The UN resolution could not set out more clearly the international law on settlements and settlement expansion in occupied Palestine. We as a country have been very clear that settlements are an obstacle to peace, have no legality and are against international law. We have tolerated Israel changing the physical reality on the ground. We must never tolerate any attempt to change the legal position. In drafting and signing the UN resolution, we have committed ourselves to a number of essential positions: we call on both sides to act on the basis of international law; we reiterate that settlements and further expansion are a flagrant violation of international law and an obstacle to peace; we accept no change to the 1967 border that is not agreed by both sides; and we will do everything to encourage peace.

Passing the regulation law flies in the face of everything that we declared at the UN. It is a travesty for a Government to legislate in a land that is not under the rule of their Parliament, where the people of that land have no representation. It is a signal that the UN, the ICC and global diplomatic efforts have no impact on the actions of the current Government.

Many have spoken out in condemnation of the law, which the UN special enjoy to the middle east described as crossing “a thick red line” and by a former Israeli Minister as “evil and dangerous”. It is against the principles of democracy and Israeli law and even the Israeli Attorney General is likely to argue against it in court.

I congratulate the right hon. Member for New Forest West (Sir Desmond Swayne) on securing the debate, and I support the motion. It is high time that we moved beyond condemnations and hollow words of support. We must support moves towards accountability and demonstrate our commitment to the rule of law. Only then can we shape a different future for these children and generations to come. Celebrating Amona is disheartening. Israel was just abiding by the law—it was asked to remove occupants from Amona, and that was not to be celebrated.

2.26 pm

Andy Slaughter (Hammersmith) (Lab): I refer to my entry in the Register of Members’ Financial Interests; I visited Israel changing the physical reality on the ground. As the mover of the motion, the right hon. Member for New Forest West (Sir Desmond Swayne), said, it is a relatively anodyne motion in that sense, so I hope everyone can support it. I say that for two reasons. First, the tragedy of Palestine is the occupation. The length of the occupation and the fact that it has happened are what distinguishes this from many other conflicts around the world. The settlements are the embodiment of occupation. Everything else that is wrong in the occupied territories flows from those settlements; 85% of the barrier, which is there to protect the settlements, is in occupied territory. It has been said that settlements occupy only 1.5% of the land, but they control 42.7% of the land. Palestinians in the west bank are not allowed to build on 60% of the land. There are checkpoints, detention often without trial, and appalling settler violence, with more attacks by settlers on Palestinians than there are attacks by Palestinian settlers in the west bank. We have heard about all the types of petty apartheid, separate legal systems and a military law for Palestinians controlled by the Defence Minister, Avigdor Lieberman, a settler himself, who is on record as having said that Palestinian citizens of Israel who are disloyal to Israel should have their heads chopped off. He is in charge of the west bank.

Secondly, we are at a crucial point, with 6,000 new settler units having been declared since Donald Trump went into the White House. As we have heard, there is the burglary law, as it has been described by a member of Likud, with 4,000 illegal outposts now legitimised.

In the short time I have left, let me make one point to the Minister. Despite the alternative facts we have heard this afternoon, we know that settlements are illegal. What are the Government going to do about them? Why can we not stop trading with illegal settlements? It would not be a boycott—let us not confuse one for the other. Why can we not ensure clearer guidelines for businesses to stop them doing that? Why can we not prevent financial transactions, as was done with Crimea, and why can we not have a database, as the UN asked for, in respect to all those issues? I would be grateful for specific answers from the Minister. Of course we are looking for a condemnation, but we are also looking for action from the British Government.

Mrs Ellman: On a point of order. Madam Deputy Speaker. I apologise. When I spoke, I omitted to draw attention to my entry in the Register of Members’ Financial Interests concerning my recent visit to Israel as part of a Labour Friends of Israel delegation. I would like to correct the record.

Madam Deputy Speaker (Mrs Eleanor Laing): I am grateful to the hon. Lady for correcting the record.

Imran Hussain: Further to that point of order, Madam Deputy Speaker. I, too, omitted to draw attention to my entry in the Register of Members’ Financial Interests. I, too, visited Israel and Palestine with a delegation last year.

Madam Deputy Speaker: I thank the hon. Gentleman.

Tommy Sheppard: Further to that point of order, Madam Deputy Speaker. I also wish to draw attention to my entry in the Register of Members’ Financial Interests. I went on a trip to Israel and the west bank last year with the UK branch of the Fatah Movement.

Madam Deputy Speaker: Does anyone else wish to make a point of order?
Joan Ryan: Further to that point of order, Madam Deputy Speaker. If a Member has visited Israel or Palestine in the last year and has registered it in the Register of Members’ Financial Interests, are they required to make a declaration here?

Madam Deputy Speaker: It is for individual Members to decide how, and in what manner, they declare where they might have benefited, financially or otherwise, from an outside organisation with an interest in the current debate. Of course the rules are very strict about what is in the Register of Members’ Financial Interests, as the right hon. Lady has just said.

Joan Ryan: Further to that point of order, Madam Deputy Speaker. Having heard your guidance, I declare that I have made several visits to Israel and Palestine over the last year, all of which were supported and financed by Labour Friends of Israel, but from which I have made no personal gain.

Madam Deputy Speaker: I am grateful to the right hon. Lady.

Richard Burden: Further to that point of order, Madam Deputy Speaker. Not wishing to be left out, I wish to draw the House’s attention to my entry in the Register of Members’ Financial Interests regarding a visit to the west bank last year, co-organised by the Council for Arab-British Understanding and Medical Aid for Palestinians and paid for by the Sir Joseph Hotung Charitable Settlement.

Madam Deputy Speaker: Thank you. Would anyone else like to tell us of their travel experiences?

Ian Austin: Further to that point of order, Madam Deputy Speaker. I did not realise we were required to do this. I said in my speech that I had been to Israel recently. Given that everyone else has done so, I feel that I ought to draw attention to my entry in the Register of Members’ Financial Interests. I visited Israel recently. I met politicians in Israel and Palestine. The trip was funded by Labour Friends of Israel.

Madam Deputy Speaker: The hon. Gentleman mentioned that. I recall him saying it. We have now taken up the time allowed for an entire speech, but it is right that hon. Members behave honourably in these matters.

2.33 pm

Mr Mark Hendrick (Preston) (Lab/Co-op): As has become the fashion, I declare my visits to Palestine and Israel over the past 15 years financed by various organisations.

The focus of this debate—settlements—is narrow but nevertheless very important. Some hon. Members have sought to trivialise the issue of settlements, but while they might not be the most important issue, they are nevertheless very important. We need only look at UN resolutions 242 and 338, dated 1967 and 1973, in which the key phrase refers to the “Withdrawal of Israeli armed forces from territories occupied in the recent conflict”.

It is clear that the Israeli armed forces will not be withdrawn as long as settlements exist in the west bank, so it goes without saying that settlements embody a crucial part of the problem. When I first visited Palestine, 14 or 15 years ago, there were about 50,000 settlers in the west bank. When I last visited, that number had increased to about 500,000, and I understand that the latest figure is about 600,000. The situation on the ground is changing extremely quickly, and the longer the conflict goes on, the further out of reach a two-state solution will drift. So much land will have been taken that there will be very little left for a contiguous state, as I hope the Government will recognise.

As we know, settlements were the main focus of resolution 2334 passed on 23 December. We also know that the policy of the US, the UN, the EU and the UK Government, as repeated endlessly by Ministers in the House, is that settlements are illegal under international law and an obstacle to peace. I do not know, therefore, how anyone can say that settlements are not part and parcel of the solution to the problem. It is said that there should be no preconditions before talks, but clearly the UN resolutions are not preconditions; they refer to international law, so the discussions and direct talks should take place on that basis. I urge the Government to recognise Palestine and apply pressure on the US and elsewhere to ensure that a two-state solution is still viable.

2.36 pm

Alan Brown (Kilmarnock and Loudoun) (SNP): As others have reflected, settlements are illegal under international law and a physical barrier to the peace process, as well as a metaphorical barrier. Through the settlement and outpost system, Palestinians are being denied access to 50% of the land, which is clearly a huge issue for those who live there.

Like many others, I have visited Palestine—I refer to my entry in the Register of Members’ Financial Interests—and seen the systemic development of outposts and settlements, which, at best, are intended to control the Palestinians and, at worst, are part of the complete annexation of the west bank. The network of settlements, outposts, checkpoints and associated security buffer zones, patrolled by the Israel Defence Force, means that Israel controls access to natural resources, including grazing grounds, olive groves, water supplies and the movement of animals.

On one trip, I saw a settlement positioned, nice and bright, on the top of a hill, with plenty of green shrubbery made possible by the piped water supply. Meanwhile, the closest Bedouin village, despite having electricity pylons running past it, is not allowed to connect to the electricity. The water supply for the settlement runs through the Bedouin village, but the villagers are not allowed access to it. The school in the village is part funded by the EU but has a demolition order hanging over it. That is state intimidation by Israel.

Forced movement of people is illegal. It is sometimes dressed up as moving people on so that they might enjoy a better lifestyle, but we have seen examples of that in history and it is a false premise. We saw it with the native Americans and Scottish highlanders. They are moves done to, not for, people.

I also visited the Bedouin village of Susiya. It has been subject to demolitions for no other reason than it is deemed to be too close to an adjacent settlement. I saw its water cistern ruined by debris, including a car door forced into it, I saw the caves they used to inhabit
completely destroyed, and I saw the rocky land in which they are forced to grow subsistence crops. I heard how they could no longer access their cisterns in the fields for drinking water and their animals and were forced to spend 30% of their income on water that they used to access for free.

I mentioned a school with a demolition order hanging over it. Israel has acted with impunity over demolitions because the international community has not acted. The UK and the EU have never asked for redress for demolitions, and it is time that that changed, given that 180 structures, part funded by the EU, and therefore the UK, have been demolished, but there has been no redress. As part of a ministerial correction yesterday, I received a letter referring to a £5 million project in Hebron that had suffered demolition. When will the Minister ask for that £5 million back, and when will we take action against Israel over demolitions?

2.39 pm

Louise Haigh (Sheffield, Heeley) (Lab): I, too, congratulate the Members who have brought this motion to the House, given how important the issue is.

These are fitful times. As we move into the centenary year of the Balfour declaration, it is chilling to see the President of the United States openly promote those with hideous anti-Semitic views or in France to watch the rise of a presidential candidate whose party has for decades traded in the despicable sewers of anti-Jewish sentiment. That makes it all the more important for us in Britain to uphold our principles, and to speak out in a clear voice when our allies threaten them.

The departure from our steadfast commitment to a peaceful two-state solution in recent months has sent dangerous signals to the rest of the world. As the United Nations Human Rights Council found, while fenced areas of settlements cover only 3% of the west bank, in reality 43% of the territory is allocated to local and regional settlement councils. If that control is legalised, legitimised and expanded, it represents one of the most grievous blows to the prospects for peace for decades. It was therefore astonishing when our Prime Minister chose to use a balanced speech by the outgoing United States Secretary of State to signal a divergence from the position of our closest ally.

Senator Kerry spoke of a Government “more committed to settlements” than any previous Government, and of the systematic consolidation of control over the west bank that is leading towards the inevitability of one state and the near extinction of the prospects for peace. The outgoing Obama Administration reacted with understandable shock to the criticism, which stemmed not from the Foreign Office but from the Prime Minister herself. They said:

“We are surprised by the UK Prime Minister’s office statement given that Secretary Kerry’s remarks…were in line with the UK’s own long-standing policy and its vote at the United Nations”.

I have no doubt that that criticism, and the warm embrace of a new President in the United States who is determined to support existing settlements, emboldened the Israeli Government, who added first time in decades, thousands of new buildings in the occupied territories. Our absence from the European Council in Malta, when the decision was taken to postpone a scheduled summit in late February with the Prime Minister of Israel, underscored our diminishing influence.

There can rarely have been a time in the post-war world when our moral voice has been quite so weak. I urge the Government not to jettison our historic role and credibility as a partner of peace for the sake of a quick trade deal. I urge the Minister to do what the Prime Minister could not, and condemn the land regularisation legislation that seeks to legitimise the illegitimate and will do untold damage in the long search for peace.

2.42 pm

Jim Fitzpatrick (Poplar and Limehouse) (Lab): I am grateful for being called to speak briefly, and I am pleased to follow my hon. Friend the Member for Sheffield, Heeley (Louise Haigh).

In opening the debate, the right hon. Member for New Forest West (Sir Desmond Swayne) made most of the points that needed to be made about the settlements, and those who spoke after him added significantly to what he had said, from both perspectives of the conflict. I have received nearly 100 emails from constituents asking me to support the debate. On their behalf, I thank the Backbench Business Committee for giving me the opportunity to do so, and also thank the sponsors for securing the debate.

Like other Members who have spoken, I want to see a two-state solution, but that seems more remote than ever. I look forward to hearing the Minister not only outline—or rather repeat—the UK Government’s support for peace, but, more importantly, to explain how the Government intend to contribute to the task of helping to bring the two sides together. As has been said by the hon. Member for North Antrim (Ian Paisley) and others, face-to-face talks are the only way forward.

Settlement building by the Israeli Government seems totally contrary to any peace process. Briefing circulated by the Britain-Palestine all-party parliamentary group, chaired by my hon. Friend the Member for Birmingham, Northfield (Richard Burden), states:

“The influx of settlers into the West Bank and East Jerusalem significantly increases tension in the region”.

That includes


All those matters have been referred to during today’s debate.

These decisions by the Israeli Government not only do not help the desperate situation in the area, but, in my opinion, make it worse. However, I recognise the provocation, and it is important to emphasise that that provocation is not one-sided.

As has been said, 2017 is a very significant year historically. It is the anniversary of the Balfour declaration, the UN partition and the 1967 war, among other events. Is it too much to hope that history will bear down on those involved to restart talks? I do not overestimate our role, but the UK is a significant player, both historically and diplomatically, as was eloquently articulated by the hon. Member for Kettering (Mr Hollobone). I look
forward to hearing both the Minister and my hon. Friend the Member for Islington South and Finsbury (Emily Thornberry) outline how it can best play its part.

As we have heard from every Member who has spoken so far, we all want peace, but, as many have observed, it seems very far away, and, in my view, the settlement building is not helping.

2.45 pm

Dr Rupa Huq (Ealing Central and Acton) (Lab): At a time when we are seeing rising anti-Semitism in Europe and rising hate crime, even in this country, post-Brexit, this debate should not be an excuse for Israel-bashing—or, indeed, the demonising of all Palestinians as terrorists. Israel is arguably a small country surrounded by inhospitable neighbours and some of the most lethal terrorist groups on earth. Its people should obviously live in peace and security, free from the fear of rocket attacks, and, crucially—as was restated during Prime Minister’s questions yesterday—as part of a two-state solution, alongside a viable Palestinian state.

Today, however, we are talking specifically about settlements. Since I spotted the title of the debate, the issue of settlements seems to have been popping up everywhere. At the time of the recognition debate in 2014, we heard about 400,000 dwellers; the figure is now 600,000. On Sunday, in the American thriller “Homeland”, the character Saul went to visit the sister with whom he had grown up in America, and who was now living in a west bank settlement. He asked her, “How can you live, knowing that your very presence here makes peace less possible?”

My interest in speaking in the debate—I am making my declaration on the spot!—was spurred on by the fact that last month I had been part of a cross-party delegation to the Holy Land, which included Members who are present today, to see for myself what was going on. While we were there, we went to the Knesset. We met representatives of the Office for the Coordination of Humanitarian Affairs—a UN human rights agency—and of the British consulate. We met Israeli members of think-tanks, and Israeli journalists. We met Palestinians, including Christians: this is not just a Muslim-Jewish issue. Some of them had lived elsewhere; one, Javier, had come back from Argentina. Some had lived in Salford, and one had lived in America. They had all come back in the late 1990s thinking that peace was around the corner, but it seemed to them now that there had been a stalemate since the Oslo accords.

We went to Nablus and Hebron, and other places that I had known about for as long as I could remember. From now on, whenever I hear “O little town of Bethlehem”, I shall not be able to get out of my mind the separation barrier with the Banksy graffiti on it; the same goes for William Blake’s “Jerusalem”. We saw armed guards, because it is a very securitised, militarised place. I shall never be able to un-see those images.

The beauty of having iPads was that we were never out of the office. I was receiving emails from constituents worried about UN Resolution 2334, which they felt was de-legitimising Israel, but also from constituents angry about the destruction of two Bedouin villages. We spoke to the governor of Nablus, who said, “Yes, this is happening—just down the road.” It was an eye-opening experience: I had seen nothing like this before.

While we were there, there were calls for the pardoning of an Israeli soldier who had shot an injured Palestinian teenager in the head. When we got back, we saw on the news—

Mr Speaker: Order. I am sorry, but the hon. Lady has now reached her finishing time.

Dr Huq: But I had more to say!

Mr Speaker: The hon. Lady may have other opportunities. I am sorry, but that is the situation.

I now call the hon. Member for West Ham (Lyn Brown), who is not required to stand. I know that she was interested in speaking from a sedentary position.

2.48 pm

Lyn Brown (West Ham) (Lab): I am grateful to you, Mr Speaker, but I will stand.

According to the United Nations, a quarter of households in the occupied territories have insecure access to food, and an estimated 1 million are in need of health and nutrition assistance. The UN estimates that, overall, 2 million people in the occupied territories will need some form of humanitarian help in 2017. It summarises the situation as “a systematic denial of Palestinian rights”, and “a man-made humanitarian crisis that has gone on for far too long”.

The Government have confirmed that in the past year, 1,010 Palestinian homes and other buildings have been destroyed, dismantled or confiscated in area C and east Jerusalem—the highest figure in east Jerusalem since 2000—leaving 1,476 people, including 696 children, displaced and vulnerable. I am sure we all agree that those figures are very disturbing, and speak to the pain and trauma of many families. As well as dismantling Palestinian homes, the Israeli authorities demolished 274 “humanitarian structures”: tents, shelters, and buildings housing the homeless. The UN said that that situation was unprecedented; it is unprecedented, but it is also intolerable and inhumane.

This disregard for human rights does not just apply in Gaza and the west bank. Recently, I asked a series of parliamentary questions about the Bedouin communities in Israel, and in particular the village of Umm al-Hiran near Hura. It appears that a forced demolition is taking place at this village—something condemned as “a blatant and ugly episode of discrimination mirroring Israel’s unlawful settlements.”

As we have heard, the Israeli Parliament passed a law that legalised 4,000 Israeli settlement buildings, in direct contravention both of international law and previous decisions of the Israeli courts. The Minister knows that the new US President has expressed strong support for Israel, even going so far as to suggest that UN resolution 2334—a clear and straightforward reaffirmation of international principles—would not have been passed if it had been put forward after his inauguration.
Does the Minister think that Israel’s recent acceleration of its illegal settlement policies is in any way linked to the change of US President? Is there now geopolitical cover for settlement expansion, provided by the US? If so, what can the Minister do about it?

To date, the Government’s response has been to express concern. They have “expressed concern” for a long time about the continuing settlement policy. In answer to my questions about the forced demolition of Bedouin homes, they were “concerned by recent reports of violence”, and just this week they expressed their official “concern” about the land regularisation Bill that passed through the Israeli Parliament.

2.51 pm

Stephen Kinnock (Aberavon) (Lab): I thank and congratulate the hon. Members who secured today’s debate.

Little did we know when this debate was granted last week quite how prescient it would be. Just as the Israeli Prime Minister was flying back after his visit here, the Knesset was passing the so-called regularisation Bill. This Bill retroactively legalises over 50 illegal settlement outposts, 3,850 housing units and the expropriation of almost 2,000 acres of private Palestinian lands. In short, it legalises the illegal. I guess that, after alternative facts three years ago and saw the construction of settlements first-hand. I also thank my constituents who wrote to me on this issue and supported this debate.

I believe fundamentally in the two-state solution and also that we as an international community must support progresses in Israel as well as Palestine in efforts to secure long-term peace. However, we know that Israeli settlements are illegal and contrary to international law—and, indeed, that they undermine prospects for the viability of the state of Palestine. Settlements are a barrier to peace.

I want to make two brief points today: first, on the need for renewed international talks and the need to focus on the issue of children and education in Palestine; and, secondly, to recognise the contribution of associations such as the Britain-Palestine Friendship and Twinning Network here, and also those in the middle east, that do vital work.

Pavestrians and Israel must know that, with so many other security issues in the world, they are not forgotten. As political solutions remain a distant hope, the prospects and welfare of children are a matter of great concern. In Gaza, there is an alarming rise in malnutrition among children, because they cannot get the food they need, and a rise in kidney disease among children, because the water is not drinkable. Because there are not enough schools for children, many of the schools are operating double or triple shifts, starting at 6 am and finishing at 6 pm. Parents worried about their children going to school in the dark are making them stay at home, which is having an impact especially on the education of girls.

In the west bank, I have heard from Save the Children that children cannot get to school safely. About 13,000 children in Jerusalem have to cross a checkpoint every day just to get to school. The increase in demolitions affects entire communities, of course, but is particularly traumatic for children who see homes and also schools drives this conflict. Britain, as a key strategic ally, partner and friend of Israel, should be stepping up as a critical friend. That means ending direct support for settlements.

We should, in line with the UK guidelines, prohibit trade with companies and financial institutions complicit in the settlements and prohibit dealings with charities involved in illegal settlement projects. We must be consistent in our alignment with the universal principle of prohibiting trade with illegally annexed territories, as the European Union has done in the case of Crimea. That is why we must do all in our power to halt and reverse the settlements, and that is why we must support the motion.

Several hon. Members rose—

Mr Speaker: Order. The winding-up speeches need to begin no later than 3.15 pm and eight Members still wish to contribute. Colleagues can do the arithmetic for themselves.

2.54 pm

Seema Malhotra (Feltham and Heston) (Lab/Co-op): I am grateful to the Backbench Business Committee for allowing this debate today. I visited Israel and Palestine with the Council for the Advancement of Arab-British Understanding three years ago and saw the construction of settlements first-hand. I also thank my constituents who wrote to me on this issue and supported this debate.

I believe fundamentally in the two-state solution and also that we as an international community must support progressives in Israel as well as Palestine in efforts to secure long-term peace. However, we know that Israeli settlements are illegal and contrary to international law—and, indeed, that they undermine prospects for the viability of the state of Palestine. Settlements are a barrier to trust, and they are a barrier to peace.

I want to make two brief points today: first, on the need for renewed international talks and the need to focus on the issue of children and education in Palestine; and, secondly, to recognise the contribution of associations such as the Britain-Palestine Friendship and Twinning Network here, and also those in the middle east, that do vital work.

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In the west bank, I have heard from Save the Children that children cannot get to school safely. About 13,000 children in Jerusalem have to cross a checkpoint every day just to get to school. The increase in demolitions affects entire communities, of course, but is particularly traumatic for children who see homes and also schools
destroyed. The children of Palestine and Israel today will be the leaders of tomorrow who will need to work on the solution for how they live side by side.

The Britain-Palestine Friendship and Twinning Network recently held its annual meeting in Hounslow. Its work builds an important connection between young people here and in Palestine. Building such cultural and educational links keeps a positive contact with the outside world.

I want to close my remarks with some questions to the Minister. On the basis that the UK Government’s condemnation of illegal Israeli settlement building is unchanged, what steps will they take to ensure that action is taken to stop settlements, given Prime Minister Netanyahu’s stated determination to expand them? What will the Government do to strengthen their advice to British businesses about avoiding engaging with other businesses that support settlements, so we do everything we can to stop settlements and the illegal enterprise that comes from them?

2.57 pm

John Nicolson (East Dunbartonshire) (SNP): I have absolutely nothing to declare, except my recent Council for the Advancement of Arab-British Understanding trip to Israel and the Palestine territories. I have been visiting those countries since the first Gulf war. Back then, Palestinian democrats warned of the rise of the fundamentalist Hamas. They argued that if Israel failed to support an independent Palestinian state, extremism would rise, the centre ground would be lost, and peace would be harder to attain.

In my previous role as a journalist, I interviewed Hanan Ashrawi and the late, great Edward Said. They had a series of reasonable demands. Said spoke of reconciliation and denounced the use of violent rhetoric. Both wanted to see a homeland for the Palestinian people, an acknowledgement of the grave injustices committed towards them—as we know, many of them were driven from their homes and into refugee camps when Israel was created—and, crucially, an assurance that Israeli territorial expansion would end. When I first visited Israel and Palestine, the settler population in the west bank and East Jerusalem was around 200,000. Today, 20 years later, there are more than 600,000 settlers.

People come from across the world to live in Israel, and for lots of reasons, but those seeking a better life in Palestine will be the leaders of tomorrow who will need to work on the solution for how they live side by side.

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People come from across the world to live in Israel, and for lots of reasons, but those seeking a better life in the illegal settlements gain it, alas, by the appropriation of Palestinian land and homes. Palestinian farmland is barren and dry, yet many settlements have swimming pools with illegally funnelled water. Illegal settlers consume six to 10 times more water per head than the Palestinians. Israel’s policy of creating “facts on the ground” is brutal and determined to establish so many settlements on the west bank that a contiguous Palestinian state becomes impossible. We must consider the consequences of this for Israel itself. If a viable two-state solution dies and Palestine is subsumed into a greater Israel stretching from the Mediterranean to the Dead sea, what will happen to the 5 million to 6 million Palestinians in the Jewish state with no government of their own?

An abiding memory of my first trip to Israel and Palestine is of taking tea in a refugee camp. Some of the elders got out their British Mandate of Palestine house deeds and, poignantly, the keys to their long-appropriated houses. They told me that they trusted British honour and British law, and asked why we remained so silent in the face of injustice. It was Edward Said who put it best for me. “Can you explain to me,” he asked, “why because of the evil committed against innocents in Europe 60 years ago, you in the west save your consciences by turning a blind eye to the injustice of my family’s expulsion from our home to provide compensation for people in whose oppression we played no part?” This goes to heart of the issue. We cannot turn a blind eye to this theft any longer. We cannot allow the bitterness to pass to another generation.

3 pm

Ruth Cadbury (Brentford and Isleworth) (Lab): I should like to thank the Backbench Business Committee for scheduling this debate. I visited the west bank and Jerusalem in January, and I should like to draw the House’s attention to what will soon appear in the Register of Members’ Financial Interests: the support of the Britain Palestine Communication Centre, the President’s office and the Palestinian Mission. Every Palestinian we met—Palestinian Authority members, elected city leaders, political activists and young people—subscribed to the two-state solution and wanted help in ensuring that it is achieved. I saw, as did other colleagues, the settlements marching across the hills over expropriated land, usually illegally. I saw the diverted roads, which Palestinians are not allowed to use, and I saw the march of the fence and the wall through old fields. I saw the occupation and destruction of the old city of Hebron, and the closed businesses there. Yes, the settlements are the issue of today, but if we want to address stone throwing and other violence by Palestinian children, we need only to look at the daily incidents of brutalisation to which they and their families have been subjected for decades.

We visited the United Nations Office for the Co-ordination of Humanitarian Affairs, which provided us with accurate, factual information showing that 43% of the west bank is out of bounds to Palestinians. Its maps show a Swiss cheese of disjointed areas of Palestinian land, with the Palestinians effectively excluded from the rest, even if they have historical ownership over it. Hours after meeting our Prime Minister recently, Israeli Prime Minister Netanyahu returned to Israel to vote on a law that allows the Israeli state to seize land privately owned by Palestinians on the west bank and to grant Jewish settlements exclusive use of the properties there. The decision on 24 January did indeed order 40 or 50 families to be moved from the Amona outpost, but in the same week, approval was given for 2,500 new dwellings on the west bank and 566 new settlement houses in East Jerusalem, taking over thousands of acres of Palestinian land.

The recent legislation imposed Israeli law on Palestinian inhabitants of the west bank, which is not sovereign Israeli territory. The Palestinians living there are not citizens of Israel and do not have the right to vote, but the Israelis living there do. Israeli civil law applies to settlers, affording them all sorts of legal protections, rights and benefits not enjoyed by their Palestinian neighbours, who are subject to Israeli military law. Palestinians should not be made to go through the indignity of negotiating over territory that should be theirs in a future state. This should be an international negotiation in which our Government should play a major part.
Joanna Cherry (Edinburgh South West) (SNP): I was privileged to visit the west bank last year for the first and only time with the Council for Arab-British Understanding and Human Appeal, an award-winning charity. As the hon. Member for Ealing Central and Acton (Dr Huq) said earlier, it was a real eye-opener. I had no idea of the size and scale of the settlements, and seeing how big, well serviced and well entrenched they are makes plain the reality of how difficult it will be to move them.

As a lawyer, I was particularly struck by the human rights abuses in the west bank and the absence of the proper rule of law. Other speakers have talked about parallel legal systems, and I want to use the little time I have to make it clear that the settlements are illegal under international law. The international community considers the establishment of settlements in the Israeli-occupied territories illegal under international law because the fourth Geneva convention prohibits countries from moving people into territories occupied in a war. That is a legal fact. I am aware that the state of Israel maintains that the settlements are consistent with international law because it does not agree that the fourth Geneva convention applies. However, the weight of international opinion is against it. All the following organisations have affirmed that the convention does apply and that the settlements are therefore illegal: the UN Security Council, the UN General Assembly, the International Committee of the Red Cross, the International Court of Justice, and the high contracting parties. This is a matter of the rule of law.

I have been to the Israeli embassy and, as a lesbian woman, I was told how fantastic Israel is on gay rights. Israel is good on LGBT rights, but the point of human rights is that they are universal. Palestinians have the same rights as Israelis under international law—or at least they should have, but they do not at present. No matter how important it is to have a state of Israel—it is important—and no matter how much of a good friend Israel might be to the United Kingdom, it is imperative that we, as democrats and people who believe in the rule of law, speak the truth and do not let the Israeli Government get away with distortion and alternative facts when it comes to the rule of law.

I have very little time left, but I want to ask two questions that my hon. Friend the Member for Edinburgh East (Tommy Sheppard), who done so much work in this area, did not get to mention. First, will the Minister give us a timetable for the United Kingdom’s recognition of the state of Palestine? Secondly, what will the British Government do to support the groups within the state of Israel that are striving to achieve peace?

Tom Brake (Carshalton and Wallington) (LD): The settlements are illegal—that must be central to any talks. Several Members have suggested that direct negotiations should take place. I did not take that place. I question whether that is feasible. There is no trust whatsoever between the two parties, and the talks would be unequal, which is something that the Israelis acknowledge as they hold many of the trump cards.

What has been the UK’s contribution to the peace process? I am disappointed by the Prime Minister’s position on John Kerry’s speech—it was a depressing volte-face. It was particularly confusing given that the Foreign Secretary had said about the Paris conference that his intention was to be “reinforcing our message”.

Of course, the Government attended that conference as an observer, so unless our message is that we have nothing to say, it is hard to see how the Government were in a position to reinforce their message. The Liberal Democrats, of course, support a two-state solution, and we believe that part of the way in which it will be achieved is through international co-operation such as the Paris conference. As John Kerry underlined, some unilateral actions also need to be taken. We want the Palestinians to clamp down on violence and its glorification, but the Israelis must also act unilaterally. Unfortunately, we have seen only negative action from the Israelis so far.

Mr Alistair Carmichael (Orkney and Shetland) (LD): We can perhaps understand the issue of unilateral action and the significance of settlements best if we ask ourselves a simple question. Can my right hon. Friend imagine any sustainable solution as long as the settlements exist?

Tom Brake: Indeed. I thank my right hon. Friend for his intervention. I am sorry that he will not have an opportunity to make a longer contribution.

The land regularisation Bill is a good example of a counter-productive initiative, as is the expansion in area C. I hope that we will hear from the Minister not the carefully scripted speech that has been written for him, but what concrete actions he will take, because the Government’s toned-down press releases have made no difference whatsoever. Umm al-Hiran has been demolished, notwithstanding any contributions the UK Government might have made.

It is clear that while the illegal settlements and their expansion are not the only obstacle to the peace process, every expansion and every attempt to legitimise their illegality is rightly seen as a slap in the face for the Palestinians and a demonstration of bad faith by the Israeli Government. Of course, any instance of Palestinian-initiated violence against Israel is clearly also seen as a demonstration of bad faith. The fact is that each illegal settlement expansion strengthens Israel’s hand and makes a two-state solution, which many senior Israeli politicians clearly dismiss, increasingly impossible.

Ministers say that Palestinian recognition will be appropriate at a time when it will have most impact. That time is now. If Ministers wait any longer, Palestinian recognition will be pointless, as a one-state solution will have been imposed.

Dr Philippa Whitford (Central Ayrshire) (SNP): As other Members have been declaring interests, may I say that I spent two weeks last Easter with Medical Aid for Palestinians as a breast surgeon working in East Jerusalem, as well as working and teaching in Gaza? As many hon. Members know, in 1981 and 1982, I worked for 18 months as a surgeon in Gaza, so I still know the place quite well. I echo the comment by the hon. Member for Henley (John Howell) about Israeli doctors treating people from all communities. That is true, but often we could not get patients to Israeli doctors in Hadassah hospital because of curfews. I had patients who died in ambulances because of curfews. I had a 10-year-old boy
turned back at Erez for us to try to work out how to get him through the night, even though we did not have the equipment.

Having worked there at the start of the Oslo accord, I was really depressed when I was there last Easter to see that, a quarter of a century on, we are further from peace than we were that morning. By the end of the day of the Madrid peace conference, despite the violence that had happened on the day, I saw young men with olive branches on armoured cars. They believed that their lives were going to change. A quarter of a century later, the international community has let them down.

Some 1.8 million people live in the tiny strip of Gaza. It is becoming unviable. It is pouring sewage into the sea and the water is undrinkable. It will be unviable by the mid-2020s. The west bank is being put in the same situation by the expansion of settlements. It is not just the settlements, but the walls that separate people from their farmland or sources of water. It is settler roads that people are not allowed to cross even to get to their olive groves or water sources.

What is the vision for the west bank? Is it that Palestinians will simply live on reservations, as happened to native Americans centuries ago? What is the vision for the outcome that even the Israeli Government want? The only thing we have is international law, and if we do not stick to that, we will have no position for right for other people who do the wrong thing. It has been said that international players should not be involved—that it should just be the Palestinians and Israelis—but that is a totally unbalanced conversation. Northern Ireland had the UK Government, the Irish Government and the American Government to bring the peace process to success, and we need to be involved.

Everyone has said that they believe in a two-state solution, so how bizarre is it that we recognise only one of those states? If we do not take action to avoid profit from settlements and annexation by concrete, we will be answerable.

3.13 pm

Margaret Ferrier (Rutherglen and Hamilton West) (SNP): As joint vice chair of the all-party group on human rights, I approach today’s debates with human rights at the forefront of my mind. My party supports the EU position of a two-state solution and encourages Israel and Palestine to reach a sustainable negotiated settlement under international law. There can be no justification for any impediment to progress in a peace process, such as indiscriminate rocket attacks on Israel or the continued expansion of illegal settlements in the occupied territories. Israel’s settlements in the territories have been established in clear violation of law.

The United Nations Human Rights Council commissioned an independent fact-finding mission to the Occupied Palestinian Territories. The 2013 report stated that “the impact of settlements on the human rights of the Palestinians is manifested in various forms and ways.”

The illegal settlements critically interfere with the ability of the Palestinian people to exercise their fundamental right to self-determination, and it is not just the settlements. The associated infrastructure built on expropriated Palestinian land also has a substantial impact.

Time and again, the SNP has called on the UK Government to use their influence to help to revitalise the peace process and to find a way to break through the political deadlock. The Minister has a keen personal interest in the area. Will the UK Government recognise the state of Palestine on the basis of the pre-1967 borders, affirming the equal rights of both peoples to live in sovereign, independent and secure states? The situation worsens in the territory and, as it does, the likelihood of a peaceful resolution fades. The time is right for the UK to recognise Palestine and its right to self-determination. The UK has not only a moral duty but a legal duty not to recognise, aid or assist Israel’s illegal settlements and associated infrastructure because they impede Palestinians in exercising their fundamental right to self-determination. Please, such action has to be taken. A tougher stance needs to be taken today. I hope that the Minister will take on board all the views that have been expressed.

3.16 pm

Jim Shannon (Strangford) (DUP): I am well known as a friend of Israel, and the premise of a friend is that they are honest, open and truthful. With that in mind, there must be fairness for all, and I fear that UNSCR 2334 adversely affects the Jewish right to fairness.

I believe in democracy and the democratic right of those who are voted into power by a majority. We all know that the settlements and, indeed, peace in the middle east are complex issues. As someone who hails from Northern Ireland and has been involved in the peace process, I have lived through my own share of complex issues. Appeasement cannot be the answer for Israel and Palestine; working together is the only answer, and that is hard to do in the current situation. Trust me, I speak from experience.

It is clear that Jewish leaders have negotiated on this land as a way of trying to bring about some semblance of peace for Palestinians and Jews alike. Much like the situation in Northern Ireland, some people see negotiation as demanding things their way or no way, and that if their demands are not granted, they will go back to violence.

I have a very real fear that we are pushing Israel into a place where it does not want to be and where we do not want it to be. I can well remember the six-day war. As a child, I remember seeing Israeli women and children on the streets defending their historical homeland. That resonated with me over the years as I watched the strife in Northern Ireland. I do not wish to see Israel again pushed into a place where its options are restricted. The heart of the Israeli people is simple. They wish to be allowed to return home in peace. There is no doubt in my mind that the Jews have a historical right, and we should play a role that helps the process, saves lives and that perhaps allows children to grow up without distrusting other people.

I fully understand the concern that the UNESCO vote seems to disregard Jewish heritage in Jerusalem, and we seem to be going through a similar issue in relation to Northern Ireland’s history. We want peace in the middle east, but it must be fair. There can never be peace without recognising that the Wailing Wall and the Temple Mount are Jewish holy sites that predate other sites. The Israelis have a right to access those places, and
access must underpin the negotiations, not the presumption that the Jews are the ones to blame. The Jews want to live in peace on their own historical land. The motion in no way recognises that, which is why I cannot support it.

There can be peace in the middle east, but only through encouragement, not division. Let us start by sending the right message: Israel is a friend of this nation and we will do the right thing by it.

Mr Speaker: We will now have three Front-Bench winding-up speeches of no more than eight minutes each, followed by a brief conclusion from the right hon. Member for New Forest West (Sir Desmond Swayne).

3.18 pm

Patrick Grady (Glasgow North) (SNP): I congratulate all the hon. Members who worked to secure this debate and the many hon. Members who have spoken. I recognise the passion on display throughout the debate on this complex and sensitive issue, on which we all agree that nobody has a monopoly of wisdom. We heard “Ode to Joy” both last night and at business questions, and it includes the line, “Alle Menschen werden Brüder”. All people will become brethren only if we allow joy and freedom to reign, which is an important consideration.

The Scottish Government and the Scottish National party position has firmly and consistently been that peace in the region depends on there being two secure, stable and prosperous states of Israel and Palestine, living side by side. Israel and Palestine should be encouraged to reach a sustainable negotiated settlement, under international law, that has as its foundation mutual recognition and a determination to co-exist peacefully. We have consistently condemned obstacles to progress in the peace process, whether they are indiscriminate rocket attacks on Israel or the continued expansion of illegal settlements in the occupied territories.

Many Members have spoken of their personal experiences. In October, I had the privilege of visiting the Holy Land in a personal capacity, as part of the archdiocese of Glasgow’s annual pilgrimage. Although focus was on visits to sites associated with the Christian gospel and scripture, it was impossible not to be aware of the tensions and the legacy and impact of the ongoing conflict. It is worth stressing, however, that the journey itself was safe and secure. If anything, it brought home to me the massive potential for the economies of both Israel and Palestine if a peaceful settlement can be reached. The landscape is beautiful and dramatic, steeped in history, and the climate ought to make the region a holidaymaker’s dream.

Nevertheless, we did pass through the border wall between Bethlehem and Jerusalem several times—as the hon. Member for Ealing Central and Acton (Dr Huq) said, Christmas carols are never quite the same again after one has done that—and I saw young Palestinians stopped and subjected to lengthy security searches. I pay tribute to the ongoing ecumenical accompaniment programme of the World Council of Churches—co-ordinated in the UK by the Quakers—which witnesses and monitors incidents at the checkpoints. We could see settlements under construction, alongside approach roads and land connections with Palestinian towns and villages, and it is not hard to see how they threaten the contiguity of the Palestinian state. We saw parched lands and dusty streets on one side of the wall and manicured lawns and fountains on the other side. That is unjust from any perspective: in a land of such plenty, nobody should need to go hungry or thirsty. We have heard powerful testimony today about the impact of the conflict across the communities in both Israel and Palestine.

The motion and the debate have focused on UN Security Council resolution 2334, which is something of a milestone and should be welcomed as a demonstration of the potential role to be played by the United Nations. For more than 70 years, the UN has brought countries together to work for peace and security, development and human rights, and it must be supported to continue and step up its mission. The resolution makes clear that the settlements have no legal validity and, indeed, constitute a flagrant violation under international law. That surely remains the case, even in the light of the legislation passed by the Knesset to give retrospective legitimacy to the settlements. As the hon. Member for Reigate (Crispin Blunt) said, there is no political consensus in Israel on that law.

The new law is a provocative and disappointing gesture, but the response must be a redoubling of diplomatic efforts. The UN Security Council resolution does not compel Israel to concede any of its own sovereign territory, nor does it preclude any future territorial modifications with the Palestinians. What it did was to reconfirm the long-established and consistent point of international law that settlements are illegal and should stop. The destruction of Palestinian villages, about which my hon. Friend the Member for Kilmarnock and Loudoun (Alan Brown) spoke powerfully, must also stop. I have heard from my constituents, powerfully and loudly, about their concern about that practice and its effect on communities.

The debate has raised several questions for the Minister. To his credit, he is one of the Ministers who does a good job of responding to the points Members make, even if we do not always agree with his responses. It would be helpful to hear from him what representations have been made to the Government of Israel about the recent legislation. Are they satisfied that the discussions our Prime Minister had with Prime Minister Netanyahu were sufficient, or is there an opportunity to go further? What steps are the Government taking to ensure that the UK adheres to the UN Security Council’s demand that, in their international relations, states distinguish between Israel and the occupied territories? Will the Minister guarantee that, after it leaves the EU, the UK will continue to make that kind of diplomatic differentiation? Does he agree that the UK should not be trading with illegal settlements?

As has been said repeatedly, a peaceful solution must be based on mutual respect and recognition on both sides. That applies not only to the people of the states of Israel and Palestine, but to their supporters and allies in the international community. Under no circumstances are attacks or abuse on the Jewish people, or any kind of manifestation of anti-Semitism, acceptable; anti-Semitism should be named as such and condemned. That also applies to violence and extremism in any form, whether directed at Palestinian, Israeli, Jewish or Muslim communities.

The Scottish Government, in line with other Governments in Europe and the EU itself, does not advocate a policy of boycotting Israel. Nevertheless, we
in the SNP are clear that trade and investment in illegal settlements should be discouraged, and the Scottish Government have published procurement guidance to reflect that position.

I mentioned my visit to the Holy Land, which gave me a new appreciation for the deep history and spirituality of the people and places there. Never have I felt more keenly or more urgently the words of the psalm:

“For the peace of Jerusalem pray:
‘Peace be to your homes,
May peace reign in your walls,
And in your palaces, peace!”

3.24 pm

Emily Thornberry (Islington South and Finsbury) (Lab): May I thank Members on both sides of the House for securing this debate? People watching us from the Public Gallery will see the House at its best when it comes to such debates. Many Members were very well informed indeed. I was expecting excellent speeches from my hon. Friend the Member for Birmingham, Northfield (Richard Burden) and from the hon. Member for Reigate (Crispin Blunt), but if I could pick one favourite speech it would be that of the hon. Member for Twickenham (Dr Mathias) who spoke passionately, articulately and without notes, and I commend her for that. It may be that other people watching the debate will have other favourites, but her speech was excellent. In the time that I have available, I will not try to summarise all the contributions.

The carefully drafted motion represents a consensus shared across the House. I know that there are many differences, and we have heard them today, but, actually, what unites us is so much more than that which divides us on this. It is important that we speak clearly and loudly about settlements.

Clearly, this is an important anniversary year, and the debate is very timely. When we look at the great sweep of history, from the six-day war and its aftermath to the UN partition plan and all the way back to Balfour, it is quite clear that, in many ways and in context, we seem to have come to a halt. The past few years have been very dark and very depressing with very little movement. I fear that we have been slipping backwards, and that a two-state solution is moving further and further away from us.

Clearly, settlements are a major part of the problem, but we must recognise them for what they are: they are a roadblock to peace and a violation of international law. At the same time, we cannot pretend that this conflict can be reduced to that one issue alone, as that is simply not the case. As the hon. Member for Liverpool, Riverside (Mrs Ellman) put it so well, there must be an unequivocal end to violence and incitement on both sides. In these dark and difficult times, the question is what do we do? Do we give up hope? Do we walk away?

We must be honest that the road ahead is very hard. My question is this: have the Government decided that, what with Brexit, the crisis in the NHS, the collapse in social care, the challenge of the Trump presidency and wars over the middle east, continuing to be involved in such a bitter and long-standing dispute is just one challenge too many? In many ways, that was the message that Ministers sent to the Paris conference last month when 36 countries sent a Foreign Minister, but not the United Kingdom. Our presence there was downgraded to observer status and we declined to join the communiqué, which really did not make any sense, because the objectives of the conference and the content of the communiqué were so closely aligned to the sentiments expressed in UN Security Council resolution 2334, which, I am told, the UK had a key role in drafting last December. It is as if we have been blowing hot and cold. What is going on? Are the Government losing their nerve?

The Government’s official explanation was that they chose not to attend because no Israeli or Palestinian representatives were present, but that does not make sense, because the Paris conference was not some kind of quixotic attempt to bypass the need for bilateral negotiations, but an attempt to affirm support for them. As the lengthy list of multilateral initiatives in UN Security Council resolution 2334 showed, the international community has always had a role to play in helping to facilitate bilateral talks.

For Labour, as internationalists, friends of Israel and friends of the Palestinians, that understanding is crucial. My hon. Friend the Member for Wrexham (Ian C. Lucas), who was shadow Minister for the middle east, said a few years ago:

“We have made it very clear that we will always work with partners multilaterally to advance the two-state solution agenda.”—[Official Report, 13 October 2014; Vol. 586, c. 95.]

I hope that the Minister will explain why this Government appear to lack the same co-operative spirit—or at least they lack it sometimes.

Whatever the official reason, I am afraid that the clear subtext to the decision on Paris was the election of President Trump in the United States. Many have suggested that his election was bad news for the peace process and that we should give up hope. I can understand why. We just need to consider the words of Naftali Bennett, one of the most influential Members of Netanyahu’s Cabinet. Following the election of Donald Trump, he said:

“The era of a Palestinian state is over.”

Mr Bennett’s regulation Bill seeks to legalise the construction of settlements on privately owned land retrospectively and it should be condemned.

The fact is that a one-state solution would not enjoy the support of the people of Israel or the majority of the people of Palestine. By following the settler agenda, the Israeli Government are not acting in the interests of the people of the region, and certainly not in the interests of the people of Israel. A single state, stretching from the Mediterranean to the Jordan river can be one of two things: it can either be Jewish, or it can be democratic. As the right hon. Member for Enfield North (Joan Ryan) so rightly said, it cannot be both.

As friends of Israel and friends of Palestine, there is no time for the UK to sit on the side lines. Of course I understand why the regulation Bill was pushed forward at this particular time. After all, the man who has just taken office as the President of the United States has expressed some unorthodox views, to put it mildly. He has made statements in favour of more settlements, and he is in favour of moving his embassy to Jerusalem and opposed to multilateral talks. The man he has appointed as America’s ambassador to Israel has said that “a two-state solution is not a priority”.

[Patrick Grady]
Many of us worry that this rhetoric is divisive, but we have heard positive words from Mr Trump at times. He said, for example, that he “would love to be able to be the one that made peace with Israel and the Palestinians”, and that he has “reason to believe” that he can do that. I think we should choose to take him at his word. The difficulty is that I am far from convinced that he knows exactly how to do that. That is where we come in.

The expertise of the Foreign Office and the advice we can give the Americans in these circumstances are important. It is incumbent on us, as we wish for a two-state solution, to do everything we can to push for a path to peace. For the Government, that means making the case to Washington and Tel Aviv, and convincing them that a two-state solution is still both achievable and necessary. I hope that the Minister can assure us that his Government remain committed to a two-state solution, and opposed to anything that stands in the way of that.

I am deeply disappointed that the Government continue to fail to recognise the Palestinian state. Now is the time. I ask the Minister to comment on that. What thought have the Government put into how settlement goods could be separated from other Israeli goods, as many people do not wish to buy settlement goods? Are the Government doing any further work on that? How can we persuade British companies not to invest in settlement areas? Most importantly, I hope that when President Trump and Prime Minister Netanyahu visit London later this year, our Prime Minister will have the courage to set out those views in no uncertain terms. I look forward to hearing what the Minister has to say.

3.31 pm

The Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Mr Tobias Ellwood): This important debate has been constructive, informative and, at times, passionate. I congratulate my right hon. Friend the Member for New Forest West (Sir Desmond Swayne) and others who have brought it to the House.

Following your guidance, Mr Speaker, I have just eight minutes to respond. I hope the Backbench Business Committee recognises how many people wanted to speak in this debate and I hope that we have a further opportunity for debate in which I have more time to respond. I will do my best, as I always do, to write to hon. Members if I do not cover their points today.

The focus of today’s debate is Israeli settlements, but may I begin, as others have, by firmly underlining our appreciation of the challenge faced by the region, including our shared history, we continue to mark the 100th anniversary of the Balfour declaration, which underlines the importance of the two-state solution, the only way to secure a just and lasting peace between the Israelis and Palestinians. We must all continue to work for that, no matter how big the challenges. The objective has been repeated not only by us and American Presidents, but by successive Israeli Prime Ministers and the international community. The objective has also been confirmed through a series of UN Security Council resolutions and other agreements through the Oslo accords, the Madrid discussions and the Camp David talks. To be clear: the solution cannot be imposed on the Israelis or the Palestinians, but the international community has an important role to play.

Although important, the matter of settlements is not the only issue but one of a number. The immediate removal of settlements would not immediately lead to peace. Trends on the ground, including violence, terrorism and incitement, as well as settlement expansion, are seemingly leading to a steady drift from peace and making the prospect of a two-state solution look very much impossible. It is in no one’s interests to see that drift towards a one-state solution. It is not in Israel’s long-term interests; it is not in the Palestinians’ interests; and it is not in the region’s interests.

Specifically on settlements, if we look at the map, we can see that there are now around 600,000 people living in about 140 settlements built since 1967. We can see that the west bank is being divided into three, with Jenin and Nablus in the north; Ramallah in the middle, broken by the Ariel finger; and area E1 separating Ramallah and Bethlehem from the Hebron conurbations. So the concept of a contiguous Palestinian state is being eroded, and that is a huge concern. The west bank is now a complex network of checkpoints, which is broken up, as has been said, and that makes it difficult for people to move and to enjoy a normal life.

Since 2011, Israel has approved only three urban development plans in area C. We want this to change, and we encourage Israel, as per the Oslo accords, to transfer land from area C to area B, and from area B to area A—area A, of course, is where the Palestinians have control and autonomy over their own security arrangements and economic prospects.

UN Security Council resolution 2334 was mentioned by a number of hon. Members. It should come as no surprise that we voted in favour of it in December, because we have long supported the two-state solution and the notion of Israel as the Jewish homeland. We should recognise what the resolution actually said. It proposed three important and balanced steps to support peace in the region, including calls for both parties to prevent the incitement of acts of violence, to build and create conditions for peace and to work together to allow credible negotiations to start. Of course, it is based on historical resolutions 242, from November 1967, and 181, which goes back to 1947.

The regularisation Bill has been mentioned by a number of hon. Members. A new and dangerous threshold was crossed with that Bill. I am pleased to see that the vote on it was very close—it was 60 to 52—and the Israeli Attorney General has made it clear that he will not support it if it goes to appeal, which I think will. That is good, because he sees it as constitutionally unviable, and I hope that that message is heard loud and clear.
I am running out of time, but I will do my best to cover the remaining points. On the recognition of Palestine, we need the Palestinians to do more to prevent the incitement of violence. President Abbas condemns certain aspects of it, but we are still seeing schools and squares being named after terrorists. These are not the confidence-building measures we need see. There is no relationship with Hamas at all. Those confidence-building measures are the steps that will allow us to move forward, so that there can be a recognition in the long term of the state of Palestine, but they are not there yet. The younger generation has given up on its own leadership, choosing instead to try to take a fast track to paradise by grabbing a knife and killing an Israeli soldier, and that is a terrible state of affairs to be in.

The British Government continue to believe that the only way to a lasting peace between Israelis and Palestinians is the two-state solution, but there are a number of obstacles to peace, including settlements and continued violence and incitement. We remain committed to working closely with our international partners, including the new US Administration, to promote an environment conducive to peace. We continue to support both parties to take steps towards a negotiated settlement that brings peace, security and prosperity to Israelis and Palestinians.

Everyone has the right to call somewhere their home. Everyone has the right to be safe in that home. And no one should live in fear of their neighbours. We strongly believe that the middle east peace process is the best way forward to deliver these hopes. The question is whether we want a new generation of Israelis and Palestinians nurturing the seeds of hate or moving to a place of lasting friendship.

3.39 pm

Sir Desmond Swayne: My fear is that a sufficient number of Israeli politicians have drawn precisely the opposite conclusion to John Kerry and believe that they can indeed build towards the exclusion of a Palestinian state and yet withhold civil rights within Israel on the grounds that the Palestinians must seek those civil rights in Jordan or in sub-state Bantustans. This is the only way to a lasting peace between Israelis and Palestinians.

3.40 pm

Damian Collins (Folkestone and Hythe) (Con): I beg to move,

That this House has no confidence in the ability of the Football Association (FA) to comply fully with its duties as a governing body, as the current governance structures of the FA make it impossible for the organisation to reform itself; and calls on the Government to bring forward legislative proposals to reform the governance of the FA:

A former Minister said when addressing the subject of FA reform:

“We are making progress, albeit slowly.”—[Official Report, 15 October 1969; Vol. 788, c. 570.]

That was Denis Howell speaking in 1969 in a debate on the Chester report, commissioned in 1966, which looked at the governance of football in England. Since that time, there have been numerous reviews of the governance and necessary reform of the Football Association. There was the Burns review of 2005. The Culture, Media and Sport Committee published two football governance reports, one in 2011 and another in 2013, setting out a series of detailed measures which we believed that the governance of football needed to improve dramatically. A former sports Minister, Hugh Robertson, said that he was going to prepare a Bill to legislate to reform the Football Association if it refused to deliver the necessary reforms. He described football as the “worst-governed” sport in Britain.

The Government are consulting on their sports governance code, which will apply to all national governing bodies of sport. This debate falls a few weeks before the talks between the Government and the FA will conclude. Some people may therefore suggest that this debate is a few weeks early; others may say that it is 50 years too late. We have been talking about this issue for a very long time.

Some people have questioned whether it is the responsibility of Parliament to seek to legislate on a private matter like football and sport, but I think it is the right of the national Parliament of this country to take a view on the administration and welfare of our national game, as we have sought to do, because this a matter that the people we represent care greatly about.

Keith Vaz (Leicester East) (Lab): It is important—I speak as an MP for the home of the English premier league champions, Leicester, the city of diversity—that Parliament sends out a message on diversity. A quarter of all professional footballers are black, yet only 17 of the 92 top clubs have an ethnic minority person in a senior coaching role. Although the FA has committed £1.4 million to addressing diversity, does the hon. Gentleman agree that it is important in a debate like this that we send out the message that diversity should be an important part of any reform?

Damian Collins: The right hon. Gentleman makes an incredibly important point. I will come on to deal with the issue of diversity. Some would say that if the FA Council itself was a more diverse body that more truly reflected the modern world and the modern game, more progress would be made on supporting diversity, including encouraging and supporting more former players from minority ethnic backgrounds into coaching, and through the coaching system into the management of professional clubs. We would all want to see that.
Our constituents who are supporters of their clubs make continual representations about the effect of bad governance on the teams that they love—teams that have been driven into administration through financial mismanagement.

Mr Jim Cunningham (Coventry South) (Lab): I am not going to rehearse all the arguments about Coventry City football club, but there should be some form of regulation. After all, the Football League is the only organisation that I know of that does not have certain rules in a way that relates to Parliament. Would the hon. Gentleman consider having Coventry’s owners, Sisu, in front of his Committee to find out exactly what is going on? There are all sorts of problems at Coventry—as I said, I am not going to rehearse them—and we really now have to get to the bottom of this.

Damian Collins: The hon. Gentleman has been a doughty champion of the fans of Coventry City football club and the people of Coventry regarding the maladministration of their club. It is tragic that a club that was in the top flight for so long has been run into the ground as it has been. The football administrators have stood back and watched that happen, and it cannot be allowed to continue. I believe my hon. Friend the Member for Daventry (Chris Heaton-Harris) has been acting as an intermediary, and I support him in his work. The Committee has spoken about that issue strongly in the past, and it may do so in the future. We speak up for supporters whose clubs are being run into the ground.

As a parent, I see what some grassroots football facilities are like, and we have had representations about that. At this time of the year, too many boys and girls are playing on heavily waterlogged pitches and at training grounds or in parks where there are no changing facilities and no amenities at all. They look at the great wealth within the game and ask how that can be true. Although we welcome the fact that the FA facilities fund invests £22 million—a lot of money for a lot of sports—in facilities, that is a tiny amount of money in football. Twenty-two million pounds would not buy a quarter share in Paul Pogba. Given the huge wealth that exists in football, we all believe it could do a lot more.

Financial scandals have affected the game, and we are concerned that they have not been properly investigated. Lord Stevens led a review into allegations of scandals and misappropriated payments in the football transfer market, and he was unable to sign off on 17 of the transfers that he investigated to say that no suspicious payments had been made. Some of those transfers then involved a future England manager. People will ask, “Why aren’t these things being properly investigated? What is wrong with the administration of financial conduct and ethics in football?”

Stephen Pound (Ealing North) (Lab): As a person of an undeniable ethnicity and gender, and probably not in the first flush of my youth, I am reluctant to intervene when people who fit into those categories are being so widely criticised. However, four years ago a report considered the football creditors rule, which seems to me one of the absolutely rotten things at the heart of British football. Has the hon. Gentleman or any of his colleagues, particularly the Minister—received any indication that the FA is taking the matter seriously? Even though it might cause short-term pain, the long-term gain for the game would be immeasurable.

Damian Collins: The hon. Gentleman makes a very important point. I have long believed that the creditors rule should be abolished. It means that when a club is insolvent, it has to pay all its football creditors, but the other creditors—the local community and the businesses it works with—do not get any money. I believe that that rule should have been abolished. The chairman of the FA said when he was chairman of the Football League that no moral argument could be made in favour of the creditors rule, but nevertheless it stands. I welcome the fact that progress has been made in putting a greater obligation on clubs to settle with non-football creditors on much better terms than was the case a few years ago, but I would like that to go further.

Football receives, as do other sports, a considerable amount of funding from the public purse, and we in Parliament are right to take an interest in how public money is spent on our national game. In the brief time that I have, I want to set out how and why I believe the FA needs to be reformed.

The FA Council—effectively, the Parliament of football—should represent football across the community, but it is not representative of modern society and the people who play the game. Of its 122 members, 92 are over the age of 60 and 12 are over the age of 80. There are eight women, and there are four people from minority ethnic backgrounds, so there are more men over 80 on the FA Council than there are women. That is not sustainable, and it does not reflect modern society. Although some on the FA Council understand the need for change, some do not. Barry Taylor, a life vice-president of the FA and life president of Barnsley, said in a letter to his colleagues on the FA Council that it “would be great” to have more women involved, “but not just for its own sake”. Hearing that, I do not think that he has any serious commitment to the idea of more women on the council, or that he even understands why it is necessary.

The FA Council is an important body because it has power over youth football and women’s football, and it is an important influence on the game. The FA board needs to be stronger and more independent—a more executive body. Only one of its 12 members is a woman, and there are only two independent directors. The last three chairmen of the FA—one of them, Lord Triesman, is sitting in the Gallery—have written to the Select Committee to say that reform is necessary to strengthen the board and ensure that the balance of power is held by the independent directors on the board. That was also a recommendation in the Culture, Media and Sport Committee’s report. Reform is needed to give the FA the power to resist powerful forces and vested interests in the game, particularly the power and strength of the Premier League.

The primary job of the Premier League is to promote its competition, and it does so brilliantly all around the world. However, it exerts an enormous influence over football, because of the vast amount of money it raises and the funds it puts back into the game. We need a strong Premier League—that is good for football—but we need a strong national governing body of football that is ultimately responsible for many of the sporting and ethical decisions that football has to take.

Mr Clive Betts (Sheffield South East) (Lab): The hon. Gentleman is making a really important point. This is not just about who sits on which boards, but where the
money is and the power that it exercises. Does he think there is room for a further look at the whole issue of the power and money of the Premier League, and what governance changes could be brought in to get more control over it for the good of the game as a whole?

Damian Collins: The Select Committee recommended that the FA board should have a 6:4 ratio in favour of the FA executive and independent directors, so that their voice is stronger than that of any other component parts, including the Premier League. I think that is a necessary reform.

In closing—I could speak for a lot longer, but I want other Members to have the chance to make their own speeches—it is necessary to reform the structure of the FA board to make the FA more independent and give it the power to act. We have been calling for that for years, and the Select Committee has called for it in previous reports. We now believe that legislation is the only way in which that can be delivered. That was the recommendation of the last three chairmen of the FA to the Select Committee, who said that the FA cannot reform itself—turkeys will not vote for Christmas—so there has to be external pressure and action through legislation to achieve it. In this debate, I am asking the Government, if they are unsuccessful in getting the FA to reform, to prepare a Bill to introduce during the next Session of Parliament, following the Queen’s Speech, to deliver the reform the FA so badly needs.

Several hon. Members rose—

Mr Speaker: Order. I am sorry, colleagues, but I am afraid we will have to start with a limit on Back-Bench speeches of four minutes.

3.51 pm

Judith Cummins (Bradford South) (Lab): I speak in today’s debate as one of the Members representing Bradford who has, in recent months, been deeply involved in working to save my home city’s most historical sporting club. Many Members will know this proud institution—the world-renowned Bradford Bulls rugby football league club. I am pleased that after many months of campaigning, the Bradford Bulls have risen anew from administration and liquidation. I am sure the whole House will join me in wishing the club well under its new ownership.

I recognise that the Bradford Bulls are not a member of the Football Association, but of another governing body, the Rugby Football League. However, I believe most hon. Members would agree that, as a country, we face a crisis of governance not only in football, but across many of our cherished sports. Much of what has been and will be said in the Chamber this afternoon is relevant not just to football, but right across sport. Through the events of recent months in my constituency, I have learned much about governance, the role of governing bodies and, I am afraid, the weaknesses in the rules and regulations in British sporting life.

Bradford is of course home to Bradford City and Bradford Park Avenue—the latter is in my constituency—and I dare to suggest that these clubs are good role models. They are the sort of clubs the FA should be encouraging others to emulate. Bradford City has had its fair share of difficulties down the years, and the club knows all too well the trauma associated with entering administration. It has learned the hard way, as so many football clubs have done. Today, however, the club operates within its means, and financial security is the foundation of its ambition, not the first thing to be sacrificed in the search for glory. In addition, it maintains a policy of financial openness with its supporters, and it is right to do so. That strengthens the bond between the club and its fans and local community, and it ensures that everyone feels part of a common endeavour. Bradford City has been rewarded with increasing support.

In non-league football, Bradford Park Avenue has worked with Supporters Direct to move from a private ownership model to become a community benefit society. I am very pleased to be watching them play this coming Saturday. I am also looking forward to becoming a member of Bradford Park Avenue community football club at half time. Club members commit to many great objectives, but the one I am struck by is the commitment to provide sporting facilities and opportunities to all. I hope the FA will support and applaud clubs at this level of the footballing pyramid to develop the sort of approach that Bradford Park Avenue is taking to engage with its local communities. If this type of approach is strongly reflected in the plans that the FA will present to the Government in the spring, I will be heartened.

As a country, we deserve strong, representative and accountable governance in the governing bodies of all our sports. Today’s debate will identify a whole raft of failings in the governance of the Football Association. What is more shocking is not that the governance of the FA is in need of fundamental reform—that is a settled point—but that the FA leadership have been so grossly ineffective in introducing reforms in the face of criticism from the cross-party Culture, Media and Sport Committee. At best they are dragging their feet; at worst they are wilfully failing to act.

As the governing body of a major British sport, the FA is arguably above all else a public institution, even if it is a private registered company. As public institutions, governing bodies receive public funding, and they have the honour and privilege of having under their leadership the regulation and oversight of British sporting life. It is only right that we hold them to high standards.

Strong accountability is critical, not only for the sake of strong governance, but because a sports governing body has an important role in agreeing, overseeing and enforcing its rules. Sport is competitive on the field and in a business sense. The search for success and the drive to achieve and excel at the highest possible level can often mean that lines become blurred.

3.55 pm

Jason McCartney (Colne Valley) (Con): It is a pleasure to follow the hon. Member for Bradford South (Judith Cummins). In a previous life, I reported on both Bradford City and their run in the Intertoto cup—we had a trip to see Zenit Saint Petersburg—and the Bradford Bulls in their successful time, with grand final wins, world club challenges and Challenge cups. I welcome her passion for the sporting clubs in the great city of Bradford.

I refer to my entry in the Register of Members’ Financial Interests. I must also declare that, as a Huddersfield Town fan, I am delighted that my team is
still in the FA cup, but slightly perplexed that the television companies have not picked our mouth-watering fifth round tie at home to Manchester City for live broadcast. Perhaps they will cover us in the quarter finals, when we might be playing Sutton United.

I must also put on record my thanks to the FA’s delivery partner, the Football Foundation, which has invested almost £600,000-worth of grants in my Colne Valley constituency. That includes £340,000 to Hepworth United for a new changing pavilion, and a grant of £53,000 for Honley cricket club and Honley junior football club for the refurbishment and extension of existing changing pavilion facilities. I was involved in both bids and supported both community projects.

My hon. Friend the Member for Folkestone and Hythe (Damian Collins), the Culture, Media and Sport Committee Chairman, covered much of the ground. I want to focus on the fans. I am very lucky to support a club with a wonderful owner who is a genuine fan, Dean Hoyle. He has introduced many wonderful initiatives at my club, including season tickets for just £179. On Boxing day, two parents and two kids could see Huddersfield Town play for just £12—we won as well. The Huddersfield Town Foundation provides thousands of healthy breakfast clubs at schools, and the “Keep It Up” campaign of fans has organised bike rides that have raised more than £1 million for the Yorkshire Air Ambulance and the Town Academy.

Not all fans are so lucky. Blackpool, Blackburn Rovers and Coventry fans will testify to that. That is why we need reform.

Damian Collins: Does my hon. Friend agree that there should be more representation from supporters groups on the FA Council?

Jason McCartney: Absolutely. My hon. Friend has probably read my next comment. I back the Football Supporters Federation recommendations, which include a minimum of five supporters’ representatives on the FA Council and, more crucially, a supporter representative on the board. Hopefully, that supporter representation could help to increase the diversity of the top decision-making levels in English football.

As we have heard, the Culture, Media and Sport Committee, of which I am a member, has been looking at FA governance for many years. I welcome some of Greg Clarke’s early comments—he took over as chairman of the FA last August following his successful six-year spell at the Football League. The Committee report of 2011 highlighted key concerns that, over the years, have got worse. Arguably, the most worrying thing is the disproportionate influence exerted by the Premier League over the FA owing to its wealth, but other concerns are the increased lack of clarity on the ownership of clubs and, as I have just said, the lack of progress in getting supporters more influence in their clubs. As the right hon. Member for Leicester East (Keith Vaz) said, another concern is the lack of women and black and minority ethnic representation not only on FA boards and committees, but in coaching roles. I must declare my involvement in a small FA committee working at St George’s Park on increasing BAME representation in coaching at football clubs. A lot more needs to be done.

I want a successful England football team. I want it to give us the feel-good factor that the Olympics and Paralympics have given us. Just as the lottery millions have been well distributed to nurture talent, participation and medal success, it is important that the FA should be able to do the same for football with some of the Premier League’s billions. Club ownership, safe standing, Twenty’s Plenty, kick-off times, disabled access and tackling homophobia are all issues that need to be addressed by a reformed FA. With more supporter input, I hope that will now happen.

I hope that this debate will show that we are serious about reform. The Government are serious about reform, the DCMS Committee is serious about reform and the fans are serious about reform. It is now time for the FA’s executive board and the council to crack on and deliver those reforms.

4 pm

Clive Efford (Eltham) (Lab): I congratulate the hon. Member for Folkestone and Hythe (Damian Collins) on securing the debate. I welcome this opportunity to try to influence the Minister before she concludes her discussions with the FA on its reform.

I accept that the FA needs reform. It has proven itself to be extraordinarily weak at times—as the letter from its previous three chairmen and two chief executives said, it has been unable to wield any power over the influence of the Premier League and the Football League—but we have to be clear about what we are trying to achieve. Many of the problems we are highlighting are not caused by the unwieldy construction of the council, but the weak and feeble nature of the FA board.

What do we want the FA to achieve? In England, there is one artificial grass pitch for every 42,000 people; in Germany, there is one for every 22,000 people. In England, there is one coach per 38,000 people; in Germany, there is one per 11,000 people and in Spain one per 3,000. Since 1992, when the Premier League came into being, Germany has won the European championship and the World cup, and Spain has won the World cup and the European championship twice. The council is not at fault for the lack of investment. The enormous wealth that has come into this country has not been reflected in investment in grassroots football, or the coaches and facilities that will develop our game. When we look at reform of the FA, we have to be clear about what we want to achieve.

It is not acceptable for there to be an ancient body such as the FA Council, which has representatives from the Army, Cambridge university, independent schools, Oxford university, the Air Force and the Royal Navy. The historic construction of this organisation clearly needs reform. I favour the Football Supporters’ Federation’s recommendations. We should have fans’ representatives on the board of the FA. The time has also come for fans’ reps to be on the boards of football clubs. They are an early warning system for problems that exist in our game. It is the fans we turn to when we look to save clubs that fall into difficulties. They are of the communities from which those clubs have sprung.

We have to be clear in our aims. Who are we seeking to empower? What problems are we seeking to solve? It is wrong to just say that any reconstruction of the FA will be the right thing to do. The FA board, as currently constructed, is clearly too weak to deal with the English Football League and the Premier League. The people on the council stood up to clubs that wanted to change...
their colours against the will of the fans. They stood up to clubs that wanted to move grounds and change grounds' names.

Mr George Howarth (Knowsley) (Lab): My hon. Friend is making a really powerful case. To pick up a point made by my hon. Friend the Member for Sheffield South East (Mr Betts), I accept that this is not just a question of structure; it is also one of power, and empowering fans to have some say has to be part of the way forward.

Clive Efford: Absolutely. Many fans, for instance, want to see the FA have more influence over the number of home-grown players developed in our leagues. The number is woefully inadequate. Far too many of these prêt-à-porter players are imported because there is so much wealth knocking about in the Premier League; rather than develop and take a chance on a younger, clubs buy someone off the peg and bring them in. We do not impose the rules that are there to ensure that those players contribute and add to the game. Many fans would like to see an FA that can deal with that kind of issue, and I do not see how just changing the council will make a difference.

I support the idea that there should be more independence on the board. However, I have another concern, which I will finish on. Right across sport, people from a small gene pool move about different sports and become involved in governing bodies. We need to look beyond that group of people for some real independence at the top of our national game—in other sports as well, but particularly in football.

4.6 pm

Andrew Bingham (High Peak) (Con): Four minutes! Let me be clear at the outset that I want the FA to succeed. I want to be able to hold them up as an example of good—indeed, exemplary—governance across this country and beyond. I am not saying that everything that the FA does is wrong; it does many good things, which I will touch on in the time available.

The wording of the motion is strong and robust, and although it challenges the FA in the strongest terms, in many ways it echoes the frustration felt by football fans in High Peak and beyond who have written to me ahead of this debate. I was going to talk at great length about my history as a football supporter, but we do not have time—I am too old.

As a member of the Culture, Media and Sport Committee, I too received the letter from the three previous FA chairmen, an ex-chief executive and a previous executive director. Collectively they delivered a withering view of the insensitivity of the FA and its inability to change its governance. Those men have worked within the FA: they seem to have become disillusioned and frustrated by that insensitivity and have just walked away. In their words, the FA’s decision-making structure has become “arcane and convoluted leading to a lack of clarity about the role and purpose of these structures.”

They also claim that there are examples of “short-termmism” and “vested interests”, with veiled and unveiled references to the FA’s relationship with the Premier League.

The letter reeks of all these senior figures’ frustration at their inability to get the FA to reform. As they say, the Culture, Media and Sport Committee concluded in 2011 and 2013—before my time as a member of that Committee, but when the current sports Minister was one—that the FA did need reform, yet it has not been done. It is right that we have tabled the motion for debate, and I pay tribute to my hon. Friend the Member for Folkestone and Hythe (Damian Collins), the Chairman of the Committee, for leading it, and to the Select Committee for having proposed it to the Backbench Business Committee.

I do not deny that the FA does good work, such as the good community work it does through the Football Foundation. We have benefited from significant funds across the High Peak, not least for the new changing rooms for Tintwistle Athletic at a cost of £300,000 to £400,000. I acknowledge that. The FA also acknowledges that there is need for governance reform, as the present chairman, Greg Clarke, said in his statement published on Tuesday evening.

I respect and have a lot of faith in Mr Clarke. He is combative in his defence of the FA, and I do not blame him. He says that the FA has a set of proposals to present to the Minister for her approval and I am interested to hear what she is looking for from those. However, as a fervent football supporter, I hope that Mr Clarke can resolve the matter without our having to get too heavily involved. I urge him to do so and to do so quickly.

Football is the people’s game. In recent years, as we have heard, it has had a huge influx of cash, with players earning eye-watering amounts of money, but it is still a game with 22 men—or indeed, women—kicking a football about, trying to get it into the opposition’s net. The FA is the organisation that oversees that, and it has all this growth in the football family to deal with.

On the 20th of this month, it will be the 25th anniversary of the founding of the Premier League—the juggernaut that has precipitated much of this growth. The FA has to deal with that, but the relationship has been called into question. The game is seemingly in rude health, so why is it being called into question today? There is support for the lower league. Glossop North End, in my constituency, has been in two FA Vase finals, in 2009 and 2015. In 2015, they could not sell the tickets direct and get a commission, as they did in 2009; it was done by the FA. Glossop North End got less money. It lowered the prices, but the gates were less, because of the FA. Sam Allardyce managed England for 67 days and one game, and allegedly walked away with £1 million.

Such things are destroying people’s faith in football. The FA is the governing body. It needs to address this matter, and quickly, starting with governance.

4.10 pm

Gordon Marsden (Blackpool South) (Lab): Football clubs are “more than simply private assets”. Those are the words of the Vote Football campaign, and they have been echoed by many Blackpool football club supporters who have written to me ahead of this debate. Blackpool has always had a proud football history, from the club’s famous 1953 FA cup final, with Stanley Matthews, to Jimmy Armfield, recognised
internationally for his abilities as a footballer and as a commentator, and all the way through to the Cinderella story of our promotion to the premiership in 2010—a very proud moment in our history. I was privileged, along with tens of thousands of people on the promenade, to welcome home the team.

Sadly, however, the strife over the past four years between the club’s fans and owners is only too well known. It has resulted in thousands of people choosing to boycott Bloomfield Road in protest at the club’s running. That is why, incidentally, I backed the Bill that my hon. Friend the Member for Eltham (Clive Efford) introduced that would have given accredited groups such as the Blackpool supporters’ trust greater powers and influence over how their club was run. It is a melancholy set of circumstances, not simply for Blackpool, but elsewhere, particularly in the north-west, with the issues at Blackburn and, some would argue, Bolton. That, again, is why I signed early-day motion 611, along with other Members from the north-west.

It is interesting to note what the Blackpool supporters’ trust said about the governance issues. The unprecedented pursuit of Blackpool football club supporters by the management through the civil courts on matters such as defamation, libel and trespass has made the situation far more difficult. As Steve Rowland, the chair of the supporters’ trust, has said, the FA was supposed to be the overarching guardian of the association football game in this country, but too often it has become simply a money-spinning business venture. If this debate can take us forward, serious attention can be focused on reform, the fairer representation of supporters’ rights in the way clubs are run, and more stringent rules in respect of the roles of owners and directors. That is why I also support the plans to have supporter representation on the executive board and council.

These are issues that ordinary football fans in Blackpool feel strongly about. I want to quote from two letters I have had. One reads, “They’re not just businesses like any other, but company law makes no such distinction, and the FA rules no longer do either”. My constituent Stephen Bullen, who strongly believes that clubs should be run in the best interests of the community, wrote:

“The FA has committed to investing £260 million in grassroots football over a four-year period, but...is this really enough?”

Is it getting to the grassroots? Supporters have nothing but the game’s health at heart, but they are dramatically under-represented on the FA board, as we have heard. As the Football Supporters Federation has said, “if the governance is to be truly reflective and representative of the sport...needs to value the role of ‘consumers’ and other less traditional ‘producers’.”

I know that the sports Minister is anxious to move and frustrated at the lack of progress. I have talked to her about the problems of Blackpool football club, the chasm that has opened between the owners and the fans, and how this illustrates starkly why there needs to be a much more proactive system of governance. She responded with a set of proposals, but they are not far-reaching enough, not least in their failure to contemplate Government action. Why has it taken her Department by the throat for almost six years to act? The letter from the five FA executives sums it up, and that is why it is reasonable to concur with the conclusions of the Chairman of the

Several hon. Members rose—

Mr Speaker: Order. I am sorry, but it must be three minutes each from now on.

4.14 pm

Nigel Huddleston (Mid Worcestershire) (Con): A foreign observer could be forgiven for looking at football in this country and wondering whether it can really be the case that the sport is poorly governed. After all, we have the most watched, admired and financially lucrative top division in world football, with attendances of over 90% every week at premier league stadiums.

As has already been pointed out, the Football Association performs some great work throughout the country, investing more than £65 million a year in grassroots football. My constituency is one of many that benefit from that. I think we should also acknowledge the great work that Greg Clarke is doing in trying to reform the FA. As a relatively new chairman, he has given some extremely encouraging signals about the direction in which he would like to take it in the coming years.

The problem is this. For many years, we have heard again and again from the FA that it recognises the deficiencies and challenges and intends to change—in fact, it has been talking about reform for 50 years—but change has not come, and time is running out. I have a great deal of respect for Greg Clarke, but I also have a feeling that his hands are tied, and that a sense of institutional inertia pervades the governance of football in this country.

In 2011 and 2013 the Culture, Media and Sport Committee produced reports on football governance and finance, and it has also highlighted problems with diversity.

Stephen Pound: I think it important that the hon. Gentleman is mentioning the good aspects of the FA. It is easy for us to criticise, and heaven knows the FA deserves criticism, but every day of the week work is being done by bodies such as the Fixtures Committee and the Disciplinary Commission, which oversees referees. A vast amount of tedious, boring administrative work is undertaken by the FA, and without it none of us would be able to enjoy the game that we love.

Nigel Huddleston: Indeed. As I think is clear from the tone of all the speeches that we have heard so far, we do not want to hinder the progress of football; we want to help. I agree with the hon. Gentleman that a great deal of work is being done.

Some commentators have fairly and reasonably pointed out that it is a bit rich for a largely “pale, male and stale” Select Committee to lecture another organisation about diversity. It is true that there are more gentlemen called Nigel on our Committee than there are women. In fairness, however, I would respectfully point out that we deal every day with the Department of Culture, Media and Sport and speak to a female parliamentary
private secretary, who reports to a female sport Minister, who reports to a female Secretary of State, who reports to a female Prime Minister. I might add that our last two reports were on, respectively, access to stadiums for disabled people and homophobia in sport.

It seems to me that the main purpose of the motion is to fire a warning shot across the bows of the FA. On its own, it will not change the structure of football governance—we all know that—but the fact that we are having this debate will hopefully communicate, in no uncertain terms, just how important the issue is to MPs and our constituents, and will instil a sense of urgency within the FA board and council. I am well aware that the FA is coming up with its own proposals for reform, and I look forward to seeing them.

As I have said, my intention is not to hinder Greg Clarke and the FA's own reform agenda, but to help. As a Tory MP, I am not greatly enthusiastic about Governments' becoming involved in anything unless they absolutely have to, but let us be clear: if we have to intervene, we will. Talk without action is no longer an option.

4.18 pm

John Mann (Bassetlaw) (Lab): A major scandal is emerging of private companies running 16-to-18 football and other sports academies funded by the Department for Education. For example, a company called Gemeg, which operates in my area, is behind a football academy serving Worksop Town football club. We and the public were told that the company was run by Doncaster College, but when it collapsed, we found that it had been run by the College of West Anglia, which is 100 miles away. West Anglia claims that the operation took place for five months in Nottingham, but I can find no evidence that anyone ever went to Nottingham for five months. That involves 23 different students, and what I do know is that zero qualified in English and maths, and that the FA's safeguarding policies in schools were being breached. I make this offer to the FA. We in my area, with the local authority, the schools and the local FA, can provide best practice in safeguarding in football. At present, the systems at the grassroots are shambolic and must be overhauled.

Let me put in a word in defence for the FA. It was the FA that took action on Anelka and the queuelle. It is the FA that has taken action on racism. It is not the FA that is responsible for football clubs not employing black and Asian coaches. It is the premier league clubs, the Football League clubs, and the league clubs in other structures that is failing to do so. The FA actually has been training people up. It is the FA's work that has led to the huge development of women's football.

The insidious power not least of the Premier League, but also of the other professional clubs, in running the FA for their own purposes is a fundamental weakness. We should not forget people such as Jack Tarr in my area, who drew up the fixtures that made sure that Bassetlaw has more kids playing football in schools than anywhere else in Britain. We are asking the FA and the Government to give us some of that money from the taxpayers' bill for policing just one premier league fixture of major consequence could be put into facilities in my area. Some 600 people watched Retford versus Worksop last Saturday, but neither club owns its own ground and neither club can get investment to develop its facilities. Give us the chance to do that. These problems run deep in football, where the money runs very thick.

On safeguarding, we should use the money as leverage. We should use it as leverage on diversity and on bringing women and girls into football. We are delivering the youths; give us the chance to develop the sport. That is the real challenge for the FA. Of course its structure is outdated, but let us have some of that money from the professional game and clubs into the grassroots.

4.21 pm

Bob Blackman (Harlow) (Con): It is a pleasure to follow the hon. Member for Bassetlaw (John Mann).

I grew up in the shadow of Wembley stadium and its twin towers. I followed my local football club and I ran a Sunday football team. I am, of course, a fanatical football fan—my father helped to set up “Match of the Day”, so I think that I can speak as a true football fanatic. I am a season ticket holder—home and away—for my favourite team.

The reality is that football in this country is in the hands of the Premier League. It has the power and the finance, and it has sold out to the TV companies, which now dictate when games are played, which days they are played on and what time they kick off. Of course, huge amounts come in as a result.

At the same time, as we have heard, grassroots football across this country is not seeing that money transferred down to it, because premier league clubs are keeping the money to themselves. The FA does not do its job in representing grassroots football, in controlling the game, and in making sure that the money flows from the top to the bottom so that we can develop the young players—male and female—right across this country who we all want to see playing the beautiful game positively and in the right way. Without a change, we face stagnation in our national game and our England football team being unable to win trophies—we would all like to see them win trophies—and we do not have the quality of football that we would all want.

Wembley stadium has always been our national stadium. It is the shrine to which we go for FA cup finals, League cup finals, internationals and other events. However, it is now being transformed, with not only Tottenham playing there for a year, but Chelsea potentially playing its home matches there for three years. That, to me, is wrong, because it is an abuse of our national stadium, which should be kept for those all-important matches that fans want to see. Turning it into a stadium for clubs to use for perhaps four years or longer, is an abuse of our national stadium and we should not allow it. However, the FA, which is in charge of that national stadium, seems to be an amateur in dealing with high finance in football. We should encourage professionalism in the FA, as well as reform to it so that the situation does not get ever worse. I will conclude with this statement: it is important that the FA understands that if it does not transform itself, Government action will be required.

4.24 pm

Mr Clive Bets (Sheffield South East) (Lab): I should like to put on record, as chair of the all-party groups on football and on football clubs, the fact that both groups get administrative support from the Football Association.
Back in 2005, we had the Burns report, and I met Lord Burns shortly after the report was published and had discussions with him. Over the years, I have also talked about these matters to my colleague, Richard Caborn, because the report was commissioned jointly by the Government and the Football Association. The tragedy is that it has taken an awfully long time to do very little over the years. The FA council is virtually unreformed since Lord Burns talked about it.

Some progress has been made with the FA board, which now has an independent chair and two independent members, but more needs to be done. The suggestion about having a fans’ representative on the board should be taken seriously. The problem with the FA board, of course, is that it does not really run football as a whole. There is so much power because of the money coming from the Premier League, and the professional game board still has powers that have been taken away from the FA board as a whole. If we are going to have a reformed FA board, it has to be responsible for the whole of football. It has to be the governing body for every aspect of the game. That is something that we absolutely want to see.

I do not want to belittle the Premier League. It is a magnificent global brand and it has done some good things, including introducing the £30 maximum charge for away fans, but in the end, we still have a situation in which an ordinary premier league player can earn more in two months than Sheffield City Council spends on its junior football pitches in a whole year. There is something wrong with that; it shows that the balance of money in the game is all wrong. A reformed board has to be able to divert more money into grassroots football and address the cliff edge between the premier league and the English Football League.

Also, we should not belittle everything that the FA does. It has done some great things. For example, it has done really well on the women’s game at local and professional levels, and it has tackled racism. It needs to do more on homophobia, but it has started to do so. Mr Speaker, you hosted a reception at which Graeme Le Saux spoke about what the FA was doing to tackle homophobia. It is also starting to address the issue of black and minority ethnic coaches, and the English Football league has taken important initiatives in that regard as well. We want the Premier League to do more.

In Sheffield, we run the largest junior football league in Europe, under the banner of the Sheffield and Hallamshire County Football Association. The FA is now pioneering the Parklife project, which has two schemes in Sheffield, one of which is in my constituency at the Isobel Bowler sports ground. Spades are now in the ground and the scheme will be up and running in a few months’ time. The FA is taking really good initiatives such as those, despite all the problems, but there has been too much delay in regard to its governance. In Greg Clarke, we have someone who wants to see reform and we ought to back him now. However, we must make it clear that if the FA and other footballing bodies do not back him, we will ask the Government to act instead.

4.27 pm

Christian Matheson (City of Chester) (Lab): I do not want to go down the route of legislation to reform football governance, but the FA is supping in the last chance saloon—it has been doing so for a long time. My hon. Friend the Member for Sheffield South East (Mr Betts) knows a lot about this subject, and I agree with what he says about Greg Clarke. Having met him, I can see that he is a man who has clarity of purpose and determination, and who wants to make a difference. He has asked for time in which to do that, and we should be willing to give him some, but only a little.

Peter Dowd (Bootle) (Lab): Notwithstanding my hon. Friend’s comments, does he acknowledge that the Vote Football fan campaign, the Football Supporters Federation, individual supporters, grassroots organisations, parliamentarians and constituents all want change and reform? Why does he think that the FA believes otherwise? Is it not now so out of touch that there is a need for the external imposition of change?

Christian Matheson: I do not think that Greg Clarke is out of touch or that he believes otherwise. He has clarity of purpose, but the structures are inflexible and unbudging.

On the one hand we have the juggernaut of the Premier League, as my fellow member of the Culture, Media and Sport Committee, the hon. Member for High Peak (Andrew Bingham) has described it. The league is a success and it attracts the best players. Speaking of which, was it not magnificent to be at Goodison on Saturday to see Romelu Lukaku score four, Mr Speaker? But I digress. The Select Committee was told in a letter that Premier League representatives “regularly use their position on the FA Board” and “their financial might” to “maintain their position”.

On the other side are the elderly gentlemen, the 25 life presidents on the FA council, whom my Committee Chairman, the hon. Member for Folkestone and Hythe (Damian Collins), eloquently described earlier. They are known as the blazers, not to be confused with the Glazers, as any Manchester United fans in the Chamber will know. That description reminds me of Will Carling’s famous description of the leadership of the Rugby Football Union in 1995 as “57 old farts”. That was a coarse term, Mr Speaker, but it seemed to move things on, and the RFU has since brought its governance up to date. There are arguments against the Premier League and the so-called blazers, but for me this is about the combination of both, so it is clear that legislation might be the only way of breaking the logjam of self-interest.

If I may digress slightly, there is one area on which I disagree with my hon. Friend. Friend the Member for Eltham (Clive Efford). When the structures at the top are not right, the management below does not fall into place. For example, we know that the FA is failing to regulate both the power of football agents—I am told that the agent exam can be passed by an 11-year-old—and transfer negotiations, leaving the potential for a bung culture. The structures are not right, so the management and the enforcement below is not right.

The problems involving the great club of Coventry City and Sisu were mentioned earlier. Greg Clarke told the Culture, Media and Sport Committee that although there are fit and proper person tests for directors and officers, there is no test of whether someone actually has the ability to run a club, which is another example of management structures not being good enough. During the Select Committee session, I talked about the
tentacles of offshore ownership and untraceable money, which the FA is unable to manage. I also mentioned Vibrac Corporation, which used its base in the British Virgin Islands to loan millions of pounds to Everton, West Ham, Fulham, Reading and Southampton between 2011 and 2013 despite a lack of clarity about who actually owns it. A further problem is that the FA has little control over financial matters and appears to rely on little more than signed declarations from clubs or interested parties to say that they are fit and proper, which allows the FA to avoid responsibility. Good governance depends on the right structures at the top and on allowing the management to enforce rules that have been put in place correctly.

Greg Clarke is a good man who will fight hard to achieve his reforms. He has won friends in the amateur game by visiting every county FA in England, but he needs support and I am unsure whether he has that at the moment.

4.31 pm

**Keith Vaz (Leicester East) (Lab):** I will speak briefly, Mr Speaker.

**Stephen Pound:** Probably about Leicester.

**Keith Vaz:** I thank my hon. Friend. Leicester is the home of the English Premier League champions. My message today is one of support for the reform package that has been put forward, but I acknowledge the excellent work done over the past few years by the Chairman and other members of the Culture, Media and Sport Committee. Of course the FA needs reform. Greg Clarke, whom I know personally, was present on the most recent occasion that I was at the King Power stadium and is a former chairman of Leicester City, and I believe that he is genuine in his desire to reform his organisation. He has made it clear that if the reforms do not go through, he will relinquish his position. Given the impressive contributions that we have heard from Members on both sides of the House, it is important that reform comes sooner rather than later, but I want to talk about the importance of diversity.

Some 25% of professional footballers happen to be of Afro-Caribbean origin, but just 17 of the 92 top clubs have a BAME coach in a senior position. When looking at how football has developed over the past few decades, it is important to acknowledge the lack of diversity. I understand that Mr Clarke wants the Government to back the proposals before they are implemented, and I hope that the package will include a recognition of the importance of diversity not just at club level but at the local level.

I am delighted that Leicester has local football teams that are developing the skills of young people whom I hope will go on not only to play for Leicester City at the King Power stadium to help us retain the premier league and beat Sevilla to win the champions league this season, but to build a foundation for the future. It is through schools and local football clubs that we find the players of the future. I hope that the Government recognise that the issues are serious, as I am sure the Minister for Sport does. I invite her to come to the King Power stadium before the end of the season to see diversity in action not just through the players, but in the ownership and in how the club’s management has developed.

4.34 pm

**Graham Jones (Hyndburn) (Lab):** It has been 50 years of hurt in the English game and we are all suffering, but at least we are not Scotland.

It is not only all the issues that have been raised by hon. Members that appear to show a structure that is unfit for purpose. We have seen not just a sequence of managers but of chairmen who have not been credible or led the FA properly. It is time for root and branch reform of the organisation and some sense of the English game being managed for the benefit of all—those at the top and those at the bottom. I want to touch briefly on some of the problems, such as the coaching problems mentioned by my right hon. Friend the Member for Leicester East (Keith Vaz). There are all sorts of problems in coaching, and we have had the recent scandal. When we talk about root and branch reform, it cannot just be about the FA, the senior structures and the picking of the England manager—although they are dreadful at that—it must be about some of the other issues at the grassroots. My hon. Friend the Member for City of Chester (Christian Matheson) mentioned the funding of grassroots football, and that must also be part of root and branch reform.

My area has three clubs, two of which are well run. One is Accrington Stanley, and I give a shout for Andy Holt, who must be the best chairman in the football league. The other is Burnley, which is well run, but I shall move on.

Many people in the Chamber and outside will be aware of the problems of my club, Blackburn Rovers, and how poorly it is run. My hon. Friend the Member for City of Chester also mentioned the involvement of agents in the game, which root and branch reform must address. Three or four years ago, we had Jerome Anderson, who I think must be agent 001, who went on the television saying he was working for Blackburn Rovers. He was acting as a purchaser and advising on players, he was also an agent providing players and his son was on the books at the time, alongside other players he represented. The FA said that was not a breach. Everyone looked at that and thought, “Hang on a minute, we’ve just had half an hour’s rant from Jerome Anderson on Sky Sports.” It was clearly wrong, and the FA did nothing about it. It brings the game into disrepute.

My final point is about the owners, and I think people know what I am going to say. When we talk about a fit and proper persons test, we talk about people who perhaps should not run football clubs for financial reasons. In the case of Blackburn Rovers, it is just sheer incompetence. There is only one UK director and they have no interest in the fans or the club.

**Mr Speaker:** I do not know whether the Minister will be able to be on her feet by 4.50, but that is what she would like, and I know she has a fair bit to say. We will see how we get on.

4.38 pm

**Gavin Newlands (Paisley and Renfrewshire North) (SNP):** I am grateful for the opportunity to speak in today’s debate. The Chair of the Select Committee set
out a powerful case and I will not rehearse too many of the points that he made. We also had fantastic contributions from other hon. Members, with the exception perhaps of the hon. Member for Hyndburn (Graham Jones) who took the mick out of the Scottish game.

The motion is damning, and I have little sympathy for the FA as it was given early warning of the concerns of the Culture, Media and Sport Committee. The first report outlining its concerns was published in 2011, and a follow-up report that stated that the football authorities had not done enough on governance reform was published in 2013. We are now, therefore, six years into the process and questions are rightly being asked about why enough has not been done to address the concerns that have been raised.

In a somewhat squeezed debate, I want to focus on the lack of diversity at the top of the FA and across the game in general. In doing so, I will primarily focus on the lack of women involved in the running of the game.

The draft code of governance states that 30% of members who sit on a sports governing board should be female, and the FA fails miserably in that regard as only one woman sits on its 14-person board.

The issue does not only affect the English FA, as the Scottish Football Association also has room for improvement. Scotland goalkeeper Gemma Fay—a good St Johnstone fan like me—who has been capped more than 160 times, claims that women are not represented enough at board level and has called on the Scottish governing boards to make moves to diversify their board members.

A recent survey found that only three of 70 directors at Scotland’s top football clubs are women, which proves that the imbalance exists in boardrooms right through the game. In fairness, the Scottish Football Association has been going through step-by-step reform over the past few years to become a fully representative and modern governing body. Following the McLeish report in 2010, the SFA has been going through an ongoing process of modernisation, which includes the creation of a new congress to replace the so-called blazers of the FA council wives while my work colleagues were sitting elsewhere. I was at a table with all of the Scottish senior level. She sat on the SFA non-professional game board and is the only woman to have received a long-service medal from the SFA council. She was the only woman on the council for 14 years, and casual sexism was rampant in those days. Maureen gives an example:

“One of the first dinners I went to was for the opening of the South Stand at Hampden. I was at a table with all of the Scottish FA council wives while my work colleagues were sitting elsewhere. Afterwards I wrote to Jim Farry—"and said ‘I’m not a wife, I’m actually a worker.’ I then became the first woman to sit at a men’s table at one of the dinners. To be fair, I was always treated well within the council but they never knew how to address me. It was always: ‘Good morning gentlemen ...and Maureen.’”

Despite the welcome progress that I have outlined, the SFA professional board still has no female members. It is fair to say that a dramatic increase in the pace of change is required.

It is also fair to say that two of the most impressive people currently operating in the Scottish game are women. A few weeks ago I attended a sports policy conference in Edinburgh, and we were lucky to hear from Ann Budge who, after leading a takeover of Hearts, has spearheaded a huge change in fortune for the Tynecastle club and was named Scottish Professional Football League chief executive officer of the year in 2016.

Meanwhile, the club’s Edinburgh rival, Hibernian, has an inspirational chief executive in Leeanne Dempster. I was lucky to be a guest of Leeanne at Easter Road a few months ago, and she was eager to discuss a community programme on which the club has embarked. Most clubs these days have a community trust, some more effective than others, but GameChanger takes it to a different level by involving more than 100 partners from the public, private and third sectors, culminating in a public social partnership between the club, business and the national health service. It is about using Hibernian’s assets to improve the lives and life chances of all in Edinburgh and the Lothians, not just Hibs fans. Leeanne has strong opinions about the governance of the game, and she thinks that there are still not enough women involved, particularly at the decision-making level.

The FA has a slogan: “football for all.” It always talks about how sport should be for everyone, but how can that be the case when, at senior level, there is a glass ceiling for those who are not white and male? Furthermore, the FA chairman’s recent comments on homophobia within the game, advising against players coming out, almost serve to highlight that point. The advice not to come out because the FA cannot protect those players is inherently wrong and is an abdication of leadership on a hugely important issue, undermining some of the FA’s good work.

Instead of urging people to remain silent about their sexuality, the FA chairman should be doing all he can to ensure that football is a place for everyone. Anyone who dares to abuse a player because of their sexuality, ethnicity, religion or anything else is not welcome at football matches. Moreover, if a particular club has repeat offenders within its fan base, the club should be punished with larger fines and point deductions. That is the correct approach, and it underlines the faults within the FA.

The FA is a governing body, and it has a responsibility to clubs, players, managers and supporters to send out messages and to set the right standards for all those involved in the game. Football is massively important to all the home nations. It is our national game, and more than 12 million people play. It is woven into the very fabric of our society. Despite all that, football has to change and adapt to the modern environment in which it finds itself. This is not about the Government interfering in the affairs of the game; it is about ensuring that the FA meets its slogan about being a game for everyone.

We need to open up the boardroom to people from all backgrounds, and the time is long overdue for supporters and people from diverse backgrounds to be involved in the running of the national game.
4.44 pm

Dr Rosena Allin-Khan (Tooting) (Lab): It is clear from the speeches made by Government and Opposition Members alike that football really is close to all our hearts. Like the Minister, I grew up playing football and, like us all, I am sure, as a fan I have gone through the highs and lows of watching my team throwing away a game in the final minutes or winning spectacularly on the world stage—although for that, I suppose it depends on which team one supports. In the spirit of diversity, I wish to put on record that I am very glad that both my friend the Minister and I are women.

The purpose of this debate is unfortunately not to discuss the highs and lows of football, but to debate confidence in the Football Association. Rigorous governance and the following of proper and due process is vital for governing bodies such as the FA, so that it can work properly and in the best interests of its players, coaches, match officials, stadium staff and fans. Rigorous governance allows us to build trust—trust not only of the governing body itself, but among those who make up the game.

With rigorous governance come positive outcomes: outcomes that ensure support at a grassroots level to increase the participation of women and girls in a sport that is currently dominated by the men’s game, and outcomes that see diverse representation across all levels. Rigorous governance also ensures that governing bodies serve to the fullest extent all stakeholders, perhaps most importantly the supporters.

Keith Vaz: First, I congratulate my hon. Friend most warmly on her appointment as the shadow sports Minister. I refer to the Register of Members’ Financial Interests in respect of Leicester City football club and myself.

My hon. Friend mentions diversity. Bearing in mind her discussions with the FA, does she believe that there should be a target for ethnic or gender representation, or would she leave it to the FA to come up with its own outcomes?

Dr Allin-Khan: That is a good question. I have met Greg Clarke and representatives from the FA on several occasions, and I do believe that Mr Clarke deeply understands the importance of diversity, at every level. I truly do believe he feels that. Putting in quotas would perhaps add some value, but we need to ensure that women and people from ethnic minority groups also feel empowered to apply for jobs, not only on the field but in the boardroom. It is also important that we have role models.

Like all governing bodies, the FA has duties, one of which is governing the game with integrity. It cannot fulfil its duty unless it has strong governance, and currently it is not performing well enough. That needs to change. There is no cushioning around this point: the FA must do more. In 2011, Lord Burns said that the FA Council, at 118 members, was too large; today, the council has 122 members. As we have already heard, the council is made up of only eight women and four representatives from black and minority ethnic groups.

Not only is diversity not in the heart of the FA; it is not in its body or, indeed, even in its soul. My hon. Friend the Member for Eltham (Clive Efford) spoke of the importance of nurturing more home-grown talent. The FA has accepted those and other current failings, but it must now move on from the criticisms and make a clear path forwards on to a road of good governance. If it does not, it will only have a detrimental effect on the game.

Despite all that, we must not sideline the hard work and determination of many within the FA. My hon. Friend the Member for Basestlaw (John Mann) made an excellent point about the work that has been undertaken to combat racism, and we must acknowledge its positives that aim to double female participation by 2030 and the Lionesses placing third in rankings of our country’s favourite teams. Some £22 million a year is invested into the grassroots game, and with more flexibility being seen in the form of five-a-side and walking football, a larger proportion of the population has the opportunity to get involved. Those are not small steps; they are ambitious, and that should not be taken away from the FA.

Nevertheless, just as the Football Association has a duty, so do we in this Chamber. We have a duty to follow due process. A process has been laid before all national governing bodies, and it must be adhered to. If not, we will be moving the goalposts—as it were—and it will be us who ensure a detrimental effect on the game of football. I do not wish to do that.

All national governing bodies have been given until April this year to lay their plans before the Government and show their reforms. That is a timetable and a process that we must stick to. We cannot single out individual governing bodies. Parliament must live up to its duty. We cannot shift the goalpost for some, and leave them cemented in for others. Having said that, we must make the Football Association aware that this is its last opportunity. In an evidence session of the Culture, Media and Sport Committee in December, the Minister stated that she believed that financial penalties—that of removing £30 million of funding to the FA as well as withholding support for a World cup bid—would be severe enough for the FA to take notice and make reforms. However, respectfully, I disagree. Further in the evidence session, the Minister stated that funding would still be given to the game of football, but through different means. This, therefore, does not have a significant effect on the game.

The hon. Member for Folkestone and Hythe (Damian Collins) quoted life vice-president, Barry Taylor, who said that the governing body is rich enough to stand alone and that it should resist change that would see a more independent board and an end to the current council’s structure. That makes it blatantly clear that funding cuts are not, and never will be, a driving factor for reform.

A World cup bid would also not be likely until 2030, which, therefore, provides no time-sensitive pressure on the FA to reform. After today’s comments by the life vice-president, I ask the Minister whether she still stands by those comments.

Many in this House today have brought forward the concept of legislation, but that must be used as a last resort. It must be made known to the FA that legislation will, without doubt, be drawn up if, in April, plans presented to the Government are not of a sufficient nature and reform cannot be seen. Does the Minister agree that if, in April, the Football Association’s plans are not sufficient, the only next step to take is legislation?
Will the Minister commit today that if, in April, the FA is unable to show significant progress towards levelling out the playing field when it comes to diversity on both the board and the council and subsequently not meeting the mandatory aspect of the governance code for “greater parity and greater diversity”, she will take action against the FA?

What I have wanted to highlight today is that we cannot, and should not, jump the gun. It is for that reason that, at this time, I cannot stand by a motion of no confidence. However, I will stand extremely firm in April. My message today is: reform is necessary, and progress must be seen. If that is not the case, then the time for self-reform is up. We owe that to all those who participate now and those who will participate in the future.

4.51 pm

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Tracey Crouch): I thank my hon. Friend the Member for Folkestone and Hythe (Damian Collins) and members of the Select Committee for securing this Backbench Business debate this afternoon. Members have spoken with great passion and insight on a subject that we all should, and do, care deeply about. However, although this debate is important, it is, none the less, a few weeks premature for reasons that I shall explain in my speech.

We need to be careful that we do not tarnish the growth and success of English football because of concerns about governance at the FA. To do so would denigrate the hard work, dedication and commitment of the thousands of volunteers at grassroots level right up to the professionalism of the majority of coaches, players and clubs at elite level.

When I sat in front of the Select Committee recently—and indeed during this debate—Members were sceptical about the incentive to remove public funding from the FA if it did not comply with our governance reforms. That scepticism was reinforced this morning in an open letter from the FA’s life vice-president, Barry Taylor, to all 120 members of the council. He said:

“We have the money, we have the power. Let them stop the hard work, dedication and commitment of the thousands of volunteers at grassroots level right up to the professionalism of the majority of coaches, players and clubs at elite level.

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“We have the money, we have the power. Let them stop the hard work, dedication and commitment of the thousands of volunteers at grassroots level right up to the professionalism of the majority of coaches, players and clubs at elite level.

The answer to Mr Taylor’s question is— with Government money. In fact, the Government bailed out the FA with £160 million of public money to build Wembley stadium. We gave it £6 million to help it complete St George’s Park. We gave Government guarantees for the 2018 World cup bid and a similar underwriting for staging the champions league finals at Wembley and the European championship semi-finals and final in 2020. Furthermore, tens of millions of pounds is given through Sport England to help the FA grow and sustain grassroots football in this country. Some £10 million is given each year to the Football Foundation charity that we partner with the FA and premier league, which has built and upgraded thousands of new grassroots sports facilities across the country. That is on top of the £30 million that the FA has had over the past four years to grow the game in other areas. Although Mr Taylor and others might not see the threat of removing public money as a serious one, they should just reflect that it is not just about the millions of pounds that they get from Sport England but all the other financial aspects as well.

Fortunately, the view of Mr Taylor is not that of the FA executive, for it knows that had it not been for Government support, hundreds of grassroots clubs would have disappeared. We would not have a national football stadium, or be able to host prestigious European matches. This Government, and previous Governments, intervened because we recognised the ambition that the FA had for football in this country, and Government share in the FA’s future ambitions. When it told us that good quality facilities and coaching were needed to support the grassroots and produce better players, we backed it, without hesitation, by committing a further £50 million over the course of this Parliament, which was over and above the figures that I have already mentioned, to its flagship Parklife project.

The Government’s intention is clear. We want to support the grassroots, amateur and professional game as a whole. In my discussions with the FA executive, its members tell me that they value their relationship with Government and that the vital public money they receive, directly or in partnership, is helping them to deliver important initiatives on the ground. However, that public money—money that, incidentally, many members of the public do not think a wealthy sport such as football should have—has to come with conditions.

The UK code of governance for sport, published last October, was not written specifically for the FA, but it is not exempt from it. The code will help to ensure that all sports governing bodies are moving in the right direction and are creating the most effective environment for their sports to thrive. It will protect public investment in sport by ensuring that transparency, controls and financial probity are a prerequisite for all organisations in receipt of public money. It challenges sports bodies to reflect on whether their current structures are effective. I genuinely do not think that we are asking sporting bodies to do more than what we would expect from good corporate governance. Frankly, what right do we have to criticise the governance of FIFA if the nation’s Football Association is not transparent in its own decision-making process? Good governance equals better decision making. Reform of the governance structures at the FA will undoubtedly permeate football at all levels.

We have heard today that the FA has lagged behind the times, that it is unrepresentative of the people who play and support the game, and that it is unable, or perhaps unwilling, to unlock the stranglehold of vested interests. I do not disagree with most of that sentiment. The FA concentrated its grassroots efforts on the traditional 11-a-side parks game. The result saw participation stagnate and, at certain times, decline. The FA was slow to recognise that people’s playing habits were changing along with their lifestyles. For too long, the FA failed to realise the true potential of women’s and girls’ football, nor what women can bring to the game off the pitch. But given that a leading member of the FA Council referred to a woman’s role in football as washing the kit while I—an FA qualified coach, manager of a girls’ team and, oh, Sports Minister—sat two seats away from him on a platform, it is little wonder there are so few women sitting in influential positions at the FA. Other areas of diversity remain a challenge for the FA, and I look forward to the Select Committee’s report on homophobia in sport, which I am sure will address the issue of how football could do more to support male gay players.
Yesterday, Members saw the open letter that the chairman, Greg Clarke, sent to the council. He knows that by the end of March, before the code comes into effect, the FA should have in place an action plan agreed with Sport England that sets out what steps the FA is taking to become compliant with the code, and the timescale for achieving each target. He says that if it does not comply, he “will have failed” and he will resign. It is true; he will have failed. But that will be as a consequence of his own board and council failing him, not because the Government have set an unreasonable challenge of achieving good governance. I accept that the FA has not wholly delivered on this promise of reform in the past, but where we are today with the mandatory code is different from where we have been before. The code acts as a yardstick against which we can benchmark all our sports governing bodies.

We should be proud of what football has achieved, but we must also reflect on what else it can and needs to improve on. We can ensure that support goes into grassroots football without going through the FA. Only 30% of grassroots football is delivered through the FA. It is up to the FA if it wishes to play Russian roulette with public money. Given the debate we have had today and the number of representations received by me and other Members, I think it is fair to say that the FA will lose. In my opinion and the opinions of other colleagues, the FA’s current model does not stand up to scrutiny. Reform is therefore required, and the governing body has every opportunity to bring that about itself.

Although I believe that today’s vote of no confidence in the FA is six weeks premature, it and other governing bodies should be fully aware that the clock is ticking fast, and that failure to reform will lead to not just the withdrawal of public money but further consideration of legislative, regulatory and financial options to bring about the changes needed. If we want better governance of football across the world, let it begin here.

Mr Speaker: If the hon. Gentleman wants 30 seconds, he can have them.

4.59 pm

Damian Collins: The message from this debate is absolutely clear: no change is no option. The debate on this issue has been running for too long, and the FA, to use a football analogy, is not only in extra time but at the end of extra time; it is in Fergie time and it is 1-0, down and if it does not pick up quickly and reform itself, reform will be delivered to it.

Question put and agreed to.

Resolved.

That this House has no confidence in the ability of the Football Association (FA) to comply fully with its duties as a governing body, as the current governance structures of the FA make it impossible for the organisation to reform itself; and calls on the Government to bring forward legislative proposals to reform the governance of the FA.

PETITIONS

Changes to funding for 3 and 4 year olds in Walsall South

5 pm

Valerie Vaz (Walsall South) (Lab): A petition in similar terms has been signed by 65 people.

The petition states:

The petition of residents of the UK,

Declares that the Government’s consultation paper (Early Years Funding: changes to funding for 3 and 4 year olds 11/08/16) outlined proposals that will leave nursery schools financially nonviable, forcing them to close; notes that this funding will not cover basic costs, let alone staffing with qualified teachers; and further notes that state nursery schools have very good outcomes with regard to closing the achievement gap and supporting children with special needs, and that state nursery schools are legally required to employ highly-qualified staff, who are proven to give young children the best opportunities for academic achievement and enabling social mobility.

The petitioners therefore request the House of Commons to urge the Government to recognise the school status of State nursery schools and fund them accordingly.

And the petitioners remain, etc.

Closure of Cambusbarron Jobcentre

Margaret Ferrier (Rutherglen and Hamilton West) (SNP): The petition of residents of Rutherglen and Hamilton West, in similar terms to those lodged by my colleagues yesterday and in respect of some morally outrageous plans, states:

“Declares that Department for Work and Pensions plans to close eight Jobcentres in the Glasgow area, including Cambusbarron Jobcentre, will impact tens of thousands of people in receipt of Jobseeker’s Allowance; Employment Support Allowance and Universal Credit, and that the consequences will be severely felt by some of the most vulnerable and disadvantaged people; have concerns that these closures will result in the poorest communities not being serviced by a Jobcentre and make it even harder for those seeking employment to get support, with people running a greater risk of falling foul of the UK Government’s sanctions regime; and are further concerned that these plans will also impact Scottish workers who will be forced to relocate to other Jobcentres.

The petitioners therefore request the House of Commons to urge the Government to halt any move to close Glasgow’s Jobcentres and carry out a thorough Equality Impact Assessment and go through a full and proper consultation before making any decision on the future of the estate.

And the petitioners remain, etc.
Holocaust Memorial Museum

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

5.3 pm

Sir Edward Leigh (Gainsborough) (Con): The holocaust is one of the most difficult experiences in our history to commemorate in stone. For its sheer enormity and depravity, it defies adequate description, and transferring this into the built environment is all the more difficult. Architects across the world have attempted to tackle this task—in Israel, Paris, Washington, Ottawa and, perhaps most memorably, in Berlin, with Peter Eisenman's Memorial to the Murdered Jews of Europe.

It is impossible sufficiently to convey the horrors of this great crime, but we have a duty not just to commemorate but to teach future generations about the holocaust. I will detail why Victoria Tower gardens are insufficient for this task, while pointing out that we have a very good solution available close by, at the Imperial War Museum.

There can be no better example of the twofold task of remembrance and education than the United States Holocaust Memorial Museum in Washington DC, which I visited recently and was very moved by. The visitor can experience solemnity and silence in a hall of remembrance, where one can light a candle, say a prayer for the dead and reflect. But this memorial is also a museum, and it is very large, with a permanent collection of over 900 artefacts, 70 video monitors and four theatres showing eyewitness testimony and historic film footage.

On arrival, visitors are given identification cards giving the name and story of a single person, whether a victim or a survivor of the holocaust. On a journey through history, they learn about anti-Semitism, the Nazis' rise to power, the ghettos, discrimination, the frightening "final solution" decided around a conference table in Wansee, and its implementation in Nazi-occupied Europe. The museum also teaches about the American response to the holocaust. It would be useful to detail Britain's reaction at the time, whether it be to the Kindertransport or the well-intentioned but disastrous decision to severely cap German-Jewish emigration to the British Mandate of Palestine—always bearing in mind that we were the only nation to fight Nazism from the very first to the very last day of the war; of that we shall always be proud. Knowledge is vital—indeed, fundamental—to remembrance. We must make sure that Britons know about the holocaust in order to recall this great crime, as well as to prevent future attempts to commit anything remotely similar.

The Washington experience is the one that we should seek to emulate in a UK national holocaust memorial, but when we consider the Victoria Tower gardens site we see it is completely unsuited to the role. The US museum receives 30 million visitors a year, and it is thought that the proposed memorial here in London will receive over 1 million visitors per year. In line with this educative function, I hope that such a place of remembrance would become a must-visit site for children on school visits to London. However, Victoria Tower gardens is already a well-trafficked area that suffers from severe congestion. The traffic and access pressure will overwhelm Millbank, where there is no parking, at a location not capable of accommodating such a volume of people and vehicles, especially coaches. We want people to be able to visit a holocaust memorial museum uninhibited. We want crowds to experience this building, and so it is counter-intuitive to site it at a place that already suffers from congestion and does not have the capacity to deal with the number of people we hope will visit.

The abbey and Palace of Westminster are recognised by UNESCO as a world heritage site, and there is some danger, based on UNESCO's rules and recommendations, that such a large-scale project in Victoria Tower gardens might threaten that designation. I urge the Government, and Westminster City Council, to turn down the proposal for a learning centre in the gardens, not least because it conflicts with the council's monuments saturation zone. There are already 300 monuments in the City of Westminster. Last year, the council turned down an application by the Methodist Church to place a homeless Jesus—a bronze rough sleeper—outside Central hall because it conflicted with the monuments saturation zone.

We should also be worried about the precedent that this will set, not just for one of Britain's world heritage sites, but for our royal parks. Victoria Tower gardens is part of the royal parks, and if we allow a green space like this, even for such an unquestionably useful and justifiable purpose, to be built over, then other spaces under the care of the royal parks may suffer a similar fate. This small park, fringed with large trees, is the only oasis in this part of Westminster for hundreds of thousands of visitors, office workers and local residents every year.

The scale of the learning centre—there has been criticism of it in the architectural press—raises questions about the fate of the existing memorials in the park: the Emmeline and Christabel Pankhurst memorial; Rodin's sculpture, "The Burghers of Calais"; and the fine Gothic memorial to the Victorian abolitionist Thomas Fowell Buxton. Will these three existing memorials be overshadowed? Local residents have no objection whatsoever to a memorial on the scale of the existing memorials; they are just worried about the scale of the underground learning centre.

In addition, the plans call for building downwards beneath the ground of the park at a riverside location. The area faces serious drainage problems already, and 50 properties were flooded from underneath after the rains of June 2016. We are talking about ancient marshland that has been built up across the centuries. Subterranean construction here may significantly disrupt the local water table.

Of course, the whole area used to be surrounded by the River Tyburn and its rivulets flowing into the Thames. This was the old Thorney Island. The Thorney Island Society, which looks after the local history and preservation of the area where we are now, has expressed its anxiety in a statement:

"The Society is obviously very concerned at the loss of this valuable small park, because it is very difficult to imagine that a project of this size and importance would not dominate the space and transform it from a tranquil local park to a busy civic space. We do not object in any way to the building of a memorial, but we feel that there are more appropriate sites, already proposed as well as not yet considered."

The society has urged people to sign the petition opposing the current proposal.
Happily, there is a solution. The Imperial War Museum is spending £15 million on renovating and improving its permanent exhibition devoted to educating people about the Holocaust. The museum sits in a location that would not suffer from increased traffic and that is already conducive to tour and school coaches. It is less than a mile away from the Palace of Westminster, so it is still located in the centre of the nation’s capital. The museum’s directors have been very welcoming of the idea of having the national Holocaust memorial at hand there, and they have offered a site next to the museum. Far from glorifying war, the Imperial War Museum makes the opposite point—that war led to the hatred and destruction that made the Holocaust possible.

Bob Blackman (Harrow East) (Con): My hon. Friend is making a powerful case, and I am delighted to hear that he supports the principle of a Holocaust education centre and beyond. Does he not agree that schoolchildren and other visitors to the Palace of Westminster could walk to the Holocaust centre, and so they could combine their visits without having to travel by car or by coach? They could visit all the facilities in one go, rather than having to travel between them.

Sir Edward Leigh: That is a perfectly fair point, but I believe that because of the severely constrained site, there might be difficulties with the sheer number of visitors. I make the separate point that we are talking about a decant of Parliament, and many services may be based in Victoria Tower gardens. There are all sorts of other problems that I think my hon. Friend should consider, although I hear what he says. After all, we are talking about the Imperial War Museum, which is very close indeed.

Given the constraints of Victoria Tower gardens, the concept proposed for the site has already had to be scaled down from an entire learning campus to a few underground rooms. I say to my hon. Friend that it will not be like the Washington DC memorial; it will be much smaller. Why should we scale it down? We think it is really important, so we should make a proper memorial like the ones in Berlin and Washington. What the architects have proposed is simply insufficient to convey the enormity of the horrendous crime we are seeking to commemorate, and it fails in its scale to respect the dead whom we seek to remember.

We would be much wiser to take our example from the memorial museum in Washington, which is a proven exemplar when it comes to imprinting the importance of the Holocaust upon the minds of future generations, and to place to preserve historical recollections, but also a place to remember the dead. Given the seriousness of what we are commemorating, we need to make sure that this is done properly.

To sum up, the Victoria Tower gardens site is too small for what is needed. Further development there might threaten a UNESCO world heritage site and set a dangerous precedent for green spaces in the care of the Royal Parks Agency. Meanwhile, just a short distance away, still in the very centre of London, we have a permanent exhibition already devoted to the study of and teaching about the Holocaust. There is a chance for synergy: we can build on those connections and create an integrated experience based on the example that works so well in Washington. This proposal, which is supported by me and many others, including the Imperial War Museum, will allow the United Kingdom to have a proper place to remember the Holocaust and to educate future generations about this enormous crime.

5.14 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Andrew Percy): I congratulate my hon. Friend the Member for Gainsborough (Sir Edward Leigh), who is my constituency neighbour, on securing this debate—he was quite right to do so in order to raise his concerns. I also thank my hon. Friend the Member for Harrow East (Bob Blackman) for making a contribution.

I need to begin by making it clear that the decision has already been taken to select this particular site, so I cannot go too far into the specifics, or rerun the arguments about which site has been selected for what reason. Before I respond to some of the specific complaints and issues that my hon. Friend the Member for Gainsborough raised, it is important to reflect on why it is so vital for us as a nation—for all of us in the House and, indeed, the country—to build a Holocaust memorial.

The Holocaust may have reached its barbaric climax at Treblinka, Bergen-Belsen and Auschwitz-Birkenau, but it started in the hearts of ordinary men and women. We have seen again the madness that can sweep through peoples and nations with the killings in Cambodia, Rwanda, Bosnia and Darfur. Such killings shock our conscience, but they are at the awful extreme of a spectrum of ignorance and intolerance that we see every day—the bigotry that says another person is less than my equal, or less than a human being—and we cannot let those seeds of hate take root in our hearts.

That is why building the memorial is so important to our country. It is also why the new national memorial to the Holocaust is to be located next to this place, the heart of democracy and of values that suffered so terribly during the Holocaust and in other events since. The accompanying educational centre will send out a powerful message about our values as a country. Together, we will stand up for the British values of tolerance and respect for others that I think are epitomised by this building and this Parliament. Together, we will educate every generation to fight hatred and prejudice in all its forms, and we will defend the hard-fought British liberty of freedom of religion and belief.

The plans to build a new Holocaust memorial in Victoria Tower gardens have support not only from the Prime Minister, but from across the political spectrum, which is very important. The independent and cross-party UK Holocaust Memorial Foundation was set up to advise the Government on taking forward this work. The foundation’s board includes Members from both sides of the House—my right hon. Friend the Member for Brentwood and Ongar (Sir Eric Pickles) and the right hon. Member for Gordon (Alex Salmond)—as well as distinguished Members of the other place and, of course, the Chief Rabbi. There are also representatives from a variety of fields who have given freely of their time to share their knowledge and understanding.

My hon. Friend the Member for Gainsborough raised concerns about the siting of the memorial in Victoria Tower gardens. I hear his comments about museums and memorials in Washington DC and elsewhere,
but important as they are, this is a unique and specifically British memorial that should chime with our values. The decision to locate the memorial in Victoria Tower gardens followed an extensive search of more than 50 sites across London, but none was considered more prominent or appropriate than Victoria Tower gardens which, as I have said, is next to this building.

My hon. Friend asked whether the memorial might not be better placed at the Imperial War Museum. This site was explicitly considered among the 50 other sites by both the Holocaust Commission and the cross-party UK Holocaust Memorial Foundation. The promise that all parties made to our holocaust survivors was that we would create a striking and iconic memorial, and there is nowhere more striking and iconic than next to our Parliament in Westminster.

I can reassure my hon. Friend that careful consideration is being given to the impact of the memorial and the centre on the gardens. I showed him the proposed designs yesterday. They are very much outlines, but the selection of a final design will take place shortly. I assure him that preserving the park as a much-loved public amenity will be key in choosing the final design. I also assure him that residents and users of the park will be fully consulted—they are, and can already be, part of the process. As this moves to a planning application, they will be able to explain their views in the usual way. The designs have come from some of the world’s best architects and artists. They will be considered shortly by the jury, who will be mindful of the need to maintain the integrity of the park.

I assure my hon. Friend and colleagues that we are consulting local residents, stakeholders, Royal Parks, Westminster City Council and Historic England to ensure that the current character of the gardens is maintained. We would like the memorial and learning centre to be a logical and harmonious addition to the space. If my hon. Friend looks at some of the proposed designs, he will see the various ways in which the designers believe that that can be achieved. I assure the House that, within the budget for building the memorial, funding will be dedicated to enhancing the appearance and usability of the gardens for local residents, people who visit the capital and local workers who, as my hon. Friend said, use the site very much.

Victoria Tower gardens is already a well loved and much visited park in London. My hon. Friend made a lot of comments about visitor numbers, but I do not necessarily share his views about congestion. The experience of many of us who come from outside London is that people face congestion throughout the capital. I am not sure that one central London site is any more difficult to get to than another. Congestion is a problem throughout the capital and the situation might be just the same if one were trying to visit the Imperial War Museum. Many of the problems are with getting into central London in the first place.

We hope to encourage a wide range of people to visit the memorial—that is obviously a key part of the project. We envisage hundreds of thousands of people visiting the memorial to reflect, to remember the holocaust and to make use of the important learning centre. Visitors’ arrival and exit at the site will be carefully considered and planned in consultation with Royal Parks and local residents.

We intend to continue to engage local residents at every step of the way, especially now that the shortlisted designs have been submitted. That will begin apace once a final designer is selected and we move towards a planning process and application, which should be towards the end of this year.

I invite colleagues on both sides of the House to look at the shortlisted designs. There are a range of designs, some of which are more interesting than others. While I have a favourite, I should not share it with the House because the process is still open. Anyone who looks at the designs will see that they would have different impacts on the gardens. We look forward to further feedback from members of the public about the final design.

I reiterate the importance of the new national holocaust memorial and learning centre. It will serve as a reminder of the depths of depravity to which a seemingly enlightened society can plunge if it abandons its democratic values, and of the importance of constant vigilance in protecting those values. There could be no more powerful or appropriate location for such a memorial than next to the mother of Parliaments and the place that has, throughout our history—it continues to do so—stood up for the democratic values of freedom and tolerance that we hold so dear, but that were so patently and appallingly absent during the holocaust.

Question put and agreed to.

5.23 pm

House adjourned.
Oral Answers to Questions

WORK AND PENSIONS

The Secretary of State was asked—

Benefits Cap

1. Martyn Day (Linlithgow and East Falkirk) (SNP): What assessment he has made of the effect of the benefit cap on households in Scotland.

23. Peter Grant (Glenrothes) (SNP): What assessment he has made of the effect of the benefit cap on households in Scotland.

The Secretary of State for Work and Pensions (Damian Green): Work is the best route out of poverty, and the benefit cap has been successful in encouraging people into work. Since its introduction, almost 62% of households in Scotland have found work, reduced their housing benefit claim or no longer claim housing benefit at all after having their benefits capped.

Martyn Day: Does the Minister agree with paragraph 90 of the fiscal framework, which states:

“The Governments have also agreed that the UK government’s Benefit Cap will be adjusted to accommodate any additional benefit payments introduced by the Scottish Government.”?

Damian Green: Of course we agree with the fiscal framework—the Government drew it up, in conjunction with the Scottish Government. The Scottish Government already have extensive benefits powers if they wish to introduce them, but the fact that they do not is a matter for the hon. Gentleman to take up with his colleagues in that Government.

Peter Grant: Writing in today’s Daily Record, Scotland’s First Minister has commented that the Scottish Government have yet to receive “confirmation” from the UK Government that when we abolish the bedroom tax the benefit cap will not be applied. Will the Secretary of State take this opportunity to guarantee that there will be no clawback of social security funding when Scotland abolishes the hated bedroom tax?

Damian Green: I can only refer the hon. Gentleman to the answer I gave the hon. Member for Linlithgow and East Falkirk (Martyn Day), because it is for the Scottish Government to take these decisions. They have the power to give benefits, increase benefits and make supplementary payments beyond the benefits available throughout the UK. It is noteworthy that they fail to exercise those powers and Scottish National party Members come to this House to complain about benefits in Scotland, despite having the power to do something about it themselves.

Frank Field (Birkenhead) (Lab): I support the Government’s strategy in this area, but does the Secretary of State accept that those who support it have concerns about what might be happening, certainly in the short run, to families so affected? What research is he carrying out to make sure that those who can move into work do so and that those who cannot do so are looked at sympathetically?

Damian Green: The right hon. Gentleman makes a characteristically reasonable point, to which I make two responses. The first is that those who are put into hardship have available to them discretionary housing payments, which have been extensively used by local authorities throughout the country precisely to avoid the problem that he suggests. Secondly, on the other point he makes, some of the research we have done shows that households that have been capped are 41% more likely to go into work than similar, uncapped households. So the policy is very successful in encouraging people to get back to work, which of course is the best thing for them in the long run.

Dr Eilidh Whiteford (Banff and Buchan) (SNP): During the passage of the Scotland Bill, UK Ministers gave me and others clear assurances that any income derived from new benefits or top-ups introduced by the Scottish Government using new powers would not simply be clawed back from claimants through the benefit cap or other forms of means-testing, and those commitments were reflected in the fiscal framework. Will the Secretary of State therefore give a cast-iron assurance that that is still the UK Government’s position?

Damian Green: The UK Government’s position has not changed at all and nor, so far, has the Scottish Government’s, which is that they are not prepared to take or exercise the powers that they have.

Dr Whiteford: With respect, that is just nonsense; the Scottish Government are working towards the already-published timetable. But there should be absolutely no ambiguity here, so will the Secretary of State now commit that he, his Ministers and his officials will engage positively with Scottish Ministers as they use those new powers to abolish the bedroom tax in Scotland?
Damian Green: I, along with both my Ministers and my officials, engage positively with the Scottish Government all the time. I know that because I go to the meetings, and I have engaged positively with them on this and all the other important issues that we have to discuss in this field.

**Mental Health: Support**

2. Charlie Elphicke (Dover) (Con): What steps the Government are taking to ensure that people with mental health conditions are supported into work.  

8. Mr Dominic Raab (Esher and Walton) (Con): What steps his Department is taking to support people with mental illness into work.  

The Minister for Disabled People, Health and Work (Penny Mordaunt): We have been seeking views on this through the “Work, Health and Disability” Green Paper. We are also investing £100 million in trialling voluntary employment initiatives to consider what works for this group, including embedding employment advisers within the NHS talking therapy services.

Charlie Elphicke: I thank my hon. Friend for that reply. Does she agree that local voluntary groups, such as the Talk It Out mental health group in my constituency, do invaluable work to help people to be work-ready, and that we must do more to support them?

Penny Mordaunt: I agree that voluntary organisations have huge insight and expertise that we can tap into, and I commend the work of Talk It Out in my hon. Friend’s constituency. We are recruiting 200 community partners throughout the Jobcentre Plus network so that we can ensure we reach all those organisations and benefit from their huge experience and wisdom.

Mr Raab: What consideration has been given to providing tax breaks to employers that hire employees with a certified mental health illness, as proposed by the National Autistic Society and others?

Penny Mordaunt: My hon. Friend has hit on a theme of the Green Paper. Much work is going on in this area, not only for those with mental illness but for those with a learning disability. One health trial is currently looking at discounting business rates for employers with good mental health practice.

Stephen Timms (East Ham) (Lab): The Government’s laudable aspiration to halve the disability employment gap is completely meaningless without a date being attached to it. What is the Minister’s latest assessment of how long it will take to halve that gap?

Penny Mordaunt: The target of halving the disability employment gap is at the same time both hugely ambitious and hugely underwhelming. We should be working to ensure that everyone can reach their full potential. I have asked the Department—the right hon. Gentleman’s office will have been supplied with this information—to look at the local need in all our constituencies. How many people with a learning disability do we need to ensure can get into work? How many people with particular conditions are we focused on? We need to focus on those numbers, not on some arbitrary formula that will change with all sorts of other factors. The labour market survey will still contain all the measures it has contained in the past, but if we are really to crack this issue we need to focus everyone locally on the local numbers.

Ian C. Lucas (Wrexham) (Lab): I agree with the aim that the Minister has outlined, but in my constituency office the overwhelming issue, particularly for those with mental health conditions, is the assessment process for personal independence payments, which is causing individuals real distress and great worry about their future and their ability to support themselves. I welcome the work being done with local partners, because at the moment the system is not working. The sooner the Government realise that, the better.

Penny Mordaunt: I thank the hon. Gentleman for his comments. We are clearly looking to reform the work capability assessment on employment and support allowance. That affords us some opportunities to look at the PIP assessment process, to which there have already been many improvements. If we can ensure that both those systems are sharing data properly, we should be able to reduce the burden on the claimant.

12. Andrew Bridgen (North West Leicestershire) (Con): What are the Government doing to raise awareness of the Access to Work programme and the support it can offer to employers who want to make reasonable adjustments for employees with disabilities?

Penny Mordaunt: The Access to Work programme is popular, and is just one of the Government’s schemes to provide support and financial assistance to employers. One way in which we are publicising that is through the Disability Confident scheme, which we relaunched last autumn. Around 4,000 organisations have now signed up to it, and it is one way of ensuring that employers really do understand the work that is there for them, as well as the huge talent and insight that this group of people can bring to their workforce.

Neil Coyle (Bermondsey and Old Southwark) (Lab): Many people with mental health problems pay the bedroom tax. Three months ago, the Government lost three cases in the Supreme Court that had been brought by disabled people over the bedroom tax. How has the Department identified other disabled people who should not be paying that tax, and when will disabled people in Bermondsey and Old Southwark and across the country stop having to pay it?

Penny Mordaunt: As the hon. Gentleman knows, there is a discretionary fund that is administered at a local level. Many local authorities have not accessed the fund. The vast majority of people, including those who are disabled, are exempt from the scheme. If he has examples of cases where that is not happening, he should write to us and let us know.

22. Chris Davies (Brecon and Radnorshire) (Con): What are the Government doing to draw on the expertise of charities and other third sector organisations
to help find the best way to support those most in need into the workplace, as many charities have much experience in supporting those with mental health conditions?

**Penny Mordaunt:** In addition to the community partners that we are recruiting to ensure that we have local networks plugged into our Jobcentre Plus scheme, we are also looking at opportunities for where that sector can increase the services that it already provides and derive an income from them. One such example is our one-stop-shop hub for employers, which can be a shop window for many of the organisations that already provide support to employers and that want to do more.

**Ms Angela Eagle (Wallasey) (Lab):** Will the Minister say a little more about how ESA and PIP assessments for those with mental illnesses work? I have six cases where mandatory reconsideration letters are identical to the letters providing the original decision. I have four cases—she knows of one of them because she has written to me about it—where the wrong information, about other people, has been cut and pasted into the mandatory reconsideration letter.

**Penny Mordaunt:** Let me point out that only 3% of those decisions are overturned. The vast majority of the assessments are good. The hon. Lady should let me know if she has examples of where that is not the case. One thing I have done to ensure that we get more timely information about where things are going wrong and where standards are not being maintained is to establish a claimant user rep panel, which will go live in the next few weeks. It will be rolled out on a very large scale across the country. In the meantime, she should keep on flagging up the issues that she finds.

**Victoria Borwick (Kensington) (Con):** Perhaps the Minister could talk a little more about the ESA assessments for those with mental health conditions, with particular regard to regulations 29 and 35 of the Employment and Support Allowance Regulations 2008, as they are causing much distress to disabled people.

**Penny Mordaunt:** We are looking at the assessment process. A huge amount has already been done to ensure that assessors and those in our Jobcentre Plus networks have been trained to recognise the needs of people with a mental health condition and to ensure that what they are doing is fit for purpose. The Green Paper on work and health will provide us with the opportunity to re-evaluate entirely those assessment processes primarily for ESA, but it will also reveal some opportunities for PIP.

**Debbie Abrahams (Oldham East and Saddleworth) (Lab):** People with mental health conditions and autism whom I met recently in Bristol told me of the difficulties they face getting into work. They also told me about the issues relating to PIP, work capability assessments and sanctions. Those in the ESA support group fear that the Green Paper spells out that they will be targeted next after cuts to people on the ESA work-related activity group in April. How does the Minister justify ESA WRAG cuts, cuts to employment support, jobcentre closures and the liberal use of sanctions as helping disabled people into work when there is overwhelming evidence to the contrary?

**Penny Mordaunt:** We are doing more for that group of people, which is why, despite the hon. Lady’s request, I will not be pulling the personalised support package that will take effect in April.

**Young People in Work**

3. **Michael Tomlinson (Mid Dorset and North Poole) (Con):** What assessment his Department has made of recent trends in the number of young people in work.

**The Secretary of State for Work and Pensions (Damian Green):** The number of young people in work has increased by 235,000 since 2010, and is up 38,000 in the past three months. Nearly nine in 10 young people are in education or work, and youth unemployment is the lowest it has been since 2005.

**Michael Tomlinson:** I am very grateful to the Secretary of State for his answer. I warmly welcome the fact that the youth employment jobs figures are at near record levels. Will he join me in welcoming the work of the Dorset Young Chamber, which helps to match individual businesses in and around my constituency with particular schools and to bridge the gap between education and employment?

**Damian Green:** I am happy to join my hon. Friend in welcoming the work of the Dorset Young Chamber. I have seen the great work that my local chamber of commerce, Kent Invicta, does in schools. My hon. Friend chairs the all-party parliamentary group for youth employment, so he will be pleased to know that the youth claimant count in his constituency has gone down by 74% since 2010 and by 7% in the past year alone.

**Chi Onwurah (Newcastle upon Tyne Central) (Lab):** More young people are claiming benefits in Newcastle Central this year than they were last year, and the north-east has the overall highest unemployment rate in the country. Too many of our young people have to leave the region to find good jobs, so when will the Secretary of State make the northern powerhouse a reality for the north-east?

**Damian Green:** We are determined to make the northern powerhouse a reality. As the hon. Lady says, youth unemployment is higher in certain areas than it is in others, but I hope she recognises that youth unemployment as a whole has come down markedly in recent years in her region, as in all others. Some 86% of 16 to 24-year-olds are now in full-time study or work, which is a record high, and the employment rate for 16 to 24-year-olds who have left full-time education is up by 0.4 percentage points in the past year.

**Nusrat Ghani (Wealden) (Con):** Apprenticeships are solid routes for young people to secure work. What work is the Secretary of State doing with his counterparts in the Department for Education to ensure that all our young people have access to apprenticeships?

**Damian Green:** We work closely with colleagues in the Department for Education to ensure that the Government meet their commitment to having 3 million
new apprentices during this Parliament. We are on target for that. In particular, we wish to ensure that apprenticeships are available not only to young people leaving school for the first time, but throughout the age range so that we can make a reality of the phrase “lifelong learning.”

Mr David Hanson (Delyn) (Lab): What would the Secretary of State say to areas such as mine, where youth unemployment has actually risen in the past month? Will he please look at working with colleagues in the northern powerhouse to ensure that the benefits of Government investment are shared across the north-west and north Wales as a whole?

Damian Green: I am happy to listen to the right hon. Gentleman’s latter point. One purpose of the northern powerhouse and, indeed—more widely—of the Government’s consultation on the industrial strategy is to ensure that the success of the economy is spread to all regions of the country. I am more than happy to talk to the right hon. Gentleman about any specific points he wants to make on his region.

Auto-enrolment

4. Bob Blackman (Harrow East) (Con): What assessment his Department has made of recent trends in the number of people saving into a pension scheme as a result of auto-enrolment. [908759]

5. Royston Smith (Southampton, Itchen) (Con): What assessment his Department has made of recent trends in the number of people saving into a pension scheme as a result of auto-enrolment. [908762]

The Secretary of State for Work and Pensions (Damian Green): Almost 7.3 million eligible workers have been enrolled into a workplace pension because of automatic enrolment. This is an unseen revolution; the way people are now saving will lead to more freedom, more choice and more security for the pensioners of tomorrow.

Bob Blackman: Does the Secretary of State agree that it is quite clear that many people who would otherwise not save into a private pension will now have a pension for their futures, and that young people, who often do not save for a pension now, will have a secure future in retirement?

Damian Green: I agree with my hon. Friend, particularly on his point about young people. The Institute for Fiscal Studies has done some research showing that participation in auto-enrolment among those aged 22 to 29 increased from 28% in 2012 to 85% in 2016. That is a very impressive improvement.

Royston Smith: Auto-enrolment has been hugely successful. However, a number of people are still opting out. A business in my Southampton, Itchen constituency suggested that up to 50% of its staff may be opting out. What steps is the Secretary of State taking to encourage people to continue to save for their retirement in a workplace pension?

Damian Green: I am happy to tell my hon. Friend that his example is an exception. When the Turner commission reported and suggested this kind of scheme in 2005, it estimated that about 25% of people would opt out, but the opt-out rate is about 10% at the moment. There is always more to do, as my hon. Friend’s example suggests, which is why we are currently conducting a review to ensure that such schemes are even better in the future in order to work for all kinds of individuals, particularly those in small businesses.

Rob Marris (Wolverhampton South West) (Lab): The Library is not able to supply me with any evidence that tax relief on pension contributions—costing £30 billion a year or more—encourages savings. Can the Secretary of State supply me with such evidence?

Damian Green: I can supply the hon. Gentleman with evidence that we have transformed saving over the past few years. People have often said that young people in particular do not want to save, but the facts I have just put before the House suggest that that is no longer the case. If the hon. Gentleman is advocating taking away all tax relief for pensions, I would be interested in his ideas—as, I am sure, would his own Front Benchers.

Alex Cunningham (Stockton North) (Lab): Ministers have been clear on the need for transparency in the pensions industry, including in master trusts dealing with auto-enrolment. In his Second Reading speech on the Pension Schemes Bill, the Secretary of State spoke of it. In a speech to the TUC, the Pensions Minister said:

“We have to get transparency. It’s not an option to do nothing.”

On Report in the Lords, Lord Freud said:

“We want pension scheme members to have sight of all costs and charges”—[Official Report, House of Lords, 19 December 2016; Vol. 777, c. 1528.] Despite those fine words, all the attempts to deliver on transparency in the Bill Committee were dismissed by the Government, so can the Minister tell the House what they mean by transparency in the pensions industry?

Damian Green: The Bill—I note the Labour party did not vote against it on Second or Third Reading, so the hon. Gentleman cannot have objected to it that strongly—actually set up a new system of regulation, particularly of master trusts, that deals with not just transparency but a whole range of aspects, so this relatively new form of financial body is now much better regulated than it was before. I would have thought that the hon. Gentleman welcomed it—actually, he did welcome it.

Learning Difficulties: Support

7. James Berry (Kingston and Surbiton) (Con): What steps the Government are taking to ensure that people with learning difficulties are supported into work. [908763]

The Minister for Disabled People, Health and Work (Penny Mordaunt): The Green Paper consultation, which concluded on 17 February, asked a range of questions about how we can better support people into employment and highlighted learning disabilities as an area for further work. We will bring forward shortly schemes to support this group in their ambitions.

James Berry: Will my hon. Friend join me in praising the work of the Balance community interest company in Surbiton, which provides employment support for
people with learning difficulties? I urge her to raise awareness of organisations such as Balance and, indeed, of the Government’s own Access to Work scheme, so that everyone knows what support is available out there.

**Penny Mordaunt:** I am happy to join my hon. Friend in praising the work of Balance CIC. This is a group of individuals we want to do much more for. We will be bringing forward a young person’s work experience scheme shortly, and we wish to open up apprenticeships, but more is needed in this area, and organisations such as Balance can help us do that work.

**Kerry McCarthy (Bristol East) (Lab):** The disabled students allowance has been a great help to students with learning difficulties such as dyslexia in gaining the qualifications they need to enter the world of work. Will the Minister not accept that the £200 fee is acting as a real deterrent to the uptake of this allowance and that it is unfairly penalising students who need that extra help?

**Penny Mordaunt:** We are looking at a range of things we can do in particular to help young people with learning disabilities, with autism and with mental health conditions. They need more options available to them, and they need more financial support in some of those areas. I am happy to look at what the hon. Lady suggests if she would like to write to me with evidence that these things are happening.

**Justin Tomlinson (North Swindon) (Con):** Governments of all persuasions have tried and failed to shift theemployability rate of those with learning disabilities from 6%. That rate is an absolute waste of the huge amounts of talent and enthusiasm that are out there. That is exactly why we brought forward plans to open up apprenticeships and to have a special disability apprenticeship scheme. Please would the Minister update the House on where we are with creating those opportunities?

**Penny Mordaunt:** I thank my hon. Friend for drawing attention to the apprenticeship scheme. We wish to open up the opportunities such schemes bring to those with learning disabilities, and we are making good progress on that with the Department for Education, but we need to do other things as well. When we talk about people with learning disabilities, we are talking about a huge range of individuals. We have not done enough for those who are at the highest-need end of that spectrum, and I hope we will be able to do more shortly.

**Personal Independence Payments**

9. **Sir David Amess (Southend West) (Con):** What recent representations he has received on the process for assessment and reassessment of personal independence payments.

**Penny Mordaunt:** Unfortunately, I have to tell my hon. Friend that I am still receiving complaints from constituents about the procedures regarding personal independence payments, so what is she doing to improve the process, reduce delays and support people through what is often a traumatic assessment process?

**Penny Mordaunt:** The goal is clearly swift, accurate and admin-lite assessments. Good progress has already been made in many areas—for example, reducing the average time it takes for a claim from point of registration to decision by more than three quarters from over 40 weeks to 10 weeks as of October last year—but there is more to do. One reason we have set up the service user panels is that it is incredibly important to be aware that, while things may be generally going well, there are certain hotspot areas where they are not, and identifying those in real time is critical—but there are many other things in the PIP improvement plan as well.

**Liz McInnes (Heywood and Middleton) (Lab):** Yet again, one of my constituents has been to see me about a PIP assessment that has led to her Motability vehicle being taken away from her. She is currently appealing, and I have written to the Minister about the case. What reassurance can she give me and my constituent that this vehicle, which she needs, will be returned to her?

**Penny Mordaunt:** There are 70,000 more people making use of the Motability scheme than there were in 2010. The hon. Lady will know that there are improvements that we want to make to the Motability scheme. We have been working very closely with that independent organisation; we are now attending its board meetings and are able to work much more strategically. I have spoken at length, so I will not repeat it, about the areas where we wish to see better customer service. We hope to be able to make some announcements shortly.

**Mr Philip Hollobone (Kettering) (Con):** Will the Minister make strong representations to the Ministry of Justice that it should reduce the length of time that unsuccessful claimants are having to wait for their tribunal, so that they can process their claim successfully?

**Penny Mordaunt:** We are concerned with all aspects of the claims process, whether for ESA or PIP. We want this to be swift and admin-lite, and we have some opportunities, which I have already outlined, to achieve both those things.

**Carol Monaghan (Glasgow North West) (SNP):** Last year, the Government announced that those with chronic progressive conditions would not be subjected to continual work capability assessments. Why are constituents of mine with progressive conditions like multiple sclerosis continually being called for reassessment?

**Penny Mordaunt:** If the hon. Lady has cases she wishes me to look at, she must write to me about them. We are currently still outlining the criteria for the scheme to be introduced, but in the meantime, as she will know, we do not wish to call people for reassessment who would be in that category, so if she has cases where that is happening, she must let me know.
Marie Rimmer (St Helens South and Whiston) (Lab): At present, 65% of all claimants have their PIP appeal upheld by tribunal—an all-time high. It should be a source of huge embarrassment to the Government that, even after the introduction of mandatory reconsideration before appeal, the majority of claimants who go to tribunal win their case. How does the Minister justify forcing vulnerable claimants to navigate the complex and gruelling process that the appeal system demands, often with little or no support? Will she now get a grip and reform this clearly broken system?

Penny Mordaunt: I welcome the hon. Lady to her post. She is not correct: 6% of the caseload is overturned, but there are many things that we wish to do to ensure that that is improved. Some opportunities will come after the consultation in the Green Paper with the reforms that we want to make to this part of the system to improve it and reduce the administrative burden on those also claiming PIP.

Universal Credit

10. Mr Virendra Sharma (Ealing, Southall) (Lab): What estimate his Department has made of the number of households in which a person in work will receive less income in universal credit than they would have received in tax credits. [908766]

The Minister for Employment (Damian Hinds): It is not meaningful to compare against an unchanged tax credits system, but the national living wage, help with childcare and the straightforward taper in universal credit all mean that people can earn more, and a higher income tax allowance means that they can keep more of it.

Mr Sharma: A single parent working full time on universal credit will be up to £3,000 worse off than someone in the same situation on tax credits, as a result of this Government’s cuts. Does the Minister accept that those cuts are creating an unjustified disparity in the in-work support received by people in similar circumstances?

Damian Hinds: Anybody who changes from tax credits to universal credit as a result of managed migration can get transitional protection. For those who are coming into it with a new claim, it is a wholly different system with a completely different support set, including much more child care support. There are various other reforms from which the individual to whom the hon. Gentleman refers would also benefit.

Sir Julian Brazier (Canterbury) (Con): Does my hon. Friend accept that universal credit, which now reaches almost a third of the unemployed people in my constituency, is a much simpler system and the first major new benefit introduced in my political lifetime that has not resulted in a whole string of correspondence from people with difficulties?

Damian Hinds: It is indeed a dramatic and critical reform for our welfare system. I will highlight just one statistic: for every 100 people who moved into work under the old jobseeker’s allowance system, 113 do so under universal credit.
Mary Robinson: What further steps is the Department taking, working with other Departments, to ensure that protections are in place for those in receipt of their pensions who may be at risk of falling foul of financial scams in their retirement?

Richard Harrington: I thank my hon. Friend for that really important question. She can be reassured that a cross-Government consultation on further measures to tackle pension scams closed very recently—with the consultation period ending on 13 February—and it included a proposal to ban all cold calling in relation to pensions. We will announce our next steps once we have considered the responses we have received to the consultation, but I assure her that we will take action as soon as possible.

Jobcentre Plus (Closures)

13. Louise Haigh (Sheffield, Heeley) (Lab): For what reason his Department did not carry out an impact assessment prior to the announcement of the proposed closure of Jobcentre Plus estates on 26 January 2017.

The Minister for Employment (Damian Hinds): We have been mindful throughout of the impact on staff and customers. Analysis and local knowledge have informed the proposals, which are all subject to consultation with staff and, where appropriate, the public. A full equality impact assessment will be carried out.

Louise Haigh: Following the Minister’s advice, I went to see the regional manager of my jobcentres last week, but she had absolutely no information on the number of employment and support allowance or income support claimants that will be affected by the proposed closure in my constituency; the plans for outreach in relation to what will replace my jobcentre after its closure; the amount saved by that closure; the necessary spend on increased capacity at the alternative centre; or projections of footfall at the centre destined for closure. I hope that such work has been undertaken internally, so will the Minister commit to publishing all that information not only before a decision has to made, but preferably before the end of the consultation period?

Damian Hinds: First, ESA and IS claimants are not required regularly to attend the jobcentre in the same way that JSA claimants are. We want to look at outreach and other opportunities in working with partners. As the hon. Lady will know, the consultation closes on 28 February. On the overall approach for the city of Sheffield, this is about consolidating the amount of available space and using that space better to get a better deal for the taxpayer, while being able to provide enhanced services for customers. It will raise utilisation across Sheffield from 51% to 69%.

Luciana Berger (Liverpool, Wavertree) (Lab/Co-op): In 2010, there were three jobcentres in my constituency. The coalition closed one in 2012, and now the Minister’s Government want to close the remaining two. Just under 3,000 people—not an insignificant number—have to access the jobcentre in my constituency at least every two weeks Why did his Department not conduct and carry out the full equality impact assessment before the closure of the consultation?

Damian Hinds: The proposals will raise utilisation across the city of Liverpool from 66% to 95%, which will make better use of buildings. Where movement from one jobcentre to another involves travelling less than three miles or 20 minutes by public transport, we consider it reasonable to ask people to make such a move.

Disabled People

14. Peter Aldous (Waveney) (Con): What steps the Government are taking to ensure that employers are encouraged to recruit and retain disabled people.

The Minister for Disabled People, Health and Work (Penny Mordaunt): In “Improving Lives: The Work, Health and Disability Green Paper”, we asked about the barriers preventing employers from recruiting and retaining disabled people and people with health conditions. We will shortly bring forward measures to address those barriers.

Peter Aldous: I am grateful to the Minister for her reply. I recently held an engagement event in Lowestoft in my constituency to consider the Green Paper. The conclusion reached was that the disability employment gap is best tackled with bespoke local solutions worked out with local employers. Will the Minister give this approach fair and full consideration as she assesses the feedback from the consultation?

Penny Mordaunt: First, I put on the record my thanks to my hon. Friend and Members of all parties in the House who have held local consultation events. Doing so was incredibly important and has made this a very good consultation, but it is also vital in establishing and building such local networks. My hon. Friend is absolutely right that the solutions have to be local ones, not least because healthcare is commissioned locally. I can give him reassurances that we will bear that in mind as we go forward.

Fiona Mactaggart (Slough) (Lab): The all-party group on human trafficking and modern slavery has heard compelling evidence about how people enslaved in the UK have post-traumatic stress disorder and similar serious disabilities as a result. Will the Minister commit to meeting the relevant Minister in the Home Office to look at practical ways in which those victims of exploitation can be supported into work and be enabled to work in companies?

Penny Mordaunt: The right hon. Lady raises an important point. I can give her assurances that both my office and that of the Minister for Employment are working very closely with the Home Office on precisely the group of individuals she mentions and other vulnerable people such as refugees. I am very happy to raise any points that she wants me to make.

Philip Davies (Shipley) (Con): I am holding a Disability Confident event in my constituency on 28 April. The Minister will be very welcome if she is able to find time in her busy schedule to join us. In the meantime, will she look at what incentives can be given to employers to give disabled people a chance to prove themselves and to show what they are capable of if they are just given that chance in the first place?
Penny Mordaunt: I thank my hon. Friend for holding a Disability Confident event. We are looking at what further support and, in some cases, incentives we can provide for employers. We need to raise the profile of the fact that these individuals have much to offer any business. We will be holding events in March in this place to enable all Members of all parties to become Disability Confident employers and to ask for their assistance in signing up 30 targeted organisations in their constituencies. I hope all Members will take that opportunity.

Rebecca Pow (Taunton Deane) (Con): This question is highly relevant to what Members have been saying. I am sure that the Minister will agree that to change attitudes towards disability in the workforce, we need more businesses to become role models in this area. In Taunton, sadly, very few businesses have signed up to the disability awareness register. Will the Minister join me in encouraging local businesses to attend a special event to be staged by Taunton jobcentre on 13 March to promote the Disability Confident initiative?

Penny Mordaunt: I thank my hon. Friend for what she is doing in her constituency to promote the scheme. It is important that employers realise not only what opportunities are presented by employing these people, but the support and advice that go alongside it. The more people who know about that, the closer we will be to achieving the goal of ensuring that every citizen in this country can reach their full potential.

Jobcentre Plus (Closures)

16. Stewart Malcolm McDonald (Glasgow South) (SNP): What support his Department is providing to staff and service users before the proposed jobcentre closures announced in January 2017 take place. [908772]

The Minister for Employment (Damian Hinds): The proposals are subject to consultation with staff and, where appropriate, the public. Should they proceed, the Department will support customers through any change of jobcentre. Staff will continue to offer the same support and services to customers and to maintain the relationships they have built up over time.

Stewart Malcolm McDonald: Now that the Glasgow consultation is closed, can the Minister tell us the following: when will the consultation responses be published; when will the equality impact assessment be published; and when will the decision be announced? On the announcement, will he assure the House that it will not be slipped out in a press release or a written statement, but that he will make it from the Dispatch Box?

Damian Hinds: As the hon. Gentleman mentioned, the consultation on the jobcentres in Glasgow has closed. We are working through a number of responses and will do so within the timeframe. I anticipate making announcements in April.

Helen Goodman (Bishop Auckland) (Lab): I have met the 83 people who work at Vinovium House in my constituency—another office that is scheduled for closure. Will the Minister explain what the impact of the closure of that child maintenance back office will be and how it can possibly be efficient to close an office in one of the most low-rent towns in the entire nation?

Damian Hinds: The entire estates review has come about because a 20-year private finance initiative contract comes to an end at the end of March 2018. That has presented the opportunity—indeed, the requirement—to review almost the entire DWP estate. We are trying to consolidate it into less space to save money for the taxpayer and to do things more efficiently. We do not want the people who work in those places, particularly in back-of-house locations, to be made redundant. We are trying extremely hard to find other opportunities for them elsewhere in DWP or in the public sector.

Employment Trends

17. Seema Kennedy (South Ribble) (Con): What assessment his Department has made of recent trends in the number of people in work. [908773]

The Secretary of State for Work and Pensions (Damian Green): The UK labour market is the strongest it has been for years. Over the past year, the number of people in employment has increased by 302,000. The employment rate stands at a new record high of 74.6%. The unemployment rate remains at 4.8%—the lowest rate in over 10 years.

Seema Kennedy: I thank my right hon. Friend for that answer. He will agree that long-term unemployment is particularly damaging for a young person. What steps is his Department taking to ensure that no young person falls through the cracks?

Damian Green: My hon. Friend is right: long-term unemployment can significantly damage anyone, particularly young people. I welcome the recent employment statistics, which show that 3 million 16 to 24-year-olds are full-time students, and another 3 million have left full-time education and are working. Together they account for 86% of all young people in the UK, the joint highest on record. She is right that there is always more to do, which is why, in April, we are introducing the youth obligation to ensure that young people are fully supported as they progress into work and while they are at work.

PIP Assessments

20. Holly Lynch (Halifax) (Lab): What steps his Department is taking to ensure that personal independence payment assessments are undertaken fairly and efficiently. [908776]

The Minister for Disabled People, Health and Work (Penny Mordaunt): We are committed to ensuring that claimants receive high-quality, objective, fair and accurate assessments. The Department monitors assessment quality through independent audit. Assessments deemed unacceptable are returned to the provider for reworking. A range of measures, including provider improvement plans, address performance falling below expected standards.

Holly Lynch: My constituent Neville Cartwright is living with just one lung following a battle with lung cancer, yet he lost his Motability car when his PIP was cut last year. He began his appeal in June, but has still
not had a tribunal hearing. Does the Minister agree that an eight-month wait to find out the result of an appeal is totally unacceptable?

Penny Mordaunt: I do agree with the hon. Lady, which is why we have been trying to work more strategically with Motability, thrashing through the issues I am very aware of on appeals and on matters such as when an individual leaves the country. We are looking to reduce the amount of time that appeals take and at what we can do with the running of the scheme so that the precise scenario she outlines does not happen.

Self-employed People: Support

21. Victoria Prentis (Banbury) (Con): What steps the Government are taking to support the self-employed.

The Minister for Employment (Damian Hinds): We are building on the success of the new enterprise allowance. From April 2017, eligibility will be extended to include universal credit claimants who are already self-employed.

Victoria Prentis: There are 40 new businesses in Banbury currently supported by the new enterprise allowance, with about 100 more going through the developmental stage. Can the Minister reassure us that the programme is not just there to set up new businesses, but to enable them to grow?

Damian Hinds: Absolutely. The 40 new businesses in Banbury are a great example of what the NEA can do. In phase 2, we are introducing additional features to continue to promote sustained success in self-employment, including extending the mentoring period and ensuring there is a pre-workshop to outline the responsibilities and realities of being self-employed.

Topical Questions

T1. [908745] Justin Madders (Ellesmere Port and Neston) (Lab): If he will make a statement on his departmental responsibilities.

The Secretary of State for Work and Pensions (Damian Green): Today, we published our Green Paper on defined benefit pension schemes. The schemes provide an important source of income in the retirement plans of millions of people. The majority of the nearly 6,000 defined benefit pension schemes are run effectively. We are fortunate to have a robust and flexible system of pension protection in the UK. However, it is clear that experiences differ from scheme to scheme. Some employers are clearly struggling and the system may not be working optimally in all circumstances. The Green Paper is an opportunity to look at the schemes to ensure the system remains sustainable, while still ensuring members’ benefits are protected.

Justin Madders: Further to the question from my hon. Friend the Member for Stretford and Urmston (Kate Green) on universal credit inquiries on behalf of constituents, does the Secretary of State not accept that putting in this extra hurdle is disadvantaging people who are in a very vulnerable situation and flies in the face of Information Commissioner guidance?

Damian Green: As my hon. Friend the Minister for Employment explained, the data are now held in a different way. They are entirely owned by the claimants, who can and should give any Member of Parliament permission to act on their behalf. With that permission, all of us can do our job, as we traditionally have, on behalf of our constituents.

T5. [908749] Mary Robinson (Cheadle) (Con): Last October, the Secretary of State announced that people with severe lifelong conditions would be exempt from reassessments for employment and support allowance. This was welcomed by leading charities in the sector. Will motor neurone disease fall within the exemptions?

The Minister for Disabled People, Health and Work (Penny Mordaunt): May I first praise the work of the all-party group on motor neurone disease, and the work of my hon. Friend as its vice-chair? Following the announcement, we are working to develop a set of criteria to switch off reassessments for people with the most severe health conditions or disabilities. We have sought feedback from stakeholders, including many for motor neurone disease organisations. They will not be about a specific list of medical conditions; they will be based on a number of other factors, in particular how conditions are impacting on people.

Debbie Abrahams (Oldham East and Saddleworth) (Lab): In April, the Government’s two-child policy will mean that a woman who has a third child after being raped will have to prove that fact if they are to get child tax support. At the same time, the Government are cutting widowed parent’s allowance by an average of £17,000 for each bereaved family. In 2015, that benefited 40,000 children who had lost at least one parent. Will the Secretary of State please think again about these punitive measures?

Damian Green: I do not agree with the hon. Lady that the measures are punitive. To take just one of the two that she brought up—bureaucracy payments—as she knows, this measure is bringing three payments into one. The original system was devised for a world in which women often would not work at all and so needed lifelong support, rather than the extra support that they will be offered after such a tragic event. I think she will find that the new system is much fairer and more effective at providing support when it is most wanted.

Mr Speaker: Andrew Rosindell—not here.

T9. [908754] Mrs Theresa Villiers (Chipping Barnet) (Con): Does the Minister agree that it was important to introduce the cap on out-of-work benefits to deal with the excesses of a system that used to see a single household being given £100,000 a year in housing benefit?

The Parliamentary Under-Secretary of State for Welfare Delivery (Caroline Nokes): My right hon. Friend is right to point out that the benefit cap is working. It has brought about behavioural change, and evaluation of the current cap level has found that capped households are 41% more likely to go into work than similar, uncapped households. More than that, 38% of those
capped said that they were doing more to find work, a third were submitting more applications and a fifth went to more interviews.

T2. [908746] Kate Green (Stretford and Urmston) (Lab): New recipients of support who are in the work-related activity group will cease to receive the work-related activity component payment as of this April. As we have only a short six weeks until those claimants are hit by this change in policy, can the Minister tell us exactly what additional support they will receive?

Penny Mordaunt: The first thing I would say to the hon. Lady is that although the policy is being introduced in April, it will not start to have an impact on individuals until the summer. There is a personalised support package—13 measures that are outlined in the Green Paper—and she will know that we are also looking at ways in which we can reduce an individual's household outgoings that are not related to finding work.

Amanda Solloway (Derby North) (Con): Does the Minister agree that we must do all we can to support into work people with mental health issues, disabilities and learning difficulties, but that, equally importantly, we must ensure that businesses are equipped to help them to sustain their employment?

Penny Mordaunt: I absolutely agree with my hon. Friend. This is about people being able to reach their full potential and make use of all the benefits that come with having a pay packet—all those opportunities and that choice. Employers have a huge role to play. I have been very encouraged by the results of the consultation, particularly from employers wanting to do more, and we must ensure that they have the tools and expertise to do more.

T3. [908747] Steve McCabe (Birmingham, Selly Oak) (Lab): As part of the Government's welcome proposal to halve the disability employment gap, will the Minister ensure that a work support plan is in place before a disabled person is made a job offer, thus increasing the chances of success and reducing the risk of wrongly applied sanctions or accusations that the person does not want a job?

Penny Mordaunt: This consultation affords us an opportunity to look at a person's whole journey. Generalising, the earlier someone can have a conversation with somebody about their ambitions and the support they will need, the better that journey will be, so I totally agree with the hon. Gentleman.

Nicky Morgan (Loughborough) (Con): I suspect that the Employment Minister may not be aware of the Employment of Women, Young Persons, and Children Act 1920, but it is a concern to the Heritage Railway Association and others, who have had advice from leading counsel that young people cannot volunteer in industrial undertakings. We have now written to the Health and Safety Executive, but I wonder whether the Minister will meet to have a conversation about it.

Penny Mordaunt: I would be very happy to meet my right hon. Friend about that issue. There is a huge amount of work going on to ensure that young people, but others as well, can make use of all opportunities to expand their horizons, and I would be happy to meet her about the specific points she raises.

T4. [908748] Naz Shah (Bradford West) (Lab): Of the 17,000 sanctions on benefit claimants in Bradford West in the past six and a half years, how many could have been avoided if the Government had the yellow card warning system in place? Why has it not been rolled out nationally, following a successful trial in 2016, and when are this Government going to get it done?

Damian Green: We are looking at the early warning system trial that took place in Scotland. We are still evaluating it. We will publish the results of the evaluation shortly. Obviously, we will have to do the evaluation first before we decide what to do next.

Tom Pursglove (Corby) (Con): Last week, I attended two excellent business breakfasts in my constituency—one organised by the Rockingham Forest hotel and the other organised by Corby Business Group. There was a lot of expertise and experience there. In what ways does the Minister think we can use that experience to support young people entering the world of work through mentoring?

The Minister for Employment (Damian Hinds): Mentoring has a critical role to play, and I would encourage those employers in my hon. Friend's constituency, if they are not already doing so, to get in touch with local schools and colleges and to seek out more opportunities.

T7. [908751] Julie Elliott (Sunderland Central) (Lab): Will the Minister look at the assessment of people with long-term progressive conditions who are applying for PIP, in the light of some of the issues that have been raised? Would she consider removing the need for continued assessment of people with long-term progressive conditions when, by the nature of those conditions, they are getting worse and not improving day by day?

Penny Mordaunt: The hon. Lady makes a good suggestion. We are looking at that, and if we can share data better—not just across our own systems but with local government—we could improve things, because we could cut down on a huge administrative burden for claimants.

Sir Desmond Swayne (New Forest West) (Con): Have Ministers identified the critical difference that makes a recipient of universal credit so much more likely to get into work than someone on jobseeker’s allowance?

Damian Hinds: There are multiple features of universal credit that make that so much more likely. The critical thing is to remove the barriers that create differences between being out of work and being in work. Having the rent paid directly to the individual is one thing; there is also the additional support that people get from the work coach in the jobcentre; then there is the fact that people know how much they will retain for every extra hour worked and extra pound earned.

T8. [908753] Helen Hayes (Dulwich and West Norwood) (Lab): Brixton jobcentre, which serves many of my constituents, is situated in one of the most deprived areas of London. How can the Minister justify deciding...
Damian Hinds: We are very mindful of our duties under section 149 of the Equality Act 2010, and we do indeed carry out the equality impact assessments that the hon. Lady mentions. She and I have had a chance to talk about the specific jobcentre. What we are doing is making sure that we have a good spread of jobcentres across the country that are accessible to the people who need to use them, but also utilising space better.

Mr Peter Bone (Wellingborough) (Con): Last week, I visited a number of successful factories in my constituency that were taking on additional employment. Does the Secretary of State agree that our long-term economic plan has worked and that the Opposition Members who opposed it should now be contrite? Does he also agree with me that it is rather surprising that until two minutes ago there has not been a single Liberal Democrat Member in the Chamber?

Damian Hinds: I am not remotely surprised—

Mr Speaker: The Minister is not responsible for the presence of Liberal Democrat Members. [Interruption.] If the right hon. Gentleman wants to ventilate, I am sure he will do so.

Damian Green: I am grateful for your advice, Mr Speaker, because I would be horrified if I were responsible for the attendance record of Liberal Democrats. I am happy to agree completely with my hon. Friend about the long-term economic plan. Our labour market is in its strongest position for years, which is a tribute to a successful economic policy for the past seven years.

Siobhain McDonagh (Mitcham and Morden) (Lab): On behalf of my constituent, Miss Leslie, may I ask the Secretary of State to get personally involved in her case? The victim of a house fire when she was 12 weeks old, she has no hands and has multiple physical problems. In the migration from DLA to PIP, she could not open the envelope telling her to go for her assessment. On 1 February, all her benefits ceased, and on 10 February, her Motability car was taken away. This cannot be right; please help.

Damian Green: If the hon. Lady wishes to contact me directly and urgently about that case, we will take it up.

Mr David Nuttall (Bury North) (Con): Does my right hon. Friend agree that there is no evidence to suggest that we are going to lose 3 million jobs, as we were so often warned would happen if we left the European Union? Given the recent announcements that thousands of new jobs would be located in this country by the likes of Google and Amazon, does he agree that this country remains a very attractive place in which to do business?

Damian Green: It is perfectly clear that this country is an extremely attractive place in which to do business. I am delighted at the number of big companies—particularly in the tech sector, but in others as well—that have decided to move jobs to this country in recent months, and the Government will do all they can to ensure that that economic success continues.

John Cryer (Leyton and Wanstead) (Lab): Leytonstone jobcentre, in my constituency, is threatened with closure, which has spread alarm and despondency among some of the most vulnerable people whom I represent. The nearest jobcentre, in Walthamstow, is more than 3 miles away, which breaks the Minister’s own guidelines. Will he undertake a proper impact assessment and publish the results?

Damian Hinds: Of course I will look into the position, but the criterion is that consultation takes place if a jobcentre is both more than 3 miles away and more than 20 minutes away by public transport. Within that, if either of those conditions is met, it is reasonable to ask people to move.

Philip Davies (Shipley) (Con): On Friday I visited Shipley jobcentre to hear at first hand the concerns of staff about its closure, and their concerns for its clients. Will the Minister agree to meet me so that I can go through that list of concerns and, hopefully, he can find a way of addressing them?

Damian Hinds: Of course I shall be happy to meet my hon. Friend, just as I have been happy to meet other Members on both sides of the House to discuss such concerns.

Several hon. Members rose—

Mr Speaker: Single-sentence questions, I hope. Alison Thewliss.

Alison Thewliss (Glasgow Central) (SNP): I am astonished that the Secretary of State said that the rape clause was not punitive, given that, in their response to the consultation, the Government said that many respondents considered it “unacceptable for Government to ask women to re-live the ordeal of a rape just in order to make a claim for benefit.” Will the Minister and the Government accept that the policy is simply unworkable, and absolutely despicable?

Damian Green: I do not accept that, and I do not think the hon. Lady’s description of the exemptions to that clause accord with reality. The system that we are proposing is not remotely punitive; it is entirely sensible and workable.

Chris Stephens (Glasgow South West) (SNP): What plans has the Secretary of State to reduce the cost of telephone calls to his Department, which can now cost up to 55p a minute? Is he still having discussions with the Social Security Advisory Committee, which believes that all telephone calls to the Department should be at no cost to claimants?

Damian Green: I am, obviously, in constant contact with the Social Security Advisory Committee. People who phone the Department always have an opportunity to ask to be called back if they do not wish to continue their own calls.
Point of Order

3.38 pm

Kate Green (Stretford and Urmston) (Lab): On a point of order, Mr Speaker.

Mr Speaker: I understand that the point of order flows directly from a question, so, exceptionally, I will take it if it is brief.

Kate Green: I am very grateful, Mr Speaker. I wish to follow up the answer that the Minister for Disabled People, Health and Work gave me a few moments ago about the work-related activity component of the employment and support allowance. The Minister said that no one would be affected by the change before the summer, but the DWP website says—and, indeed, I think we always understood—that it will take effect in April. I wonder whether you, Mr Speaker, will invite the Minister to clarify or correct the record.

The Minister for Disabled People, Health and Work (Penny Mordaunt) rose—

Mr Speaker: It is not a matter for the Chair, but the Minister is literally itching to appear at the Dispatch Box.

Penny Mordaunt: I am happy to clarify the position. The policy change will happen in April, but it will not start to have an impact on people until later in the year because of the process that they will be going through. However, all the elements of the personalised support package, and all the other things that we are seeking to do to help with individuals' liquidity, will be in place by April.

Vauxhall/Opel: Proposed Takeover

3.39 pm

Justin Madders (Ellesmere Port and Neston) (Lab) (Urgent Question): To ask the Secretary of State for Business, Energy and Industrial Strategy if he will make a statement on the proposed takeover of Vauxhall and Opel by PSA.

The Secretary of State for Business, Energy and Industrial Strategy (Greg Clark): Vauxhall is one of our oldest and most valued motor manufacturers. It has been making cars in Britain for 113 years and has been owned for the last 92 years by an overseas investor, General Motors. There are over 40,000 people employed directly by GM or in Vauxhall's retail or supply chain in this country. Last Tuesday, news emerged that GM was in discussions with French company PSA about the future of GM's European operations.

I spoke to the president of GM by telephone that afternoon and communicated the importance we attach to Vauxhall's presence in the UK and to its workforce. I am grateful to Mr Ammann for travelling to meet me in my office last Thursday morning. In our meeting, he told me that no agreement with PSA had been reached and discussions were ongoing, that he shared my assessment of the success of the Vauxhall plants in Britain and the Vauxhall brand, and that GM's intention was that any deal should be about building on the success of these operations, rather than seeking to rationalise them.

Following my meeting with GM, I travelled to Paris to meet my counterpart in the French Government, the Industry Minister, and following those discussions I met PSA board members for two hours later on Thursday night. I emphasised once again the importance I attach to the continuing success of Vauxhall in Britain and the recognition of its workforce. The PSA executives said that they, too, greatly valued the Vauxhall brand and the commitment of its workforce, and that any deal would build on these strengths. They also emphasised that their operational approach in recent years has been not to engage in plant closures, but to focus on continuous improvements in plant performance. On behalf of the UK Government, I emphasised our commitment to securing continued mutually beneficial access to European markets, and our intention, as part of an ambitious industrial strategy, to enhance the competitiveness of the UK economy generally—including, of course, the automotive sector. Earlier today, my Minister of State spoke to his German counterpart.

We remain in close contact with GM, PSA and the French and German Governments, and I look forward to meeting Carlos Tavares, PSA chief executive, later this week. Of course, I have also met, and will continue to meet, the trade unions and Members of this House with constituency interests. I will do everything I can at all times to secure the best possible future for Vauxhall and its workforce. Our unity of purpose in seeking this good future should be a source of strength in the House, and I will keep the House informed at every opportunity.

Justin Madders: I thank the Secretary of State for his response and for the helpful way in which he has kept me and other interested parties informed as matters
have unfolded. As he said, not only are thousands employed directly at the plants in Ellesmere Port and Luton, but there are tens of thousands of other people working in the associated supply chain and sales network.

I want to make it clear that Vauxhall is a British success story. The plants in Ellesmere Port and Luton benefit from dedicated and highly skilled staff, who are among the most efficient anywhere in Europe. If this takeover does go ahead, we need to get the message out that risking the closure of either facility would be a retrograde step not just for the UK economy, but also for the new owners. Will the Secretary of State confirm that he will continue to work closely with everybody at every stage?

Although it would be an oversimplification to characterise the proposed deal as being entirely down to Brexit, there are understandable concerns about Brexit’s potential impact, particularly if tariffs were imposed. Will the Secretary of State ensure that the future of the automotive sector is put front and centre of our negotiations and that a red line will be that there will be no deal that imposes tariffs—not just on the finished product, but on components in the supply chain?

We are very proud of our automotive sector in Ellesmere Port and Neston, but we know we cannot take it for granted. I will do everything I possibly can to fight for the future of Vauxhall, and I expect nothing less from the Government.

Greg Clark: Of course, the continued welfare of the pensioners is of great importance in any prospective takeover, and I have mentioned in my discussions with GM and with PSA how important it will be. No deal has been concluded yet, but both those organisations are well aware of the importance that I, and my hon. Friend the Member for South West Bedfordshire (Andrew Selous), attach to that matter.

Rebecca Long Bailey: I thank the Secretary of State for his response and my hon. Friend the Member for Ellesmere Port and Neston (Justin Madders) for his question. Vauxhall employs over 40,000 people in the UK, as the Secretary of State said, including 4,500 at its manufacturing plants in Ellesmere Port and Luton and tens of thousands in its retail and support arms and in the supply chain. It is, as we have heard, a great British success story.

I would like to raise a number of questions. First, the French Government own a 14% share in Peugeot, which has prompted many to suggest that any job cuts are likely to fall on Opel’s six plants in Germany, the UK and Spain. The German Government have already demanded that there must be no job or plant losses as a result of any deal, and German papers reported yesterday that PSA had pledged to continue operating all four of Opel’s German production sites. Will the Secretary of State tell us what action the Government are taking to obtain the same assurances for the UK? Will the Prime Minister demand that no jobs or plants will be lost when she meets the PSA chief executive?

Secondly, at the 2016 Conservative party conference, the Prime Minister stated: “We are the party of workers”. To make good that promise, will the Secretary of State confirm that he will demand equal treatment for UK workers, compared with workers in France and Germany, in any final deal package?

Thirdly, the UK’s automotive industry is dependent on the EU for sales and components. Nissan’s special deal provided assurances of unencumbered EU market access, more UK-based suppliers, and support for green vehicle research and development and for jobs and training. Can the Secretary of State confirm reports that PSA has been offered the same deal, and whether, in return, it has given an assurance that no UK jobs or plants will be lost? Is it not the case that all UK industries require certainty and stability? Would he agree that a haphazard and crisis-led approach is quite simply the very antithesis of an industrial strategy?

Greg Clark: First, I welcome the hon. Lady. Lady to the Dispatch Box and congratulate her on her appointment. She will find that there is no one more prepared than I am to be active in supporting employment prospects in every constituency in the country, wherever they might be. In our discussions with industry, including the automotive industry, about overseas investment, there has been tremendous enthusiasm and warm encouragement for our industrial strategy. This is something that has been pursued in other countries for some time. I think the hon. Lady described our approach as haphazard and random—

Rebecca Long Bailey: Haphazard and crisis-led.
Greg Clark: Indeed. I am not sure that the hon. Lady, in speaking from her Front Bench, is in the best position to talk about that. She made some important points, however. She mentioned the fact that the French Government own a significant stake in PSA. That is why I felt it was important immediately to have a meeting with my French counterpart. That meeting was very constructive, and he recognised the importance of ensuring that the whole of Europe should be treated fairly in these discussions. We agreed to stay in close touch on that, and I was grateful to him for seeing me.

On the treatment of plants across Europe, one of the points that the PSA executives made to me is that, since the new management of PSA has been in place, they have taken pride in the fact that part of their strategy is not to close plants. The discussions are clearly continuing and no deal has been done, but I share the view of the hon. Lady, the hon. Member for Ellesmere Port and Neston (Justin Madders) and Members on both sides of the House: it is very important that our successful enterprises with successful workforces should be able to continue that success in the future.

As for questions about the European Union, many of GM’s operations in Europe are in Germany, which is not about to leave the European Union, so this is not a Brexit-related transaction. I have said very clearly that our commitment, evidenced in black and white in our industrial strategy, is to build on our strengths in advanced manufacturing, including in the automotive sector. That is available to all players in the sector through the Automotive Council, and in our industrial strategy we mention electric vehicles, battery storage and training, which are important to all members of the sector and, as I began by saying, have attracted enthusiastic support from firms all over the world.

David Rutley (Macclesfield) (Con): I welcome my right hon. Friend’s characteristically speedy response to this new situation. Can he confirm that the UK automotive sector is not only integral and important to our industrial strategy but will play a vital role in shaping our future trade relationship with EU member states post-Brexit?

Greg Clark: I agree with my hon. Friend. One of the strengths of our automotive sector is that it is particularly international. It benefits from and is strengthened by trade to and from not only the rest of Europe but the whole world. Vauxhall’s being owned by GM for such a long time is a reflection of the fact that the motor industry has long been international beyond Europe. The industry will be very prominent in our discussions.

Callum McCaig (Aberdeen South) (SNP): I congratulate the hon. Member for Ellesmere Port and Neston (Justin Madders) on securing this urgent question. I welcome the hon. Member for Salford and Eccles (Rebecca Long Bailey) to her Front-Bench position, and I look forward to working with her in that role.

Like every Member of this House, my party’s thoughts are with those affected at the plants in Ellesmere Port and Luton and with all those who work in the supply chain or for the company in other ways. I welcome that the Secretary of State has led from the front in his interactions with the French and others.

What assurances has the Secretary of State sought and/or received from the French Government or from PSA about the plants, employment and, in particular, the terms and conditions of employees and pensions? We cannot ignore the impact that Brexit might have on this issue. If there is direct competition between a German plant and a UK plant—regardless of the undoubted strength of UK plants—given that 75% of a UK plant’s components come from, and 80% of its exports go to, the single market, it will be at a comparative disadvantage with European counterparts.

Given that the Secretary of State has said that he will do everything he can at all times to rule out the hard Brexit that has been proposed, will he reassess single market membership? We can leave the EU, but we do not have to leave the single market, and staying in the single market would protect employees at Vauxhall and right across the economy.

Greg Clark: I am grateful to the hon. Gentleman for his kind words. I thought it was important to have discussions immediately with both parties to the negotiations. It is fair to say that, as a deal has not been concluded and discussions are continuing, the prospective purchaser is clearly not in a position to give contractual guarantees. One of the important reasons for meeting was to have a clear understanding of the prospective purchaser’s purpose and to commit to having further meetings as the discussions continue—I will be having a further meeting later in the week. Of course, the conditions for workers and pensioners are uppermost in the discussions.

In the context of Brexit, I made it clear, as the Prime Minister did in her speech at Lancaster House, that we want to negotiate the best possible access to the single market, free of tariffs and bureaucratic impediments. It is also important to reflect on the fact that we have a very strong and successful domestic market, with Vauxhall having a particularly strong share of it. That was mentioned to me by both parties, GM and PSA; they are very aware of that, and we will emphasise it in the days and weeks ahead.

John Redwood (Wokingham) (Con): Are the Government considering their policy on when, why and how to intervene in mergers that could be damaging to British jobs and the public interest?

Greg Clark: In the context of the Hinkley Point C decision, we said that we would come forward with measures to govern the critical national infrastructure regime. In addition, we have proposed some changes to our corporate governance regime, and we will be making suggestions as to how we can keep our merger regime up to date.

Mr Iain Wright (Hartlepool) (Lab): In an earlier answer, the Secretary of State said that this will not become entangled in Brexit, but the concern will be that the issue of this important company’s future in Britain will become collateral damage in wider negotiations and deals on Brexit. In the face of elections in France and Germany this year, does he think that nations will have to engage in an ever-rising bidding game in order to maintain production facilities in their countries? If so, what will he do for British manufacturing?

Greg Clark: The hon. Gentleman should reflect a bit more positively on the success of Vauxhall in this country. The two plants we have been talking about are
among the most efficient in Europe and, therefore, the world. So this is not about altruism; these are successful plants, which is a tribute to their workforce, and they are competitive. As I said a few moments ago, the other side of the equation is that the Vauxhall brand is a very successful one in this country. So we start from a position of strength and, as he would want, I will be vigorous in promoting those strengths and influencing the negotiations so that this excellent workforce can continue and go from strength to strength in the future.

Graham Evans (Weaver Vale) (Con): My right hon. Friend will be well aware of the importance of this plant to the Cheshire and greater Cheshire economy. Will he assure the House that he will ensure that PSA understands the skill and efficiency of the plant and its workforce?

Greg Clark: I will indeed, and from my initial conversations I can say that I think that is well understood. It is matter of pride that our automotive industry in general and those two plants in particular are such high performers, and nobody will be more vigorous than me in reminding all parties to the transaction of that.

Tom Brake (Carshalton and Wallingford) (LD): Does the Secretary of State believe that it will be much harder for companies that are looking at their integrated European operations to want to base themselves in the UK, because of the uncertainty surrounding our leaving the single market and the customs union? Does he agree that in those circumstances they are going to need some very attractive sweeteners? What sweeteners has he offered? Are those sweeteners also going to be available to the medium-priority and low-priority areas that the Government have identified, such as fisheries and chemicals, and steel and telecoms?

Greg Clark: I would say to the right hon. Gentleman what I said to the Chair of the Select Committee: he should reflect on the competitiveness of our automotive industry. Companies choose to invest in Britain because we are competitive places from which to do business, we have a skilled and flexible workforce, and we have fantastic research and development facilities. We have been absolutely clear in the industrial strategy consultation that these strengths will be extended so that we continue to be a beacon of success in this and other industries.

Mr Andrew Tyrie (Chichester) (Con): The Secretary of State has clearly made some reassuring noises to the firm. We need transparency on those, so will he now respond to the Treasury Committee request to publish the letter he sent to Nissan on 21 October giving reassurances to that company?

Greg Clark: My right hon. Friend may not have noticed that, some time ago, I said that of course we would release the letter sent to Nissan at the time when it is no longer commercially confidential.

Ms Angela Eagle (Wallasey) (Lab): The Secretary of State understands the importance of the plant at Ellesmere Port, and its suppliers and retailers, to the wider north-west’s automotive sector, which includes Jaguar Land Rover at Halewood. What will he do to ensure that, when it comes to possible cost cutting, the rights in this country compared with those in France and Germany, what can the Secretary of State do to ensure that, when it comes to possible cost cutting, the equation is evened up so that we can support British production and British jobs?

Greg Clark: Like the hon. Lady, I am proud of the performance of the two plants, as well as that of the other plants in our automotive sector. The PSA executives communicated to me that performance is their guide to strategy. The two plants have very effective performance, so I want and expect them to be major parts of the future of an expanded group, if the transaction proceeds.

Jeremy Lefroy (Stafford) (Con): I welcome my right hon. Friend’s action on this incredibly important issue of retaining the plants at Ellesmere Port and Luton. Most investment in motor manufacturing in this country comes from overseas, with the exception of Aston Martin and Triumph. What is my right hon. Friend doing to encourage British-based investment in motor manufacturing so that we do not always rely on overseas investment?

Greg Clark: I am very proud that we attract the world’s best automotive companies and that they see Britain as a place to prosper and succeed, so I am always encouraging that level of investment. Of course, it is not only about the major manufacturers; the supply chain is increasingly important in all advanced manufacturing, including the automotive industry. We have an increasingly good record of attracting small and medium-sized businesses either to locate here from overseas, or to grow from the bottom up. My hon. Friend will know that our industrial strategy makes a great focal point of the opportunity to grow our supply chains.

Maria Eagle (Garston and Halewood) (Lab): The Secretary of State understands the importance of the plant at Ellesmere Port, and its suppliers and retailers, to the wider north-west’s automotive sector, which includes Jaguar Land Rover at Halewood. What will he do to ensure that we do not lose some of the essential skills, jobs and firms, and that the sector in the north-west does not shrink as a consequence of factors that are completely out of the control of the Government and the people who work at the Ellesmere Port plant?

Greg Clark: The hon. Lady knows from the work that we have done together that it is possible to make a case for attracting investment and commitment. She is absolutely right that the plant is important, and not only to the north-west but to the whole country, if the dealership network is taken into account. My ambition, as is the case for the rest of advanced manufacturing, is for our automotive sector to be more successful and to employ more people in the future. That does not happen by accident; it will involve our being engaged with the sector and making sure that facilities for research and development and training establish our reputation as the go-to place in the world for motor manufacturing, as we are for other sectors. I will work with the hon. Lady and others, and I will be vigorous in making sure that that message is very loudly understood.
Greg Clark: The automotive sector has been one of our most successful sectors in recent years. That is partly due to the effective arrangements that have been put in place through the Automotive Council, whereby firms, including small and medium-sized suppliers, can work together to support each other. An example of that is the National Automotive Innovation Centre, which I visited recently, where new facilities are being made available not only for the majors, but for people with new ideas who are setting up new businesses. That can reinforce and continue the success of one of our most effective industrial sectors.

Alison McGovern (Wirral South) (Lab): A number of my constituents work for Vauxhall at Ellesmere Port and Unilever in Port Sunlight. If there are Members who think that everything in our economy is rosy, I invite them to come to Wirral South this weekend and say that. When it comes to the high-value manufacturing that Secretary of State has talked about, does he realise the importance of the customs union, and has he made a great and important contribution to the Prime Minister's strategy on Brexit with regard to keeping us inside the customs union?

Greg Clark: The automotive sector, like others, trades across borders. That is one reason why the Prime Minister and I have been very clear that we need to be able to negotiate trading arrangements that maintain our access across those borders without tariffs and without bureaucratic impediments—that is clearly understood. Those negotiations have some way to go, but it is important to emphasise, as I and the Prime Minister have done, what our intention is.

Sir Desmond Swayne (New Forest West) (Con): What guarantees might General Motors USA be required to make to General Motors GB with respect to the pension deficit before any disposal can take place?

Greg Clark: As my right hon. Friend knows, the independent Pensions Regulator is the arbiter of any changes to pension arrangements. It is absolutely right that such robust independence is in place. I emphasise that discussions are still continuing. No agreement has yet been reached but, as I have said to a number of colleagues across the House, the future of pensioners is very important to me, as it is to all Members.

Mr Pat McFadden (Wolverhampton South East) (Lab): I was involved in the discussions that took place the last time that GM considered selling its European brands in the wake of the financial crisis. At that time, we had a successful resolution, in that the company decided to retain the brands. The Secretary of State is right that Vauxhall is tremendously successful. The Astra and Corsa are among the top 10 best-selling cars in the UK, but those cars are made by a Europe-wide company that has a Europe-wide supply chain. In any of the discussions that he has had in the past week, have exchange rate movements over the past year been raised?

Greg Clark: We have of course discussed all aspects of Brexit. One feature of the decisions that are being made about investment is the opportunity to locate more of the supply chain nearer to the production facilities. Across the board, it is important to emphasise our commitment to negotiating the best possible access to the single market, and also that the intrinsic competitiveness of the UK makes it attractive to overseas investors.

Mr Peter Bone (Wellingborough) (Con): If I were on a board of directors of a very successful vehicle manufacturing outlet in the fifth biggest economy in the world and that economy was about to leave the EU, I think that I would want to invest more in that facility and make sure that I did not put all my eggs in one basket. Does not the future for Vauxhall look rather good and not the reverse?

Greg Clark: I agree with my hon. Friend that we have in Vauxhall a very successful firm that is well regarded in the domestic market and across the continent. It is building on the success that is in prospect, but it is important that, through the discussions, that is secured inside the customs union?

Margaret Greenwood (Wirral West) (Lab): Many of the thousands of people employed at Vauxhall Ellesmere Port live in Wirral and they are understandably concerned about the future of their jobs following the announcement of PSA Group's acquisition of Opel. Some 80% of the cars made at Vauxhall Ellesmere Port are exported directly to EU states, and 75% of the value of each car is imported. The Prime Minister is reported to have received a meeting request from the chief executive of the PSA Group, which Downing Street has said will take place "in principle, subject to diary availability".

Will the Secretary of State suggest that the Prime Minister make a space in her diary as a matter of urgency?

Greg Clark: I think that the hon. Lady started by saying that the deal has been agreed, so let me first say that the deal has not been done. Secondly, no one could be under any illusions as to the vigour of our response. Of course, the Prime Minister will need to find the time in her diary for a meeting, but we are keen to continue the close contact we have had.

Nigel Mills (Amber Valley) (Con): The various takeovers that were talked about over the weekend show the importance of having robust and enforceable rules on takeovers and mergers. When will the Government come forward with new policy so that we will know not only how we will handle takeovers when we leave the European Union, but how we can intervene in deals that we do not want to take place?

Greg Clark: It is important to reflect on the context: our reputation as an open economy that attracts overseas investment is one of the foundations of our success. We need to maintain that success and reputation. We have said that we will bring forward proposals, as we will regarding corporate governance. We will do that in due course and I will update the House at that time.
Christian Matheson (City of Chester) (Lab): As a trade union official, I supported the management and workers at Ellesmere Port through new model bidding processes three times. Each time, they demonstrated themselves to be productive, efficient and flexible, and their plant to be profitable. Unfortunately, those attributes cut no ice with Peugeot, which has form in this area, as any Coventry Member will attest. May I suggest that the Secretary of State uses this opportunity to beef up his industrial strategy? I also suggest that any public procurement of motor vehicles, for example by police forces, local authorities and Government Departments, should involve only the purchase of cars from companies that build in the UK, and that those that choose not to build in the UK should not be considered?

Greg Clark: Of course, I discussed with PSA the context of its closure of the Coventry plant. It was pointed out to me that the company has new management and a different approach was described. These are early stages, but that was a better message to receive than the alternative. However, like the hon. Gentleman, I want to ensure that it is reflected in practice. On procurement, it is obviously important that we get good value for money, and we have changed the procurement rules to take into account some of these wider impacts.

Craig Whittaker (Calder Valley) (Con): Opel has not made a profit in the EU since 1999, and Carlos Tavares, the chief executive of PSA, has a record of drastically reducing costs. What further tools does my right hon. Friend have in his armament to ensure that PSA does not move vehicle producing factories and the supply chain out of the UK?

Greg Clark: The discussions are at an early stage. The leak of the discussions came out only in the middle of last week and I have had a number of meetings since then. I have been clear to the House that the successful operations in this country need to be maintained. The PSA side of the discussions has pointed out quite recently that Vauxhall is not yet its company to make contractual statements about, but the direction in which the discussions are going is clear. I will continue to be vigorous in extracting the best possible agreements about the future of Vauxhall here.

Jim Shannon (Strangford) (DUP): I welcome the Secretary of State’s statement and what he has said so far. It is clear that Vauxhall’s UK plants are run to a high standard, with above-normal efficiency ratings, so will the Secretary of State outline what support he will offer to ensure that the plants are retained—and, indeed, enhanced—and that jobs are secured during any takeover? What influence, including financial assistance, can the Government exert to help?

Greg Clark: I am grateful to the hon. Gentleman for what he says. Again, I come back to the fact that Vauxhall’s UK operation is successful. It is efficient and effective, which is the reason, as with other car companies, why investments come to this country. We have had a successful programme of joint working with the automotive sector in areas such as research and development, and in training and upskilling the workforce. That programme continues and is available to any manufacturer that participates in the sector.

Tom Pursglove (Corby) (Con): The UK car sector and steel manufacturing are inextricably linked, so what role does my right hon. Friend see the industrial strategy playing in the betterment of both?

Greg Clark: The benefit of an industrial strategy is that we can look at the connections between areas and between sectors. Of course, a thriving automotive sector in this country is good for the steel industry.

Liz McInnes (Heywood and Middleton) (Lab): Does the Secretary of State agree that the weaker protections against dismissal that are afforded to UK workers make them more vulnerable than their European counterparts? Given the Conservative party’s supposed recent conversion into a party of the workers, what plans does he have to strengthen protections for UK workers?

Greg Clark: I would say two things to the hon. Lady. First, the standards we have for workers in this country are very exacting, and we have made a commitment to maintain them as we leave the European Union. The second thing is that our record of employment is one we should be proud of—in just the last few days, we were able to report employment of record numbers. That shows that the environment we operate in is attractive to investors, and the consequence of that is good jobs for British workers.

Ian C. Lucas (Wrexham) (Lab): As the Secretary of State said, the UK automotive manufacturing sector has been extremely impressive in the past decade. However, what is striking is that the one advanced industrial nation that has not invested in the UK sector is France. Does he believe that a French business such as PSA will really choose to invest in the UK when we are outside the European Union? Will not such a business invest in France and Germany? Will the Secretary of State therefore urgently look at a British solution to the future of the excellent Ellesmere Port plant, which provides work in north Wales, on Merseyside and right across the north-west?

Greg Clark: Notwithstanding—in fact, in many cases, as a result of—the successful partnership with overseas car manufacturers, 2016 was a record year for car production in this country, which was at a 17-year high. Providing that the arrangements are right, we should welcome other countries’ confidence in this country. The conversations that I have had with PSA lead me to believe that its intentions, as communicated to me, are to invest in performance, and we have a proud record of that.

Helen Goodman (Bishop Auckland) (Lab): The Secretary of State approaches this issue with great calm and carefulness. I am sure that he has looked at the impact on the firm of being inside or outside the customs union. He wants a zero-tariff regime with Europe, but we have heard that a high proportion of the components are imported. Would the Vauxhall cars that are exported meet the threshold for being made in the UK under the rules of origin?

Greg Clark: The hon. Lady takes us further ahead than these preliminary discussions about a prospective sale of GM’s assets to PSA have got to. I have been very clear with not just PSA but every auto company—indeed,
every manufacturer—that our intention is to pursue constructive negotiations and to have the best possible access to the single market, respecting the need to avoid bureaucratic impediments and tariffs.

Kerry McCarthy (Bristol East) (Lab): I was born in Luton and spent the first 40 years of my life there, so I know how losing the Vauxhall plant would absolutely rip the heart out of the town. However, the issue is much broader than that, and the anxiety felt by Vauxhall workers is shared by others in the manufacturing sector as we face Brexit. What assurances can the Minister give that he is building into the Brexit strategy and the industrial strategy something that will embed those manufacturing jobs in our communities?

Greg Clark: I am delighted that the hon. Lady makes that point. I hope that she will respond to the consultation on the industrial strategy, because it is very clear that it reflects on and proposes ways to strengthen what are already pillars of success, including our excellence in research and development in terms of the efficiency of the industrial processes and the skills of the workforce. We cannot stand still. We need to prepare for the future, and that is precisely what the industrial strategy, which has been warmly welcomed by international investors, sets out to do.

Stephen Timms (East Ham) (Lab): This deal would inevitably lead to job losses around Europe. The Prime Minister has said that we might have to leave the EU without a deal, so tariffs on vehicles and components are now a possibility. Does that not mean that UK employees will inevitably be at a disadvantage compared with their colleagues elsewhere in the European Union?

Greg Clark: What the right hon. Gentleman misses out of his analysis is the efficiency and success of our operations here in this country, and also our strong domestic market. It is necessary to negotiate and to get the best possible terms for our Brexit arrangement—everyone is clear about that—but he should not underplay our strengths that attract businesses to invest in this country.

Points of Order

4.20 pm

Mr David Winnick (Walsall North) (Lab): On a point of order, Mr Speaker. It would appear that there has been no change in the processes of the House as a result of the change at the Table—that is, no wigs, which I very much welcome; I wish it had happened a long time ago. With regard to the message received from the Queen—from the Head of State—that occurred at the very beginning of our proceedings, I wonder whether the message could be communicated to the House by you, Sir, instead of the Whip coming in with the stick, and the rest of it.

Mr Speaker: I am very grateful to the hon. Gentleman for his point of order. The answer is that the message that is delivered comes from the Government, and so I do not see that there would be an obvious logic in its being delivered by me. [Interruption.] I am extremely grateful to the hon. Gentleman, but Her Majesty communicates through Ministers, and that is what has happened. With regard to his other observation, I note what he has said. Without my rehearsing the whole issue, he will know that the request for a change came from the Clerk of the House and his senior colleagues, and it was agreed unanimously by members of the House of Commons Commission. When I responded to points of order, I made no bones about the fact that I welcomed that change, but I was proposed by others and agreed by the Commission, chaired by me.

Mr Winnick: Further to that point of order, Mr Speaker. Needless to say, I agree entirely with what you said about the wigs. On the procedure at the beginning, despite the explanation you gave, on the advice of the Clerk, as I understand it, I wonder whether it could be altered so that there is more emphasis on the message from the Head of State—from the Queen—rather than all the attention being on the Whip coming in, whether he will be able to march backwards without difficulty, and the rest of it. It does not give the impression of a modernised House of Commons.

Mr Speaker: I am very grateful to the hon. Gentleman. I have made the point before, and I am happy to repeat it—I think that most people, certainly including the hon. Gentleman, will accept it—that change in this place comes about by the will of the House, and it is right that that should be the case. If he wishes to initiate a process of attempted change, it is absolutely open to him to do so and for the case to be argued either way. I think we will leave it there for today.
Cultural Property (Armed Conflicts) Bill [Lords]

Motion made, and Question proposed,
That the Order of 31 October 2016 (Cultural Property (Armed Conflicts) Bill [Lords] (Programme)) be varied as follows:
(1) Paragraphs (4) and (5) of the Order shall be omitted.
(2) Proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion, at today's sitting, two hours after the commencement of proceedings on the motion for this order.
(3) Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion, at today's sitting, three hours after the commencement of proceedings on the motion for this order.—(Tracey Crouch.)

4.24 pm

Mr Peter Bone (Wellingborough) (Con): I wonder whether the Minister could explain why we are changing the programme motion.

Mr Speaker: I allowed the scope and the momentary wait, and the hon. Gentleman has taken his opportunity. I am extremely grateful to him for an extremely succinct speech. It is open to the Minister to respond, if she wishes to do so, but she is not under any obligation to do so.

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Tracey Crouch) indicated dissent.

Mr Speaker: The Minister does not seem to wish to take advantage of the enticing opportunity that has been offered.

Question put and agreed to.

Cultural Property (Armed Conflicts) Bill [Lords]

Consideration of Bill, not amended in the Public Bill Committee.

Clause 3

Offence of serious violation of Second Protocol

4.25 pm

Kevin Brennan (Cardiff West) (Lab): I beg to move amendment 4, page 2, line 6, at end insert

"which includes a digital attack if the cultural property in question is in digital form."

This amendment would make explicit that an offence is committed if the act committed under paragraphs (a) to (e) of paragraph 1 of Article 15 of the Second Protocol is a digital attack, where the cultural property in question is in digital form.

Mr Speaker: With this it will be convenient to discuss the following:
Amendment 5, page 2, line 17, at end insert

"or"

(c) a foreign national serving under the military command of the UK Armed Forces.

This amendment would ensure that an offence is committed if an act described in paragraph 1 (d) or (e) of Article 15 of the Second Protocol is committed by any foreign national serving under the military command of the UK Armed Forces.

Amendment 1, in clause 17, page 8, line 12, leave out “or having reason to suspect”.

Amendment 2, page 8, line 12, leave out “having reason to suspect” and insert “believing”.

Amendment 3, page 8, line 12, leave out “having reason to suspect” and insert “suspecting”.

Kevin Brennan: The amendment seeks to probe the Government's thinking on whether digital attacks on cultural property would be considered as damaging cultural property under the Bill. I say in passing that we very much support the Bill, having first introduced it ourselves, but sadly we ran out of time in the Parliament prior to 2010. The Bill will bring into domestic law the offence created by article 15 of the second protocol to the 1954 Hague convention, so it is not before time. I am glad that there is House-wide support for the Bill, but we want to probe a few more points during the remaining stages, to make sure that the Government's position is clear and on the record before it is sent for Royal Assent.

During previous debates, both here and in the other place, there have been many discussions about the digital reach of the Bill. Given that the original convention was written in 1954, with a subsequent protocol, that was obviously long before issues of digital property would have been actively considered. We welcome the numerous assurances provided by the Government, including by the Minister in Committee, that cultural property in digital form could be protected. If it is true that digital property is protected under the Bill, it would be natural that digital attacks on that property are also covered. The purpose of the amendment is to get the Government to confirm whether that is the case.
It would not be reasonable to recognise digital cultural property but not digital attacks on such property. Given that the Bill involves creating criminal offences, it is important that the Government put their thinking on the record. Their response to an amendment discussed in Committee highlights the need for clarity. We debated whether the cultural emblem of the blue shield, which the Bill introduces from the convention and which marks a protected item, could be shown in digital form. The Minister said:

“For modern, born-digital material, such as films and music, in practice we would expect the emblem to be displayed on the physical object on which the material is stored or on the building in which the physical storage object is kept, rather than being displayed digitally. That would help to ensure that the emblem is readily visible. That is not to say that it cannot also be depicted in digital form.” —[Official Report, Cultural Property (Armed Conflicts) [Lords] Public Bill Committee, 15 November 2016; c. 9.]

That could be interpreted as assuming that cultural property, even that which is digital, would be attacked only in a physical sense—in other words, that any attacker would be in close physical proximity to the item and able to see the blue shield on its casing. In reality, however, digital content is more likely to be attacked by way of hacking, in which case the question of how the blue shield could flag up digital cultural property to a potential attacker is relevant. Somebody hacking into a database of some sort will not see the shield on the hard drive’s casing.

4.30 pm

We want to know whether the Government have considered the possibility of digital attack, and we want to know their response to our amendment so that we can get that on the record. Will the Minister strengthen her previous wording and assure the House that it would be possible to show the blue shield in digital form in conjunction with a physical marking on the casing or the location of the digital property? The Minister also said in Committee that a roundtable on the particulars of implementing the convention was scheduled and that this item would be on the agenda. When she responds, will she tell the House whether the roundtable has happened since the Committee stage and what conclusion has been reached about the digitisation of the blue shield?

Amendment 4 is also a useful way to probe further the digital reach of the Bill more broadly. Despite reassurances, the digital relevance of pre-digital legislation is not as simple as it seems. I want to draw the attention of the House and of the Minister to two specific issues relating to the digitisation elements of the Bill. The first relates to what the Minister said in the letter, dated 19 December 2016, which she helpfully sent to members of the Committee and others interested in the Bill following the Committee stage. In response to concerns about whether digital content is covered by the convention’s definition of cultural property, she said that it is covered. She also said:

“We do not believe that interpreting the definition in this way would lead to inconsistencies with the international approach, but believe that attempting to expand the definition in our Bill could.”

We have heard that line of argument throughout the proceedings on the Bill. It seems to us that either the protection of digital material is a fair and clear interpretation of the convention that would garner the required international consensus of all those who are party to it and could therefore be set down in writing in some way or other, or it is not. It would be useful if the Minister clarified which of those is the case.

Furthermore, I understand that Wikipedia sought to be listed on UNESCO’s memory of the world register three years ago, which would have secured its protection as cultural property. However, that attempt was unsuccessful due to the difficulties of listing a digital-only and constantly changing website. Is the Minister able to shed any light on that? What consideration has been given to such issues in relation to the Bill? Have such classification issues been considered with regard to attacks on cultural property, as well as with regard to the definition of that property?

We do not intend to press amendment 4 to a Division because we support the Bill, but we want the Government to provide as much clarity as possible for those who have to implement the law in the future. Given that the Bill will create criminal charges, I am sure the Minister agrees that it is absolutely necessary for us to have such clarification before we pass the Bill.

Amendment 5 would ensure that foreign nationals embedded in the UK armed forces are bound by the second protocol of the convention. I am sure that many people will have noted that I and my hon. Friends tabled a similar, if not identical, amendment in Committee, which I agreed to withdraw after listening to what the Minister had to say. I have retabulated the amendment on Report on the basis of some new information from the Government. I think it is useful to put that information on the record and get the Minister’s response on behalf of the Government.

In Committee, I mentioned that I was disappointed to have been denied information in response to my written question to the Ministry of Defence about the number of foreign nationals embedded in the UK armed forces in each year since 2010. In an answer submitted on 14 November 2016 at 17.00, the Minister for the Armed Forces responded:

“This information is not held centrally and could be provided only at disproportionate cost.”

I had asked the Secretary of State for Defence “how many members of foreign armed forces have been embedded in the UK armed forces in each year since 2010.”

I was surprised that the Ministry of Defence did not know how many members of foreign armed forces had been embedded in the UK armed forces in each year since 2010, so I raised that surprise when we discussed the matter in Committee.

Tom Tugendhat (Tonbridge and Malling) (Con): The question is slightly harder to answer than it might initially appear. On operations, foreign armed forces are embedded with and serve alongside British troops in various guises and in many different capacities. Unless the hon. Gentleman can be more specific, I can understand the MOD’s difficulty.

Kevin Brennan: It is certainly within the power of the Ministry of Defence to answer the question in terms of its own definitions. However, it cannot have been that hard, because the Minister for the Armed Forces subsequently changed his mind and wrote to me, telling
me that he could give me some information. It is always dangerous to intervene too early during the development of an argument. On 28 November, the Minister decided that he could provide some information, albeit not as precise as one might have desired.

Tom Tugendhat: There you go.

Kevin Brennan: I will give the hon. Gentleman five out of 10 on that basis. The Minister for the Armed Forces wrote:

“As my formal PQ response made clear—a definitive response to your question could only be provided at disproportionate cost.

However, it is roughly estimated that at least 200 members of foreign armed forces are either liaison officers or on exchange officer roles annually across the three services.”

He went on to confirm that the Department “does not routinely collect” the requested information about embedded foreign armed forces.

That does at least tell us what kind of numbers we are talking about, albeit not in precise terms. However, the point of my question was to get a general idea of how many people might be impacted by this legislation and to understand whether the Government had a grip on the rough ballpark figures.

Our concern was how the Bill would impact on foreign nationals embedded in the UK armed forces who were involved in the destruction or illegal exportation of cultural property. In her response to my amendment in Committee, the Minister said that

“If a foreign soldier were to commit an act set out in article 15(1)(d) or (e) while embedded in a UK unit, we would dismiss them and send them back to their home state to be dealt with for disobeying orders. The individual would face the consequences of their actions on their return home, and there is no loophole for embedded forces; that would apply whether or not a foreign state

internationalises the operation to their return home, and there is no loophole for embedded forces; that would apply whether or not a foreign state

had ratified the convention or protocols, as the individual would be disobeying an order.”—[Official Report, Cultural Property (Armed Conflicts) Public Bill Committee, 15 November 2016; c. 14.]

Now that we have a figure from the Government on the number of foreign nationals to whom the Bill will apply, albeit a rough one, I just wonder—

Tim Loughton (East Worthing and Shoreham) (Con): I appreciate that these are probing amendments, because if the hon. Gentleman were to press them to the vote, I do not think he would get much support from the people behind him. However, will he explain what he thinks is the difference between the terminology in the Bill, which is

“a person subject to UK service jurisdiction”,

and that in his amendment, which is

“a foreign national serving under the military command of the UK Armed Forces”.

because he has not answered that question yet?

Kevin Brennan: I do not think that is a question for me to answer. It is one for the Minister to answer in her response. As for his comments about those on the Benches behind, I always prefer these odds when debating in the House of Commons.

What assessment has been made of whether this matter constitutes a risk or a loophole? In Committee, the Minister mentioned that when a foreign national is embedded,

“a bespoke status of forces agreement or memorandum of understanding is drawn up that sets out responsibility for the individual involved.”—[Official Report, Cultural Property (Armed Conflicts) Public Bill Committee, 15 November 2016; c. 14.]

Is responsibility for protecting cultural property a part of that understanding? If it is not, will it be following the passage of the Bill?

As the House knows, the UK armed forces already abide by the terms of the convention. I very much welcome that, and I want to take this opportunity to pay tribute to their work and their outstanding contribution. I hope the Minister will be able to reassure the House that although the armed forces are a complex organisation, the application of the Bill will be consistent for everybody who serves in them.

The other amendments in this group were tabled by Government Members. We had fairly extensive discussions in Committee on the impact of the Bill on the arts market so I do not propose to say anything further on that matter.

Sir Edward Garnier (Harborough) (Con): I am very sympathetic to the shadow Minister, the hon. Member for Cardiff West (Kevin Brennan). He has ploughed a lonely furrow with great elegance and humour. At least he can claim to have 100% support from the representatives of the Labour party today. I am not entirely sure that I can, but I will have a go and see whether I can tempt the House towards supporting my amendments—amendments 1, 2 and 3. I am very happy to say that they were co-signed by my hon. Friends the Members for Kensington (Victoria Borwick) and for North West Norfolk (Sir Henry Bellingham). Like the shadow Minister, although we are few in number we are very high in quality.

Tim Loughton: And modesty.

Sir Edward Garnier: Modesty is not a word I have ever heard of. It may be, to refer to the Dealing in Cultural Objects (Offences) Act 2003, a cultural object, but clearly one that is far too expensive for me to have ever clapped eyes on.

If I may, I would like to tease out from the Government further information on, and their thoughts about, their policy in relation to clause 17, which sets up the offence of dealing in unlawfully exported cultural property. I should say by way of introduction—if, three minutes into my speech, I am entitled to call these words an introduction—that it strikes me that the Bill is, by and large, entirely uncontroversial, deeply unexciting and about 50 years too late. That said, if we are to introduce uncontroversial Bills 50 years too late, we might as well get the law right. It strikes me that clause 17 contains a self-evident defect, which I dealt with on Second Reading on 31 October 2016. If I may, I would like briefly to rehearse those arguments for the following reasons.

I convinced myself—I remain convinced and have yet to be persuaded otherwise by the Government—that the second element of the criminal intent provision in clause 17, which I criticised, is legally incoherent. Beyond that, I have yet to be persuaded by the Secretary of State and the Minister of either the content or quality of the counterpoints they made in response to the concerns identified in my three amendments. We have had a number of meetings, both one-on-one and collectively—possibly with my hon. Friend the Member for...
[Sir Edward Garnier]

Kensington, but certainly with other representatives of the art market—and I think it is fair to say that our concerns about the wording “having reason to suspect” in clause 17 have not been answered satisfactorily.

There has been some assertion: “This wording is better,” say the Government. There has been further assertion that the wording that I prefer, which comes from the Dealing in Cultural Objects (Offences) Act 2003, has failed to lead to the prosecution of any people guilty or suspected of being guilty of offences under that Act and that therefore the level of criminal intent needs to be lowered.

4.45 pm

Mr David Burrowes (Enfield, Southgate) (Con): I apologise for missing the start of my right hon. and learned Friend’s speech—

Sir Edward Garnier: That was the best bit.

Mr Burrowes: My right hon. and learned Friend does himself an injustice: repetition can be a good thing, if he is right, but it might not be such a good thing if the point is overstated. I refer him to the Iraq (United Nations Sanctions) Order 2003, as well as the EU Council regulation on Syrian cultural property, where the wording is: “had no reason to suppose”.

That is similar to the wording in the Bill, and I understand that there has been no grave injustice served on those law-abiding, prudent antique dealers who have been observing those provisions.

Sir Edward Garnier: My hon. Friend anticipates me: that was the fourth point I was going to make in due course. The difficulty in his making that point—I am grateful that, either through his own research or thanks to assistance from other hon. Friends, he has been able to make it to me—is that those are statutory instruments, which were never debated on the Floor of the House. I am not even sure they were debated in Committee. The whole point about passing criminal legislation that could lead to an individual being sentenced to seven years’ imprisonment or, if a company, to an unlimited fine is that we ought to pass good law. We ought to debate it and we ought to allow an idea to be tested, sometimes to destruction. The Afghanistan and Iraq orders that my hon. Friend talks about have not been tested in this place. The 2003 Act was tested in this place and this Bill is being tested in this place, and if the Government do not enjoy that, well I am sorry for them.

Mr Burrowes: My right hon. and learned Friend is dealing with his fourth point, but I wonder whether one of his subsequent points deals with international best practice in relation to United Nations resolutions, including paragraph 7 of Security Council resolution 1483 of 22 May 2003 or Security Council resolution 2199 of 2015, which focus on the same provision of “reasonable suspicion” that is in the Bill, which are obviously binding on all UN members and which are also part of the international legal architecture of our accession to The Hague convention.

Sir Edward Garnier: I am sure that my hon. Friend will have plenty of opportunity in the next two or three hours to make his own speech, but I am always very happy to take his interventions. If, however, he looks at The Hague convention—which is being brought into our criminal law by this Bill—he will see that there is no rubric or form of words that are required by that convention to be imported into our criminal law. If we are to base our criminal law on a form of precedent, I would look to the most recent statute, which is the 2003 Act, rather than two undebated and, I think, time-limited statutory instruments. But anyhow, my hon. Friend will no doubt have an opportunity over the next few hours to develop the points that he has thought a great deal about.

I have yet to be persuaded that the Government’s counter-arguments, which I rudely describe as mere assertions, deal with the points that I made on Second Reading. I will not repeat what I said on Second Reading—I know that the hon. Member for Cardiff West, speaking from the Opposition Front Bench, has carefully read what I said on 31 October and recited it every week at the Labour party parliamentary meetings, which is why Labour Members have not attended this afternoon—but I make a serious point: the content of clause 17 sets up two systems, which is to say, actual knowledge, which is fair enough, and “reason to suspect”, which in my view is not fair enough and could lead to the conviction of people for lacking curiosity or being careless, rather than for having the requisite criminal knowledge.

During the meetings, as I say, the Government undertook to find out from the Crown Prosecution Service how many cases had been dropped or not pursued by virtue of what was described as the high level of criminal intent required under the 2003 Act. As I understand it—the Minister will correct me if I am wrong—there is no information to support that assertion. That argument, it seems to me, falls away.

To persuade me and those who think like me who come from the art market rather than from Parliament that this is a perfectly acceptable way to design this clause, it has been said, “Don’t worry; we will produce some guidance to the CPS, or the CPS itself will produce some guidance, which will inform the decisions of the police or prosecutors about whether to prosecute under the ‘reason to suspect’ arm of clause 17.” Of course, we have not seen that guidance, and we do not know where it is or what it will say; neither do we know what its legal effect will be.

I repeat that we are here creating an offence that could lead to somebody being sent to prison for seven years. Now if I am about to be sent to prison for seven years, I would rather like to know why. If I am to be prosecuted—even if I am later acquitted—I would again like to have some clearer information about the basis on which I am to be prosecuted.

I would hope, too, that all of us in the Chamber would like to keep an eye on the public expenditure implications of running prosecutions. We all know that the court system is overloaded; we all know that bringing prosecutions is expensive and has to be paid for by the taxpayer. If we are asked to introduce into our criminal law wording that foments uncertainty and a sense of unfairness, we should all be a little more careful before permitting such wording to go ahead.
As I said a few moments ago, I shall not repeat everything I said on 31 October, because it is there on the record for everyone to see. Let me finish, however, with this plea. If the Government are not persuaded to get the law right, simply because so few people are interested in this subject, and they know that they can whip the Government party to come in here and vote for whatever it is they want, I say fair enough in that I accept the arithmetic of our legislative democracy. It would be foolish of me to think that by standing up and speaking on a Monday afternoon I could persuade others to defeat the Government.

I am not going to press my amendments to the vote. I do not know whether my hon. Friends the Members for Kensington and for North West Norfolk have other plans, but for my part, I shall not urge them to press these amendments. What I do urge, however, is that the Government at least condescend to tell us what on earth they are on about. So far, we have not had any genuine information or any genuine evidence or any thoughtful response to the concerns that I have expressed. As I said on the previous occasion, these are not just my concerns; they are shared by many who have worked for many years in the art market and have practical experience of the difficulties caused by woolly wording.

My arguments have also been assisted by and based on what has been said by people who have far greater legal expertise than I have. I listed their names on Second Reading. They include a former Lord Chief Justice, a professor of law at Leicester University, a highly respected Queen's Counsel who specialises in criminal law, and many others who—while approving of the policy behind the Bill and the inclusion of this ancient convention—fear that we are setting off on a wrong track that may lead to injustice. I know that my hon. Friend the Minister hates injustice of all sorts, and I suspect that, when she finds it in a Bill of which she has the conduct, she will probably want to do something to correct it.

Brendan O'Hara (Argyll and Bute) (SNP): Let me begin by repeating what I said on Second Reading. Both the SNP and the Scottish Government welcome the Bill and the purpose that it serves. Like the hon. Member for Cardiff West (Kevin Brennan), I support its enactment.

When talking about amendment 4, the hon. Gentleman made some good points about the use of the blue shield in digital form, which seems to be an eminently sensible idea. I also agree with his amendment 5. It is only right that foreign troops who are embedded in United Kingdom forces adhere to the same standards and rules as those forces. The Government can be assured of our support for this important legislation, so that the United Kingdom can ratify the 1954 Hague convention for the protection of cultural property in the event of armed conflict, and accede to both the 1954 and the 1999 protocols.

Although the United Kingdom has never ratified the Hague convention, it is widely and rightly acknowledged that UK armed forces already comply fully with it during military operations, and that they also recognise the blue shield, which is—as the hon. Gentleman explained—the emblem that identifies cultural property that is protected under the convention and its protocols. I think it would be useful if the Government considered extending it to digital property. Ratifying the protocols would allow the Government to give our troops formal responsibility when they are operating in armed conflict.

We firmly believe that, no matter where it is located in the world, we all benefit from having a rich and diverse historical and cultural heritage, and that every effort must be made to protect that in time of war—and, indeed, at all times. I do not expect to hear many, if any, dissenting voices when it comes to the principles of the Bill. We all recognise that a people's culture is a crucial part of who they are now and what they were in the past. For virtually all communities, regardless of where they are in the world, cultural heritage is a symbol whose importance cannot be overstated.

With your permission, Mr Deputy Speaker, I shall return to a theme on which I touched briefly on Second Reading: the fate of the Parthenon marbles, which are still referred to by some as the Elgin marbles in memory of the man who misappropriated them from the Parthenon just over two centuries ago. What better way could there be of marking the passing of the Bill than allowing the Parthenon marbles to return to—

Mr Deputy Speaker (Mr Lindsay Hoyle): I have tried to allow the hon. Gentleman some latitude, but, as he knows, we are dealing with amendments rather than with Second Reading speeches. Tempted though I was to hear the hon. Gentleman’s Second Reading speech again, I must keep him within order.

Brendan O'Hara: I will be very brief indeed, Mr Deputy Speaker.

We know that there has been systematic looting of priceless artefacts, and that a flood of artefacts are coming on to the market throughout Europe, America and the far east. We must do everything that we can to protect those artefacts, and I hope that the Government will take on board the amendments tabled by the hon. Member for Cardiff West. I think it incumbent on all of us to protect the cultural heritage, regardless of whose it is. I look forward to supporting the Government, and I am sure that they will accept the amendments.

Victoria Borwick (Kensington) (Con): I declare that I am president of the British Antique Dealers’ Association and that I have also been advised by the British Art Market Federation, the Antiquities Dealers’ Association and LAPADA, all of which have made written representations on this Bill. I concur with the comments of my colleagues that the art and antiques industry is fully supportive of the principles and aims of this Bill.

5 pm

Turning to the amendments in my name and those of colleagues, clause 17 relates to the most important point made in the submissions from the art and antique trade. Members have spoken before of the need for certainty in law—that is the point that needs to be clarified—so that well-intentioned and honest dealers and auction houses are clear as to exactly what is permitted. That is even more important when, as others have said, there is the possibility of a criminal conviction. The concern is over the level of knowledge of wrongdoing required before a dealer or auctioneer can be judged to have committed a criminal offence—what I understand lawyers call the mens rea point—and whether that has been expressed with an appropriate level of clarity in the Bill as currently worded.
Clearly no one objects to the word “knowing” in the relevant subsection. If a dealer knows that cultural property was unlawfully exported from an occupied territory, they are guilty of an offence. The problem lies with the additional criterion for committing an offence when someone has “reason to expect” that an item was unlawfully exported. Despite carrying out appropriate provenance checks on an item of cultural property, a dealer or auctioneer might, just prior to exhibiting it at an auction or antiques fair, receive an unsubstantiated allegation that it was illegally removed from an occupied territory.

Kevin Brennan: Does the hon. Lady take any comfort from the Government’s impact assessment of the Bill, which envisages that there would be one prosecution every 30 years under the Act?

Victoria Borwick: Of course we all hope that is the case, but that is why we all in this House, jointly I believe, are seeking clarification: we do not want unsubstantiated allegations that something was illegally removed from an occupied territory, or a request for something that was legally exported. The allegation might be totally groundless when something is just about to be sold or exhibited, but the seller, genuinely believing that the item had not been illegally exported, would fear that the allegation could be deemed “a reason to suspect”; and that could lead to the item being withdrawn from sale. The time-dependent opportunity to sell it would be lost and the very act of withdrawal could well then damage the artwork’s future saleability. The mere making of an unfounded allegation that an item was unlawfully exported from a potentially occupied territory after 1954 may place in the mind of a potential dealer or auctioneer a reason to suspect that it has been unlawfully exported, and although that might not later turn out to be the case, he will not go near it because it has been tainted.

I give as an example an old master picture that has changed hands on the legitimate open market in Europe in the past few years. It is sent to London for sale by auction. Due diligence is carried out and its known provenance is investigated, as is its sale history, and checks are made that the item has not been stolen. The picture is then included in an auction catalogue which is published several days before a sale. An allegation is then made that it was removed from an occupied eastern European country in the 1960s. Time is necessarily short to investigate whether that is true. Attempts to resolve the matter beyond doubt before the auction do not succeed, and even though it may well prove groundless, the allegation itself represents a reason for suspicion under the terms of the Bill as currently drafted. Not wishing to run the risk of prosecution, the auction house has no alternative but to withdraw the picture from the auction, to the disadvantage of its owner who, at best, will have to wait for another auction and, at worst, will face financial loss, as marketing it for a second time could adversely affect its value. The rarer and more valuable a picture or piece of art it is, the greater is the risk that a successful sale will be prejudiced by its withdrawal from an auction. In time, the allegation could well prove groundless, but the damage will have been done.

I recall the Secretary of State saying on the Floor of the House on 31 October that

“It is important that we are clear that the Bill will not hamper the way in which the art market operates.”—[Official Report, 31 October 2016; Vol. 616, c. 700.]

The closest existing legislation to the current Bill is the Dealing in Cultural Objects (Offences) Act 2003, to which my right hon. and learned Friend the Member for Harborough (Sir Edward Garnier) referred earlier. It is concerned with illegally removed archaeological material and objects that have been taken illegally from monuments or historical structures. However, unlike the Bill—in which the types of cultural property covered are extensive and could even include cultural property in people’s family collections—the 2003 Act does not cover works of purely artistic interest. The Act states: “A person is guilty of an offence if he dishonestly deals in a cultural object that is tainted, knowing or believing that the object is tainted.”

Sir Edward Garnier: My hon. Friend refers to the 2003 Act. She and I will recall that the genesis of the Bill was the ministerial advisory panel’s report on illicit trade, which was published in 2000. The report suggested that the gap in the Theft Act 1968 should be filled by what became the 2003 Act and by the “knowing or believing” test for mens rea. Is it not a pity that the Government do not seem to remember that, and that they seem to be moving down a different route?

Victoria Borwick: I thank my right hon. and learned Friend for giving us the benefit of his experience, which I hope will prompt the Government to reconsider.

As the British Art Market Federation and others have stated, the existing statutes mean that a dealer acting with honest intent and conducting reasonable due diligence is highly unlikely to run the risk of prosecution, unless it can be shown that they have wilfully acted dishonestly. I understand that the Government have cited article 21 of the second protocol of the convention as justification for a lower level of mens rea, but I draw my hon. Friend the Minister’s attention to article 15 of the protocol, which indicates that an offence has occurred if a person intentionally commits an act of theft or misappropriation against cultural property protected under the convention. Surely that suggests that an element of dishonest criminal intent is required by the convention. I seek that assurance. If the Bill were to introduce a lower threshold of mens rea, that would amount to gold-plating, which appears to run counter to Baroness Neville-Rolfe’s assurances in the other place that “the Government intend to do only what is necessary to meet our obligations under the convention and its protocols.”—[Official Report, House of Lords, 6 June 2016, Vol. 773, c. 586.]

For all those reasons, I am concerned that the words “having reason to suspect” are inappropriate. Terms such as “believing” or even “suspecting” carry greater certainty and clarity. I emphasise that this is a point of law; it does not weaken or water down the Bill. We all understand that the objective is squarely to target those with criminal intent. I ask the Minister to consider these views and those of the art and antiques industry when drawing up the detailed regulations that will ensue from this legislation.

Mr Burrows: It is a pleasure to take part in the later proceedings of this important Bill. I am co-chair of the all-party parliamentary group on cultural heritage; it is excellent to see the Bill on its way and at last last to enable our ratification of The Hague convention, which will be very welcome. Having said that, I very much respect this level of scrutiny and the concerns outlined by my right hon. and learned Friend the Member for Harborough (Sir Edward Garnier) and my hon. Friend
the Member for Kensington (Victoria Borwick). We also had exchanges on this issue in the Bill Committee. I welcome that because the concern among dealers has been outlined, not least to the all-party parliamentary group.

The British Antique Dealers Association, the British Art Market Federation, the Antiquities Dealers Association and LAPADA all made considerable written representations, which need to be fully respected, and I join them in wanting to ensure confidence in the market. The last thing we want to happen is for the Bill in any way to provide uncertainty or ambiguity in the codes of practice and guidance, which are very welcome—they are welcomed not least by the all-party parliamentary group. We want London to be the centre of excellence for dealers’ associations, and we want there to be true confidence in the market.

The all-party parliamentary group has deliberated on some of the scaremongering stories out there. We recognise that the London dealers’ market has a very good record, and we want to ensure continuing confidence in that market. I have due respect for the concerns that have been expressed, and I look forward to further roundtable meetings and the publishing of guidance.

My right hon. and learned Friend the Member for Harborough, a former Law Officer, pleaded for guidance to be published at this stage. As he will know, some of us who scrutinised the Bill in Committee, including the shadow Justice team, are on his side in pleading for such guidance to be published before the end of our proceedings. Sadly, those pleas have been made in vain in some ways. I share his concern that there should be as much transparency as possible.

It is important to recognise that other stakeholders are concerned about amending clause 17. Although the antiquities and antiques dealers’ associations are important and must be listened to, we must also listen to the police. I understand that police representatives have said that they support the Bill as currently drafted. I have an interest as a criminal defence solicitor, and I am not necessarily surprised that the police support the current wording, but it is worth taking account of other interested parties, such as the British Red Cross and the British Museum.

Sir Edward Garnier: I was puzzled by the reference to the British Red Cross in a letter from the Minister, so I checked it with the Secretary of State for Culture, Media and Sport, and she, too, was a little puzzled by the reference. I am not sure that the Red Cross has anything whatsoever to do with this. This is all about preventing the unlawful trade in items unlawfully exported from occupied territory. The Red Cross has lots of things to worry about, but I am not sure its main aim in life is supporting this Bill.

Mr Burrowes: I do not often disagree with my right hon. and learned Friend, but the British Red Cross has a great deal of interest because, in many ways, it is the pre-eminent body in dealing with issues of international humanitarian law. What we are doing here is ratifying the Hague convention, in which the Red Cross plays a crucial role.

I quoted Mr Michael Meyer, the head of international law at the British Red Cross, in Committee. If you will forgive me, Mr Deputy Speaker, I will repeat what I quoted because it is of direct relevance:

“However, it appears that, in practice, the clause should place no greater burden on dealers than already exists to conduct appropriate due diligence. In other words, the threshold of ‘reason to suspect’ is not so low as to have an adverse impact on the legitimate market, while at the same time acting as a necessary and suitable deterrent for those who may be less scrupulous. The wording is somewhat similar to that used in the existing Iraq and Syria sanctions orders. There is also very similar wording found in section 17 of New Zealand’s Cultural Property (Protection in Armed Conflict) Act 2012.”

That Act followed New Zealand’s ratification of The Hague convention. What that international lawyer says is relevant because, although I respect the well-made point that this Parliament is considering how the convention is applied domestically through our courts, we are catching up on ratifying The Hague convention and setting ourselves on an equal footing from an international legal standing. I pray that in aid.

I am arguing against myself to some extent here, but I recognise that if we were dealing with a simple issue relating to another dishonesty offence being added to the criminal legal handbook, I would be joining my right hon. and learned Friend in expressing concern about the disparity on mens rea in respect of this offence and the normal panoply of dishonesty offences. However, we are dealing with a unique offence in unique circumstances.

The shadow Minister made a point about the impact assessment and the view that there will be one prosecution. That is relevant because we are talking about an exceptional prosecution in respect of an exceptional piece of property that comes through to the market in this country and how it is then dealt with. We should therefore not overstate the concern, and we need to take into account the confidence of the market. We are dealing with exceptional cases, which need to be dealt with appropriately and carefully. That is why we need to have regard for what is already in place, not least how other cases are dealt with in international practice and how we have applied other relevant legislation.

5.15 pm

The Iraq (United Nations Sanctions) Order 2003 was a statutory instrument that did not have the level of scrutiny we are afforded in dealing with this Bill—that is why we are undertaking this scrutiny. It is important to look at the impact of what has been in place since 2003. That order contains the words:

“and had no reason to suppose that the item in question was illegally removed Iraqi cultural property.”

That is particularly relevant here, as it is an equivalent provision to the one in clause 17. Interestingly, the provision is more onerous, as it shifts the burden of proof from the defendant, with the onus on them to prove that they had no reason to suppose that the property had been illegally removed, whereas in clause 17 the onus is on the prosecution to provide the proof. I have not heard concern from the dealers’ association and others about this order and how it goes even further in shifting the onus in respect of people dealing illegally with removed Iraqi cultural property. I am not aware of any case in which an antiquities dealer has been unjustly convicted—or, indeed, even prosecuted or arrested—under that order, even though it goes a lot further than clause 17 in shifting the burden on to the defence.

Sir Edward Garnier: Does it follow from what my hon. Friend is saying that he does not know whether any convictions under the statutory instrument have been for the “knowing” or for having “had no reason to suppose”? He does not know either way, does he?
Mr Burrows: What I do know either way is that no antiquities dealer has come forward about being unjustly convicted and there has not been a campaign about such. None seems to have been unjustly convicted under this order—or there has been no evidence that there has been an iniquity in relation to an arrest, prosecution or seizure under the order or, indeed, under the other relevant provision, the European Union Council regulation on Syrian cultural property. That refers to “Syrian cultural property goods and other goods of archaeological...importance...where there are reasonable grounds to suspect that the goods have been removed from Syria without the consent of their legitimate owner”.

Again, I am not aware of any antiquities dealer having fallen foul of those provisions, with the complaint being that the net is cast too widely.

I concede that, in terms of mens rea, there is a difference between normal dishonesty offences and this particular offence, but in respect of the actual impact of the knowledge considered sufficient by the Security Council, the answer is that, with the appropriate legal advice and the due diligence that one would expect of any decent, law-abiding antiquities dealer, they will be able to chart their way through the legislation.

Another relevant aspect is international practice. We are in the process of ratifying The Hague convention and putting ourselves into line internationally. It is important to refer to paragraph 7 of UN Security Council resolution 1483, which came into being on 22 May 2003 and is obviously binding on all UN member states. It was made in direct response to the looting of cultural institutions in the immediate wake of the invasion of Iraq. All member states signed up to taking “appropriate steps to facilitate the safe return to Iraqi institutions of Iraqi cultural property and other items of archaeological, historical, cultural, rare scientific, and religious importance illegally removed from the Iraq National Museum, the National Library, and other locations”.

Paragraph 7 says specifically that that should be done “by establishing a prohibition on trade in or transfer of such items and items with respect to which reasonable suspicion exists that they have been illegally removed”.

Similar wording is used in United Nations resolutions.

That similarity continued in paragraph 17 of UN Security Council resolution 2199, from 12 February 2015. Again, it is binding on UN member states. It was adopted in direct response to the looting of Iraqi and Syrian cultural property in the course of the on-going armed conflicts in those states. The Security Council reaffirmed its decision and recognised that there was a corresponding obligation for cultural property illegally removed from Syria since 15 March 2011. On the standard of knowledge considered sufficient by the Security Council, of which the UK is of course a permanent member—we want to ensure we are right up there in terms of signing up to ratifying the two protocols—there was the same equivalence in relation to reasonable suspicion.

Victoria Borwick: On the point about the uncertainties, perhaps the Minister will clarify whether the legislation is going to be retrospective. Is it going to apply to items that are imported in future, or to items that are currently in the country? Alternatively, will it apply only to what happens after the Bill is passed? We are talking about items that move from country to country, particularly those in areas of potential conflict, so it would be helpful if there was clarity in the Bill about the date on which an item was imported.

Mr Burrows: I am happy to facilitate the Minister’s being able to respond to that question.

On 18 January 2012, before the adoption of paragraph 17 of Security Council resolution 2199, an EU Council regulation emphasised the same points made in the Security Council resolutions. It referred to situations in which “there are reasonable grounds to suspect that the goods have been removed from Syria without the consent of their legitimate owner or have been removed in breach of Syrian law or international law”.

The amendments have been tabled in good faith and are well intentioned, and in ordinary circumstances I would think they were well merited and had substance. In this particular case, however, given the context, I do not think they are necessary or, indeed, desirable, especially when one takes into account the international best practice or hears from stakeholders such as the Red Cross and the British Museum. I shall conclude with the words of the latter:

“We feel it is particularly important that there is no watering down of responsibilities or requirements in the Bill. Specifically, we feel that in regard to the 6th clause, it is imperative that the working should remain ‘knowing or having reason to suspect that it has been unlawfully exported’.”

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Tracey Crouch): I am grateful to all those who have contributed to this good debate on Report. I propose to respond to the amendments in the order in which they have been grouped.

I am grateful to the hon. Member for Cardiff West (Kevin Brennan) for his explanation of amendment 4. He and Lord Stevenson have been passionate about ensuring that digital property is protected—I congratulate them on their efforts. The hon. Gentleman raised really interesting points about the risk of cyber-attacks. We should always be vigilant in protecting against and resisting such attacks. This is a complex and, indeed, developing area, but the amendment is both unnecessary and inappropriate. It is unnecessary because we consider that article 15 of the second protocol is already capable of covering cyber-attacks in the context of an armed conflict. As clause 3 is drafted with reference to article 15, the Bill is also able to cover such attacks.

The amendment is inappropriate because the precise meaning of article 15 is a matter of international law and we should not seek to elaborate on its meaning. The amendment would risk creating a divergence in meaning between our own law and international law, and not only would that be unhelpful, but it could ultimately place us in breach of our international obligations.

Clause 3 as drafted is sufficient to implement the convention effectively in the UK, so I must oppose the amendment.

Let me briefly address the other issues that the hon. Gentleman raised about digital property. The roundtable on implementation took place on 5 December with representatives from the heritage and museum sectors, and experts in cultural property protection. On the subject of the cultural emblem, we discussed its digital display, which stakeholders broadly welcome. I can reassure the hon. Gentleman that digital issues will continue to be fully considered as part of the ongoing discussions about this particular aspect of the Bill.

I am grateful to the hon. Gentleman for tabling amendment 5, not least because it allows me to highlight the tremendous work of our armed forces on cultural property protection. Our military already take the protection
of the world’s cultural heritage very seriously. Not only is respect for cultural property upheld across the UK’s armed forces and reinforced in policy and training, but the joint military cultural property protection working group provides an important focal point for progressing numerous aspects of cultural property protection.

Planning for the new military cultural property protection unit is continuing apace. The unit will ensure that cultural property is protected from damage and looting, and it will provide advice, training and support across our armed forces. I am sure that the whole House will join me in commending this important work.

Amendment 5 would extend the UK’s jurisdiction over the offences described in sub-paragraphs (d) and (e) of article 15.1 of the second protocol. If it were passed, foreign nationals committing those offences abroad would be subject to our jurisdiction if they were serving under the military command of the UK armed forces. This issue was raised in Committee and, to be helpful, I will be more than happy to set out our position again. Before I do so, however, let me respond to the hon. Gentleman about the reply he received from the Minister for the Armed Forces regarding the number of foreign personnel embedded in UK armed forces. That is a matter for the Ministry of Defence, and I am really sorry to say that I have nothing further to add to that correspondence.

In Committee, I stated that we should not extend our jurisdiction beyond our obligations under the convention and protocols. Clause 4(3)(b) currently covers all those subject to UK service jurisdiction, regardless of nationality. Although that is not expressly required by article 16(1), it does no more than reflect the existing position under the Armed Forces Act 2006. This is quite a different matter to extending jurisdiction to all foreign nationals serving under UK military command, which would be inappropriate. It is important that we respect the service jurisdictions of our allies in relation to their personnel when they are embedded in the UK military, as we rightly expect our service jurisdiction to be respected when our own service personnel are embedded in the forces of another state.

Such arrangements are often reciprocal. If we try to impose UK jurisdiction on foreign embedded forces, other states will be less willing to allow UK forces to be embedded with them. Clearly, that would be detrimental to the operation of UK armed forces. As I explained in Committee, these arrangements are reflected in status of forces agreements or memorandums of understanding, and a foreign soldier committing a serious violation would be dismissed and returned to their sending state. It should also be remembered that, as required by the convention and protocols, jurisdiction over the acts described in sub-paragraphs (a) to (c) of article 15.1 of the second protocol already extends to all foreign nationals committing the gravest offences abroad.

The scope of jurisdiction set out in clause 3(4) is in line with that required by the second protocol, taking into account existing provision in the 2006 Act. This ensures that all people subject to UK service jurisdiction can rightly be prosecuted on the same basis, regardless of nationality. To go any further would be to interfere needlessly with the service jurisdictions of our allies in a manner that would be at odds with standard military practices. Given that explanation, I hope that the hon. Member for Cardiff West will not press amendments 4 and 5 to a Division.

5.30 pm

I turn to amendments 1 to 3, which relate to clause 17. I am grateful to my right hon. and learned Friend the Member for Harborough (Sir Edward Garnier) and my hon. Friend the Member for Kensington (Victoria Borwick) for setting out their concerns, but I am afraid that I cannot agree to their proposals. I explained the Government’s approach when we considered clause 17 in Committee, but I am sure that it will be helpful to the House if I briefly go through the main points again.

I stress that the Bill is about protecting a small but very special category of cultural property; that which is “of great importance to the cultural heritage of every people”, as defined in article 1 of the convention. The dealing offence in clause 17 applies only to this most important cultural property when it was unlawfully exported from occupied territory after 1956, when the convention and first protocol came into force, and if it has been imported into the United Kingdom after the Bill comes into force. I hope that that provides some clarity with regard to the point raised by my hon. Friend. Friend the Member for Kensington. However, dealers should always be concerned to ensure that any objects in which they deal have good and lawful provenance. If there is any evidence to suggest that an object might have been unlawfully exported from its country of origin—wherever and whenever that export took place—dealers should not deal in that object.

My hon. Friend the Member for Kensington raised this issue by using the example of an old master. I know that art market stakeholders are concerned that claims about the provenance of an object that are made in a phone call or published on a blog shortly before a sale could stop that sale proceeding. That might be the case on very rare occasions, but this is already an issue for the art market and it will not be solved by watering down the Bill. If new, convincing evidence is presented about an object’s provenance shortly before an auction, we already expect dealers to pause and consider whether they need to undertake further due diligence. If, however, a claim is made with no evidence to back it up, it may be perfectly legitimate for a dealer to disregard that and proceed with the sale. Such claims are unlikely to be considered a reason to suspect that an object has been unlawfully exported. When unlawfully exported cultural property is imported into the United Kingdom, it is important that we are able to protect it by deterring and, if necessary, prosecuting those who would deal in it.

Sir Edward Garnier: The Minister’s point is confusing. She says that the examples she gave do not provide reason to suspect. In fact, they provide reason to suspect, but it might be that suspicion is not true. That is the distinction that the Government fail to understand.

Tracey Crouch: But my point is that this issue already exists in the art market—the Bill does not alter that at all. Art market dealers should be carrying out due diligence in all cases. The hypothetical circumstances and examples that have been given make no difference as to whether such cases are covered by the Bill or by existing legislation. The Government’s case for how the offence as drafted is the most appropriate way to achieve the protection needed to deter people from unlawfully importing exported cultural property into the UK.
The offence created by clause 17 is consistent with similar offences created by the Iraq and Syria sanctions orders, which use “reason to suppose” and “reasonable grounds to suspect” as the basis for determining criminal liability. The offences in the sanction orders are the most appropriate comparators for the offence created in the Bill, as they also deal with cultural property that is unlawfully removed from conflict zones. We therefore refute the suggestion that the drafting of the Bill is novel or contentious, as some have suggested. The Iraq sanctions order has been in place since 2003, and the Syria sanctions order since 2013, and they have not had an adverse impact on the art market. While I hear what my right hon. and learned Friend says about the fact that they are statutory instruments, they are still the law. The fact is that they have not had an adverse impact on the art market, and we still think they are the best comparators.

Thirdly, key stakeholders, including the police, academics, museums and the Council for British Archaeology, support us in our view that the threshold is appropriate. One leading academic, Professor Roger O’Keefe of University College London, has confirmed his view that the drafting of the offence reflects international best practice, as was highlighted by my hon. Friend the Member for Enfield, Southgate (Mr Burrowes). Furthermore, we have discussed the issue at length with art market stakeholders, and we have listened to their concerns carefully, but they have provided no clear evidence that the mens rea in the Bill would create insurmountable problems for the market or increase the due diligence that dealers need to undertake. It will, however, provide a deterrent for those unscrupulous dealers who might be tempted to deal in unlawfully exported cultural property.

My right hon. and learned Friend the Member for Harborough also mentioned guidance. To reassure those with concerns on this issue, we made a commitment to work with art market stakeholders, with a view to providing guidance where necessary to assist the art market in understanding the new dealing offence and complying with the Bill. My officials are taking that forward with art market stakeholders, the Crown Prosecution Service and the police. A meeting to discuss the issue was held last week, and a further meeting is planned for 1 March.

With that, I hope my colleagues are reassured and feel that they do not need to press their amendments to clauses 3 and 17.

Amendment 4 negatived.

Third Reading

Queen's consent signified.

5.36 pm

Tracey Crouch: I beg to move. That the Bill be now read the Third time.

Today is an important milestone in our drive to protect cultural property not only in this country but around the world, and particularly in places where it is threatened by armed conflict. The 1954 Hague convention for the protection of cultural property in the event of armed conflict and its two protocols are an important part of the international legal framework for protecting cultural property. Since 2004, successive Governments have promised to bring forward the legislation required to enable the United Kingdom to ratify the convention and accede to the protocols. I am delighted that this Government have finally been able to do so, and I thank my right hon. Friends the Members for Maldon (Mr Whittingdale) and for Wantage (Mr Vaizey) for securing time for the Bill in this Session.

The Bill, together with The Hague convention and its protocols, fits into the wider framework of our initiatives to protect cultural property. I recently had the pleasure of visiting the British Museum to learn more about its Iraq emergency heritage management training scheme, which is helping to build capacity in the Iraqi state board of antiquities and heritage by training staff in a wide range of sophisticated techniques of retrieval and rescue archaeology. The scheme is supported by £3 million from our new cultural protection fund. That fund, which is managed by the British Council, is so far supporting nine projects to the tune of £8.8 million, using British knowledge and expertise in places where cultural heritage is at risk.

The first group of Iraqi participants completed their training in November. One of them has already been appointed by the Iraqi state board to lead the assessment of the site of Nimrud, which was recently liberated from Daesh control. The second group of participants is now in training at the British Museum, and I am delighted that they are in the Public Gallery to witness our debate and the passing of this important Bill.

Mr Burrowes: I commend the Minister on navigating us through to this stage. She has now become an international advocate, having travelled to conferences to extol the virtues of our commitment to cultural property. Will she also pay tribute to Professor Peter Stone of Newcastle University and the UK Committee of the Blue Shield, who want us to establish a centre of excellence for the collection and sharing of information on threats to cultural property worldwide? We are an exemplar on that, and we could perhaps do more with more funding.

Tracey Crouch: I am grateful for my hon. Friend’s intervention. I am sure that the Prime Minister was paying close attention to our proceedings in Committee, during which my hon. Friend asked me to consider going to Abu Dhabi for an international convention on cultural property, because, shortly after he made that request, the Prime Minister wrote to ask me to attend that convention. I am really pleased that I went to that excellent convention. I met some leading figures from around the world, including the head of UNESCO, and the event gave us an opportunity to show that the UK is leading the way on this matter. I will come to my hon. Friend’s point about praising Professor Stone later.

The creation of the new cultural property protection unit in the British Army—a modern-day version of the famous monuments men, and of course women—will ensure that respect for and protection of cultural property is embedded in our armed forces. The unit is expected to consist of between 10 and 20 specialist reserve officers. It will provide advice, training and support across the armed forces, ensure that cultural property is protected from damage and looting, and be able to investigate,
record and report cultural property issues from any area of operations. I congratulate Lieutenant Colonel Tim Purbrick on his work so far to develop this unit, and I look forward to following its progress.

Those initiatives are ensuring that the United Kingdom is a world leader in the protection of cultural property. Passing this Bill, and becoming a state party to The Hague convention and both its protocols, will cement that position. The Bill introduces into UK law the provisions that are necessary to ensure that we are able to comply with the convention and protocols when they come into force. Together, they provide protection for the most important cultural property—that which is of the greatest importance for the cultural heritage of every people. As I confirmed in Committee and in my subsequent letter to hon. Members on 19 December, the definition of cultural property set out in the convention is broad and flexible. It could include cultural property on film and in digital form, provided that it satisfies the requirement of being of the greatest importance for the cultural heritage of every people. The Bill makes it an offence to attack or destroy such cultural property during armed conflict, in violation of the convention or second protocol. It regulates use of the cultural emblem—the internationally recognised sign used to identify cultural property that is protected by the convention. It also makes it an offence to deal in unlawfully exported cultural property from an occupied territory, and ensures that we are able to protect cultural property that is brought to this country from areas of conflict until it can be returned.

This has been my first Bill as a Minister. It has been a pleasure and a privilege to be responsible for such an important measure that has become so widely and internationally welcomed and supported, not just in Parliament but beyond. The Bill has been well debated and scrutinised in both Houses. I am grateful to all hon. Members who contributed to our proceedings. I thank Opposition Front Benchers, particularly the hon. Member for Cardiff West (Kevin Brennan), for their support. I also thank the Whips and the Clerks for their assistance. Looking back, I thank the Culture, Media and Sport Committee for its scrutiny of the draft legislation in 2008. At that time, the Committee was chaired by my right hon. Friend the Member for Maldon, who championed this cause by ensuring that we could introduce the Bill during this Session. I thank the devolved Administrations in Scotland, Wales and Northern Ireland, who have been fully supportive of the Bill. This has been an excellent example of us working together as one United Kingdom to achieve a common goal on an issue of great importance to us all.

My thanks also go to the many stakeholders who have advised and supported us during the preparation and passage of this Bill: academics, particularly Professor Roger O'Keefe and Professor Peter Stone; the police, including Chief Constable Paul Crowther and his team; specialist agencies such as the Red Cross—I am pleased that Michael Meyer is in the Gallery today to show his support—and many other representative organisations. They have all contributed their specialist knowledge and expertise, which has been most welcome and much appreciated.

Last but not least, I thank the officials who have worked on this Bill—not only those who have supported me and my ministerial colleagues in taking the Bill through Parliament, but their predecessors who worked on these issues, drew up the draft Bill 10 years ago, and ensured that that was not forgotten but was ready when a place was found for it in the legislative programme. Their efforts have finally borne fruit, and it is only right that we should acknowledge their contribution.

Passing the Bill moves us one step closer to finally ratifying The Hague convention, according to the protocols and, I hope, achieving our aim of becoming the first permanent member of the United Nations Security Council to do so. Indeed, it seems that our initiative in introducing the Bill might well have encouraged France and China to begin their own procedure to accede to the second protocol, proving once again that the UK is the world leader in the protection of cultural property.

We look forward to continuing to work closely with our partners and stakeholders to develop and enhance the protection of cultural property in this country and around the world. It has taken 60 years for us to get around to ratifying The Hague convention. The Bill has been waiting for almost 10 years to get on the statute book. That it is finally on the verge of becoming law is true testament to this Government's commitment to protecting the world's cultural heritage.

Although I have acknowledged that the Bill seeks to protect a limited class of cultural property, it should not be lost on Members that, in passing it, we will be taking essential steps to protect the world's most pre-eminent cultural heritage for the benefit of all people and future generations. At a time when cultural property is facing global danger, that cannot happen soon enough. I commend the Bill to the House.

5.45 pm

Kevin Brennan: I echo all the thanks given by the Minister. I also note our achievement in saving A-level art history along the way as well. We raised the issue on Second Reading and managed to save the Government from themselves, so this outbreak of cross-party collaboration has been worth while.

We do not oppose the Bill, as we have said all along. On the contrary, we are very proud to support the ratification of the 1954 Hague convention. The Bill has been 63 years in the making and I am pleased that the ratification of the convention will show that protecting cultural property is a UK priority. Culture is essential to society. It is not an added luxury. It preserves our past, inspires our future and enriches us as human beings.

The convention is particularly laudable in its internationalism and collectivism, and in its acknowledgement that the culture of one is important to the culture of all across the world. As has been pointed out many times during our debates, the process of ratifying the convention has been done on a cross-party basis in this House and in the other place. The process was begun by the last Labour Government. Unfortunately it was not completed by 2010, but I thank my colleagues and former colleagues for putting the issue on the national agenda as far back as 2004 and for publishing a draft Bill in 2008. In 2015, the Government announced their intention to ratify the convention, and thanks are due to the right hon. Member for Maldon (Mr Whittingdale), the former Secretary of State, and for Wantage (Mr Vaizey), who played a part at that stage.
Likewise, I thank the Minister for her contributions in this Chamber and in Committee; for her responses to the sometimes annoying amendments that we tabled in Committee; and for granting us access to her officials during the course of the Bill, which was extremely helpful. The Bill is about co-operation and mutual respect, so it was entirely appropriate that we co-operated across party lines in order to get it on the statute book. The way in which the Minister has steered the Bill through and the courteous manner in which she has conducted herself throughout the debates is a useful example that all Ministers in her Department and others should follow.

Likewise, we should thank all those individuals and organisations that submitted evidence and participated in discussions, as well as those who campaigned for the convention's ratification in the intervening years. I also thank my colleagues in the other place, particularly Lord Stevenson of Balmacara and Lord Collins of Highbury, for their robust and informed questioning as the Bill went through its respective stages in the House of Lords.

I am also grateful for the previous work of my hon. Friend the Member for Bishop Auckland (Helen Goodman) and for the work of the Clerks, Hansard reporters and Door Keepers in making possible the passage of the Bill.

Before our debate comes to an end, I want to re-emphasise a point I made on Second Reading that, in the light of recent events, has sadly become even more relevant. The destruction of Palmyra in Syria has been mentioned many times during our debates as a tragedy and an outrage that made clear the importance of re-emphasise a point I made on Second Reading that, in the light of recent events, has sadly become even more relevant. The destruction of Palmyra in Syria has been mentioned many times during our debates as a tragedy and an outrage that made clear the importance of

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Although the Minister has previously reassured us that cultural property can be protected if it is of great importance to every people, the market seeks absolute clarification on these points, as has been said by other hon. Members. Other categories of property are covered by the definition, regardless of their cultural significance, including “works of art; manuscripts, books and other objects of artistic, historical or archaeological interest”.

I am delighted that the Minister today confirmed her statement in the House of 31 October that the Government intend to take the same restricted approach to the definition of “cultural property” and that the clause 17 offence of dealing in unlawfully exported property will apply to only a very small but special category of cultural objects—those that are of great importance to the cultural heritage of every people.

Another area of uncertainty is an auctioneer or dealer’s ability to identify the occupied territories to which the law applies, particularly if an item may have been here previously. Of course, a lot of trading goes on between countries all the time. That is why the points that have been made about certainty and the dates of an occupied territory need to be clarified.

Clause 16 states that the Secretary of State’s confirmation that a territory was occupied is “conclusive evidence” of that status once legal proceedings have begun. If the Secretary of State’s word may be provided after the beginning of proceedings, cannot the list of occupied territories, together with the relevant dates of occupation, be drawn up for all to see? Alternatively, could the criteria that the Secretary of State would apply when determining whether and when a country is considered to have been occupied be clarified? I could add to the list east Jerusalem, the west bank, northern Iraq, Libya or southern Sudan. I am sure that other countries could be added. For the avoidance of doubt, art and antique dealers need to know at what point since 1954 a particular territory is covered by the legislation, and whether or not that will be retrospective.

Even if those operating in the art market can identify the territories and the periods when they were considered to be occupied, there is the added issue of determining whether objects left those territories during the period of occupation or at another time, and whether those objects were here before, during or after that period. We need that clarity. The precise historical date or year when an object left a territory could well be difficult to ascertain, which is why the trade asks for clarity in and guidance on the final definitions. We are talking about territories that were deemed to be occupied prior to 1954, so surely this is historical and factual information that should be readily available to the arts and antiques trade, and others, to provide absolute clarity.

In 2008, the Government’s response to the territory question was that a dealer who had carried out proper due diligence checks would be unlikely to be convicted of a criminal offence. I urge the Minister to ensure that that response is clarified and brought up to date.

The Government added that they were unaware of any other parties to the convention having drawn up such a list. I struggle to understand how a law concerned solely with objects unlawfully exported from occupied territories can be expected to operate effectively when there is no means by which anyone is able to identify those territories. Do the Government expect a dealer or auction house to submit requests for confirmation of a territory’s status to the Secretary of State on a case-by-case basis, prior to handling an antique, as part of their due diligence? I urge the Government to prepare a list of the territories covered and the relevant dates, so that proper guidance can be given. As the application is retrospective to 1954, that information must be available and must be a point of record. I ask the Minister to consider these points and others when preparing the regulations governing the Bill.

Question put and agreed to.

Bill accordingly read a Third time and passed, without amendment.
High Speed Rail (London - West Midlands) Bill

Consideration of Lords amendments.

Clause 4

POWER TO ACQUIRE LAND COMPULSORILY

6.1 pm

The Parliamentary Under-Secretary of State for Transport (Andrew Jones): I beg to move, That this House agrees with Lords amendment 1.

Mr Deputy Speaker (Mr Lindsay Hoyle): With this it will be convenient to take Lords amendments 2 to 54.

Andrew Jones: Let me say right away that the majority of the amendments are technical clarifications, corrections and updated references. The Government accept all the amendments to the Bill made by the Lords. I will provide some comment on the amendments of substance. Before I do so, I would like to take the opportunity to thank the Lords for their scrutiny of the Bill. I pay particular gratitude to Lord Ahmad of Wimbledon for having very skilfully steered the passage of the Bill through the other place and to my noble Friends Lord Viscount Younger and Baroness Buscombe for their diligent work in assisting Lord Ahmad during the Lords stages of the Bill. It would be most remiss of me not also to thank Lord Walker of Gestingthorpe for his distinguished chairmanship of the Select Committee that considered the petitions against the Bill in the Lords, and to thank the other members of the Committee.

Lords amendments 1 and 2 were introduced by the Lords Select Committee and concern the removal of a strip of land in the Chelmsley Wood area of Solihull from the Bill. The Government were proposing to acquire the land to re-provide public open space for local residents. However, the Lords Select Committee concluded that this was not necessary. As we set out in the Government’s response to the Lords Select Committee report, the Government regret that that means that the residents of Chelmsley Wood are to lose permanently a portion of their public open space, but we will be working with Solihull Metropolitan Borough Council to consider, within the limits and the powers of the Bill, reasonable ways in which to reduce the temporary impact of construction and the permanent impacts of the operation of the railway. Clearly, any solutions agreed that fall outside the limits and powers of the Bill will be for Solihull Metropolitan Borough Council to deliver in its role as the local planning authority.

Lords amendment 4 was also introduced by the Lords Select Committee. It removes the power in clause 48 that made provisions for the Secretary of State to promote a compulsory purchase order to acquire land for regeneration purposes related to High Speed 2. It was always intended that the power would be used only as a backstop if commercial negotiations failed to reach a satisfactory conclusion and if a significant regeneration opportunity would otherwise be lost. However, the Lords felt that given the broad nature of the powers and the fact that local authorities already had similar powers, it was unnecessary for the Government to take the powers. The Government accept that ruling and will continue to work with local authorities to ensure that opportunities for regeneration arising from phase 1 of HS2 are not missed.

Amendments 3, 51 and 52 introduce a new clause and schedule in relation to traffic regulation orders. TROs are a mechanism for local highways authorities to impose temporary or permanent restrictions on the use of highways in their areas in order to control traffic. Local highways authorities will need to make a range of TROs in relation to the construction of HS2. They will also need to ensure that they do not make TROs that conflict with the construction of HS2. The amendments ensure that local highways authorities will be required to consult with the Secretary of State for Transport before making any orders that affect either a specific road identified for use by HS2 or other roads related to HS2 construction works. This will avoid TROs being made that might otherwise inadvertently cause problems for the construction of phase 1 of HS2.

The amendments also allow the Secretary of State, if required, to make TROs himself and prohibit or revoke TROs that unnecessarily hinder the delivery of the railway. These powers are similar to those that the Secretary of State already has under the Road Traffic Regulation Act 1984 and will ensure that TROs necessary to deliver phase 1 of HS2 in a timely and economic manner can be made.

Mark Field (Cities of London and Westminster) (Con): I appreciate that there would be a desire, particularly in central London, to prevent any local transport authority, whether the local authority or Transport for London, from frustrating the building of the railway, but will the Minister give an assurance that the Secretary of State’s powers will be used sparingly? In London we already have democratically elected authorities, through the local authorities and Transport for London, that are able to represent the public interest in this regard, so it is a slight concern that the Secretary of State could use the powers less sparingly than might be desirable for democratic accountability.

Andrew Jones: My right hon. Friend makes an important point and I can give him the assurance he is looking for. The powers would only ever be used in a very sparing way, as he suggests, if appropriate. Basically, the right way forward is for HS2 and the Department and local highways authorities to work together to agree some kind of consensus; these are just powers that might be necessary should situations arise. An example of success in that would be Camden, where there has been agreement between the borough council and the Department and HS2 Ltd on how to take forward the TROs required.

Mr John Spellar (Warley) (Lab): Although we may be seeking consensus, if there is disagreement, these provisions would ultimately give the Department for Transport the power to proceed by fiat and override the local authority or, indeed, local residents’ concerns, would they not?

Andrew Jones: The Bill certainly does give the Secretary of State the power, if required, to make TROs himself and to prohibit or revoke TROs that unnecessarily hinder the delivery of the railway. The answer to the right hon. Gentleman’s question is therefore yes, but we cannot allow a significant national project to be held up over the small matter of a TRO. As I have said, the best thing to do is to work with the highways authorities; these are some backstop powers, just in case that does not deliver the consensus required.
The powers were subject to significant debate and amendment in the House of Lords, and I am glad to say that the powers we are considering this evening represent the correct balance between giving the Secretary of State the powers necessary to construct HS2 and providing reassurance to local highways authorities about how they will used. Clearly, we hope there will be little or no need to rely on them, as the regular meetings established with local highways authorities will be used to consult, agree, monitor and generally supervise the local traffic management plans. However, the powers are needed to ensure that, if those arrangements fail, HS2 can be delivered in an efficient manner.

The remainder of the amendments make technical clarifications in relation to the changes to the Housing and Planning Act 2016, update references and make corrections. I urge the House to agree to the Lords amendments.

Andy McDonald: For purposes of clarification, HS2 was the brainchild of the last year of the last Labour Government. All previous Transport Ministers had treated it with considerable scepticism.

Andy McDonald: I am grateful for my right hon. Friend’s clarification, but if a party is in power, it is in power. Whether or not this happened in 2009 or 2010, Labour were still the Government of the day.

There are some points of disagreement between the Opposition and the Government on HS2—I shall return to them later—but the consensus that exists across the House and among businesses and industry experts on HS2 is to be welcomed. Projects of this scale often require the support of successive Governments and support from the Government and Opposition Benches, so it is reassuring to see a consistent approach to this critical investment in our nation’s rail infrastructure.

Mr Spellar: For purposes of clarification, HS2 was the brainchild of the Labour Government. All previous Transport Ministers had treated it with considerable scepticism.

Mrs Cheryl Gillan: Is not the hon. Gentleman rather ignoring the fact that most Members are not affected by this project, so they show very little interest in it at all? If MPs’ constituencies are affected by the project, Members are of course passionately engaged. In fact, that consensus has really gone by default.

Mr Deputy Speaker (Mr Lindsay Hoyle): Order. Let me say that our time should be devoted to the amendments, and I am bothered that we might stray into other areas that should not be debated. I have allowed a little latitude, but I do not want us to open up into a general debate. Let us keep to the amendments.

Andy McDonald: Let me just say that this project benefits the entire country in its construction and its reach. I shall leave it there, Mr Deputy Speaker.

HS2 helps to address the severe capacity constraints on our rail network and improve connections between cities in the midlands and the north of England and beyond into Scotland. HS2 is vital for unblocking the capacity constraints that are undermining punctuality and constraining economic growth.

I would like to place on record my thanks to all Secretaries of State and Ministers, shadow Secretaries of State and shadow Ministers and Members of both Houses who have contributed to and carried the Bill forward. I want to pay tribute to all the Clerks who managed the petitioning process and provided invaluable advice and guidance throughout. I would like to pay a particular tribute to the great professionalism and dedication to his task of the late Neil Caulfield, who as Clerk to the Committee was immensely patient and attentive, giving me his time to ensure the smooth progress of the Bill. He is very sadly missed, but not forgotten.

This is a large and complicated Bill and has been subject to the highest levels of scrutiny throughout the process, and we now have a much improved Bill. We will support the Lords amendments to it. The majority of the amendments are without controversy and simply seek to tidy up the measure and make small changes where necessary. It is not necessary to debate them in any detail.

The most significant change to the Bill is the new schedule on traffic regulation, which, given the identified effects of the redevelopment of Euston station, is particularly pertinent for the London Borough of Camden. I acknowledge the consultation that took place following Committee with local highway authorities, which informed the changes to the new schedule. Entirely legitimate concerns were expressed that the new schedule as originally drafted would have given powers that were too wide ranging and could have caused a lack of proper regard for the residents of London—concerns expressed by Camden Borough Council and Transport for London. To a large extent, these concerns were addressed in the changes made to the new schedule, but some issues are still outstanding. I understand that the discussions between the promoter and both TFL and Camden Council are ongoing, and that an undertaking has been negotiated, but not yet received. I understand that the undertaking will say that the use of these powers will not affect bus lanes, cycle ways, the safer lorry scheme and the congestion charge zone.

Is the Minister able to give assurances that the promoter of HS2 will meet the costs incurred by local authorities in putting in place and removing traffic regulation orders required by the Secretary of State? Can he also give assurances that the Secretary of State will be required to provide justification when seeking to use these powers? The powers are needed for construction, but Labour’s position from the start has been that the impacts of construction on affected areas must be mitigated as much as possible, and such assurances would be appreciated. Pursuant to the new traffic regulation, will the Minister tell us what plans the Department has to minimise the number of HGV journeys on London roads, in the interests of the environment and public safety, during the redevelopment of Euston station? No fixed target has been endorsed, and the issue is crucial to London residents.
6.15 pm

Labour supports the progress of HS2, a hugely important undertaking which will not only remedy the considerable capacity problems that currently exist, but bring enormous economic benefits. There will be immense opportunities for young people, who will be able to spend their entire careers in high-speed rail. It will showcase Britain at its best to the world, and will serve as a real manifestation of our national pride and confidence in ourselves. We are more than capable and good enough to build HS2, and more than capable and good enough to run it when it has been built.

Mr Deputy Speaker (Mr Lindsay Hoyle): I think that the hon. Gentleman has strayed off the point, but I am sure that he is approaching the end of his speech.

Andy McDonald: There are two more sentences, Mr Deputy Speaker.

HS2 does not have to be a Deutsche Bahn HS2 or an SNCF HS2 or Nederlandse Spoorwegen or Trentitalia state-run HS2, but it can be—if I may paraphrase the Prime Minister—a British red, white and blue HS2, and the Government should guarantee it.

Mrs Gillan: HS2 may well embrace young people's entire careers, as the hon. Member for Middlesbrough (Andy McDonald) suggested, and they will have good careers out of it if it is built. However, I do not underestimate the fortunes being made by the top echelons of HS2, certainly, but also by people benefiting from very lucrative contracts at the taxpayer's expense.

I presume—and I am hardly surprised—that the Government have accepted the Lords amendments. A number of them correct inaccuracies, many of which have been and continue to be attached to this project, and which have been a source of great anxiety on the part of people directly affected. I join those on both Front Benches in saying thank you to your lordships, who were restricted in what they could do. They were unable to amend the Bill significantly—they could not make any additional provisions—and we are therefore dealing with a group of amendments that the Government are, of course, able to accept in their entirety because they do not do that much to the Bill.

I must say that I would welcome the acceptance of Lords amendment 4, which I call the “land grab” amendment, because it would limit the power of the state to acquire land compulsorily in association with the project for the purposes of regeneration or development. I think it fair to say that the current Secretary of State for Transport, when lobbied by me and by many others—particularly the CLA—responded very positively. Such a sweeping power would have added insult to injury, namely the plundering of property that has resulted from a project that is as ravenous for land as it is for taxpayers' money. Without the amendment, the Government would have been able to buy up land for lucrative developments virtually without control.

However, some of my constituents have serious concerns about schedule 16. They believe that HS2 has only to give 28 days' notice to enter, do what it likes to the land and pay no compensation until the job is finished, which they believe could take many years. During those years, my constituents would have to shoulder the loss of value to property and income. My right hon. and learned Friend the Member for Kenilworth and Southam (Jeremy Wright) believes that there are constituents fighting to prove that they are affected by HS2, whose applications for compensation have been successful, but who are still struggling to agree on a value for their property. When the Minister responds to these amendments, I wonder whether he will care to say something in relation to that and this land grab amendment, which I am grateful the Government are accepting.

Mr Dominic Grieve (Beaconsfield) (Con): Anti-land grab amendment.

Mrs Gillan: My right hon. and learned Friend intervenes from a sedentary position, and he is right that this is an anti-land grab amendment.

Mr Jim Cunningham (Coventry South) (Lab): I, as much as anybody else, have supported the right hon. Lady for a long time in respect of this scheme, and she raises an important point. I have constituents who cannot get a penny of compensation because they do not meet the necessary requirements. I think something very serious should be done about that, and I hope the right hon. Lady agrees.

Mrs Gillan: I thank the hon. Gentleman. Gentleman for that intervention, and this is what has worried me about this project: it has been a David and Goliath project, and Goliath has won. It has crushed the spirit of so many people, and it is going to affect people who do not yet know how they are going to be affected. I worry for the years of disruption that will come, as I will discuss later.

Amendment 7 will improve the reporting on vocational qualifications, but when it comes to personnel—this is an amendment about personnel—a project such as this should have had continuity and strong leadership. Far from that, there have been three Prime Ministers, five Secretaries of State, four permanent secretaries and three chief executives over the past six years. Young people joining this project to obtain the vocational qualifications that amendment 7 reflects will want assurances that the personnel and training functions are being run by reputable contractors and a reputable organisation.

Questions are being asked about the relationships between the Department, HS2 and contractors such as CH2M. CH2M has already been paid hundreds of millions of pounds of taxpayers' money in connection with this project and its director has been placed in temporary charge since the very highly paid Simon Kirby departed to Rolls-Royce. It has had so-called Chinese walls during the latest bidding process and now another director of the same company has been appointed as the new permanent CEO on less money than the departing CEO.

We read reports in the Financial Times this morning that the losing bidders on phase two are considering legal action because CH2M could well have been party to information from the CH2M professionals embedded in HS2 on phase one. I ask the Minister to clarify this: he needs to give assurances, or else the pall of suspicion will continue to hang over the top personnel of this project and will affect those young people referred to in amendment 7, whose vocational qualifications are going to be reported on.
Mr Deputy Speaker (Mr Lindsay Hoyle): Order. The right hon. Lady knows very well that she is stretching not the patience of the Chair, but the terms of the debate in order to allow it to continue. We have to concentrate on the amendments, so we do not want to get into salaries and comparisons in that regard. I am therefore sure the right hon. Lady is coming straight back on to the amendments before us.

Mrs Gillan: I take your admonition, Mr Deputy Speaker. I am trying to use these amendments to make the points that my constituents would expect to be made in the House. They do not understand that we have to try to stick exactly to the final letter, but I do understand that, so I shall attempt to stay in order and not try the patience of the Chair too much.

Lords amendment 11 updates references to environmental regulations, but I am afraid that HS2 continues to be environmentally unsound. The promoters of the project will never be forgiven for the violation of a nationally protected area of outstanding natural beauty, when the technology and capability exist to have tunnelled the whole of that protected area. In fact, the line emerges now from a tunnel near the railway’s highest point.

The derision with which campaigners have been treated is no better reflected than in the words of Lord Snape during the Lords debate. He said that what extra protection was achieved in the Chilterns through tunnelling was “as a result of demands, including semi-hysterical demands from a then member of the Cabinet, which in the view of many of us who have taken an interest in the project has added unnecessarily to the cost and makes travelling by train less pleasant.”—[Official Report, House of Lords, 10 January 2017; Vol. 777, c. 84.]

Mr Grieve: I think that my right hon. Friend was in large measure responsible for getting the extra tunnelling in the Chilterns. Perhaps she should take the comments of Lord Snape as a token of approbation.

Mrs Gillan: My right hon. and learned Friend the Member for Kenilworth and Southam has noted that people often have to resort to freedom of information requests and to petitioning Select Committees because communication with HS2 is so poor. It is really disappointing that HS2 Ltd has not shown more empathy or understanding of the human cost of HS2, even now.

With Royal Assent will start a right royal assault on the people still living on and around the route. The disruption that will be a daily part of their lives during this project’s construction will go on for many years. It would be fitting to say that this has been a life-changing experience—not just for me, but for so many people in the Chilterns and beyond. We are discussing these Lords amendments today, but I have learned that the House of Lords could actually prevent Members of Parliament from speaking up on behalf of their constituents. I was amazed that our locus standi was challenged by the Department for Transport’s subsidiary, and that any Member of Parliament wishing to put forward constructive ideas could be shut up by a House of Lords Committee.

Dame Caroline Spelman (Meriden) (Con): I support my right hon. Friend’s point. It is incomprehensible to our constituents, who have elected us to speak for them, that we should be prevented from articulating the real concerns that have arisen since this legislation left our House. There are very strong feelings among our constituents about that prohibition.

Mrs Gillan: I would have thought that in a democracy, and particularly as elected representatives in a representative democracy, we would have the freedom to speak in these Houses but, no, that is not the case. The Lords amendments were arrived at without the help and support of the elected Members for the affected constituencies. The process certainly taught me a lesson, and it changed my life and my view of democracy.

6.30 pm

Keir Starmer (Holborn and St Pancras) (Lab): Does the right hon. Lady share my regret that MPs were shut out from representing their constituents by petitioning the Lords Select Committee? There are constraints at the various stages of a Bill’s consideration in this House, and the Lords Select Committee was an opportunity for our points to be made in detail on behalf of those we represent.

Madam Deputy Speaker (Natascha Engel): Order. Before the right hon. Lady answers that question, I remind the House that the amendments are very, very narrow. The amendments are really quite typographical, and they have nothing to do with what happened over there.
Mrs Gillan: Thank you very much for reminding me of the rules, Madam Deputy Speaker. I am trying to stick very closely to the amendments. Of course, I am referring to the Lords proceedings and to these amendments. I agree with the hon. and learned Member for Holborn and St Pancras (Keir Starmer) that it is extraordinary that Ministers who represent constituencies along the route, and who were therefore unable to speak in this House, were prohibited from speaking to the Select Committee because the locus standi was challenged by the very organisation set up by the Department for Transport—in collusion, in other words. MPs were shut up on this issue, as they have been in many instances since the project was first thought of.

With your permission, Madam Deputy Speaker, I will now pay tribute to people such as Hilary Wharf and her husband Bruce Weston. They helped to lead the brave HS2 Action Alliance, which still gives advice to beleaguered people and tries to stop or improve this project. My county council, ably led by Councillor Martin Tett, has put an enormous amount of work into the project. My county council, ably led by Councillor and her husband Bruce Weston. They helped to lead the will now pay tribute to people such as Hilary Wharf and her husband Bruce Weston. They helped to lead the brave HS2 Action Alliance, which still gives advice to beleaguered people and tries to stop or improve this project. My county council, ably led by Councillor Martin Tett, has put an enormous amount of work into the project. My county council, ably led by Councillor Isobel Darby. I particularly mention my parish council, which is struggling

An additional burden runs from the amendments on traffic regulations, for example, and those costs will fall on our local councils. The amendments covering flood risk, possession of land and changing traffic flows, for example, will lie at the feet of our financially challenged councils, and there is little chance of the full costs being restored to those councils for all the extra work that has been forced on them, unless the Minister tells me different at the Dispatch Box today. In other words, our constituents are paying not once but two or three times over for this project.

Will HS2 be a success? I am still not convinced. Will these amendments make it a success? We learned from last weekend’s newspapers that the Department is so concerned that HS2 may be overtaken by new technology, such as driverless cars, that it is trying to encourage technology companies such as Google and the ever-popular Uber to take a financial stake in the recently announced combined franchise for the west coast main line and HS2 in order to offset the risk that HS2 is, in fact, old technology.

This is my last opportunity to speak on the Bill, and I want to acknowledge, as did the Opposition Front-Bench spokesman, a couple of other people who tried to help those affected by HS2. I think particularly of Neil Caulfield, who tried so hard to help people through an obscure and often frightening process. He was a credit to this House and to the Clerks Department. He was scrupulously fair, and nothing was too much trouble for him. Quite frankly, he went above and beyond the call of duty to try to deal with an arcane process that really should be banished from our procedures in this House.

I also want to mention an amazing constituent, Mr Ray Challinor. He was chairman of the Hyde Heath village society, and his commitment to our community and social action was second to none. Sadly, his family laid him to rest this afternoon. I would have liked to attend his funeral to pay my tribute to him, but I pay my tribute on the Floor of the House because he was not a man who supported HS2. He was a man who was fiercely protective of our local community.

Lastly, I should mention all those individuals who have supported the campaign to either stop or radically change HS2. These are people who often could not afford to donate but did so because they could not believe that the state could ride in such a roughshod fashion over the very people who put it in charge.

The Government will get their way—Royal Assent will be given—but this Bill and this project are tainted by the way in which their people have gone about their business. In a democracy, there should not be a process that is so unequal, giving the state such powers over its citizens without the balance that we would expect from a fair society. I hope that at some stage we will be able to consign this hybrid Bill process to the history books. I wish I could say the same about HS2.

Alan Brown (Kilmarnock and Loudoun) (SNP): I shall be brief, as I am well aware that for some people in the House this has been a long process and it is good that we are getting to the end of it. I caught the end of the previous debate, in which people were saying that the Cultural Property (Armed Conflicts) Bill was 64 years in the making, so this Bill has, in fact, taken somewhat less time. My party is generally supportive of this bold proposal from the Government, but we would like it to be bolder in the long run as it is important that HS2 extends to Scotland. We also need improvements to the existing line north of Crewe in the meantime so that we can have shorter journey times up north.

I am well aware that I am supposed to be speaking to the Lords amendments. As they have improved the Bill, we support them. We welcome the amendments to clause 48 relating to compulsory purchase order powers. It is important that the Secretary of State sticks to his commitment that any CPO powers will be used sparingly and as a last resort.

As I said, we are supportive of the concept. My background is in civil engineering, so I appreciate the value that infrastructure investment can bring in long-term wider business and economic benefits. On that basis, I would like to see the project go forward and I look forward to the start of the construction. I am well aware that some enabling contracts have been let. While we want to see construction starting, I again remind Ministers that we need improvements north of Crewe, and we need this line to get to Scotland sooner rather than later.

Dame Caroline Spelman: It is not every day that one walks into the Chamber to find parts of one’s constituency, villages or parishes singled out in legislation, but Lords amendment I does precisely that. Madam Deputy Speaker, you reminded us that these amendments are narrow, describing them as largely “typographical”, but I wish to impress on hon. Members that this is a topographical amendment. I should not want any Member to leave this Chamber without understanding exactly what we are talking about. The lovely parish of Bickenhill is perhaps where some hon. Members have disembarked from the west coast main line at Birmingham International station. Perhaps they have stood on the platform looking across to the National Exhibition Centre, but they might not have been wholly aware that they were in the green belt. Very close by is Chelmsley Wood, one of the
largest council estates in western Europe. I mention those topographical points because, as I am sure that hon. Members can see, names such as Bickenhill and Chelmsley Wood conjure up images of lovely rural locations, yet people there are at no point further than 8 miles from the centre of either Coventry or Birmingham, so we are talking about land that is precious to those who try to keep the balance of green space and urban density.

Bickenhill parish lies in what is known as the Meriden gap, and ever since I have been a Member of this House, I have fought strenuously to protect it, because it is the green lung that holds Coventry and Birmingham apart. Although a matter of 3 or 4 hectares of green space may not theoretically—maybe abstractly—appear to be all that important to everybody else listening to this debate, it is an important issue for the residents of Chelmsley Wood, because the estate has a very high population density of 60 units of accommodation per hectare. The loss of green space in the area is therefore significant.

The local authority, Solihull Council, made representations when the Bill was considered by the Lords Select Committee because every hectare of green space in our green-belt borough is a matter of great importance to all of us who share completely in the local authority’s motto of “Urbs in Rure”. All Latin scholars will realise that that tells us everything we need to know about the balance we need to strike between urban and rural sustainability, side by side. I would therefore say that this is a bit more than just a typographical matter, Madam Deputy Speaker; it is really important for my constituents.

Will the Minister consider whether the Government’s proposals are compatible with their commitment to biodiversity offsetting? As the 2012 “Natural Environment” White Paper set out, the whole principle of biodiversity offsetting was to make it clear that when we destroy green space, we should create new green space to make up for the loss of natural capital. When he responds, will the Minister be clear about whether he has considered that important dimension?

If, by chance, the Government have not thought about the compatibility of their proposals with biodiversity offsetting, I impress on the Minister the enormous opportunity that exists to do something ambitious, at scale, to offset the loss of green space of the type referred to in the amendment. A good proposal to regenerate the Tame and Blythe river valleys has been worked up by a professor at Birmingham City University and presented to the Department. Rather than glossing over a small piece of green space, should we not seize the opportunity of working together to ensure that people who prize green space in urban areas get proper compensation for the green space that is so important to them?

Mrs Gillan: My right hon. Friend is articulating, through the medium of this small amendment, the fears of many people about environmental matters. Does she agree that we face a huge danger because the costs of the project are spiralling out of control, and we all know that it is environmental payback that is to be sacrificed if the project cannot afford it? As a major infrastructure project has never been delivered on time and on budget in this country to date, that is the danger.

Dame Caroline Spelman: I could not agree more with my right hon. Friend. The fact is that we now know so much more about the true value of green space that is lost—we can actually calculate the value of the natural capital. I set up the Natural Capital Committee, which reports to the Treasury, so that we no longer make decisions on the assumption that nature provides things for free. That is not true, because when we take away natural capital, there is a cost to our economy, so it is important that there is proper offsetting.

When the Lords Select Committee discussed the issues relating to Lords amendment 1, it was stated that there is already enough public open space in the locality. Well, I beg to differ. With a housing density of 60 units of accommodation per hectare, there is obviously great pressure on what public open space remains. We should not regard the situation as static, because from the moment the high-speed railway is built, the pressures on the parish of Bickenhill will be enormous. People are always trying to put some new development in the Meriden gap—we already have the M6, the M42, the west coast main line, Birmingham airport and the Chiltern line. We almost had the national football stadium, and we have the National Exhibition Centre. Space will be at an enormous premium, and it is significant that the loss of just 4 hectares of green space is not a little matter, which I why I particularly wanted to raise it in this debate.

6.45 pm

My right hon. Friend the Member for Chesham and Amersham (Mrs Gillan) dubbed Lords amendment 4 the anti-land grab amendment, which I think will go down in posterity as a good description. I welcome the change it brings. This is very important for precisely the reason that I have just outlined. The effect of building the high-speed railway will be to make the land adjacent to it considerably more attractive for development. The Government were entirely right to constrain the power of HS2 to acquire more land than it necessarily needs for the construction of the railway. I commend the CLA for its very strong campaign to get the balance right on this issue.

May I just impress on the Minister the importance of this matter, particularly when one thinks about the parish of Bickenhill or indeed the wider borough of Solihull, because the local authority already has important plans to improve the connectivity to the first station outside London? There will be a 31-minute journey time from Birmingham airport to London Euston, which makes that locality very attractive for other uses. Solihull Council has come up with a proposal for a garden city that would connect to my council estate in Chelmsley Wood. For the first time in its existence, this housing estate, which was built at the same time as other garden cities, would be connected to 21st-century transport infrastructure. That would mean that people would feel included, which is important, because as one of the main aims of the new Prime Minister was to demonstrate inclusivity. That can be achieved, but only if we strike the right balance between what HS2 takes for the purposes of building a railway and what other key stakeholders such as the local authority might need for housing or other purposes.

While the amendment is very important to my constituency, it is also very important to the airport, which is another key stakeholder in this very sought
after piece of transport infrastructure. Getting the balance right between the different players is crucial, so I impress on the Minister that using this power judiciously will be important for a sustainable outcome around the new parkway station.

Although the Transport Secretary said that the powers conferred by clause 48 would be used only as a last resort if commercial negotiations failed to reach satisfactory conclusions, the Lords Select Committee concluded that it was “not sound law-making to create wide powers permitting the expropriation of private property on the strength of ministerial statements, not embodied in statute, that the powers would be used only as a last resort.”

Let me tell the Minister that trying to deal with compensation cases is a life-changing experience for any MP and their staff. A handful of Members are bearing a disproportionate burden of dealing with what are sometimes very complex and distressing cases, such as when the site of someone’s retirement home is required for the construction of the railway. I am concerned that we strike the right balance with this measure, because I have seen malpractice in the form of pressure being put on my constituents to concede their private properties at prices that they would certainly deem to be below some of the estimates of their true market value.

In one case, enormous pressure was put on one of my constituents to concede what he saw as a below-market price for his property, but he was not allowed to make any reference to it before appearing before the Select Committee. Such undue pressure on our constituents has been completely unreasonable. I am concerned about the conclusion that there will be sufficient powers to protect our constituents. Some of the compensation cases are still outstanding. Despite writing to the outgoing chief executive, David Higgins, in August about a particularly difficult ongoing case involving a very vulnerable constituent of mine, which he had promised to expedite, there is still no conclusion to that case in late February 2017.

As we consider Lords amendment 48, we need to give some ongoing thought to the fairness of the compensation process and to where our constituents will turn in the absence of any third party to oversee that fairness.

Mrs Gillan: My right hon. Friend mentions David Higgins. In fact, the outgoing chief executive is Simon Kirby. Sir David Higgins is the chairman. He has just joined the board of Gatwick, and he is also on the board of an Australian bank, so he is doing three jobs at once. I think that my right hon. Friend has made a mistake, which I would love her to correct.

Dame Caroline Spelman: There has been a bit of change at the top of HS2—my right hon. Friend is right. However, I received a letter from David Higgins, and, despite my reminding and re-reminding the offices of HS2 that the case needs to be expedited, it still has not been dealt with.

Lords amendment 51 deals with traffic regulation, which will be very important during the construction phase. I do not pull my punches over this issue with my constituents. We are going to be a building site for at least five years, and that will be extremely disruptive around one of Britain’s busiest transport nodes: the midlands motorway crossroads. I impress upon the Minister that a continuous haul route is very much sought after in my constituency. We have so far been unable to secure undertakings that construction traffic can be prevented from thundering through some of our villages.

Such a village is Balsall Common, which is just outside the parish of Bickenhill. It carries the Kenilworth road, and an alternative for haulage needs to be found because the thought of construction lorries going through the village centre, where children walk to the secondary and primary schools, gives me and their parents real cause for concern. Is there anything the Minister could do to assist with this? David Higgins showed real interest when I raised the possibility of finding a solution under the legislation. It is not in HS2’s interest to have its construction traffic thundering down the centre of villages where children walk to school, but all the alternatives cost money.

Local authorities just do not have the money to create new roads to take five years of construction traffic away from centres of habitation. There is a very real prospect of a good legacy project arising from achieving a continuous haul route so that permanently, and once the railway has been built, people who want to use it do not tear through the centre of the village trying to catch a high-speed train. Perhaps the Minister could make a note of the importance of that for my constituency. Of course, we really wanted a tunnel, which would take some of the pressure off, but rather like my right lion, Friend the Member for Chesham and Amersham (Mrs Gillan) we recognise that some of our early requests have not fallen on fertile ground.

I also pay tribute to the work of Neil Caulfield. It is important, particularly with the Clerks of the House present in the Chamber, that we share with colleagues that he was a man who went the extra mile for our constituents. I always think that the Clerks go the extra mile for us as Members of Parliament in a way that the public often do not see, such as by helping us with amendments to Bills and finding ways to give expression to the things that our constituents want to see in legislation, but Neil went even further than that. He interacted with a huge case load of people’s needs. These people were desperate to find solutions to the threat of losing their home, or at the very least to get proper compensation. I remember that he took the trouble to come away from the Houses of Parliament to visit the constituency with the High Speed Rail (London - West Midlands) Bill Committee in order to see it all for himself. That was a remarkable commitment by a Clerk of the House. Although the Chair of the Commons Select Committee is not present in the Chamber, I am sure that all members of that Committee, who put in many hours of listening to our constituents’ needs, would like to ensure that we recognise the special role that Neil played.

I give my last word to my constituents, who have gone from being shocked at the proposal when Lord Adonis first mooted it, to believing that it would never happen, to having the dawning realisation that we have to work with how it turns out in practice. I commend Solihull Council for creating a working group that meets once every month—I attend the meetings—to talk through the day-to-day implications as the project unfolds. However, there is no disguising the fact that this is going to be a life-changing experience for the constituency of Meriden and especially for those of my constituents who are most directly affected. They will read this debate and
listen to our deliberations, and I would like them to know that I will not give up fighting on their behalf to ameliorate and mitigate the impact of the railway, which will fundamentally benefit our region, but whose impact will fall disproportionately on a few homes.

Keir Starmer: May I begin by joining the tribute to Neil Caulfield? The construction of HS2 will have a devastating impact on thousands of my constituents—one has only to go to a meeting with them to see the concern etched on their faces. Some of them made their way to Parliament to try to go through the bewildering process of making their concerns known, and Neil went out of his way to explain the processes to them and to help them to put their points. I know all the Clerks have done that with us and with others, but what he did was appreciated by my constituents, and I was pleased to be able to write to his family to convey to them what he had done on behalf of my constituents. I am therefore grateful to be able to join the tribute to him.

Amendments 3 and 51 deal with traffic regulations, and amendment 52 deals with lorries and lorry bans. As noted by the shadow Secretary of State, my hon. Friend the Member for Middlesbrough (Andy McDonald), traffic and lorry movements have particular relevance in Holborn and St Pancras and in Camden. As the Lord’s Select Committee on HS2 recognised, Camden residents face disruption on an “unprecedented scale, both in intensity and in duration” from the HS2 construction works, which will continue over no fewer than 17 years for my constituents.

That is why the Select Committee made a strong recommendation that all households in Camden, and others similarly affected, that qualify for noise insulation over no fewer than 17 years for my constituents.

The Select Committee estimated that its recommendation about compensation would benefit 1,300 households in Camden, which, again, gives an indication of the extent of the impact there. Those households would be eligible to receive the full unblighted market value for their property or a cash payment of up to £100,000 if they remained in occupation of their property during the works.

In response to the Select Committee, the Government accepted the part of the recommendation about households that are subjected to severe and prolonged noise and disturbance, but they did not accept the full recommendation. Other components of the Government’s compensation scheme, which they have stated will provide a fair and proportionate remedy for affected households, are still to be specified and remain completely unknown. It was disappointing that, on Report in the Lords, the Minister responding, Lord Ahmed, had nothing to say on the Government’s position on compensation. I remind the Government of the ongoing obligation to meet my constituents’ very genuine concerns about what the future holds for them in relation to mitigation and compensation for such a prolonged period of construction and its impact on them.

The location of the tunnel portal in Camden will make a material difference to the construction process and to the traffic and lorry movements. As the Government will know, there have been rumours for some weeks that an announcement is to be made concerning a move of the tunnel portal in Camden from the top of Parkway to a location south of Mornington Street bridge, several hundred metres nearer to the station. That may seem like a small thing, but to the constituents of Holborn and St Pancras and those living in the area it makes a huge difference. This proposed change has the potential greatly to reduce the damage and disruption to residents of Camden, and is therefore welcome. In the Lords Grand Committee, the Minister promised to provide an update in writing about this important matter, but that has not yet happened. I urge the Government to bear in mind that anything that can be said here, or at any stage in the near future, about the portal will alleviate some of the very real concerns that my constituents have about this, as the Minister knows.

Mark Field: Thank you, Madam Deputy Speaker, for allowing me to say a few words. I had not intended to speak, partly because HS2 does not go through my constituency, but I have a lot of sympathy with right hon. and hon. Friends and Members whose constituencies are directly affected. As an MP in central London, I have had Crossrail going through my constituency in the past decade or so. I have made several hundred enemies by not opposing that scheme, but it is clearly a
scheme that is very much in the national interest. I am afraid that that does not apply as much to the rail scheme we are discussing.

Where I would disagree with my right hon. Friend the Member for Chesham and Amersham (Mrs Gillan) is that I do think that the Government have done their level best to make sure that we have legislation that has allowed people to have their say. I know that the outcome is not what she wanted, or indeed what many other right hon. and hon. Members wanted. I hope that the Minister will very much take on board the comments of my constituency neighbour, the hon. and learned Member for Holborn and St Pancras (Keir Starmer). This has got to be the beginning of a process, not the end of a process. The issue of an ongoing dialogue with constituents who are going to be affected by this in the London Borough of Camden and, indeed, throughout the UK must be at the forefront of the Government's mind.

While we should support large-scale infrastructure projects that are going to work—whatever one thinks of HS2, there are clearly designed to be benefits in that regard—the disruption will clearly be very profound. One of my particular concerns in relation to London is that we also hope to have Crossrail 2. I am already getting letters from constituents within the City of Westminster who are very concerned about the impact that that will have. We must remember that the efforts made by the Government in relation to HS2 will set a precedent for the way in which they deal with those who will be affected by another big infrastructure project such as Crossrail 2.

I fear that there has been a missed opportunity, but not in relation to the amendments. As I have said, I give credit to the Government for their work in getting this hybrid Bill together. We should all support large-scale infrastructure projects that are in the national interest, but whether or not this is the right way forward has been far more open to question. The one thing that the Government can do for those many Britons who will be affected by it directly—whether they are in the Midlands, further north or, indeed, in central London—is ensure that they keep their interests at the forefront of their mind and when the building work commences; otherwise, life will be made incredibly difficult for them. We need to do our level best to ensure that, if the national interest is to be served by an infrastructure project, Ministers keep the mitigation of the disruption at the forefront of their minds and that, although the legislative process is coming to an end, this is not the end of those considerations.

Thank you, Madam Deputy Speaker, for allowing me to say a few words. I suspect that the boundary commissioners will have a part to play in ensuring that I work very closely with my constituency neighbour to make sure that all people in central London are properly represented in the many years ahead.

Andrew Jones: There are quite a lot of questions to answer. This has been a very helpful final debate on the Bill and I will try to answer colleagues’ questions, some of which had themes in common.

I will address the questions in no particular order. Several Members have said that it is important that we maintain and commit to an ongoing dialogue. I am happy to make that commitment. I do not view this as the end of a process; I view it as the end of one phase of a process and the start of another. We go from a project in development to a project in delivery, and that will require more dialogue, not less, particularly as we work, as my right hon. Friend the Member for Cities of London and Westminster (Mark Field) has just said, to keep mitigation at the forefront of our minds during the construction process. I am happy to make that commitment—there is no doubt about that.

Many people have also been concerned about the hybrid Bill process. The locus standi rules are set by the House, not by the Government, but the House is considering the hybrid Bill procedure. That review is under way and I am sure that it will consider colleagues’ views on whether they were able to participate and petition in the other place. I know that those petitioning arrangements caused much frustration and, indeed, confusion among our constituents. The process is not straightforward.

Mrs Gillan: I know that it is too late now, but it would have been nice if the Government had actually instructed HS2 Ltd not to get its very expensive barrister to object to our locus standi. The Government had a simple solution in their hands: they could have let all the MPs represent their constituents, but they chose not to do so.

I appreciate that the Minister is relatively new to the issue, but it was really and truly a case of being let down by your own side and of your own side letting down democracy.

Andrew Jones: I am not sure that I can comment on that point. It refers to something that happened way before I took any responsibility for this area, but my right hon. Friend has made it firmly.

The Labour Front-Bench spokesman, the hon. Member for Middlesbrough (Andy McDonald), asked about traffic regulation orders and I can confirm that reasonable costs will be met by HS2 Ltd. I will ask HS2 Ltd to confirm that to local authorities, in case there is any doubt.

On Great Missenden, the relocation of the haul road was considered by both Houses. Moving the haul road north would have created new, significant environmental effects, and a new version of the register of undertakings and assurances, which my right hon. Friend the Member for Chesham and Amersham (Mrs Gillan) has asked about, will be published at Royal Assent.

Several Members talked about the skills footprint and the careers legacy of HS2, with people perhaps spending their entire working career on the project, and I completely agree with them. I had a great visit to the HS2 college in Doncaster this morning. The college is progressing very well. It is due to open in September, and it is already attracting significant interest. In fact, the number of applicants seeking to go there in September is way ahead of projections. This is part of how HS2, among our other railways, will redefine the future. I saw the progress that the college has made—it has actually got as far as having track laid in the training workshop area—and that brings home to us that the project really is a very big and exciting opportunity.

I can confirm, in answer to several requests, that the Government fully accept Lords amendment 4, which colleagues have called the land-grab or non-land-grab amendment. I can confirm that we accept all the Lords amendments, including Lords amendments 1 and 2 in relation to the work in the Meriden constituency.
Many colleagues have mentioned the compensation arrangements and how long it is taking to come to financial arrangements with HS2 Ltd. This is a mixture of the financial costs and the fact that we must recognise that there is also a human or emotional cost. We do not just invest cash in creating our homes; our homes are much more than that, and we must respect the human cost. If some people have their homes repossessed or changed, we have to be sensitive and to treat people with respect and generosity. Quite frankly, if colleagues are not seeing that happen, I am sure they will be keen to raise that with me—they have already done so—and I am very happy to continue to raise their points with HS2 Ltd. I want HS2 Ltd to be a good neighbour, and I know that view is wholly shared by HS2 Ltd itself.

I welcome the SNP’s support for this project. I recognise that we are going no further north than Leeds and Manchester—I should perhaps add that we are going no further north than Leeds and Manchester yet, and I see much merit in taking it further—but there will be immediate benefits for the people of Scotland from the development that will, I hope, receive Royal Assent this week. Its capacity will allow more services and the time involved in journeys will be reduced.

Ian Murray (Edinburgh South) (Lab): The Minister mentions the benefit of HS2 to Scotland. Will he confirm whether there is a Barnett consequential to the spending on HS2?

Andrew Jones: That is way above my pay grade. I simply do not know the answer to the hon. Gentleman’s question, so I will have to do some checking to find out.

There were a number of other questions. I have clearly heard the points about compensation and mitigation raised by the hon. and learned Member for Holborn and St Pancras (Keir Starmer). I can confirm that we are working on the tunnel portal location, but we are not yet in a position to make any announcements. I recognise that such a change will make a significant difference to many people, but we are working on it, as he will be aware.

Mrs Gillan: I am sorry to go back to the Barnett consequential, but as it has been raised may I point out that there was a Barnett consequential to the travel element of the Olympic park for Wales and Scotland? As this is a transport project, I presume that there will be Barnett consequentials for the devolved Administrations.

Andrew Jones: I am not sure that I can add anything to what I said a moment ago. Barnett consequentials are way above my pay grade, and I will have to do some checking before commenting one way or the other. It sounds as though making a presumption would be a very foolish error, and that is clearly not within the remit of these amendments.

Keir Starmer: I am grateful to the Minister for his comment that this is the beginning of an ongoing dialogue about compensation and mitigation. The tunnel portal is no small matter. Is he able to say when an announcement might be made about the portal, because there is real concern in my constituency about that and other issues?

Andrew Jones: I am afraid that I cannot give the hon. and learned Gentleman a date yet, but I can tell him that we recognise the importance of this. We are working on it and will seek to resolve all outstanding questions as soon as we can. I recognise that such uncertainty is not helpful for him or anyone he represents.

I have answered a significant number of questions. If there were any further questions, I will write to colleagues.

Taking the Bill through Parliament has been a significant piece of work. We have had 3,408 petitions lodged against the Bill and its additional provisions. In response, the Government have submitted five additional provisions to the Bill, which have made 400 changes to the project. The sheer amount of work that has gone into addressing all the concerns is phenomenal.

The environmental assessment work that has supported the parliamentary and public scrutiny of the Bill has been unprecedented. An almost 50,000-page environmental statement—perhaps that in itself is not environmentally friendly—accompanied the original deposit of the Bill in November 2013. Several further detailed environmental statements have been published alongside the additional provisions that have been made during the Bill’s passage. That work has developed measures to avoid, reduce and, if possible, offset all the major adverse effects of the project.

The Government have given well over 4,500 individual assurances to reassure petitioners about concerns they have raised. Those are binding commitments on the project that will be integrated into contracts for the delivery of the scheme.

Parliament has spent over three years scrutinising the Bill and longer still debating the project. That debate will continue as we move into phases 2a and 2b, and as further Bills are deposited in Parliament in due course. The case for phase 1 has been proven in fine detail. Parliament has voted in overwhelming numbers to approve the project in both Houses at every opportunity it has been given to do so.

I believe that HS2 will deliver much-needed capacity in our rail network. It will deliver economic growth right across our country, north and south. It will deliver jobs and a lasting legacy of economic change. It will be the cornerstone of a world-beating economy—a vibrant economy that works for all of us, up and down our country.

Lords amendment 1 agreed to.
Lords amendments 2 to 54 agreed to.

Business without Debate

BUSINESS OF THE HOUSE (22 FEBRUARY)

Ordered.

That at the sitting on Wednesday 22 February, notwithstanding the provisions of Standing Order No. 16 (Procedings under an Act or on European Union documents), the Speaker shall put the Questions necessary to dispose of proceedings on—

(1) the Motion in the name of Secretary Amber Rudd relating to Police Grant Report not later than three hours after the commencement of proceedings on that Motion, and

(2) the Motions in the name of Secretary Sajid Javid relating to Local Government Finance not later than three hours after the commencement of proceedings on that Motion or six hours after the commencement of proceedings relating to Police Grant Report, whichever is the later; and
(3) proceedings on those Motions may continue, though opposed, after the moment of interruption; and Standing Order No. 41A (Deferred divisions) shall not apply.—(Michael Ellis.)

BUSINESS OF THE HOUSE (23 FEBRUARY)

Ordered,
That, at the sitting on Thursday 23 February—

(1) paragraph (2) of Standing Order No. 31 (Questions on amendments) shall apply to the Motion in the name of Mr Nigel Dodds as if the day were an Opposition Day; and proceedings on the Motion may continue for three hours and shall then lapse if not previously disposed of; and

(2) notwithstanding sub-paragraph (2)(c), as applied by paragraph (4), of Standing Order No. 14 (Arrangement of public business), backbench business set down for consideration may be entered upon at any hour, may be proceeded with, though opposed, for three hours, and shall then lapse if not previously disposed of.—(Michael Ellis.)

INTERNATIONAL DEVELOPMENT

Ordered,
That Albert Owen be discharged from the International Development Committee and Mr Ivan Lewis be added.—(Bill Wiggin, on behalf of the Committee of Selection.)

Motor Neurone Disease/Gordon Aikman

Motion made, and Question proposed, That this House do now adjourn.—(Chris Heaton-Harris.)

7.18 pm

Ian Murray (Edinburgh South) (Lab): I am very grateful to the good offices of Mr Speaker and you, Madam Deputy Speaker, for granting time for this Adjournment debate. I want to talk about the dreadful disease that is motor neurone disease and to pay tribute to the life of Gordon Aikman.

I wish we were not having this debate, because that would mean Gordon Aikman was still with us. He sadly passed away on 2 February, aged just 31.

I want to do three things this evening: first, pay tribute in this House to Gordon Aikman and what he achieved both in his life and in his death; secondly, give more exposure to what MND is and how the disease affects those stricken by it; and, thirdly, discuss what we can all do and what the Government can do to help find a cure.

Alberto Costa (South Leicestershire) (Con): I congratulate the hon. Gentleman on bringing this much needed debate to the Floor of the House. Will he join me in paying tribute to local MND associations across the United Kingdom for the invaluable support they provide?

I know of the excellent work of my local Leicestershire and Rutland association, having heard at first hand from a constituent and friend of mine, Ruth Morrison, about her tragic personal experience. The support that is available is of immense value and I hope the hon. Gentleman will join me in paying tribute to the work of those associations.

Ian Murray: I am delighted that the hon. Gentleman was able to intervene to emphasise the good work that MND associations, including MND Scotland, do across the country. I pay tribute to him for highlighting that good work in the House and I ask him to pass on our best wishes to his constituents who are stricken by this dreadful disease.

Gordon Aikman was only 29 when he was diagnosed with MND. He was given 14 months to live but, as was usual with Gordon, his dedication and determination made sure he doubled that to 28. Gordon died leaving behind a loving husband, Joe, who is with us this evening, a doting mother, Nancy, and a devoted sister, Lorraine. He has become a twinkling star in the sky for his young niece Ailidh and young nephew Murray, who would describe Gordon as “Uncle Gordon with wheels” when he was in his wheelchair. He leaves behind friends whose lives will forever have a Gordon Aikman-shaped hole in them. All our thoughts at this time go out to everyone who knew him.

Gordon leaves a legacy that few of us will ever be able to match. Gordon was an inspiration: dedicated, intelligent, meticulous and simply a lovely person to be around. He touched the lives of everyone who had the pleasure of getting to know him and spend time with him. He was a graduate of the University of Edinburgh and a former gymnast who represented Scotland. He was working as director of research for Better Together, the campaign to keep Scotland in the UK, during the Scottish independence referendum in 2014 when he fell ill. He had
gone to the doctors with recurring numbness in his hands. He was beginning to find it difficult to tie his shoelaces and button his shirts. He anticipated, as we all do, that a pack of pills and a bit of rest would do the trick. How wrong could he be?

I cannot do justice to what happened to Gordon, so I will let Gordon tell his own story in his own words, quoting as he the moving Scotland on Sunday article he wrote in the week he was given the sad news. He wrote:

“I am lying on a cold hospital bed, stripped down with electrodes stuck all over my skin. A doctor quietly takes notes as pulses race through my body. After almost an hour I get back into my suit, ready for a packed day of calls and meetings.

The doctor steps out to speak to my consultant. I flick through the morning’s headlines on Twitter and quickly check my email as I wait. In my job as director of research at Better Together, I have got to be up to date. The doctor is gone some time. My appointment has already overrun. I’m irritated. He returns and says: ‘Your neurologist would like to see you at 1.15 tomorrow.’

‘Tomorrow won’t work. I have meetings. Meetings I can’t miss.’ He tilts his head to one side, holding my stare for what seems like an eternity, before stressing: ‘Your neurologist will see you tomorrow. 1.15.’ The penny starts to drop. Suddenly that conference on the economics of independence seems far less important. Fast-forward 24 hours and I am back at Edinburgh’s Western General. This time I sit opposite my consultant neurologist; a young, caring face looks back. He speaks softly, but this time the atmosphere is different. He talks slowly. He pauses. I know it isn’t good news, but nothing could prepare me for what he is about to say.

‘In time,‘ he says, ‘it will kill you. That doesn’t sound good,’ I respond awkwardly, thinking to myself: ‘I don’t have time for this.’ He asks what I know about MND. ‘Very little,’ is my honest answer.

‘It is a rare, progressive and debilitating disease,’ he explains, ‘that attacks the brain and spinal cord.’ I don’t believe what he is telling me. I shake my head in disbelief. ‘In time,’ he says, ‘it will lead to weakness, and muscle wasting, affecting how I walk, talk, eat, drink and breathe. How could this be? My symptoms seemed so innocuous. ‘Why me? Why now?’ I ask. He bites his lip, before replying candidly: ‘We just don’t know unfortunately.’

When I press further, he concedes: ‘There is no cure.’ I cut to the chase: ‘What is the prognosis? How long will I live?’ Hesitant, he provides his answer with ‘everybody is different’ and ‘it is difficult to predict’. He then tells us that everybody has a different response to the disease, which he dealt with the disease, the dignity with which he did so, and the fact that he spent his remaining time fighting to raise over half a million pounds for the Gordon’s Fightback campaign, which we have heard

In order to defeat something, we must find out what it is first, so here is what we do know and, most importantly for tonight’s debate, what we do not know about MND.

Chris Stephens (Glasgow South West) (SNP): I congratulate the hon. Gentleman on securing this debate. I agree with him that Gordon Aikman was indeed an inspiration. Does he agree that his campaigning work, particularly with the First Minister of Scotland, ensuring changes to the law around voice therapy, for example, and doubling the number of specialist nurses, was important to his campaign?

Ian Murray: I do agree, and I am delighted that the hon. Gentleman was able to make that point, but as the First Minister said on Saturday at the celebration of Gordon’s life, all the credit for those changes to care in Scotland goes to Gordon and his campaign. There is a need for us all now to take that campaign and make sure that the rest is delivered.

Researchers have yet to discover how or why people develop the disease. In Gordon’s case and in around 95% of diagnoses, there is no family history of the condition. MND is a fatal, rapidly progressing neurological disease that affects the brain and spinal cord. It can leave people locked in a failing body, unable to move, talk or, eventually, breathe. It kills a third of people within a year and more than 50% within two years of diagnosis. It affects up to 5,000 adults at any one time in the UK and kills six people every day in the UK.

Mark Menzies (Fylde) (Con): I thank the hon. Gentleman for securing this evening’s debate. I never met Gordon, but I have been inspired by what I have found out about him in the last two weeks. We all come across constituents who will face life-changing situations, and Gordon will become the reference point. I will refer people to what he did, how he coped with adversity and how he helped to improve and change the lives of others. If I may also say in this intervention, Madam Deputy Speaker, I would urge the Minister to look at Gordon’s Fightback website and take on board some of the points that he raised, because we have much to learn from what he told us.

Ian Murray: I am delighted at the hon. Gentleman’s intervention; he is indeed right. Many people have drawn inspiration from Gordon’s Fightback, the way in which he dealt with the disease, the dignity with which he did so, and the fact that he spent his remaining time fighting to raise over half a million pounds for the things that he believed in, when most of us would have been lesser human beings and wallowed in self-pity or done something else. It is testament to that that we have the Secretary of State for Scotland and the Minister in the Chamber tonight listening to the debate. Hopefully, the Minister will be able to respond with some positive developments to keep Gordon’s memory alive.

Some people may experience changes in thinking and behaviour, with a proportion experiencing frontotemporal dementia, which is a rare form of dementia. This is the key thing about MND, though: it has no cure. It is that moment that drove Gordon on. He was a tireless and courageous campaigner on behalf of people living with MND, as well as their families and loved ones. He created his Gordon’s Fightback campaign, which we have heard
about tonight, and his tenacious work with MND Scotland was inspirational to many and helped to raise awareness of MND across the country.

Gordon had raised over £500,000 by the time he died—more now, incidentally—but he had also put MND on the map. Do you remember the ice bucket challenge, Madam Deputy Speaker? I do not know whether you participated yourself—if not, we could maybe go into Palace Yard after this debate and relive what happened in 2014—but that was the summer campaign, where we all soaked each other with iced water in the name of MND awareness and fundraising. It was with campaigns such as these that Gordon doubled the number of—

Madam Deputy Speaker (Mrs Eleanor Laing): Order. For the avoidance of doubt, I am glad that the hon. Gentleman has mentioned this. Never was there a better campaign to draw attention to something that needed attention drawn to it. Although I managed to avoid it myself, I did engineer other people’s participation. The hon. Gentleman has done very well to mention this issue today. I had not realised that the two things were connected. What an absolutely brilliant campaign.

Ian Murray: I am delighted, Madam Deputy Speaker, that you are now able to make the connection between that campaign and Gordon’s Fightback, and are aware of the significant amount of money that was raised in 2014. I do not think there was ever an end-point to the ice bucket challenge. If there was an end-point, perhaps someone from MND Scotland could let me know. I think the way it went was that if someone was soaked, they nominated others, as indeed you have done, Madam Deputy Speaker. With the grace of the House, therefore, I would like to nominate Madam Deputy Speaker to do the bucket challenge. I think the terminology is, Madam Deputy Speaker, “You have seven days”.

That, then, was the summer campaign when we all soaked each other with iced water in the name of MND awareness and fundraising. It was through campaigns such as these that Gordon doubled the number of specialist nurses in Scotland, paid for by the NHS rather than by charitable donations. Among Gordon’s more recent achievements was ensuring that MND patients with communication difficulties had access to their own voice synthesizers on the NHS. It was Gordon’s biggest fear—not just losing his own voice, but the synthesisisation of his own voice being someone else’s. He fought for that and got it changed.

Despite those and other improvements, however, there is still much more to be done in the battle to defeat MND. First and foremost, if we are to find a cure for MND, we must vastly improve our understanding of its root causes, and it is here that I hope the Minister can help us this evening. MND is a question to which we have yet to find a suitable answer. Researchers still do not know what causes the disease. A key recommendation of Gordon’s Fightback campaign is to double public investment in MND research from its current level of £5 million a year to £10 million a year. Unlike some of Gordon’s wonderful achievements that we have highlighted this evening, there has to date been no action taken to meet that goal. At present, MND research relies heavily on the support and contributions of the voluntary sector.

The MND Association, sister associations in England and Wales and MND Scotland have a research portfolio comprising over 80 projects, totalling over £14 million of charitable funds, including £5 million raised by the very ice bucket challenge in which you will participate, Madam Deputy Speaker, in the next seven days. I am conscious, Madam Deputy Speaker, that this might be my last ever speech in this Chamber, but I shall carry on regardless.

The association’s support for MND research focuses on five key themes: identifying the causes of MND; developing models of MND; identifying markers of disease progression; developing treatments; and improving healthcare and disease management for those affected.

We have a real opportunity to embrace the leading research base in this country to do just that. For centuries, major leaps forward in medicine and science have been made in the UK. With the right investment and support, we could find a cure for MND here now. Scotland is uniquely placed to become a hub for innovative research into the disease for a number of reasons. Edinburgh University’s Euan MacDonald centre is already undertaking cutting-edge research into MND. Patients already have a unique patient identifier, which means those with MND can be more easily identified and monitored throughout their interaction with the health service. The increased number of specialist MND nurses will allow better, more detailed tracking of how the disease progresses in patients.

Progress has been made. The Euan MacDonald centre thinks it might have found a potential reason why motor neurons are vulnerable to stress and disease, which could be one of the very first steps to avoiding or halting the progression of MND. This collaborative project, involving the universities of Edinburgh and Cambridge and institutions as far afield as Japan, is also helping understand how motor neurons develop and regenerate. The cure could be in this generation’s hands. Funding in the United States—where the ALS Association, the US equivalent of the MND Association, has identified a key genome with funds raised by the US bucket challenge—could be the first step towards a cure.

As well as doubling public research funding, the Minister could help by making “fast-track” benefits fit for purpose. People with MND do not live long—we know that—but it can take several months to process applications for the benefits that they need, such as personal independence payments. Currently, the “fast-track” system applies only to people who are judged to have less than six months to live. That needs to be extended to 12 months, or, indeed, the system should apply at the time of diagnosis.

The hon. Member for Dumfries and Galloway (Richard Arkless) hoped to attend the debate, but he is stuck on a train somewhere between Wigan and London, and the main business ended early today. Let me just mention that his mother and brother-in-law both died of MND. I believe that he met the Under-Secretary of State for Health, the hon. Member for Warrington South (David Mowat), just before Christmas, with the aim of ensuring that when a DWP assessment was completed for someone suffering from MND that person would not be reassessed. However, I understand from the hon. Gentleman that the Department for Work and Pensions is still issuing letters about reassessment. I should be grateful if the
Minister wrote to the hon. Gentleman, and me, to update us on what progress has been made in relation to not issuing such letters when people have been diagnosed with MND and a proper assessment has already been carried out.

Let me also pay a brief tribute to another friend of mine who died from MND. Robert Wilson died in August last year. He was a former partner at Deloitte in Edinburgh, and became the first chair of the Scottish Premier League in 1998 after helping to set it up. I got to know Robert when he advised the Foundation of Hearts to be in a position to take Heart of Midlothian football club out of impending liquidation. His straight-talking style was direct. He said things as he saw them. He was always challenging, and always hugely helpful. We were lucky to have him, and so was the club. It is thanks in large part to Robert that it survives and thrives today; it would have disappeared had it not been for people like him. Robert and I subsequently served together on the board of Hearts football club. Everyone was really fond of him. We were robbed of his intense intellect, his passion for the club, and his companionship when MND took his life. He was respected and admired by all, and will be very sadly missed, especially by his wonderfully supportive family.

Gordon had a nickname when he worked at the Scottish Parliament. His nickname was “14%”.

As the hon. Member for Edinburgh South said, funding MND research is key if we are to find a cure and improve treatments for MND patients. We are investing over £1 billion a year in the National Institute for Health Research, whose spend on research relating to neurological conditions was £53 million in 2015-16. In addition, the Government fund the seven research councils, which invest around £3 billion each year in research covering the full spectrum of academic disciplines, from the medical and biological sciences to astronomy, physics, chemistry and engineering, social sciences, economics, environmental sciences and the arts and humanities. The majority of research council investment in MND research is made by the Medical Research Council, with some relevant research also funded through the Biotechnology and Biological Sciences Research Council.

The MRC supports research relating to a broad portfolio of neurodegenerative diseases and currently spends, as the hon. Gentleman said, about £5 million per year on research relating to MND. The MRC funds research at many leading institutes in the country, including the MRC Laboratory of Molecular Biology, the UCL Institute of Neurology, the National Hospital for Neurology and Neurosurgery and the University of Oxford.

MRC-funded research includes projects to increase understanding of the basic molecular mechanisms underlying MND, improve the assessment of disease progression and identify biomarkers of disease activity in patients with different types of MND. It also works in partnership with charities and other funders nationally and internationally, to support research into MND.

In addition to the MRC, the BBSRC funds world-class bioscience and biotechnology that underpins health research. In the context of MND, this may include the basic bioscience of motor neurones. Over the last five financial years, the BBSRC has spent about £4.7 million on research projects which focus on basic underpinning
research that will increase understanding of the normal cellular processes that support motor neurone function.

In addition to research funding, we understand that positively influencing the healthcare and clinical system is key if we are to improve the lives of MND sufferers. The Government understand that one of the major hurdles facing MND patients is the challenge of getting an accurate and fast diagnosis. No two people with MND will be affected in exactly the same way, and there is no one test to diagnose the condition.

The disease can be difficult to identify in its early stages, as the symptoms are often mild and shared with more common conditions. The National Institute for Health and Care Excellence published its MND assessment and management guidance document in February 2016. The guidance sets out MND’s signs and symptoms, provides information about local referral arrangements and recommends that robust protocols and pathways are in place to inform healthcare professionals about the disease and how it might present itself. I know, and am glad, that the guidance was described by the leading charity, the Motor Neurone Disease Association, as “hugely significant”.

We know that MND patients value and need specialist services, and this is something that Gordon Aikman successfully campaigned for in Scotland. NHS England has set out that services for MND patients should be specialised. Care for MND patients involves a multidisciplinary team approach from MND specialists who should work to ensure that patients are fully supported and co-ordinate with other care providers or teams as necessary.

NHS England commissions the care that patients may receive from 25 specialised neurological treatment centres across England. It has published a service specification setting out what providers must have in place to deliver specialised neurological care. This supports equity of access to a high quality service for patients, wherever they live. Patients are also able to access the drug Riluzole on the NHS. This is the only licensed treatment available that can slow the progression of the disease. I know that specialist MND nurses are highly valued by MND patients and their families. Recruitment of nurse specialists is a local matter, but it is important to highlight that such nurses are a key part of the national specialised services that NHS England delivers for patients with neurological problems such as MND.

Another of Gordon Aikman’s seven key campaign points was to guarantee that no MND patient should die without a voice. Augmentative and alternative communication—AAC—aids are used to restore communication for people who cannot communicate using speech, and to address severe impacts on independence and quality of life. NHS England has established a national AAC service, commissioned from 13 centres. It is the first national AAC service of its kind in the country. Priority for assessment is given to patients who have a life-limiting condition such as MND. I am glad that this was welcomed by stakeholders as a major step forward in providing clarity and consistency of provision.

I hope that this debate has reassured fellow Members that the Government are aware of the immense difficulties and challenges faced by motor neurone disease sufferers and that we are taking action in multiple areas to improve the care and prognosis of MND patients. Gordon Aikman’s legacy will live on for a long time due to his courage and his determination to raise the profile of MND and to make a real difference to the lives of MND sufferers.

Question put and agreed to.

7.47 pm

House adjourned.
House of Commons

Tuesday 21 February 2017

The House met at half-past Eleven o’clock

PRAYERS

[MR SPEAKER in the Chair]

BUSINESS BEFORE QUESTIONS

NEW SOUTHGATE CEMETERY BILL [LORDS] (BY ORDER)

Third Reading opposed and deferred until Tuesday 28 February (Standing Order No. 20).

Oral Answers to Questions

FOREIGN AND COMMONWEALTH OFFICE

The Secretary of State was asked—

US Administration: UK Foreign Policy

1. Mr David Hanson (Delyn) (Lab): When he next plans to meet the US Secretary of State. [908803]

10. Thangam Debbonaire (Bristol West) (Lab): What assessment he has made of the implications of the policies of the new US Administration for UK foreign policy. [908812]

12. Bill Esterson (Sefton Central) (Lab): What assessment he has made of the implications of the policies of the new US Administration for UK foreign policy. [908814]

The Secretary of State for Foreign and Commonwealth Affairs (Boris Johnson): I met Rex Tillerson in Bonn last Thursday and Friday. We had some very good conversations, and I am sure will have many more meetings in the weeks and months ahead to entrench and deepen a relationship that has been part of the foundation of global peace and prosperity for the past 70 years.

Mr Hanson: Could the Foreign Secretary confirm that when he met the Secretary of State last week he said unequivocally that Her Majesty’s Government think the ban on travel proposed by President Trump for Muslim countries is simply wrong?

Boris Johnson: The right hon. Gentleman will know very well that the Government did not support the travel measures that were introduced by the Executive order. They were not something we would commend to this House and it was not the kind of policy we would like to see enacted in this country, and we made that very clear to our friends in America. It was by engaging constructively with the White House and others that we were able to secure the important clarification that the Executive order would make absolutely no difference to any British passport holder, irrespective of their country of birth.

Thangam Debbonaire: I am pleased to hear the Foreign Secretary’s reports of the discussions he had with the Secretary of State, but will he tell us a bit more about how he plans to manage the important tripartite relationship between the UK, the EU and the US, post-Brexit?

Boris Johnson: The hon. Lady asks a good question. Obviously, on some things we will differ from our American friends—we have just had an example of that—but on some areas we will perhaps wish to stiffen the spines of our European friends. I can think of issues such as sanctions over Ukraine, on which some EU members are not in quite the same space as we are. As would be expected, the policy of the United Kingdom would be to stick up for UK interests and values and—if I can use a bit of jargon—to triangulate dynamically between the two.

Bill Esterson: On standing up for British interests, Mr Trump’s track record suggests that any deals he agrees to are likely to be to our disadvantage. What will the Foreign Secretary do to ensure that British businesses benefit from any deals with the United States, not just American ones?

Boris Johnson: If I may say so, it is important to be clear-eyed about American power and success in negotiating trade agreements and to recognise that we will have to be on our mettle to get a good deal for this country. Nevertheless, I have absolutely no doubt that we will be able to do such a deal. It is a great shame that in 44 years of EU membership we have not been able to secure a free trade deal with the United States. That is now on the table.

Crispin Blunt (Reigate) (Con): In his discussions with the American Secretary of State, did the Foreign Secretary discuss the best opportunity for a state visit by President Trump? Did he put forward my suggestion that the 400th anniversary of the Pilgrim Fathers in 2020 would be a much better occasion for a state visit than one in the course of the next few months, which is likely to be a rallying point for every discontent in the United Kingdom?

Boris Johnson: I thank my hon. Friend for his interesting suggestion; I am afraid to say that it is not one I had time to make to our American counterparts. Let us see how the matter of the state visit evolves. The invitation has been issued and accepted, and I am sure it will be a great success.

Sir Simon Burns (Chelmsford) (Con): Next time he meets the Secretary of State, will my right hon. Friend tell him that if the current discussions between the US Department of Defence and the State Department lead to their recommending to President Trump that they put American ground troops in northern Syria to combat ISIS, the British Government will not be following them?

Boris Johnson: I have to tell my right hon. Friend that I am not aware of any such proposal. Nor do I think, having listened quite attentively to the language being
used by the White House and the State Department, that we are going to see the imminent contribution of ground troops in that theatre. Nevertheless, the advent of the Trump Administration does offer the possibility of new thinking on Syria and the hope of a new way forward.

Anna Soubry (Broxtowe) (Con): Last week, the hon. Member for Tooting (Dr Allin-Khan) and I went to Jordan as guests of Oxfam, and we met a number of Syrian refugees, notably Khalid who lives in the Zaatari refugee camp. He was due to start a new life in America literally within the next few weeks. It is difficult to put into words his sense of despair that all his hopes and dreams for a new life have been shattered by President Trump’s decision to ban all refugees from going to America. When my right hon. Friend next gets the opportunity, will he please not hesitate to tell President Trump that this ban on refugees brings great shame on his country and that he should lift it immediately?

Boris Johnson: My right hon. Friend will know full well that we have already expressed our disagreement with the travel ban and the policy on refugees. I think she was in the House when I explained the Government’s view on that policy. By contrast, this country can be extremely proud of the fact that it not only supports that particular camp in Jordan—indeed, we have recently agreed another £30 million to support that individual operation—but is the second biggest contributor to the humanitarian effort in the region, with £3.2 billion already pledged.

Alex Salmond (Gordon) (SNP): But has policy triangulation not meant that the British Foreign Secretary is trying to anticipate what American policy will be and then to mimic it? Interpreting what American policy will be or who will be implementing it must be very difficult just now, so will he at least wait to see what the policy is before, for example, changing policies such as the two-state solution in the middle east?

Boris Johnson: I am sure the right hon. Gentleman knows very well that the policy on the two-state solution in the middle east remains unchanged not only for Her Majesty’s Government, but, so too, to the best of my knowledge, for the United States’ Government, to judge by the recent press conference. For the guidance of the House, let me just say that it is my general impression that the policy of the United States is migrating ever more towards a position of congruence with our policy rather than the reverse.

Alex Salmond: Was it the Foreign Secretary’s idea to offer a state visit to President Trump after seven days in office? Given that the Foreign Secretary once famously declared that he would not go to New York in case he was mistaken for Mr Trump, is there any chance that President Trump will not come to London on a state visit in case he is mistaken for the Foreign Secretary?

Boris Johnson: I am embarrassed to say that I was mistaken for Mr Trump in—I think—Newcastle, which rather took me aback. It also happened in New York, which was a very humbling experience for me. I cannot say who was the exact progenitor of the excellent idea to accord an invitation to the President to come on a state visit, but the invitation has been issued. It is a wholly appropriate thing for the British Government to do, and it will be a great success.

Sir Julian Brazier (Canterbury) (Con): Does my right hon. Friend agree that when there is fresh fighting in Ukraine and when Russia continues to carry out large-scale exercises close to the borders of the Baltic state, some of them with nuclear capable equipment, there has never been a time in recent years when our relationship with America and keeping NATO together have been so important for Europe as a whole?

Boris Johnson: My hon. Friend is completely right, which is why it was so important that our Prime Minister, on her very successful recent visit to the White House, secured from Donald Trump the 100% commitment to our NATO alliance, which has been the guarantor of peace in our times.

Ms Tasmina Ahmed-Sheikh (Ochil and South Perthshire) (SNP): We know that Trump’s Muslim ban adopts Daesh’s narrative, which is that it is the west against Islam. In fact, the Home Secretary said that it would bolster terrorists at home and abroad. What discussions has the Foreign Secretary had with the Home Secretary and the Secretary of State for Defence about the increased threat to UK national security as a result of Trump’s immoral and racist policies?

Boris Johnson: We remain constantly vigilant against the terror threat as a result of all international policies, but, as I have said before, the seven countries in question were previously singled out by the Obama Administration for particularly tough visa restrictions. The hon. Lady will be aware that this Government have already signalled their disapproval of the ban to which Opposition Members are rightly objecting.

Mr Philip Hollobone (Kettering) (Con): Did Mr Tillerson quantify the length of the queue of countries seeking to do a free trade deal with the United States, and outline where Britain’s place was in that queue?

Boris Johnson: Rex Tillerson was absolutely clear that he regards the relationship with the United Kingdom as one of pivotal importance for his country. Indeed, NATO is of pivotal importance for the safety not just of European countries, but of the United States. He was also clear, of course, that the UK will be at the front of the queue for a new trade deal.

Emily Thornberry (Islington South and Finsbury) (Lab): President Trump boasts of running a finely tuned machine, but the truth is that American policy is under review when it comes to all the world’s major crises—from Ukraine to Syria, and Afghanistan to North Korea. I hear from the Secretary of State that there is new thinking, but we have yet to see anything coherent coming out of America. The finely tuned machine has not so much stalled as not yet got going. The resulting vacuum is being filled by the Russians, with peace talks on Syria and Afghanistan taking place without US or UK involvement. Is the Secretary of State happy to keep waiting for President Trump’s cue or is he capable
of thinking for himself? Will we see a British initiative in any of these countries, and, if so, where is he going to start and what is the plan?

Boris Johnson: The finely tuned machine that is the Labour party is a fine one to offer any kind of political advice to the American Administration. As the right hon. Lady knows very well, the UK has, in fact, been in the lead in trying to find a solution in Yemen, and in trying to maintain the commitment to AMISOM, the African Union Mission in Somalia. She should recognise, in all fairness, that the current area of diplomacy being considered by the United States in respect of Syria is a course that the UK has principally advocated—one in which the Russians and the Iranians are separated in their interests, and we move towards a political solution and a transition away from the barbarism of the Assad regime.

Emily Thornberry: I have to say that if that’s a plan, I’m a monkey’s uncle. The fact is that the Government have been frozen out of negotiations on some of the most pressing issues we face. Take Afghanistan, where there have been 450 British fatalities over 15 years. The American army general on the ground, John Nicholson, describes the fighting as having reached a stalemate that may take several thousand more troops to break. In the meantime, Russian-lead peace negotiations are going on in the absence of America, the United Kingdom and, in fact, every other NATO member, so I ask the Secretary of State again: when will we start seeing some leadership from this Government?

Boris Johnson: If the right hon. Lady is referring to Russian-lead peace talks in Afghanistan, I think she is in error. Perhaps she is talking about the Astana talks on Syria. It is strongly our view and the view of all Syria-supporting countries that those negotiations should resume as soon as possible in Geneva.

The right hon. Lady talks about the UK’s contribution to Afghanistan, and I think that she and the whole House can be very proud of the sacrifice made by those 456 British troops who lost their lives over the past 15 years. Hundreds of thousands of women in Afghanistan are now being educated as a result of the sacrifice made by British troops and the investment in that country by the British people. There are people who are now getting food, water and sanitation, which they would not otherwise have received.

Cyprus

2. Mrs Theresa Villiers (Chipping Barnet) (Con): What steps is he taking to support the negotiations for a settlement to re-unite Cyprus?

The Minister for Europe and the Americas (Sir Alan Duncan): The Foreign Secretary and I took part in the Geneva conference on the Cyprus settlement on 12 January. We welcome the Cypriot leaders’ commitment to resuming political level talks next month. We are keen to maintain momentum and stand ready to bring negotiations to a successful conclusion.

Mrs Villiers: Will my right hon. Friend agree that third-country guarantees should have no place in a new settlement for Cyprus, because Cypriots should be able to determine their own future without the threat of external military intervention?

Sir Alan Duncan: It is up to the two sides to decide what future security arrangements they want for a united Cyprus that will enable both communities to feel secure. As a guarantor power, the UK is playing a supportive role and is open to any arrangement that is acceptable to the two communities.

Jim Shannon (Strangford) (DUP): I thank the Minister for that reply. He will know that Northern Ireland has had a partnership Government who have moved forward, bringing communities together. What has been done to offer advice from Northern Ireland to bring forward a political process that works, especially in relation to gas and oil exploitation, which could benefit all of Cyprus?

Sir Alan Duncan: I think the example of Northern Ireland is an example to the whole world, and it has been of benefit in the likes of Nepal and Colombia. The issue of Cyprus is slightly different, but I hope that the lessons from Northern Ireland can be taken into account and that they can help inform the progress we would like to see in Cyprus.

Mr David Burrowes (Enfield, Southgate) (Con): Does the Minister agree with the view of the all-party parliamentary group, which visited Cyprus last week, that the best hope for a solution is the dedication and courage of both Cypriot leaders, freely negotiating, and a realisation in the communities that the status quo of a divided Cyprus is untenable? Does he agree that we need to ensure that Turkey gets that when it comes to security and guarantees?

Sir Alan Duncan: My hon. Friend is absolutely right, and I think we all applaud the good faith and dedication of the two leaders, who are working tirelessly towards a solution. There are other ingredients that are necessary, such as the co-operation of the two main countries next door, Greece and Turkey, and—this is very important—successful referendums in each community.

Mr Khalid Mahmood (Birmingham, Perry Barr) (Lab): The last time negotiations in Cyprus seemed close to a deal, the effort collapsed when hackers broke into the UN’s computer systems and the documents were leaked to a pro-Russian Cypriot newspaper. The inflamed communal tensions that followed had a major role in scuppering the chance of a deal. What assurance can the Minister give that lessons have been learned from that experience and that proper safeguards are now in place to protect the negotiations from any undue influence from outside?

Sir Alan Duncan: We have a very close association with the UN special representative, Mr Espen Eide. I am confident that he will have thought of this possible intrusion into the successful negotiations, and I hope that those safeguards are properly in place.

Global Britain Campaign

3. Marcus Fysh (Yeovil) (Con): What steps his Department is taking to promote the Global Britain campaign.

13. Mark Pawsey (Rugby) (Con): What steps his Department is taking to promote the Global Britain campaign.
The Secretary of State for Foreign and Commonwealth Affairs (Boris Johnson): Global Britain is a programme to help to explain to the world, but also to the people of this country, what I think they do not often suspect, which is the full range of Britain’s military, cultural, commercial and diplomatic influence in the world. It is important to do that now, particularly as we make our Brexit—or Bre-entry into the world, as we should perhaps call it—to help people to understand that a more global Britain will be a more prosperous Britain.

Marcus Fysh: Will my right hon. Friend tell us how the various initiatives on building a global Britain as we leave the EU will help the people of the Yeovil constituency and the south-west of England?

Boris Johnson: I am delighted to tell my hon. Friend that over the next 10 years we will, for instance, be spending £178 billion on defence—we are one of the few countries in NATO to contribute 2% of our GDP to defence. As a result, there will be more funds available, for instance, to support companies in Yeovil, such as the helicopter company Leonardo MW, which, as far as I know, builds Wildcat submarine-hunting helicopters, among other vital bits of kit.

Mark Pawsey: Does the Secretary of State agree that, in addition to defence spending, soft power—including the effective use of aid and increasing levels of trade and investment, which are helping businesses to find the most suitable partners—remains an essential part of the UK’s approach to boosting security in some of the more dangerous parts of the world?

Boris Johnson: I quite agree. Perhaps I can just give Members one stunning fact, which should seldom be off their lips when selling UK universities, for instance, to the world: of the Kings, Queens, Presidents and Prime Ministers in the world today, one in seven was educated in this country, and London has more international students than any other city in the world.

Mr Speaker: I think the Foreign Secretary’s brother probably told him that.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): Could we have a note of honesty in terms of an assessment of the nasty little hard Brexit campaign? Will the Foreign Secretary, instead of insulting the former Prime Minister, Tony Blair, as he did last week, take seriously the nasty little hard Brexit campaign? Will the Foreign Secretary instead of insulting the former Prime Minister, take seriously the nasty little hard Brexit campaign?

Boris Johnson: I do not think that anybody could seriously say that the former Prime Minister has been insulted by any remarks I made last week. What I was trying to get over was my strong feeling that the debate was had last year and everybody understands that we are going forward with a new approach for this country—a global approach. It will be a clean Brexit and, I think, a highly successful Brexit, as the Prime Minister has said.

Patrick Grady (Glasgow North) (SNP): Given that a famine has just been declared in South Sudan, will the Foreign Secretary confirm that a truly global Britain will respond to such crises rather than siphoning off the aid budget on diplomatic empowerment funds?

Boris Johnson: I am sure the hon. Gentleman is aware that the UK is one of the only countries in the world to contribute 0.7% of GNI to overseas development. We have a fantastic record not just in Sudan but across Africa. He is right to draw attention to the approaching famine in South Sudan. We have sent 400 troops to help deal with that emergency.

British-Iranian Citizens

4. Oliver Dowden (Hertsmere) (Con): What recent representations he has made to the Government of Iran on the imprisonment of dual British-Iranian citizens in that country. [908806]

The Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Mr Tobias Ellwood): We remain deeply concerned about the UK consular cases in Iran and continue to raise them with the Iranian Government at every opportunity, including when I visited Tehran last month and when the Foreign Secretary met his counterpart, Javad Zarif, in the margins of the Munich security conference.

Oliver Dowden: I thank my hon. Friend for his answer. He is familiar with the case of Mr Foroughi, a 77-year-old father and grandfather to constituents of mine who has been detained in Iran’s notorious Evin prison for almost six years. Does my hon. Friend agree that at a time when Iran and the west’s relationships are under increasing scrutiny, the exercise of clemency in this case, and others like it, would demonstrate Iran’s commitment to constructive engagement with the international community?

Mr Ellwood: I wholeheartedly agree with my hon. Friend. I am grateful for the work that he has done in liaison with the family. I was able to meet Kamran Foroughi, the son, on 25 January. I spoke to Ambassador Baeidinejad about the case this morning and when I visited Tehran last month. I am pleased to see that Mr Foroughi is now going to receive the health test that he has been requesting, but my hon. Friend is absolutely right that there is a case for clemency there that I hope will be answered.

Steve McCabe (Birmingham, Selly Oak) (Lab): Is anyone in the British Government able to make direct contact with the Iranian revolutionary guard, because they are the people who are arresting and falsely imprisoning our nationals? Surely if we are speaking only to the puppets in Tehran, no one from Britain is going to be safe to visit that country.

Mr Ellwood: I think we should be careful in the language we use. The Iranians, like those in many countries, do not recognise dual nationality, and therefore we have to conduct these matters with diplomacy. Our avenue with the Iranians, which was not there a couple of years ago, is through the Iranian Foreign Ministry and our interlocutors there. We have had communications from our Prime Minister, the Foreign Secretary, as I said, and now me, with our embassy opening as well.

EU: Science and Technology

5. Stephen Hammond (Wimbledon) (Con): What discussions he has had with his EU counterparts on joint areas of working on science and technology. [908807]
The Minister for Europe and the Americas (Sir Alan Duncan): The Prime Minister made clear on 17 January the high priority this Government place on their science relationship with Europe. The Minister for Universities, Science, Research and Innovation, my hon. Friend the Member for Orpington (Joseph Johnson), is in regular contact on this issue with his European counterparts, including the European commissioner.

Stephen Hammond: Will my right hon. Friend confirm that there are no barriers to the UK joining future collaborative ventures, and that the UK intends to pursue those collaborative ventures with high-tech beacons around the world, including Hong Kong and Israel?

Sir Alan Duncan: The Government aim to secure the best possible outcome for UK science and research as we leave the European Union. The EU and the UK have publicly emphasised the importance of continuing to work together to produce high-quality research, so both at home and abroad we will remain at the forefront of science and research.

Peter Grant (Glenrothes) (SNP): In paragraph 10.14 of their White Paper, the Government tell us that they “would welcome agreement...with our European partners” on science and technology issues, but they give no indication of how that agreement will be achieved—no timetable, no detail and absolutely no guarantees. Will the Minister tell us what discussions have taken place, rather than simply telling us that the Government have had discussions?

Sir Alan Duncan: The Department for Business, Energy and Industrial Strategy leads on science, but this will be an essential part of the negotiations we conduct with the European Union after we have triggered article 50.

17. [908808] Jo Churchill (Bury St Edmunds) (Con): May I ask the Minister to ensure that scientific co-operation in Europe is extended to the preservation of threatened species?

Sir Alan Duncan: I do not see why not, especially as my right hon. Friend the Foreign Secretary is living proof that the woolly mammoth can return from extinction.

Commonwealth

6. Dr James Davies (Vale of Clwyd) (Con): What steps his Department is taking to strengthen UK relations with other Commonwealth countries.

The Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Mr Tobias Ellwood): The Government are committed to strengthening our Commonwealth engagement, in continuing the theme of global Britain, and we look forward to hosting the Commonwealth Trade Ministers meeting in March and the Commonwealth Heads of Government meeting in 2018.

Dr Davies: Can the Minister tell me how he believes the inaugural Commonwealth Trade Ministers meeting, to which he referred, can be used as an opportunity to promote the Commonwealth as a trading network?

Mr Ellwood: We should not forget that the network of 52 states is very important to Great Britain. It has a combined population of 2.2 billion people, including 1 billion people under the age of 25. In the post-Brexit environment, we are looking for trade deals. When we travel across Africa, and indeed the Commonwealth in general, the first question that is asked is, “What are the opportunities for Britain, now that you are liberated from doing business through Brussels?” The ministerial meeting that is coming up is a great opportunity for us to embark on looking towards the trade deals that we need for the future.

Mr John Spellar (Warley) (Lab): Will the Minister join me in welcoming the cross-party majority in the vote on the EU-Canada trade deal? What priority is the Minister giving to completing that deal and ensuring that similar arrangements are made with our Commonwealth Canadian friends and cousins post-Brexit?

Mr Ellwood: The right hon. Gentleman makes an important point. We are contained until article 50 has gone through, but Canada is another example—along with the United States, of which the Foreign Secretary made mention—of where we can push forward trade deals to the benefit of the United Kingdom.

James Logo (Rossendale and Darwen) (Con): With the Commonwealth encompassing 52 members and a third of the world’s population, is it not vital that we set out our stall for Britain by saying that we want a free trade deal with Commonwealth countries, and that the Government put forward a plan for achieving that—not least in tomorrow’s Westminster Hall debate on this subject, which I have secured?

Mr Ellwood: The hon. Gentleman is absolutely right. These are countries with which we have a history and a relationship. We are trusted, and through organisations such as the Westminster Foundation for Democracy, the British Council and our embassies, consulates and high commissions we can certainly do that work. We hope to embark on such projects with Bangladesh and other countries across the Commonwealth.
Mr Ellwood: I am sure, after that advertisement, that Westminster Hall will be packed tomorrow. My hon. Friend is right: Commonwealth trade will surpass $1 trillion by 2020, and trade across the Commonwealth is estimated to be actually 20% cheaper because of common legal systems and language and, indeed, trust. Those are exactly the areas to which we need to aspire, given our leadership role in the Commonwealth.

Chris Bryant (Rhondda) (Lab): But 90% of those who live in the Commonwealth live in countries where homosexuality is illegal. Tanzania has, only this week, announced that it intends to publish lists of people in the public domain who are meant to be homosexual. That is a massive danger to those individuals, and it poses further risks to others because Tanzania is trying to close down all the HIV/AIDS units and to blame homosexuality for HIV. Do we not need to enter all our negotiations with our Commonwealth colleagues with our eyes wide open and making it very clear that we will not put up with this kind of thing?

Mr Ellwood: The hon. Gentleman makes a very powerful point. I will be visiting Tanzania soon, and I will certainly take that message with me. It is important to understand that, in the trade advances we are making across Africa, we do not miss the opportunity to raise delicate matters such as this, so that 21st-century standards can be met.

Japan

7. James Berry (Kingston and Surbiton) (Con): What assessment he has made of the strength of UK relations with Japan.

The Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Alok Sharma): We maintain excellent relations with Japan. We have close defence co-operation, and the recent visit by RAF Typhoons was a very visible demonstration of that co-operation. Japanese businesses employ 140,000 people in the UK, which shows our strong economic ties.

James Berry: Does my hon. Friend agree that North Korea’s recent ballistic missile test, in violation of UN Security Council resolutions, shows how important it is that we maintain strong military and security relationships with our friends in Japan and South Korea, as well as strong trade relationships?

Alok Sharma: The actions of North Korea are a direct violation of multiple Security Council resolutions and a threat to international peace and security, not least to our friends in Japan and South Korea. Last week, as the House will know, the North Korean ambassador was summoned to the Foreign and Commonwealth Office, where we made clear the UK’s concerns. Japan is of course our closest security partner in Asia, but we also enjoy close co-operation with South Korea, and we stand shoulder to shoulder with our allies.

Mr Gregory Campbell (East Londonderry) (DUP): Does the Minister agree that the innovative technology sector is very important for trade between Japan and the United Kingdom, in which we in Northern Ireland excel? Will he ensure that the sector is promoted very heavily in Japanese-United Kingdom relationships for the benefit of the Japanese workforce, but particularly of those who are developing the sector here?

Alok Sharma: As I have said, we of course enjoy very close trade relations with Japan. When I was in Japan last year, I met Japanese companies. The hon. Gentleman will be aware that the biggest ever acquisition in the UK out of Asia was the acquisition of ARM Holdings by SoftBank for £24 billion.

Daniel Kawczynski (Shrewsbury and Atcham) (Con): Will the Minister engage with his Japanese counterpart to get the latest assessment of Japan’s attempts to resolve its dispute with Russia over the Kuril islands?

Alok Sharma: We of course maintain close links with Japan—and, in fact, with all our allies—on matters related to security, and we continue to have dialogues across a range of issues, including those that my hon. Friend has raised.

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): Last week, the Scottish Government’s external affairs Minister visited Japan to boost foreign investment, but the hard Tory Brexit is causing a cloud of uncertainty. Given the pending EU-Japan free trade agreement, will the isolationist hard Brexit agenda leave the UK trailing behind?

Alok Sharma: Along with ministerial colleagues, I talk regularly to Japanese businesses to hear their views. May I just say that, since the date of the referendum, a huge amount of investment from Japan into the UK has been confirmed? I have referred to the ARM Holdings deal, but, as the hon. Lady will know, Nissan has reaffirmed the super-plant in Sunderland. If that is not a vote of confidence in the UK, I do not know what is.

Israeli Settlements

8. Martyn Day (Linlithgow and East Falkirk) (SNP): Whether he made representations on Israeli settlements in the Palestinian territories during the recent visit of the Prime Minister of Israel to the UK.

The Secretary of State for Foreign and Commonwealth Affairs (Boris Johnson): Yes, indeed. I met Prime Minister Netanyahu and repeated the historic UK position, which is that we believe the settlements on the west bank are illegal and constitute a barrier to a peaceful settlement in the region.

Martyn Day: President Trump has caused great concern for peace in the middle east by dismissing a 20-year US commitment to a two-state solution. Will the Foreign Secretary confirm that the UK remains committed to a two-state solution and will redouble its efforts?

Boris Johnson: Yes, I certainly can—and, if I may say so, I think the hon. Gentleman misrepresents what the US President said.

John Howell (Henley) (Con): Were the representations on settlements set in the context of Hamas fully restoring its military strength to levels before 2014—an illustration that peace does not entirely depend on this one issue?
Boris Johnson: We are aware of the preparations being made by Hamas in Gaza and we remain very concerned about the situation. It underscores the reality that while Israel is of course at fault for the expansion of settlements in the west bank—we have made that absolutely clear—on the other hand nobody should underestimate the very real security threat facing Israel. We are firmly on the side of the Israelis as they face that threat.

Richard Burden (Birmingham, Northfield) (Lab): Is the Foreign Secretary aware that just two days ago dozens of stop-work orders, which are usually regarded as precursors to demolition orders, were distributed in the village of Khan al-Ahmar, including to a primary school that serves over 170 children from local Bedouin communities? He may or may not know that the school is being visited by a large number of hon. Members from this House, and that if demolitions take place there to make way for settlements the chances of a viable Palestinian state will disappear. Is he making representations on this matter, and what action will he take to ensure that Mr Netanyahu heeds those representations?

Boris Johnson: I, of course, deplore demolitions, although, as the hon. Gentleman will appreciate, there is a difference between settlements and demolitions taking place in the west bank and demolitions within green line Israel.

Sir Eric Pickles (Brentwood and Ongar) (Con): Does my right hon. Friend think that our opposition to settlements is somewhat diluted by treating all settlements equally? The Oslo accords and the late President Arafat recognised that there would be land swaps. Would it not be better, as the Prime Minister said, to concentrate on new settlements and leave the existing settlements for a final decision?

Boris Johnson: The Government’s policy is unchanged. We regard settlements as illegal insofar as they are in occupied Palestinian territories. Members will be absolutely clear that sooner or later—I hope sooner rather than later—there will be a deal and an understanding that involves land swaps. As my right hon. Friend rightly says, we will have to show some sense when it comes to doing that deal.

20. [908823] Margaret Ferrier (Rutherglen and Hamilton West) (SNP): I am going to give the Foreign Secretary another opportunity to answer the question from the hon. Member for Birmingham, Northfield (Richard Burden). The Israeli civilian administration personnel and police arrived at Khan al-Ahmar and served 39 stop-work orders, including to a school. An entire community is about to be forcefully displaced. What representation has he made to his Israeli counterpart on this matter?

Boris Johnson: I refer the hon. Lady to the answer I gave a moment ago. My hon. Friend the Minister will be going to Israel very shortly. When we have got to the bottom of the exact complaint she is making, I am sure he will raise it.

Stephen Crabb (Preseli Pembrokeshire) (Con): Alongside concerns about the rearrangement of Hamas and the rebuilding of its network of cross-border terror tunnels, does my right hon. Friend share the growing alarm at the new activities of Daesh in the Sinai desert, which, together with the activities of Hamas, point to the prospect of further violence in the region and a new wave of terror attacks on innocent Israeli citizens?

Boris Johnson: My right hon. Friend is completely right. What he says underscores the need for a regional solution that brings together all the states surrounding Israel to do a deal that brings the Palestinians, finally, to the table, and brings concessions from the Israelis.

Mr David Winnick (Walsall North) (Lab): Is not the truth of the matter that the Israeli authorities have at no stage over the years ever wanted a viable independent Palestinian state? President Trump’s inane comments have strengthened the ultras in Israel. What encouragement can one give to the Palestinian people in view of the continuing destruction of their homes and the building of settlements by Israelis?

Boris Johnson: Every Israeli Prime Minister in the last 20 years has supported a two-state solution, and that is the right way forward. It is the policy of the UK Government and remains the policy of the US Government. The difficulty will be to get a deal that not only allows the creation of the Palestinian state that I think everybody wants to achieve, but protects the security of the state of Israel.

Fabian Hamilton (Leeds North East) (Lab): But last week President Trump said very clearly on televisions across the world that he could “live with either one” of a two-state or one-state solution. I am sure the Foreign Secretary agrees it is deeply disappointing that the President could casually disregard so many years of international consensus on a possible peace agreement between Israel and the Palestinian people. Did Mr Netanyahu give any hint at his recent meeting with the Prime Minister that he too was prepared to live with a one-state solution? If so, what was her response?

Boris Johnson: Let us be absolutely clear. As both the President and Prime Minister Netanyahu, and indeed the Palestinians, have said, there needs to be dialogue, but at the moment I do not think that the Palestinians are committing to dialogue in the way they could and should be. It takes two to negotiate. We have seen no progress over the last eight years. Let us not rule out the possibility of progress today.

Leaving the EU: Defence

9. Sir Gerald Howarth (Aldershot) (Con): What plans he has for co-operating with EU countries on defence policy after the UK has left the EU.

The Minister for Europe and the Americas (Sir Alan Duncan): We are strongly committed to European scrutiny and will remain so after we leave the EU. NATO remains the cornerstone of our defence, and we will continue to play our full part in supporting European security, particularly in eastern Europe.

Sir Gerald Howarth: I welcome my right hon. Friend’s commitment to NATO, but does he not find it as depressing as I do that while other EU countries are completely obsessed with creating an EU defence identity,
they are failing miserably to meet their NATO requirement of spending a minimum of 2% of their GDP on defence? Is not the foot-dragging by Germany, the richest country in Europe, and its refusal to honour that commitment until 2024 particularly perverse?

Sir Alan Duncan: We continue to make it clear that nothing should cut across NATO's role as the cornerstone of European defence. Other parties' contributions being fairly distributed to NATO would make sure that NATO can remain the force it needs to be.

Emma Reynolds (Wolverhampton North East) (Lab): The Foreign Secretary mentioned the sanctions against Russia over its actions in Ukraine. Will the Minister confirm that even when we leave the EU it will be open to us to democratically agree such sanctions with the rest of the EU where it is in our mutual interest?

Sir Alan Duncan: That is not specifically a question about defence policy, as on the Order Paper, but none the less I can reassure the hon. Lady that the answer is yes. Some kind of parallel structure for implementing sanctions will be required and I am sure will be agreed.

Myanmar

11. Yasin Qureshi (Bolton South East) (Lab): What recent assessment he has made of the progress of the transition to civilian democratic rule in Myanmar. [908813]

The Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Alok Sharma): Burma has made welcome progress towards democracy since embarking on reforms in 2011. It has lifted media censorship and released political prisoners, and held legitimate elections in 2015. The military remains powerful, however, and under the constitution is granted 25% of the seats in Parliament. Clearly, we want to see a transition to full democracy.

Yasmin Qureshi: The National League for Democracy, in power at the moment, continues to lock up those of its own activists who have spoken against the excesses of Burma's military and its treatment of ethnic minorities. Will the Minister make it clear to the Burmese Government that it cannot be recognised as genuinely democratic if it keeps putting its critics behind bars?

Alok Sharma: Human rights are vital, of course, and we always ask any Government to make sure that they are observed. More broadly, the issues right now are stopping the violations, securing humanitarian access and delivering accountability in parts of Burma where it is lacking, and those are precisely the points my right hon. Friend the Foreign Secretary pressed the Burmese Government and the military on when he visited Burma last month.

Catherine West (Hornsey and Wood Green) (Lab): Burma's Rohingya Muslims were banned from voting in last year's elections, and have since been excluded from dialogue between the military and other ethnic minority groups. Endemic violence against the Rohingya has recently been described by UN officials as ethnic cleansing that may amount to crimes against humanity.

Did the Foreign Secretary raise the plight of the Rohingya with Daw Suu and the generals on his recent trip to Burma?

Alok Sharma: Yes, he most certainly did.

Topical Questions

T1. [908828] Rob Marris (Wolverhampton South West) (Lab): If he will make a statement on his departmental responsibilities.

The Secretary of State for Foreign and Commonwealth Affairs (Boris Johnson): By the next time I answer questions in the House, the Government will have invoked article 50. My priority for the rest of the year therefore will be to ensure the smoothest and cleanest possible departure from the EU consistent with maintaining close co-operation with our European friends. I shall also strive—the Opposition can never achieve this—to work alongside the new US Administration as we deal with common challenges posed by Russia and the crises in the middle east.

Rob Marris: In July 2015, the highest court in Colombia decided that Her Majesty's Government had discriminated against its embassy employee, Mr Darwin Ayrton Moreno-Hurtado, on the basis of his ethnic identity and religious convictions. The court ordered his immediate reinstatement, yet Her Majesty's Government stubbornly continue to refuse to obey the court in Colombia. Does the UK Government not take seriously the judicial decisions of courts in Colombia, or do they not take seriously the need to cease ethnic and religious discrimination against their employees in Columbia?

The Minister for Europe and the Americas (Sir Alan Duncan): As the hon. Gentleman well knows—I have written to him in detail—it is impossible to reinstate that person as the job no longer exists.

T3. [908830] Ben Howlett (Bath) (Con): Bath has a great local charity called GlobalARRK, which helps women who are stuck overseas, often facing domestic violence. What is my right hon. Friend doing to help stuck parents who are unable to return to their home country with their children?

Boris Johnson: My hon. Friend will know that we have a programme to support the return of children whose parents are stuck in the wrong country. We do it through our—oh, what is it? We do it through our proper processes in making use of all our consular services.

Liz McInnes (Heywood and Middleton) (Lab): I am sure the whole House will welcome the recent positive political developments in the Gambia. The Gambian authorities are already investigating allegations that the former President Jammeh smuggled millions of dollars' worth of assets out of the country before his departure last month. What steps are the Government taking to help track down any missing assets, including any that might have ended up in the UK, and to make sure that any proceeds of corruption are returned to the Gambia without delay?
**Boris Johnson:** We are doing everything we can to support the Gambia’s judicial system. The hon. Lady will know that the new President Barrow has indicated that he would like the UK to be the Gambia’s principal partner of choice in tackling corruption in that country and putting the Gambia back on an even keel. I can tell you, Mr Speaker, that when I recently went to the Gambia, there were crowds in the street dancing—[Interruption.] Not necessarily because they were pleased to see me—perhaps they were—but because they were delighted that the Gambia was being welcomed back into the Commonwealth. I can say that their joy was unconfined.

T9. [908836] Karl McCartney (Lincoln) (Con): Further to comments made last week by my right hon. Friend the Foreign Secretary, would he care to suggest what the great British public should watch on television rather than the former Prime Minister and former Member for Sedgefield and his disgraced colleague and guacamole-loving former Member for Hartlepool?

**Boris Johnson:** I am very grateful to my hon. Friend for his question. I hesitate to advise the British public what to watch on television, but I have to say that I think they will exercise their infinite sagacity and wisdom in not heeding the siren voices of those who try to overturn the democratic decision of this country’s people last year to embark on a course that I think will lead us not only to democratic emancipation, but to a new course of global prosperity.

T2. [908829] Yasmin Qureshi (Bolton South East) (Lab): A report published by Physicians for Human Rights, an independent non-governmental organisation, states that recently, during the conflict in Indian-occupied Kashmir, Indian authorities responded to protesters—who were unarmed—by killing 87 of them and injuring 9,000. What representations have our Government made to the Indian authorities about that excessive use of force?

**The Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Alok Sharma):** We discuss a wide range of issues with the Indian authorities. As for the specific issue raised by the hon. Lady, earlier in the year the state Government of Jammu and Kashmir ordered the establishment of special investigating teams to look into deaths of civilians and the involvement of police personnel during the five-month-long unrest in Indian-administered Kashmir, and we will of course monitor their reports closely.

**Adam Afriyie** (Windsor) (Con): There were also crowds of people to welcome us when we arrived in Ghana a week or two ago. Although we could not quite work out whether the welcome was for us or for the Minister for Trade and Investment, it was thoroughly enjoyable nevertheless.

It seems to me that the greater the number of trading connections that we forge, particularly in west Africa, the stronger the foundation on which to build good international relations will be. Does my right hon. Friend agree that withdrawal from the European customs union will give us a once-in-a-generation opportunity to boost our diplomatic relations worldwide?

**Boris Johnson:** Thank you, my hon. Friend for his work as trade envoy to Ghana. Indeed, I thank all our trade envoys, who do a fantastic job around the world. It is thanks to the efforts of my colleague the Minister for Trade and Investment and others that we are seeing increased trade with countries such as Ghana, and I was very proud to see British firms operating there. I believe that the largest single private sector employer in Ghana is a firm run by a Brit. We should all be proud of the contribution that those firms are making.

T4. [908831] Ms Margaret Ritchie (South Down) (SDLP): Former Prime Minister Blair has acknowledged that people voted to leave the European Union but not at any price. Does the Foreign Secretary agree that when the price of Brexit becomes clear, people should be asked to confirm that that is a price that they wish to pay?

**Boris Johnson:** The House gave a clear mandate, 6:1, to give the people the decision on whether to stay in the European Union. All sorts of threats and all sorts of blandishments were made to the people of this country to persuade them to vote to stay in. Those threats and those warnings have proved to be fallacious, and I think that all future such threats will be taken with a pinch of salt.

T10. [908837] Lucy Frazer (South East Cambridgeshire) (Con): Many sectors in my constituency rely on foreign workers, from highly skilled workers in pharma to seasonal workers in agriculture, and including 12% of workers at Addenbrooke’s, my local hospital. I know that the Foreign Secretary values the important contribution to the economy made by foreign workers such as EU nationals, but will he also acknowledge that it is important to give them some certainty about their future as soon as possible?

**Boris Johnson:** I fully accept that we need to give all the 3.2 million EU nationals in this country the maximum possible certainty, and that we should do it as fast as we possibly can. Unfortunately, however, I do not think it is reasonable to do it before giving certainty to UK nationals in other EU countries. We would like to get on with that as fast as possible, and it is up to our friends and colleagues abroad to join us.

T5. [908832] Neil Gray (Airdrie and Shotts) (SNP): Last week, on the issue of securing peace between Palestine and Israel, Donald Trump said: “So I’m looking at two-state, and one-state...I can live with any price. Does the Foreign Secretary agree that when the price of Brexit becomes clear, people should be asked to confirm that that is a price that they wish to pay?

Having heard that direct quote, how can the Foreign Secretary say, as he did earlier to my right hon. Friend the Member for Gordon (Alex Salmond) and my hon. Friend the Member for Linlithgow and East Falkirk (Martyrn Day), that US policy has not changed or is not changing?

**Boris Johnson:** I really must accuse the hon. Gentleman of failing to listen to the answer that I gave a few moments ago. I am not here to defend or explain what the American President said, but he made it very clear that there should be dialogue, and he also made it very clear that he thought that the illegal settlements should...
no longer continue. The solution is a deal between the two parties, and that is what everyone in the House believes and wants.

Mr Andrew Mitchell (Sutton Coldfield) (Con): Today, once again, the ghastly prospect of famine stalks the world in four countries with which Britain has very close and long-standing historical connections: Yemen, north-east Nigeria, South Sudan and Somalia. Will the Foreign Secretary ensure, perhaps through the co-ordinating mechanism of the National Security Council, that every sinew of government is bent to address and combat this unconscionable situation?

Boris Johnson: Yes, I can certainly give my right hon. Friend that assurance. The whole House can be very proud of the work being done by the Department for International Development, and the huge contribution this country makes through UK aid to all four of the regions he identifies. He has recently been to Yemen, and he will know that this is a very difficult and intractable problem, but it is the UK who is trying to knock heads together and get a deal.

T6. [908834] Vicky Foxcroft (Lewisham, Deptford) (Lab): Despite its continued violations of international law, Israel enjoys favoured trade status with the UK and the EU. Does the Minister agree that if the UK Government are serious about peace and justice post-Brexit, we must revisit trade negotiations with Israel while it continues to deny Palestinians their rights?

Boris Johnson: If the hon. Lady is suggesting that we should boycott Israeli goods, I must say that I completely reject her advice.

Andrew Rosindell (Romford) (Con): Does the Foreign Secretary agree that any global Britain strategy should include the whole of the global British family, which means the British overseas territories and the Crown dependencies? What guarantees will the Government give that they will be included in any new arrangements post-Brexit?

Sir Alan Duncan: I am certain I can give my right hon. Friend that assurance. But let me add that the sovereignty position remains totally unchanged. Gibraltar is fully involved in the preparations for the process of leaving the European Union.

T7. [908834] John Pugh (Southport) (LD): Will the Government support the UN special rapporteur’s call for a full UN inquiry into abuses against the Rohingya Muslims by the Burmese army at the UN Human Rights Council this month? This is a specific question.

Alok Sharma: The UN high commissioner for human rights has issued a substantive report on the widespread human rights violations, and of course the UN special rapporteur also referred to violations in her recent press briefing. A full report is due in March. In the light of these two reports, the UK will consider, with international partners, the scope for further enhancing scrutiny of the military’s actions in Rakhine. I can confirm that I will be attending the Human Rights Council.

Sir Hugo Swire (East Devon) (Con): Brexit provides an opportunity to review the role of the FCO, which has been woefully under-resourced for far too long. Does my right hon. Friend the Foreign Secretary agree that there should be a moratorium on any asset disposals until such a review is complete, and that such a review should also examine how finally to bring other Departments with overseas representatives under the control of the respective heads of mission?

Boris Johnson: I am delighted for the support from my right hon. Friend in campaigning for proper funding for our diplomatic missions overseas. It is true that we have an absolutely unparalleled network around the world, and it is also true that the missions will be needed more than ever as we forge a new global future. That point will be heard loud and clear by the current occupant of the Treasury, who was, after all, the previous Foreign Secretary.

T8. [908835] Alison Thewliss (Glasgow Central) (SNP): Last month the all-party group on Yemen met in-country NGOs, who raised significant concerns about the safety of aid workers in Yemen, particularly those at checkpoints, who were at risk of being caught in aerial bombardments. Will the Ministers tell me, please, what specifically the Government are doing to end aerial bombardment in Yemen so that aid can get through?

The Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Mr Tobias Ellwood): The hon. Lady raises an important point. I will be visiting Riyadh this week and having discussions with President Hadi and, indeed, Adel al-Jubair. We are concerned that we need to move towards a political resolution, and we want the military component that has been taking place to end.

Nadhim Zahawi (Stratford-on-Avon) (Con): The Israeli Prime Minister has recently spoken about coming together with the Gulf Co-operation Council on security issues. Countries such as Jordan and Egypt have played a significant role in previous peace processes. Does the Foreign Secretary think that the GCC has a significant role to play in the Israeli-Palestinian peace process?

Boris Johnson: My hon. Friend brings a wealth of knowledge to this subject. I do think that the GCC and the Arab countries more generally hold the key, and that a variant of what used to be called the Arab peace plan is indeed where we will end up. What it will take now is for both sides to see that, and to make progress.

John Woodcock (Barrow and Furness) (Lab/Co-op): The announcement by Toshiba last week regarding NuGen will mean that new foreign investment will be required for the Moorside nuclear development. Does this not place a new question mark over the UK’s decision to pull out of Euratom, which will create more instability for the industry?

Sir Alan Duncan: We shall remain a full member of Euratom while we remain part of the European Union, and we intend to make sure that all our research into nuclear fusion will continue after we leave.
Chris Davies (Brecon and Radnorshire) (Con): We all look forward to the day when a sovereign Palestinian state exists alongside a safe and secure Israel. Does my right hon. Friend agree that that can be achieved only through face-to-face negotiations between the Palestinians and the Israelis?

Boris Johnson: I certainly agree with that, and those negotiations should take place as fast as possible and without preconditions.

Mr Douglas Carswell (Clacton) (UKIP): With Iran testing missiles, Russia plotting coups and North Korea murdering dissidents, does the Foreign Secretary agree that now is the time to renew western resolve and leadership, which has sometimes been lacking during the past eight years?

Boris Johnson: I completely agree. One of the interesting phenomena of the global reaction to the new US President is how much it is at variance with some of the commentary I have heard from the Opposition Benches this morning. When I go around the world, I find that many people in foreign ministries and other Governments are hopeful that they will see American leadership again where it has been lacking. They are particularly encouraged by the role of the United Kingdom in helping to transmit and improve American policy.

Martin Vickers (Cleethorpes) (Con): Last week I led a delegation to Kosovo, and I can tell my right hon. Friend that the President, the Prime Minister and others that we met there greatly appreciated his visit. May I invite him to reaffirm our continued support for Kosovo and to take part in any future initiatives to help it?

Boris Johnson: Yes, I certainly shall. I much enjoyed my time in Kosovo. All those on the Labour Benches who have sprung to the defence of their former Prime Minister today should know that he is memorialised, at least in Kosovo, in that no fewer than eight 16-year-olds there have been christened Tony Blair.

Tom Brake (Carshalton and Wallington) (LD): President Putin might be President Trump’s new best buddy, but he is certainly not ours. Will the Foreign Secretary give his full support to the Magnitsky amendments that we are going to debate in a few minutes, which would allow the assets of any Russians involved in the murder of Magnitsky to be seized in the UK?

Boris Johnson: We will be looking very carefully at that debate as it unfolds, and at the arguments that are made. We think that we have good provision in our statutes at the moment, but we will take account of the debate as it evolves.

Mims Davies (Eastleigh) (Con): I recently had a meeting in my constituency surgery with a delegation from Cameroon regarding the lack of democracy in that country. They described fear, brutality and a lack of education in English-speaking Cameroon. What role can the Foreign and Commonwealth Office and the conflict, stability and security fund play in supporting democracy in that area?

Mr Ellwood: First, I want to pay tribute to the diasporas based in the UK that provide us with an understanding of what is going on in their countries. I also pay tribute to the work that my hon. Friend is doing, and I absolutely agree with the concerns that she has raised about Cameroon. She is right to point to the conflict, stability and security fund as a way for us to provide funds to achieve that security, and we will be doing just that.

Andy Slaughter (Hammersmith) (Lab): A few moments ago, the Secretary of State confirmed as Government policy something that this House resolved without a Division on 9 February—that there should be a halt to the planning and construction of residential settlements in the occupied Palestinian territories. Given that that is the case, why is the UK permitted to trade specifically with those illegal settlements?

Boris Johnson: It is the policy of the UK, and I think of many of our friends and partners, to continue to trade on the grounds that that is the best way to support the economy of the region. Many workers in the region come from populations within the occupied Palestinian territories, and their livelihoods depend on that industry. That policy is widely understood and supported, and we will continue with it.

Several hon. Members rose—

Mr Speaker: Order. I am grateful to the Foreign Secretary and to colleagues. We must move on.
Mr Speaker: The short answer is no, and there is absolutely no reason why they should have done, a point which I can say from my own head and heart fortified in the knowledge that it is also the sound advice of the experienced Clerk of the House, who has been working in the service of the House for 40 years.

Ms Tasmina Ahmed-Sheikh (Ochil and South Perthshire) (SNP): On a point of order, Mr Speaker. While the Foreign Secretary is still in the Chamber, I want to ask for clarification. He said from the Dispatch Box during Question Time that the Trump travel ban order would not affect UK passport holders. Is he aware of the case of the teacher from Swansea who has been—[Interruption.]—I am giving the Foreign Secretary the opportunity to clarify that he is aware of the matter and that it is in hand.

Mr Speaker: That is not specifically a matter for the Chair. If the Foreign Secretary wants to respond on the Floor of the House, he is free to do so, but he is under no obligation. I get the impression that the hon. Lady will be contacted.

The Secretary of State for Foreign and Commonwealth Affairs (Boris Johnson): If the case that the hon. Lady is referring to is the one that I am thinking of, I have written to her about it.

Andrew Bridgen (North West Leicestershire) (Con): On a point of order, Mr Speaker. You quite rightly apologised to the Lord Speaker for unilaterally seeking to ban the President of the United States from speaking in Westminster Hall. When can we expect an apology in this Chamber?

Mr Speaker: I am grateful to the hon. Gentleman. I get the impression that the hon. Member for North West Leicestershire (Andrew Bridgen) was in his place at that time, but I responded to points of order and the matter was addressed fully, so we shall leave it there. I am extremely grateful to the hon. Gentleman for his interest.
They may be unaware of the bundles that enable calls to be made at no more than 7p a minute, rather than the range of 10p a minute to 55p a minute suggested on the Government website, as updated on 7 February.

I thank David Hickson of the fair telecoms campaign for providing me with information as I prepared this Bill. David tells me that the campaign fully supports the use of 0800 numbers, and the consequent bonanza for telephone companies, in cases when it is essential that nobody pays for a call. He is, however, concerned that greater use of 0800 numbers would do nothing to help constituents who get ripped off when calling friends, or their MP, on ordinary numbers. There is therefore a strong case for us all to push the point that it is essential to ensure that everybody chooses the most appropriate telephone call plan for their needs. Those of us who are well-off, smart consumers do that anyway, but there is a need for greater assistance and guidance to be given to all.

Last July, the Social Security Advisory Committee recommended that all telephone calls to the DWP should be free via 0800 numbers. The Government’s response was that that would cost £7 million, which is not a lot in the context of the overall budget. The roll-out of universal credit threatens to extend call times and costs to claimants due to the nature of the new benefit, which will require frequent contact from claimants to update the DWP on their circumstances. A ministerial written answer last year revealed that the average length of a call to the universal credit helpline is seven minutes and 29 seconds, which is equivalent to £4.40 at one major phone operator’s rates. Universal credit is a replacement for jobseeker’s allowance, and the weekly equivalent is £73.34, so claimants will already have less to live on than they are allocated simply for calling a helpline.

The push over the edge into poverty should not be administered by the DWP and other Government Departments through charging for inquiry lines. When the safety net becomes a trap, it is time to ask what sort of Government boost telephone company profits on the backs of the poor.

Far from working to create a society that is fair for all, the Government have not responded positively so far to the campaign to remove telephone helpline charges, which can be up to 55p a minute. When I have queried the cost of calling, the ministerial response has inevitably mentioned the alternative of online access for inquiries and claims. That is fine for those who are digitally literate, who can afford broadband and who live in an area with good connectivity, but it is not so great otherwise and a further in-built barrier that stops people from accessing the support to which they are entitled. Although there has been some funding for public access terminals and digital learning, if all the people who seek advice on claims were to switch from phoning to the use of public internet access terminals, libraries and community centres would be unable to cope with the demand.

When I was researching this issue, I was particularly struck by a DWP spokesperson’s response to the telephone tax campaign last year, which was that online access is widely available through the network of jobcentres. I pause for a moment as we reflect on the proposed closure programme for the DWP estate. It should not be too difficult to conduct an audit, in conjunction with local authorities, to identify the availability of free online access terminals to our constituents, or the lack thereof. In fact, I am inclined to conduct one in my constituency of Glasgow South West and to compare that with the claimant count. I strongly suspect that that would reveal a mismatch.

The other stock ministerial response to questions about phone charges for inquirers is the use of a call-back, but it is rather difficult for an inquirer who is on hold if a call-back is not offered routinely. A call-back also requires the caller to self-identify as vulnerable. That in-built humiliation within the system is familiar to those of us who have watched “I, Daniel Blake”.

Ministers have promised a review of telephone charges, but I ask the Government to act on the recommendations of the 2016 Social Security Advisory Committee report “Telephony in DWP and HMRC: an update” as part of the review, introduce a more effective call-back system for vulnerable customers, and bring in an information system that advises customers of possible wait times. That should be adopted across all Government services as best practice. The need for reform is pressing with regard to benefit claims, but over-the-top charging for information, through a lack of recognition of the least well-off’s limited access to the range of phone packages available and a lack of digital inclusion, excludes and discriminates against far too many of our citizens.

As Mr David McAuley from the Trussell Trust put it:

“When incomes are extremely tight, we could see people being forced to choose between phoning to make a...claim and buying essential food supplies”.

Unless people have been in that position, or have a case load from a constituency like mine, it might be difficult for them to understand how disempowering or discriminatory the system can be, and that every penny spent on a phone call ramps up stress and anxiety for people who simply want access to information, support and the benefits to which they are entitled. I commend the Bill to the House.

Question put and agreed to.

Ordered.

That Chris Stephens, Mhairi Black, Jonathan Edwards, Neil Gray, Dr Philippa Whitford, Drew Hendry, Ms Margaret Ritchie, Mr Alistair Carmichael, Ian Blackford, Mr Jim Cunningham, Grahame M. Morris and Mark Durkan present the Bill.

Chris Stephens accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 24 March, and to be printed (Bill 141).
Criminal Finances Bill

Consideration of Bill, as amended in the Public Bill Committee.

New Clause 7

UNLAWFUL CONDUCT: GROSS HUMAN RIGHTS ABUSES OR VIOLATIONS

'(1) Part 5 of the Proceeds of Crime Act 2002 (civil recovery of the proceeds etc of unlawful conduct) is amended as follows.

(2) In section 241 (meaning of “unlawful conduct”), after subsection (2) insert—

“(2A) Conduct which—

(a) occurs in a country or territory outside the United Kingdom,
(b) constitutes, or is connected with, the commission of a gross human rights abuse or violation (see section 241A), and
(c) if it occurred in a part of the United Kingdom, would be an offence triable under the criminal law of that part on indictment only or either on indictment or summarily, is also unlawful conduct.”

(3) After that section insert—

“241A “Gross human rights abuse or violation”

(1) Conduct constitutes the commission of a gross human rights abuse or violation if each of the following three conditions is met.

(2) The first condition is that—

(a) the conduct constitutes the torture of a person who has sought—

(i) to expose illegal activity carried out by a public official or a person acting in an official capacity, or
(ii) to obtain, exercise, defend or promote human rights and fundamental freedoms, or

(b) the conduct otherwise involves the cruel, inhuman or degrading treatment or punishment of such a person.

(3) The second condition is that the conduct is carried out in consequence of that person having sought to do anything falling within subsection (2)(a)(i) or (ii).

(4) The third condition is that the conduct is carried out—

(a) by a public official, or a person acting in an official capacity, in the performance or purported performance of his or her official duties, or

(b) by a person not falling within paragraph (a) at the instigation or with the consent or acquiescence—

(i) of a public official, or

(ii) of a person acting in an official capacity, who in instigating the conduct, or in consenting to or acquiescing in it, is acting in the performance or purported performance of his or her official duties.

(5) Conduct is connected with the commission of a gross human rights abuse or violation if it is conduct by a person that involves—

(a) acting as an agent for another in connection with activities relating to conduct constituting the commission of a gross human rights abuse or violation,
(b) directing, or sponsoring, such activities,
(c) profiting from such activities, or

(d) materially assisting such activities.

(6) Conduct that involves the intentional infliction of severe pain or suffering on another person is conduct that constitutes torture for the purposes of subsection (2)(a).

(7) It is immaterial whether the pain or suffering is physical or mental and whether it is caused by an act or omission.

(8) The cases in which a person materially assists activities for the purposes of subsection (5)(d) include those where the person—

(a) provides goods or services in support of the carrying out of the activities, or

(b) otherwise provides any financial or technological support in connection with their carrying out.”

(4) The amendments made by this section—

(a) apply in relation to conduct, so far as that conduct constitutes or is connected with the torture of a person (see section 241A(2)(a) of the Proceeds of Crime Act 2002 as inserted by subsection (3) above), whether the conduct occurs before or after the coming into force of this section;

(b) apply in relation to property obtained through such conduct whether the property is obtained before or after the coming into force of this section;

(c) apply in relation to conduct, so far as that conduct involves or is connected with the cruel, inhuman or degrading treatment or punishment of a person (see section 241A(2)(b) of that Act as inserted by subsection (3) above), only if the conduct occurs after the coming into force of this section.

This is subject to subsection (5).

(5) Proceedings under Chapter 2 of Part 5 of the Proceeds of Crime Act 2002 may not be brought in respect of property obtained through unlawful conduct of the kind mentioned in section 241(2A) of the Proceeds of Crime Act 2002 (as inserted by subsection (2) above) after the end of the period of 20 years from the date on which the conduct constituting the commission of the gross human rights abuse or violation concerned occurs.

(6) Proceedings under that Chapter are brought in England and Wales or Northern Ireland when—

(a) a claim form is issued,

(b) an application is made for a property freezing order under section 245A of that Act, or

(c) an application is made for an interim receiving order under section 246 of that Act, whichever is the earliest.

(7) Proceedings under that Chapter are brought in Scotland when—

(a) the proceedings are served,

(b) an application is made for a prohibitory property order under section 255A of that Act, or

(c) an application is made for an interim administration order under section 256 of that Act, whichever is the earliest.”

"—(Mr Wallace.)"

This new clause extends the meaning of “unlawful conduct” for the purposes of Part 5 of the Proceeds of Crime Act 2002, so that it includes conduct in other countries that constitutes the gross human rights abuse or violation of a person who has sought to expose illegal activity of a public official or person acting in an official capacity, or to promote etc human rights. Part 5 confers civil recovery powers in relation to property that has been obtained through unlawful conduct.

Brought up, and read the First time.

12.52 pm

The Minister for Security (Mr Ben Wallace): I beg to move, That the clause be read a Second time.

Mr Speaker: With this it will be convenient to discuss the following:

New clause 1—Civil recovery: gross abuse of human rights—
'(1) Part 5 of the Proceeds of Crime Act 2002 (civil recovery of the proceeds etc. of unlawful conduct) is amended as follows.

(2) In section 241 (which defines unlawful conduct), after subsection (2), insert—

“(2A) Conduct which—

(a) occurs in a country or territory outside the United Kingdom and has been designated as conduct by a person connected to a gross human rights abuse in accordance with the provisions of section 241B, and

(b) if it occurred in a part of the United Kingdom, would be or would have been unlawful under the criminal law of that part at the relevant time,

is also unlawful conduct.”

(3) After section 241 (which defines unlawful conduct), insert—

“241A Conduct connected to a gross human rights abuse

(1) “Conduct connected to a gross human rights abuse” means—

(a) involvement by a Person (“A”) in torture or other serious breaches of human rights and fundamental freedoms against a Person (“B”) where B sought or seeks—

(i) to expose illegal activity carried out by foreign public officials, or

(ii) to obtain, exercise, defend or promote human rights and fundamental freedoms,

(b) activities by a Person (“C”) as an agent in a matter relating to an activity by A described in paragraph (a),

(c) activities by a Person (“D”) to profit from, materially assist, sponsor, or provide financial, material or technological support for, or goods and services in support of, an activity by A described in paragraph (a),

(d) commission by a Person (“E”), whether or not a foreign public official, of the illegal activity described in paragraph (a)(i).

(2) For the purposes of this section, it is immaterial where the conduct occurred.

(3) In this section “human rights and fundamental freedoms” means the “Convention rights” as defined in section 1 of the Human Rights Act 1998.

241B Designation of conduct connected to a gross human rights abuse

‘(1) The High Court may make an order designating that the actions of the respondent constitute conduct connected to a gross human rights abuse and, if considered appropriate, that—

(a) a person is prohibited from dealing with property, funds or economic resources owned, held or controlled by the respondent if the person knows, or has reasonable cause to suspect, that the person is dealing with such property, funds or economic resources,

(b) a person is prohibited from making property, funds or financial services available (directly or indirectly) to the respondent if the person knows, or has reasonable cause to suspect that the person is making the funds or financial services so available,

(c) a person is prohibited from making funds or financial services available to any person for the benefit of the respondent if the person knows, or has reasonable cause to suspect, that the person is making the funds or financial services so available.

(2) An order under subsection (1) may only be made on application.

(3) An application for an order under subsection (1) may be made by—

(a) the Secretary of State,

(b) an individual, or

(c) an entity, including a non-governmental organisation.

(4) An application for an order under subsection (1) must be supported by a statement of information which addresses—

(a) the circumstances surrounding the respondent’s conduct connected to a gross human rights abuse, and

(b) the nature and extent of the respondent’s involvement.

(5) An application for an order under subsection (1) may be made without notice to the respondent to a judge in chambers.

(6) The Court must be satisfied that it is in the public interest to make an order under subsection (1).

(7) The Court shall reach a decision on an order under subsection (1) on the balance of probabilities.

241C Duration, extension, variation and discharge of an order

‘(1) The High Court shall specify the duration of an order under section 241B(1) which shall not exceed two years.

(2) In determining the duration of an order, the Court shall have regard to the likely duration of consequential proceedings under this Part.

(3) The Court may extend an order for a maximum period to two years at any time before it expires, if it is satisfied that the requirements of a designation order continue to be met.

(4) An extension application may be made without the need for a hearing if the court considers it appropriate.

(5) An application to extend, vary or discharge an order may be made to the court by—

(a) the Secretary of State,

(b) the applicant,

(c) the respondent, or

(d) any person affected by the order.

(6) An application to discharge a designation order must be made by the applicant as soon as reasonably practicable in circumstances where the requirements of an order are no longer satisfied.

241D Appeals, etc.

‘(1) The following persons may appeal to the Court of Appeal in respect of the High Court’s decision on matters falling to be decided under sections 241B and 241C—

(a) the applicant,

(b) the respondent, or

(c) any person affected by the order.

(2) On an appeal under subsection (1) the Court of Appeal may—

(a) confirm the decision, or

(b) make such orders as it believes appropriate.

(3) An appeal lies to the Supreme Court from a decision of the Court of Appeal.

(4) An appeal under this section lies at the instance of any person who was a party to the proceedings before the Court of Appeal.

(5) On an appeal under this section the Supreme Court may—

(a) confirm the decision of the Court of Appeal, or

(b) make such order as it believes is appropriate.

241E Standard to be applied

All matters to be determined by a court under sections 241B to 241D are to be decided on the balance of probabilities.

241F Costs

In the exercise of its discretion, a court may, on application, make a costs capping order in respect of proceedings under sections 241B to 241D.
241G Duties in respect of gross abuse of human rights

(1) It shall be the duty of the Secretary of State to apply for an order under section 241B where the Secretary of State is satisfied that

(a) the requirements for the making of an order are met; and

(b) it is in the public interest to make the application.

(2) It shall be the duty of the Secretary of State to maintain a public register of —

(a) individuals in respect of whom orders have been made under section 241B(1),

(b) the circumstances giving rise to the making of such orders, and

(c) any decisions of a court under sections 241C and 241D in relation to such orders.

(3) In any case where a relevant authority considers that evidence is available of property being held by a person in respect of whom an order has been made under section 241B which may represent property obtained through unlawful conduct, it shall be the duty of the relevant authority to seek to initiate proceedings for civil recovery under this Part.

(4) In section 304 (which defines recoverable property), after subsection (1), insert—

“(1A) Property of a person who is the subject of a designation order under section 241B is presumed to have been obtained through unlawful conduct unless the contrary is shown by the respondent.”

This new clause extends the scope of unlawful conduct for the purposes of Part 5 of the Proceeds of Crime Act 2002 to cover to certain actions connected to a gross human rights abuse which has taken place abroad.

Government amendments 58 and 59.

Mr Wallace: Some time has passed since we last considered this Bill. There was, as hon. Members will recall, a great deal of cross-party consensus on it, both on Second Reading and in Committee, and I hope that we will be able to continue in that same spirit of constructive debate and healthy scrutiny today.

This first group of amendments concerns the extremely grave matter of gross human rights abuses or violations. The Government are committed to promoting and strengthening universal rights globally, and I welcome the opportunity to debate this issue. In particular, these amendments have been prompted by the harrowing case of Sergei Magnitsky. Magnitsky was not a serious criminal; he was a lawyer who tried to blow the whistle on large-scale tax fraud in Russia, and he believed that he would be protected by the law. Unfortunately, he died in state custody in 2009 after suffering both mistreatment and assault, and being denied medical attention. I share the strong feelings of many hon. Members about this case, and I want to reassure the House that the Government have expressed, both publicly and to the Russian Government, our serious concerns about Mr Magnitsky’s death. Of course, we must also remember that his case is only one of many atrocious human rights violations committed globally each year.

As I am sure that hon. Members will highlight, the US has legislated to prohibit the entry of certain named individuals to the US and to forbid them use of the US banking system. Less than two months ago, President Obama's Administration extended the legislation so that it could be applied to those involved in human rights violations, wherever in the world they have taken place. That sends an important signal that perpetrators of gross human rights violations will face consequences. However, we have an entirely different legal system, which merits a different approach.

I pay tribute to those hon. Members who have raised this issue by tabling new clause 1—in particular, my hon. Friend the Member for Esher and Walton (Mr Raab), the right hon. Members for Barking (Dame Margaret Hodge) and for Carshalton and Wallington (Tom Brake), and the hon. Member for Ross, Skye and Lochaber (Ian Blackford). I am grateful to hon. Members for giving me advance notice of the amendment, and am pleased to have had the opportunity to discuss it with many of its signatories.

It has always been the Government’s position that for further legislation to be warranted on this issue, there would need to be a real case that existing powers were insufficient. I hope that hon. Members will agree that we should avoid doing anything that might have an impact on the effectiveness of our existing sanctions and civil recovery powers. The National Crime Agency has confirmed that it has considered all the material provided to it on the Magnitsky case. It concluded that the individuals whom we believe to be connected to the case do not reside in the UK, and it has identified no assets of value in the United Kingdom that are connected to the case, so the additional powers proposed in new clause 1 would have no obvious material effect on the individuals involved in this case.

Mr Jonathan Djanogly (Huntingdon) (Con): The point about the Magnitsky Act in the US is that it pulls together the visa ban, the ban on using American banks and the inability to trade there; the advantage is that it is all pulled together. I appreciate that the scenario is different in this country, but will the Minister please explain how he intends to pull the links together in this country, using the different pieces of existing legislation?

Mr Wallace: I am grateful to my hon. Friend for that point. I will get to that later in my speech, but we have to recognise this difference between the United States and the UK: here, most of our sanctions regimes are under the European Union umbrella. Of course, there will be time to discuss those sanctions, and the United Kingdom’s post-Brexit arrangements, at a later date. When it comes to sanctions, we have slightly different dispersals of authority and power from the United States, which often can, and does, act entirely unilaterally in this area; we should point that out.

One problem with new clause 1 is that we think it would be non-compliant with our domestic human rights law, because it contains no derogations. It would freeze all the assets of a designated individual, so they would not have any funds for living expenses or medical treatment, or to pay for legal representation. The reversal of the burden of proof, so that it would be assumed that all assets owned by designated individuals were the proceeds of their unlawful conduct, would also be an unprecedented step. That is incongruous with the existing civil recovery regime and could be judged by the courts to be disproportionate.

However, we recognise the strength of feeling on this matter, and understand the deterrent effect that such an amendment would have on those who seek to profit from the gross abuse or violation of human rights overseas.
Tom Brake (Carshalton and Wallington) (LD): The Minister is clearly very well informed on this issue, and I know that he has had meetings on the subject. If assets connected to the case were identified in the UK—I know that there is a dispute with Bill Browder, who believes that there are such assets here—is the Minister confident that existing legislation or his new clause 7 would enable them to be frozen?

Mr Wallace: I am grateful to the right hon. Gentleman for his point. I have to respect the boundaries of our law enforcement agencies. As a Minister, I cannot direct them to take action; they have an operational freedom and independence that we value greatly in this country. They have said to me that should actionable evidence be presented to them, they would be free to follow that up and enforce the law. Speaking as the Minister, where actionable evidence of gross human rights abuses or other criminal offences is presented, of course we would like to see action taken. This is not about trying to shelter people who have been involved in those offences; it is about trying to make sure that the appropriate action is taken when the correct evidence is presented. I absolutely concur with the right hon. Gentleman’s point: it is important to understand that we need to act on the evidence. If there is evidence, we could take action, even without this legislation. I certainly urge our law enforcement agencies to take action to make sure that people are held to account for the atrocious murder in Russia of Mr Magnitsky.

We have tried to come some way towards meeting many of the concerns of hon. Members by tabling new clause 7 and the consequential amendments 58 and 59. They would widen the definition of “unlawful conduct” in part 5 of the Proceeds of Crime Act 2002 to include torture or “the cruel, inhuman or degrading treatment” of those exposing corruption, or obtaining, exercising, defending or promoting human rights, including in cases where that conduct was not an offence in the jurisdiction in which it took place. That would allow any assets held in the UK that were deemed to be the proceeds of such activity to be recovered under the provisions in part 5.

Chris Bryant (Rhondda) (Lab): The Government’s new clause 7 contains no duty on the Government to act at all; they can simply ignore the provisions. That is one of the key differences between new clause 7 and new clause 1, tabled by the hon. Member for Esher and Walton (Mr Raab).

1 pm

Mr Wallace: The hon. Gentleman talks about duty, but there are lots of criminal offences on the statute books on which the Government do not have a duty to act. We leave it to the interpretation and freedom of our law enforcement agencies to act. Are we to say that the duty in this case is greater than the duty on the police to act on burglary or on a whole range of other criminal offences? The fundamental issue is that the hon. Gentleman wants to put a duty on the Government for one specific type of criminal offence, which would, I am afraid, hinder the freedom of our law enforcement agencies to take the appropriate action when the evidence was presented to them.

Chris Bryant: But in the Government’s new clause, as opposed to new clause 1, there is no provision for third parties to bring a case to the courts to allow the seizure of assets, so, yet again, the Government are closing off the options for tackling money laundering in London and the UK.

Mr Wallace: I am afraid we are not. The National Crime Agency, the Serious Fraud Office and Her Majesty’s Revenue and Customs are not full of people who do not want to do their job. They want to enforce the law: they want to go out and catch the criminals and stop money laundering. It is slightly insulting to imply that if we did not put a duty on them, they would not do it. They would do it. The problem with new clause 1 is that it would allow non-governmental organisations and individuals—it does not define whether those NGOs or individuals are foreign or from the UK—to go to the court, with limited liability, to force the Government to act, without a high threshold at all.

For example, under new clause 1 a Cuban exile living in Florida who does not like the rapprochement with the Cuban Government could come to our courts to allege human rights abuse and make an application against the Cuban ambassador’s assets in this country, and actually confiscate or freeze those assets. It would not only preclude us from making peace or moving on with some countries, but would allow massive amounts of vexatious claims based on gimmick politics. That is why we have to respect the professionalism and independence of our law enforcement agencies and allow them to make the case based on the evidence presented to them.

Chris Bryant: That is simply not the case. For example, we already regularly have lots of vexatious applications from Russia for the extradition of Russians who are now resident in the United Kingdom, but the court decides. New clause 1 would not allow an individual to decide that somebody’s assets must be frozen; a court would decide.

Mr Wallace: First, the hon. Gentleman misses the point that courts do not like vexatious complaints. They do not like time-wasting applications with what would be in the case of new clause 1 limited liability for those people who want to use the court’s time to make a statement. Secondly, applications for deportation are often made by the state. The hon. Gentleman would open it up to individuals all over the world to come to our courts, without liability, to make the case for or to make a gesture out of freezing individuals’ assets, without any recourse to the state or even necessarily to evidence. That would open up a whole can of worms for countries around the world.

I shall give another example. We have sponsored and supported the peace deal in Colombia. Should the Colombian Government at some stage choose to send somebody with a background in the FARC to represent them or to be a cultural attaché in their embassy or something, and somebody in Colombia does not like that, under new clause 1 they could, as an individual, come to a court here and make a tokenistic application. The judiciary might throw it out, but there is capped liability, so the court’s time could be wasted with large by lots of people making statements and blocking the courts.
Mr Djanogly: Have the Government considered whether any application should go first to the Attorney General before being allowed to proceed? That might stop the abuse that the Minister is suggesting.

Mr Wallace: We did consider that in consultation with the office of the Attorney General and the Solicitor General, but it was felt that there was not the appropriate need for that, so we progressed with new clause 7 as it is drafted. We should remember that we are putting on the statute book a new power to take action based on gross human rights abuse, torture and degrading treatment. We have not done that before and it is a major step. It is a major signal to countries around the world that if evidence is presented, we could interdict with their assets. That sends the powerful message that London and the United Kingdom are not bases for them to put their assets or ill-gotten gains from such behaviour.

Sir Eric Pickles (Brentwood and Ongar) (Con): Surely that is the substantive point. The concern would be that we would get not only vexatious complaints, but complaints designed for publicity, in the almost certain knowledge that such complaints would not be seen through by the courts and there would be virtually no cost to the people making the complaint. New clause 7 provides the opportunity to nab the guilty, and it says to people that bloodstained dictators have no place putting their money in this country.

Mr Wallace: My right hon. Friend is absolutely right that it sends a message, but it also respects the independence of our law enforcement agencies so that they can apply the law and take action when they are presented with evidence, which will ensure that the courts’ time is not wasted and that we get successful results when we deal with these individuals. It will also ensure that it is done in a way such that the Executive retains the initiative to carry out the process and prevent vexatious complaints. Judges will tell us that they do not want their courtrooms to become public relations arenas in which people can make vexatious applications; they want their courts to be able to decide on the basis of evidence. Under new clause 7, they will be able to do that, but we respect the operational independence of our law enforcement agencies.

All that explains why we tabled the new clause. As I have said, it would allow any assets held in the UK that were deemed to be the proceeds of the activities I outlined to be recovered under the provisions in part 5. Of course, any civil recovery would be subject to all the existing processes and legal safeguards in the Proceeds of Crime Act 2002. The court would need to be satisfied, on the balance of probabilities, that the property in question was the proceeds of crime, or was likely to be used to fund further criminal activity. Law enforcement agencies would, as ever, need to consider which of their powers to utilise on a case-by-case basis.

I hope Members will agree that the new clause would send a clear statement that the UK will not stand by and allow those who have committed gross abuses or violations around the world to launder their money here. I have been the Minister in charge of the Bill from the beginning, and when colleagues from either side of the House have tabled amendments, I have asked my officials, “Do they have a point?” I have asked my officials about the evidence set against Mr Magnitsky’s killers and to find out whether we have actually done the work we say we are doing. I make sure I do not just take things at face value. It is important to say that I am confident that we have not yet taken action in this case because we have not yet had the evidence to do so or the assets have not been located in the right place. I have checked that out and verified it.

I have come to the House today with an attempt to put a compromise in statute—to put gross human rights abuse on record for the first time. I hope we can send the right message to the regimes, criminals and individuals around the world, while at the same time respecting the law enforcement agencies so that they can carry out their job unhindered by political interference, or by third-party groups or anyone else who might want to use publicity rather than actual evidence to further their cause. That is really important. I shall pause my comments there and wait to hear from other Members, and then respond at the end of the debate.

Richard Arkless (Dumfries and Galloway) (SNP): It is not fair for us to live in a world in which criminals are free to generate cash and spend it without fear of repercussion. Given what I have learned during the progress of the Bill, I think all Members on both sides of the House would agree with that sentiment. There simply must be a level playing field for the vast majority in society who chose to play by the rules. Until now, provisions on financial crime have been focused on anti-money laundering regulations and proceeds of crime legislation, which have been specifically geared towards dealing with the proceeds of drug traffickers and bank robbers. In many senses, it has worked. It is not as easy to launder money in 2017 as it used to be, although, sadly, it is not impossible. It used to be the perception of criminals that if they could evade capture and not flash the cash, they could eventually spend their ill-gotten gains. In many cases, criminals looked forward to spending the gains when they were released.

Thankfully, the world has moved on, and this Bill is an attempt to move us another step ahead of the criminals, so that we as a society are fit to attack the finances of criminals in 2017 and beyond. We cannot buy into the rule of law unless we can agree to the evolution of regulations surrounding the financial industry that has happened over the years. Today, we face the threat of grand corruption, particularly in relation to politically exposed people, which is facilitated for the most part—perhaps unwittingly—by the City of London.

Last year, The Guardian revealed, through the Panama papers, how a powerful member of Gaddafi’s inner circle had built a multi-million pound portfolio of boutique hotels in Scotland and luxury homes in Mayfair, Marylebone and Hampstead in London. He was head of Libya’s infrastructure fund for a decade and has been accused by Government prosecutors in Tripoli of plundering money intended for schools, hospitals and infrastructure projects.

Scottish police have confirmed that they are investigating the matter. Libya has made a request for an asset freeze, but, as far as I understand it, the freeze has not been implemented. With the powers contained in the Bill, we could have dealt with such an injustice much more swiftly, so, in general terms, we welcome its provisions. However, as I intimated earlier in this process, our issue
is not with what is in the Bill, but with what is not in the Bill. None the less, that list has narrowed as this process has continued.

The Bill does not satisfactorily address corporate economic crime—which we will discuss in the third group of new clauses, which includes proposals on Scottish limited partnerships, on which my hon. Friend the Member for Kirkcaldy and Cowdenbeath (Roger Mullin) has done so much to campaign—and the real facilitator of criminal finances: the profit-seeking, responsibility-shedding and self-serving banking culture that we have in the UK and the wider western world. Until we challenge the attitude of the banks that house these moneys, we will never absolutely deal with the criminality. The Bill attempts to deal with the symptoms of the criminality—getting at the assets and seizing them—but it does not deal with the facilitators, the banks, which is a great shame.

New clauses 1 and 7 have been touched on by the Minister, and much of the talk has been about the scope for applicants to bring an application under these provisions. In general terms, those new clauses seek to extend the scope of unlawful conduct. That makes sense in that a public official—or someone acting with the consent or acquiescence of a public official—who is depositing funds in the UK should not be safe on account of that criminality having occurred abroad. I think that most people would agree with that sentiment; it is a sensible and logical step, and one that we support in principle.

The protection of human rights is a profoundly good thing. Violations of human rights should not be allowed to remain hidden behind international borders—they should be there for the world to see—and the consequences of such violations should be global consequences. With the adoption of either new clause 1 or new clause 7, the UK will no longer be a hiding place in that respect, and that is worth lauding.

What are the differences between the new clauses? As has been suggested, there is wider scope for more applicants to make applications under new clause 1. The Government say that that is not necessary, as the judiciary would vet those claims; it would be up to the court, not the applicant, to decide their merits. One other difference is that the ambit of new clause 1 is wider with regard to potential respondents, as it includes more people connected to criminality. Will the Minister touch on the scope of respondents as well as the scope of applicants and the differences between new clauses 1 and 7?

Furthermore, new clause 7 contains a provision, which is mirrored in amendments 58 and 59, to set the limitation period for actions under unlawful conduct to 20 years. In one sense, we welcome that, because without it the standard limitation periods of five and six years would apply. However, given that we are talking about gross violations of human rights—torture and the like—should a perpetrator ever be free from those crimes? Are we saying that, 20 years after someone has committed a gross violation of human rights, their money should be safe? Given that some of these abuses take years to come to light, are there unintended consequences that could let some of the criminals off the hook?

1.15 pm

I have a number of other simple questions for the Minister. Under new clause 7, is a mere suspicion of the acts that constitute gross violation enough? It seems to me that a conviction in either jurisdiction would not be necessary, but would suspicion be enough, and how does he see that playing out? If he is not minded to accept new clause 1, will he explain specifically why new clause 7 is better for the applicant and the potential respondent? I would be grateful if he picked up on the point of limitation as well, but I have a lot more points to make on the next two groups.

Mr Dominic Raab (Esher and Walton) (Con): I rise to speak to new clause 1, which is known as the Magnitsky amendment, and to touch on the Government’s new clause 7 in the process.

New clause 1 was tabled by me, the right hon. Member for Barking (Dame Margaret Hodge) and 50 hon. Members representing eight different political parties across the House. That is testimony to the cross-party nature of our ambition, which was kindled by the tragic murder, on the instructions of the Russian state, of the young Russian lawyer, Sergei Magnitsky. In November 2008, Magnitsky was arrested and detained. His crime was to identify the perpetrators of the biggest tax fraud in Russian history, which was committed by the Russian Government against the investment firm, Hermitage Capital, that employed Magnitsky and against the Russian taxpayer to the tune of a mind-boggling $230 million.

For his courage, Sergei Magnitsky was jailed and tortured for almost a year, and then ultimately murdered. The crime was perpetrated by some of the very officials whom Magnitsky had identified. Although those appalling crimes were documented by two Russian investigations, no one has ever been brought to justice in Russia. Perversely, it was Magnitsky who was convicted, posthumously, of fraud—a sickening snapshot of the corrupt and venal state of the Russian justice system today.

Large amounts of the stolen money were subsequently laundered out of Russia, and Hermitage Capital submitted to all the relevant UK authorities detailed evidence of $30 million that was sent to the UK between 2008 and 2012, including to firms run or owned by the Russian mafia. Despite receiving that evidence, the Metropolitan police, the Serious Organised Crime Agency, the Serious Fraud Office, HMRC and the National Crime Agency have never opened a single investigation. Notwithstanding the Minister’s comments, this case also shines a light on the weaknesses of our own justice system, which is what we are here to address today. We should be clear in this House that, although Magnitsky has been the standard-bearer case for reform, it is by no means an isolated case. According to the Home Affairs Committee’s 2016 report on the proceeds of crime, an astonishing £100 billion is laundered through UK banks alone each year, and we know from the NCA that only around 0.2% of that figure is currently frozen.

No one wants Britain to be a competitive global hub that attracts investment and is open to international talent more than I do, but I also want us to be known the world over for our integrity, our commitment to the rule of law and our adherence to the most basic of moral principles. We therefore have to stop turning a blind eye to the blood money of butchers and despots being laundered out of Russia, and Hermitage Capital, that employed Magnitsky and against the Russian taxpayer to the tune of a mind-boggling $230 million.

I have a number of other simple questions for the Minister. Under new clause 7, is a mere suspicion of the acts that constitute gross violation enough? It seems to
in this field—one of the leading experts in public law and human rights law—who carefully helped us to craft the mechanism.

New clause 1 would enable the Secretary of State, an individual or a non-governmental organisation to convince the High Court to make an order to empower the UK authorities to freeze assets where it can be demonstrated, on the balance of probabilities, to a senior judge that those assets relate to an individual involved in, or profiting from, gross human rights abuses. The clause would put a duty on the Secretary of State to pursue such an order when there is sufficient evidence and when it is in the public interest to do so—there is a measure of flexibility—and would establish a public register of those who are subject to such orders, all against the backdrop of appropriate safeguards and due process in law.

The Government have responded with their own proposal, new clause 7. In fairness, it is only right and proper to pay tribute to the Security Minister and the Foreign Secretary for engaging so seriously with the issue and, ultimately, for being willing to act. New clause 7 would, indeed, mark a significant step forward, principally because it would provide specific statutory grounds for an asset-freezing order based on gross human rights abuses and would target individuals responsible for, or profiting from, such crimes against whistleblowers and defenders of human rights abroad.

My view is that new clause 7 is not as robust as new clause 1, mainly because it does not impose a duty on UK law enforcement agencies to act subject to the flexibility I described, and it omits the third-party application procedure and removes the public register. In each of those three cases, I understand and recognise the Minister’s reasons why that is the Government’s position—it is probably to be expected—and I do not want to let the best be the enemy of the good, but I retain at least a measure of underlying concern. My concern touches on something that is so often the case with criminal justice legislation: the extent to which the new power will be enforced in practice. The hon. Member for Rhondda (Chris Bryant) touched on that, and the concern is probably shared across the House.

If I may be so bold, I would like to elicit some further reassurances from the Minister—which he may feel free to indicate during my speech or his winding-up speech—on the issue of enforcement. First, will he commit to the Government to collecting data on the exercise of the new clause, say, annually, so that the House and the public can properly scrutinise the extent to which it is being exercised in practice? I recognise and understand the Minister’s point that the success of the clause should not be judged only by how many times it is exercised but by its deterrent effect, but I still think that would be a valuable source of reassurance.

Mr Wallace: I am delighted to tell my hon. Friend that I will commit to collecting those stats and ensuring that they are published annually alongside other stats on the proceeds of crime.

Mr Raab: I thank the Minister for such an immediate, swift and decisive acceptance and provision of assurance. That would be extremely useful. There is only one other aspect on which it would be useful to have some reassurance. I understand that there is a wider ongoing review of UK-wide asset-freezing powers. I can well appreciate why the Government may be reticent about reinventing a bespoke procedural mechanism for one new power, given its relationship with other wider proposals that may be forthcoming, but I hope that the Minister will undertake to factor the proposals made in new clause 1 into the review process and to ensure that any future new proposals on enforcement include the most robust and rigorous mechanism available under UK law applying to new clause 7. If the Minister can give that assurance on top of the one he has just given, I am inclined to accept new clause 7 and to not press new clause 1, heartened by the Government’s commitment to strive to make the new power work as effectively as possible in practice.

For those of us who have campaigned for change, there remains the further issue of visa bans, but that is for another day. Today, the House has the opportunity to lay down some moral red lines in UK foreign policy and to take a lead in denying safe haven to the dirty money of those profiting from the most appalling of international crimes.

Mr Djanogly: My hon. Friend says that visa bans are for another day, but of course visa bans already exist as a possibility. Would it not be helpful to know how the existing visa ban system will complement the new proposal?

Mr Raab: My hon. Friend is absolutely right. We will need a separate legislative vehicle to address the wider question of visa bans, but he makes his point and has been tenacious in powerfully campaigning for this. We will want to move on to that issue at the appropriate time. Today is really about the asset-freezing side of things. We have in this last analysis the opportunity to send a message of solidarity to those who are fighting for the liberty that we in this country hold so dear. We have the opportunity to nurture the flame of freedom on behalf of those brave souls, such as Sergei Magnitsky, who suffered the very worst crimes when standing up for the very highest principles.

Dr Rupa Huq (Ealing Central and Acton) (Lab): As I rise to speak to this group of amendments, it looks as though new clause 1 might not be moved in favour of Government new clause 7. The Minister started by saying that the Bill has so far enjoyed a degree of cross-party consensus in its parliamentary passage, so I would like to say that Her Majesty’s loyal Opposition will not stand in the way of new clause 7 and will not stand in the way of new clause 1 if it is moved.

I welcome new clauses targeting asset seizure for those guilty of human rights abuses outside Britain who seek to use the UK to conceal their wealth. New clause 1 has become known colloquially as the Magnitsky amendment, and we have heard some of the tragic details of that case. It would bolster the Bill’s aim to tackle the growing concern about money laundering, terrorist financing and corruption. The International Monetary Fund and the World Bank estimate that the annual loss through money laundered globally is between 2% to 5% of global GDP—a staggering $800 billion to $2 trillion. We do not know the true figures because this is all hidden, white-collar crime.
It is estimated that serious and organised crime on our own doorstep costs the UK economy at least £24 billion annually. The amount of money laundered here every year is between £36 billion and £90 billion. That is a loss to our Exchequer, so it is only right that we tighten up the legislation with this Bill, and such an amendment would tighten them up further. Quite simply, those who have blood on their hands from the worst human rights abuses should not be able to funnel their dirty money through our country. In a recent article in The New York Times, the journalist Ben Judah uses quite colourful language to attest:

“Just because there aren’t bodies on the streets of London doesn’t mean London isn’t abetting those who pile them up elsewhere. The British establishment has long feigned ignorance of the business, but the London Laundermat is destroying the country’s reputation.”

Under new clause 1, the names of individuals who have been involved in or profited from human rights abuses would be published, and Ministers would be obliged to apply for a freezing order of up to two years if they are presented with compelling evidence of abuse and it is in the public interest to do so. That would make dictators and despots think twice about using the UK as a safe place to stash their dirty cash. By creating personal costs for the perpetrators of human rights abuses, we can protect whistleblowers around the world, which would be a fitting tribute to the legacy of Sergei Magnitsky.

Mr Djanogly: I am pleased to be given the opportunity to speak to this significant legislation, which will certainly help the overall objective of stopping the UK being used as a safe harbour for illegal proceeds, as it currently is all too frequently.

1.30 pm

Like Sergei Magnitsky, I practised as a corporate lawyer, and I have asked myself whether, in his situation in Russia, uncovering the largest tax fraud, I would have risked reporting it to the authorities. Would I then have refused to withdraw my statement, while being imprisoned, beaten and denied medical help—and, indeed, while being abused by the very perpetrators of the crime I had blown the whistle on? All this was happening with the backing and connivance of politicians, judges, tax authorities, prosecutors and police—all the people who were meant to be there to keep us, the honest citizens, safe. I would like to think that I would stand up for what is right, but I appreciate that it is easier for me to say that living here in the UK under the rule of law, rather than in the vicious, peregrious kleptocracy that modern Russia has become and that did for Sergei Magnitsky.

New clause 1, to which I have added my name, and Government new clause 7 deal with individuals who have directly or indirectly committed gross human rights abuses overseas against whistleblowers or defenders of human rights. Of course, these provisions do not stop with Magnitsky, or, indeed, Russia, and not all Russians are bad people, but Russia is as good an example as any to show how the new clauses, in different ways, address a glaring omission in our laws—an omission that has, for too long, allowed the perpetrators of vicious crimes against humanity to then happily base themselves and their ill-gotten gains in the UK as though nothing had happened, under the unwritten law that they do nothing illegal while in the UK.

While the new clauses deal with individuals’ actions, these people will almost invariably come from countries where the crimes of the person are mixed up with crimes of the state. Russia operates a repressive, nasty society where human rights are often ignored, where the media are suppressed and journalists are killed, where democratic opposition is ruthlessly suppressed and where even businessmen have a glass ceiling beyond which they are told who to pay and how to toe the line. Russia has an undiversified, oil-reliant, poor economy and a political system controlled by a dictator, who, like most dictators, looks to address his failures at home with wins through threats and wars abroad. Georgia and Ukraine are therefore partially occupied, and the west faces espionage, cyber-attacks and so on—and all this from a country with an economy smaller than that of Italy.

How do Putin and his gang get away with it? At least with communism there was belief, an ideology and a raison d'être, however misguided. Now, there is no belief in anything, except one thing: money. Modern Russia is a kleptocracy, with small numbers of very rich people making the decisions and bound together through their thieves’ honour. However, I have heard many experts say that if the thieves collectively thought that President Putin was not going to let them keep their money overseas, he would not last very long. That is one good reason to follow the black money through to the UK and to seize it. In other words, by not acting in the UK against the thieves and torturers, we are indirectly bolstering many of the worst regimes in the world.

The other point is that thieves rarely steal for the sake of it; they steal because they wish to enjoy the benefits of their ill-gotten gains. But where should they spend it, and how should they keep it safe until they do? That is the challenge. The best place, obviously, is somewhere like the UK, where the rule of law and property rights are sacrosanct. That is why, as the Home Affairs Committee pointed out, £100 billion of black money is being laundered in the UK every year. It is why Russian and other human rights abusers’ black money has been pouring into London property, Bond Street shops, country estates and prized British education.

I recently went on a parliamentary trip to Hong Kong and heard—I have to say, unofficially—that after the recent Beijing corruption crackdown, the takings of the Hong Kong couture and jewellery shops were reduced by up to 60%. As a result, Hong Kong commercial and residential property prices have also stopped rocketing.

Likewise, many criminals coming to London will be happy to pay top property prices if they feel their money is, say, 80% less likely to be confiscated in London than in their home countries, should they fall out of favour with the powers that be. Even with higher stamp duty and the annual company overseas tax—the annual residential property tax—the security of anonymously owning property in London in an offshore company can be worth paying the taxes for.

But the question is: do we want that kind of money here? In other words, we as a country have a decision to make: do we value the tax revenue and work coming via black money more than dealing with the human rights abuses and/or illegality it is connected with? I would
suggest not. As we prepare to leave the EU, this issue will only become more relevant, as we necessarily attempt to negotiate free trade agreements and cosy up to all sorts of regimes around the world.

We need to set a marker, and new clause 1 provides the mechanics for action. Moreover, it makes a statement against the rotten values of torturers and other criminals who might see us as an easy drop-off point for their assets. That this new clause has been initiated by my hon. Friend the Member for Esher and Walton (Mr Raab), and that the Home Secretary’s new clause 7 recognises that it raises an important issue—albeit one to be addressed in a more narrow way—is highly commendable, and I do want to put on record my congratulations to the Security Minister and his Department for listening to the case and coming forward with a meaningful compromise, but further questions arise.

Government new clause 7, of course, falls way short of the US Magnitsky Act, which has a specific list of undesirables attached. Furthermore, the Government clearly wish to keep for themselves the choice of whom to prosecute and asset-seize. I am minded to go along with that, given that many, if not most, seizures would have political implications, and I doubt such things should be left to non-governmental organisations, for instance, to prosecute. However, I would be happy with the proposed powers only if I were given comfort that the Government intend actually to use them once the Bill is passed.

On the question of a list, we are missing a trick here. One of the strongest aspects of the US Magnitsky Act is that hundreds of thousands of people have seen exactly who is blamed and for what. Indeed, I note that the US Treasury’s Office of Foreign Assets Control updated the list only last month. If we search-engine the US Magnitsky Act, we see each of the sanctioned individuals and their job titles. Naming and shaming is a huge negative issue for human rights abusers who wish to live in the security of criminal darkness. It is also a strong deterrent to others who might consider such abuse. Has the Minister considered publishing lists of those who will be prosecuted under these provisions? I am not sure whether that would be included in the stats he said he would be publishing, so a bit of clarification would be helpful.

My reading of new clause 1 is that it is more like the US Magnitsky Act, and that it looks not only to seize assets but to stop the undesirables travelling to the UK, trading in the UK, using UK banks and buying UK property. Could the Minister say whether such issues would be dealt with through new clause 7 or perhaps through other legislation that could be used at the same time?

Mr Wallace: Perhaps I can inform my hon. Friend and the rest of the House on the visa issue. We can refuse a visa to a person who does not meet the immigration rules. Evidence that a person has been involved in organised crime or in human rights abuses or violations would be taken into account when considering a visa application. We can already do that; the power is there with the Government, and we have exercised it in the past.

Mr Djanogly: I am grateful for the Minister’s clarification. It would be helpful if he could say that it is the Government’s position that, when a prosecution is taken under these new provisions, the court should consider a visa exclusion automatically and not as a possible add-on.

Clearly, if the sanctioned person had his or her assets confiscated but could then go on to buy more assets or to conduct business in the UK, new clause 7 may lack the required teeth.

New clause 7(5) refers to proceedings needing to be brought within 20 years, which seems like a short period in any event. Furthermore, it looks to be 20 years from the commission of the gross human rights abuse. Why is it not from the end of the abuse? In other words, if someone has been abused for 20 years plus one day, would the right to prosecute the abuser fail?

Would the court be required to connect the human rights abuse to the assets being seized? For instance, where the individual is accused of organising the torture of three people but steals from only one of the three and then moves the stolen goods into the UK, would the seizure have to be tied to the one incidence of torture that relates to the stolen goods?

My final question is this: after the legislation is put in place, do the Government actually intend to act? Many foreign nationals—not least Russians—really want to live here, rather than in, say, the US, so we have significant influence in setting the standards of civilised behaviour we expect from people who live or stay here. I ask the Minister, as I think my hon. Friend for Esher and Walton did, whether we are now going to say to those who have been merciless in their own countries and who then look to store their ill-gotten gains in the UK, “We do not want you here. We do not want your money here”, and, importantly, “If you do come here, we will act.” If that is the Minister’s position—I think he said it was, but perhaps he could clarify that—I am minded to support Government new clause 7 rather than new clause 1.

Chris Bryant: I want to pay tribute to two people, the first of whom is the Minister for introducing this Bill. I think we all accept, in all parts of the House, that the corrupt money that swirls around in the British financial system is part of a type of crime and corruption across the whole world. Unfortunately, it also has a very detrimental effect on the housing market in the UK in that large numbers of houses are bought not to live in but as an investment vehicle and a means of laundering money. While some of those properties are at the high end of the market and there might be no effect on the majority of our constituents, in some cases these people have been buying property portfolios all the way down the housing market—and by increasing the value of the top end of the market they are affecting the whole market. If we want to get serious about the housing market in this country, we have to tackle the issue of corrupt money in the British system coming from overseas.

I welcome the main provisions of the Bill. I applaud the Minister for trying to get some way towards a provision that might be termed the Magnitsky clause, as he suggests in his new clause 7.

I also pay tribute to the hon. Member for Esher and Walton (Mr Raab). He and I have had very many conversations on this subject for a long time, but we still have not managed to decide how to say the name “Sergei”. One of the most depressing things to add to the long list that he outlined is that Sergei Magnitsky was prosecuted posthumously, which must be a new low in putting two fingers up to the normal standards of criminal prosecution around the world.
I am absolutely certain that significant numbers of the people who are prohibited from entering the United States of America under the Magnitsky list have entered the United Kingdom since his death. That is why the Minister really needs to think again about visa bans. I do look to the United States of America in this regard. Several hon. Members, including the hon. Member for Huntingdon (Mr Djanogly), have already said that the United States of America has gone much further than we have. The Minister tried to argue that the Americans have a very different legal system. Yes, they do, but it is based on the same fundamental principles as ours and, I would have thought, on the same values as ours. That is why we ought to be going at least as far as the United States of America. When the Commons debated this on 13 December 2010, the motion stating that we should proceed with a Magnitsky Act was carried unanimously. The Minister at the time, who is a thoroughly charming chap, said that we had to wait to see what the United States of America does. Well, I think we have all decided that we are not going to wait to see what the United States of America does on anything at the moment, and we might choose to set our own path in relation to these matters. I sometimes feel as though the UK is dragging its heels on this issue.

Sergei Magnitsky was killed just before 2010, when I was Minister for Europe in the Foreign Office, and most of the debate about this has happened since then. My personal perception was that both David Cameron and President Obama were very reluctant to show a strong arm to Russia because they thought that by pressing the reset button—this was Obama’s view—we would somehow manage to get major concessions out of Putin. That has not proved to be an effective strategy. In every single regard, Putin has simply taken those moments as a sign of weakness and proceeded to use force to a greater degree. On the day that David Cameron became leader of the Conservative party, the first thing he did was to go to Georgia to stand with the Georgians against Putin’s invasion of that country. Yet there are still Russian troops in Georgia, and since then we have had the issues in Ukraine.

There is now clear evidence of direct Russian corrupt involvement in elections in France, in Germany, in the United States of America, and, I would argue, in this country. Many believe that some of the highest-level decisions affecting security in the United Kingdom, in Germany, in France and in the United States of America are now compromised by Russian infiltration. The murder of Sergei Magnitsky and his then being posthumously put on trial shows that Russia is, in effect, a kleptocracy—a country ruled by people who have stolen from the people and used every means in their power to protect themselves and guard their position with jealousy. It is, in essence, the politics of jealousy writ large. I fear that this has infected the United Kingdom, and also one of our closest allies in Europe, Cyprus, where much Russian money is currently stored away corruptly and laundered illegally.

1.45 pm

A sign of the problem we face is that it is impossible to extradite anybody from Russia because Russia will not allow in its law—in its constitution—the extradition of any Russian national. We are therefore unable to prosecute in many of the cases that we are talking about. I am still mystified about why the authorities in this country have failed to act in relation to any of the assets belonging to those in this country who were involved in the murder of Sergei Magnitsky and in the corruption that he unveiled. Many people have pointed to some £30 million-worth of such assets, none of which has yet been seized or frozen, while in 11 other countries around the world $43 million-worth has been seized and frozen. It feels as though this country is reluctant to move on this, or has inadequate laws to be able to do so.

However, this Bill is necessary not only in relation to Magnitsky and to Russia. Rakhat Aliyev was reckoned to have some £147 million-worth of London property. He was the former secret police chief in Kazakhstan. He went on to have two tours of duty as ambassador to Austria and then to Austria, Macedonia, Serbia, and Slovenia. During the time that he did those jobs, he amassed an enormous fortune from areas such as banking, oil refinery, and telecommunications—virtually every form of state monopoly that he could manage to peltucate from. He was the son-in-law of the former president Nazarbayev. He was charged with money laundering through the British Virgin Islands—another reason we need to take more concerted action. He was charged in Austria with the torture of two bodyguards and the murder of the opposition leader in Kazakhstan and of a Kazakh journalist. He committed suicide in 2015.

Until that moment, there was still no system in the United Kingdom that would have enabled us to tackle his financial assets in the United Kingdom and seek recovery of them. Indeed, there is now an issue about what we should do about those who have inherited those substantial assets. They would certainly not be covered by the Government’s new clause but would be covered by the new clause tabled by the hon. Member for Esher and Walton. That is why I still support it, even if he is not going to press it to a vote.

The hon. Member for Dumfries and Galloway (Richard Arkless) referred to Libya, where there is a major issue because the transitional Libyan Government found that some $10 billion had been peculated from the Libyan people, depriving schools, hospitals, and the whole of the Libyan state infrastructure under Colonel Gaddafi. A lot of that money has clearly come to the United Kingdom. Indeed, the Libyan authorities have been trying to pursue it here but have found it phenomenally difficult to do so. So far, as far as I am aware, the only asset that has yet been recovered is a £10 million townhouse.

The Minister suggested that the threshold in new clause 1 was too low and that it would be too easy for people to be able to bring prosecutions, meaning that it would fall foul of the Human Rights Act—incidentally, I hope that we are keeping the Human Rights Act. I would argue quite the reverse. In fact, as the hon. Member for Esher and Walton pointed out, this has to go to a senior judge in the High Court. It is not a case of someone simply turning up and saying, “I want to have this chap’s assets frozen, please”—they have to make a proper argument. There is also the balance of probabilities, which is a standard evidential basis in most civil actions. It is true that new clause 1 places a duty on the Secretary of State to pursue such matters, but only where it is in the public interest so to do. There are plenty of cavils and protections against the abuse that the Minister seemed to suggest might otherwise apply.
There are significant differences between the two new clauses, as the hon. Member for Huntingdon mentioned. First, the Government’s new clause applies only to abuses by public officials. The definition of public official in the UK is already established in statute law, and that is a significant limitation. Secondly, as I have said, there is no duty for the prosecuting authorities or the Government to initiate civil recovery proceedings at all. Third parties cannot apply under the Government’s new clause, and there will be no public register of human rights abusers who are subject to recovery proceedings. There will be no designation orders, so it will be quite easy for people who think that they are about to be proceeded against to squirrel their assets away to another domain fairly quickly, because there is no system for freezing those assets before recovery proceedings can start.

The Government’s new clause applies only to new degrading treatment or punishment after the commencement of the Act, rather than to events that have already taken place. As Members have already said, the Government’s new clause will not apply to human rights abuses that happened more than 20 years ago. I hope that the Minister will respond to the point that was made by the hon. Member for Huntingdon about when the 20 years begins and ends.

It seems as though the Government still believe that they can somehow or other appease some of these people from around the world. They seem to want to pussyfoot around the issue. I just do not think that that meets the present danger and need, particularly in view of the risk to the financial propriety and reputation of this country. We cannot prosper if we allow bribery and corruption to flourish through the back door. We should be saying that none of these people, whether they are from Russia or from any other country, are welcome in the United Kingdom.

I have already said that I believe that many of those involved in the murder of Sergei Magnitsky and the corruption that he unveiled have visited the United Kingdom, notwithstanding the Minister’s statement that such people can be refused a visa. That may be the case, but we cannot be certain that they have been excluded, and they cannot know that they are being excluded. It would be far more useful to be able to bring the two issues together with a visa ban and a proper Magnitsky Act like the one in the United States of America.

My final point is that we are, as I think the Minister said earlier, operating under a set of circumstances that exist because we are in the European Union. The Prime Minister has regularly said on her return from European Council meetings, “It has been great to be able to get tough sanctions against Russia imposed by the European Union.” If we are the only country that has argued for tough sanctions in those meetings, it will be much more difficult for us to prosecute the foreign policy that we want, particularly in relation to Russia, when we are no longer there.

The hon. Member for Esher and Walton has a completely different view on that last point, but I hope that he—and the whole House—will agree that we have to find new mechanisms to enable us to ensure that we do not become the sink spot for international corruption and bribery, and for human rights abusers who want to abuse the rights and privileges of owning property and living in the United Kingdom.

New clause 7 and the excellent new clause 1 have to be seen in that context. We have been gradually triangulating this crime. I am old enough to remember listening to the then Conservative Minister—a Conservative Minister, I am ashamed to say—saying on the radio a number of years ago, “I want British companies to bribe. Everybody bribes, and I want Britain to be among those that do so.” That was a ludicrous thing to say, but it was the kind of reaction that we got to the Bribery Act 2010. People said, “Everybody’s doing it. All we are doing is putting British companies at peculiar risk.” That has not been the case. Because of the Bribery Act, board members have put in place due diligence to ensure that they do not face that problem. That was part of the process of triangulating the crime, and I do not think that there has been any drop-off for British business. The new clauses have to be seen in the context of the call for consultation on economic crimes and the place of boards in relation to economic crimes. They should be seen in the context of transparency over beneficial ownership of property in this country by those who want to trade with the Government, and I hope to see something positive come out of that.

Given the degree of consensus that seems to be breaking out about the proposals, I will make a slightly shorter speech than I intended. New clause 7 should help us to deal with bloodstained dictators and those on the take in kleptocracies around the world. I entirely agree that a posthumous conviction for dishonesty and
I, as a signatory of new clause 1, can be very brief because my right hon. and hon. Friends, and indeed Opposition Members, have made the case with such eloquence on what is known as the Magnitsky amendment. It seems to me, as such a signatory, that the Government have listened. The Minister has quite rightly heard the cross-party voice on these issues and tabled new clause 7, and I certainly congratulate him on having achieved that.

My hon. Friend the Member for Esher and Walton (Mr Raab), who has done such a good job on this issue, pointed out, in accepting the Government new clause, that we must not allow the best to be the enemy of the good. The story that my right hon. Friend the Member for Brentwood and Ongar (Sir Eric Pickles), the anti-corruption tsar, told us about his Paris meeting reminds me of just how complex is the attack on corruption, of which we must all be a part.

I remember a very eminent New York anti-corruption lawyer, who had been involved in a variety of anti-corruption mechanisms, telling me that he was once invited to Afghanistan to give a lecture on how to tackle corruption, and a vast number of Afghan officials turned up in the auditorium. To his horror, observing the Rolex watches on the wrists of so many of those officials, he suddenly realised halfway through the lecture that they had turned up to learn not how to tackle corruption, but how to evade the tackling of corruption.
Corruption is a cancer: it is insidious in a whole variety of ways. One of the good things about the Bill is that it seeks, in a very complex area, to make progress on some very clear aspects of the issue. The former Prime Minister, the former Chancellor of the Exchequer and other Government Members have also made a very big contribution in the fight to tackle corruption in this area.

I want to make two brief final points. The first is that in the Magnitsky case, as I think the Minister has recognised—I know Bill Browder and I was absolutely horrified to hear the tale of the experience he has undergone—it is clear that the British law enforcement agencies have shown, to put it no more strongly than this, a degree of confusion, delay and obfuscation in their handling of such matters. There are issues of administrative co-ordination and effectiveness, and I very much hope that the Minister ensures that tackling this issue remains clearly on his agenda.

My second and final point is that Britain needs to send a very clear signal about the approach we take to human rights abuses and money laundering. The failure to send a very clear signal—I hope that that will be ended by the decision the House will take this afternoon—damages our international relations. Britain’s relations and dealings with Russia are very complex. We need to work with Russia on a number of matters on which we have a common interest, but we also need to be absolutely clear where we stand on the issues—my hon. Friend the Member for Huntingdon (Mr Djanogly) set them out so eloquently in his speech—so that there is no misunderstanding about where the British Government stand on many of the horrific aspects of Russian governance and conduct. I have been a strong critic in this House of Russian abuses of human rights and, indeed, of war crimes in Syria. Given the other dimension of areas on which we must be able to work constructively with Russia, it is extremely important that we in this House are absolutely clear with the Government about where we stand on human rights issues.

Mr Wallace: We have had a very important and well-informed debate. I am very grateful to colleagues for their contributions, in particular my hon. Friend the Member for Esher and Walton (Mr Raab). As Minister, I have done my best throughout the process to speak to as many colleagues as possible and to listen to their concerns. I have gone back to the law enforcement agencies and asked them tough questions. I cannot say whether my predecessors did that or not, but I take the view that our job as Ministers is to go beyond the briefing papers we all receive, test their resolve and send a very clear message. I have told the agencies that when the Bill is passed by Parliament and becomes an Act, we want to see prosecutions and we want the powers to be used. I will not interfere in how they choose to apply those powers, and I will not choose which powers they use to achieve the right effect.

The main aim is to ensure that we say loud and clear that we do not want money launderers in this country. We do not want organised criminals. We do not want those who abuse people through torture and inhumane treatment. We want to say, “You are not welcome in this country and nor is your dirty money. If you come to this country, we will try to have you and we will certainly try to have your money. If we can return that money back to the regimes it has been stolen from, we shall do that.” We have already started that process by returning £27 million to Macau recently and signing a memorandum of understanding with Nigeria. If we can do that, we will. Both Government new clause 7 and new clause 1—there are many things I agree with in the spirit of new clause 1—say that loud and clear. I think that our new clause will help to achieve that in relation to the people who want to exploit laws around the world, whether through immunities, state sponsorship, state umbrella or tacit support.

I highlighted to my hon. Friend the Member for Esher and Walton that annual reporting will cover the use of this provision. The Government have already agreed, in our response to the Public Accounts Committee and the Home Affairs Committee, to publish a set of annual asset recovery statistics. As I made clear in Committee, it will cover the annual use of unexplained wealth orders. I am also pleased to commit today that it will include the use of this provision.

Mr Djanogly: Will it also include the names and titles of people from whom the assets have been taken?

Mr Wallace: I will have to check and get back to my hon. Friend, but any court action is a matter of public record. If someone is prosecuted under the Proceeds of Crime Act 2002 or has their assets frozen, that will become a matter of public record available to all—that is very important.

To reiterate the point about sanctions, the Government are undertaking an assessment of existing sanctions policy post-Brexit to ensure we can continue our proactive approach. It is right that any changes to our sanctions regime are considered in that context, rather than making changes at this point. We will of course continue a dialogue with parliamentary colleagues on this work, and I will absolutely ensure that the spirit of new clause 1, tabled by my hon. Friend the Member for Esher and Walton, is carried forward in those discussions. The time to do that, however, is not with this legislation; it is when an assessment is made post-Brexit to consider sanctions in the wider picture.

I want to talk about the duty of law enforcement agencies to use the powers. Part of the rule of law and the strength of our system, as opposed to perhaps some other regimes we have talked about today, is that our agencies are operationally independent. As a Minister, I do not sit behind a desk and use the agencies to pick on people or political rivals I do not like. We leave the agencies, as much as possible, to be operationally independent. That is a part of the balance and safeguards in our society.

Chris Bryant: But if the prosecuting authorities were, for a corrupt reason, to choose not to prosecute, there are powers, through the courts, to ensure that they do so.

2.15 pm

Mr Wallace: I am afraid I have too positive a view of the integrity of our law enforcement agencies to say—or even allude to the fact—that there could be some corrupt reason they may not use their powers. We all have
constituents who write to us and say, “I made a complaint to the police and they didn’t take any action.” Sometimes that is valid and we try to get a better result for them. Hon. Members who have met Bill Browder have brought their evidence to this House and made representations to the National Crime Agency. They cross-examined a National Crime Agency witness in Committee. However, we also have constituents who do not like the outcome of their complaint—that a crime has not been judged to have been committed. That is a disappointment they sometimes have to live with and it is our job as Members of Parliament to tell them, “I’m afraid it does not constitute a crime.” Sometimes the police have to make that case. Sometimes constituents may seek to deal with that by changing the law to create a crime that may be appropriate or up to date. However, it is important to respect operational independence, tempting as it may be sometimes to wish to reprioritise their priorities to suit the issue of the day.

Chris Bryant rose—

Mr Wallace: I really do have to press on. Hon. Members have made a considerable number of valid queries and I have a small book, handed to me from the Box, to get through.

The hon. Member for Dumfries and Galloway (Richard Arkless) raised a number of issues relating to the unlimited nature of retrospective offences. Torture is an offence where the UK applies universal jurisdiction. On that basis, the provisions are retrospective in so far as they relate to torture, even where it occurs prior to the enactment of the Bill. However, the Government new clause would cover conduct constituting cruel, inhuman and degrading treatment only after the Act comes into force.

We have already taken significant legal steps to suspend the requirement for dual criminality; that is, providing for civil recovery to be pursued against property not necessarily unlawfully obtained in the country in which the conduct took place. We think this is a suitably proportionate approach. We have already gone further than we do in some other areas. We can take action where the unlawful event took place when it was not in this country. That is something we have to balance.

The recovery of proceeds of crime is generally subject to a 20-year limitation period under the Limitation Act 1980. The hon. Members for Rhondda (Chris Bryant) and for Dumfries and Galloway asked about the timescale for claiming the proceeds of crime. Under POCA, it starts when the property is obtained through unlawful conduct. Under new clause 1 it seems to run from the date of the conduct itself, so that could possibly mean a shorter timescale than that under Government new clause 7. I reassure the hon. Member for Dumfries and Galloway that new clause 7 covers conduct linked to torture, such as assisting it, directing it, facilitating it or profit from it even when that linked conduct is not conducted by a public official. It therefore goes wider than some have feared.

We must also consider what evidence is needed to allow for assets to be recovered. Any civil recovery would be subject to all existing processes and legal safeguards in the Proceeds of Crime Act. The court would need to be satisfied, on the balance of probability, that the property in question was the proceeds of crime or was likely to be used to fund further criminal activity. Law enforcement agencies would, as ever, need to consider which of their powers to utilise on a case-by-case basis. It would also apply to inherited wealth. That would not be excluded. Inherited wealth would be covered by the ability to recover assets, so I hope I can reassure the hon. Member for Rhondda on that point.

I reiterate to my hon. Friend the Member for Esher and Walton that the Government agree with the spirit of his new clause. We want to say loud and clear that organised criminals, crooks and corrupt individuals are not welcome in this country, and neither is their money. I was pleased to contribute to the implementation of the Bribery Act 2010, introduced by the last Labour Government, and its statutory guidance, under the previous Conservative Government. That is part of this whole package: the Bill comes alongside the Bribery Act and some other measures. I do not want London and the UK to be fuelled by dirty money, and I do not want people to be profiting from it. One of the best ways of making London and the UK open for business is through the rule of law—and, I would say, a competitive tax base. People should want to come to the UK for those reasons, not because they can hide or launder their money. It does not make us a better host for these individuals. I hope that the new powers in the Bill will help us tackle the problem, and I am keen to ensure that upon its enactment we start to deal with these individuals and get the money back to where it belongs.

There was little in the well-articulated speech of my hon. Friend the Member for Huntingdon (Mr Djanogly) that I did not agree with. He is absolutely right about sending a message. There are regimes around the world that deliberately take advantage of Britain’s openness, the quality of places to live and what we have to offer, and they need to be sent a message that we are serious and that they should go elsewhere—although we would like to catch them first and put them in prison, to be brutally honest.

I think I have clarified the point from the hon. Member for Rhondda about inherited wealth. On the worries about the London property market, I must add that it is not just nice townhouses in Knightsbridge being bought up, but huge portfolios up and down the country, and it does not just apply to overseas citizens either. For instance, other parts of the Bill deal with drug dealers, including those in my part of the world, in the north-west, the north-east and Northern Ireland, funnelling money into property.

As part of the Government’s work on the implementation of the fourth anti-money laundering directive, they have consulted on whether estate agents should carry out checks on the buyers of properties as well as the sellers. I was surprised, as I suspect were colleagues, to find out that currently they only carry out such checks on sellers. We intend to publish the response to the consultation “imminently”—that is what my note says—and I think that we will all be looking at it carefully.

The hon. Gentleman also asked about freezing orders and people quickly moving the money. Part 5 of the Proceeds of Crime Act 2002 provides for interim freezing orders, allowing for the freezing of property while the courts consider the case. I recognise that the Home Affairs Committee report on the proceeds of crime and the recovery of assets pointed out some valid problems in the system, however, and I have asked that the
[Mr Wallace]

Department set about being timely when making cases for the confiscation of funds and assets so that the gaps do not allow criminals and bad people to move the money beforehand.

The hon. Member for Rhondda and my right hon. Friend the Member for Brentwood and Ongar (Sir Eric Pickles), the anti-corruption tsar, will recognise that within Government we always have to satisfy the competing concerns of Departments. They will both know—the hon. Gentleman was a Foreign Office Minister and my right hon. Friend is a former Secretary of State for Communities and Local Government—of the competing interests within Government when it comes to legislating, and inevitably amendments have to walk a fine line between several challenging diplomatic and political issues, but I trust that the House agrees that the Government have taken a constructive approach. I have been determined to listen to colleagues and produce something that sends a strong message while also providing powers to allow us to act against people who abuse human rights.

I want to finish by congratulating my hon. Friend the Member for Brentwood and Ongar on tabling new clause 1. It was important that we have this debate. He is a formidable campaigner and has successfully articulated the case and imbued the Bill with the spirit of his new clause. I hope that the House will support Government new clause 7.

Question put and agreed to.

New clause 7 accordingly read a Second time, and added to the Bill.

New Clause 8

Her Majesty’s Revenue and Customs: Removal of Restrictions

'(1) The following provisions, which impose restrictions on the exercise of certain powers conferred on officers of Revenue and Customs, are amended as follows.

(2) In section 23A of the Criminal Law (Consolidation) (Scotland) Act 1995 (investigation of offences by Her Majesty’s Revenue and Customs), omit the following—

(a) in subsection (2), the words “Subject to subsection (3)” below; and the words from “other than” to the end of the subsection;

(b) subsection (3).

(3) In section 307 of the Criminal Procedure (Scotland) Act 1995 (interpretation), omit the following—

(a) in subsection (1), in paragraph (ba) of the definition of “officer of law”, the words “subject to subsection (1A)” below; and

(b) subsection (1A).

(4) In the Proceeds of Crime Act 2002 omit the following—

(a) in section 289 (searches), subsections (5)(ba) and (5A); and

(b) in section 294 (seizure of cash), subsections (2A), (2B) and (2C);

(c) section 375C (restriction on exercise of certain powers conferred on officers of Revenue and Customs);

(d) section 408C (restriction on exercise of certain powers conferred on officers of Revenue and Customs).

(5) In the Finance Act 2007, in section 84 (sections 82 and 83: supplementary), omit subsection (3).

This new clause, together with amendments 20, 25 and 28, removes restrictions on the exercise of certain powers by HMRC officers. The restrictions prevented the powers being exercised in relation to certain former Inland Revenue functions.—(Mr Wallace.)

Brought up, and read the First time.

Mr Wallace: I beg to move, That the clause be read a Second time.

Madam Deputy Speaker (Natascha Engel): With this it will be convenient to discuss the following:

New clause 5—Unexplained Wealth Orders: award of costs—

(1) Pursuant to Part 3 of the Civil Procedure Rules (The Court’s Case Management Powers) the High Court must make a costs capping order, in respect of—

(a) unexplained wealth orders under section 362A of this Act;

(b) interim freezing orders under section 262I of this Act.

(2) The High Court shall not have power to make an award for costs on the indemnity basis against enforcement authorities who bring an unsuccessful application for—

(a) unexplained wealth orders under section 362A of this Act;

(b) interim freezing orders under section 262I of this Act.

(3) For the purposes of this section “enforcement agencies” has the same meaning as in subsection 362A(7).

This new clause would prevent the courts from awarding uncapped costs on the indemnity basis against enforcement agencies where they have brought unsuccessful applications for unexplained wealth orders or interim freezing orders. It seeks to define such civil actions as within “exceptional circumstances” required for the purposes of Practice Direction 3F to Part 3 of the Civil Procedure Rules under which the court has the power to make a cost capping order.

Amendment 1, page 3, clause 1, leave out line 29.

This amendment would allow unexplained wealth orders to be issued to politically exposed persons in the United Kingdom and EEA States.

Government amendments 2 to 19.

Motion to transfer clause 12(3).

Government amendments 20 to 57 and 60 to 72.

Mr Wallace: We now come to a group of amendments relating to law enforcement investigative and recovery powers. It is primarily composed of Government amendments that I hope the House will agree are, for the most part, technical and uncontroversial. I therefore do not intend to linger on each of them, but I will quickly summarise the key amendments for the benefit of hon. Members.

New clause 8 and other consequential amendments remove the restriction on HMRC’s criminal powers being used for former revenue functions. This ring fence arose following the merger of Her Majesty’s Customs and Excise and the Inland Revenue in 2005. In the intervening period, legislative changes have brought most major taxes within the scope of HMRC’s criminal justice powers, but there remain some anomalies. For example, investigators cannot use certain powers to fight stamp duty tax fraud. Fraud is a crime, regardless of which function of HMRC it is committed against, and the amendments will ensure that the necessary powers are available in all such cases. They do not provide HMRC with any new criminal justice powers.

Amendments 2 to 15, 70 and 71 relate to the power in clause 9 to allow an extension of the moratorium period in which law enforcement agencies can investigate a
suspicious activity report before a transaction is allowed to proceed. These amendments will deliver a number of minor and technical improvements to this provision: they will allow an automatic extension to the moratorium period while a court hearing is awaited to make a decision on an application; they will help to ensure that a company does not provide any information to the customer whose transaction is subject to a suspicious activity report, other than the fact that an SAR has been made; they will allow immigration officers to apply for an extension; and they will allow for an explicit right of appeal in Northern Ireland.

The majority of the remaining amendments in this group—amendments 22 to 24, 26, 27, 29 to 38, 46, 47, 49 to 57, 60 to 69 and 72—clarify the operation of the seizure and forfeiture powers that the Bill adds to the Proceeds of Crime Act 2002 and the Anti-terrorism, Crime and Security Act 2001. Many of these changes are extremely technical in nature, but I will highlight a few of the more significant ones. They will allow the director general of the National Crime Agency to designate the level of senior officer that can authorise the designation currently exists in law. They will ensure that any interest accrued on forfeited funds while in the agency’s account is returned to the owner of the funds if that person successfully appeals against the forfeiture. They provide that, where the NCA has used the agency’s account is returned to the owner of the funds if that person successfully appeals against the forfeiture. They provide that, where the NCA has used the powers, and a court determines compensation should be paid, the NCA will be responsible for paying that compensation. They will introduce a duty on the police and others to consult the Treasury to ensure that the full range of terrorist asset-freezing powers are considered before exercising the related power provided by the Bill. They will require consultation with the devolved Administrations before the provisions in clause 12 relating to the seizure of gaming vouchers and betting slips are commenced. This will ensure that the provisions are implemented effectively in Scotland and Northern Ireland.

On the devolved Administrations, we hope the Scottish Parliament will approve their legislative consent motion on the Bill shortly. Although the Government assert that none of the provisions are devolved with respect to Wales, I note that the Assembly has already provided such a motion. The Government have had extensive discussions with the Northern Ireland Executive about the Bill, and plans were in place for a legislative consent motion to be considered by the Assembly—law enforcement authorities in Northern Ireland are keen to ensure they have access to the powers in the Bill—but the suspension of the Assembly prior to elections has prevented the motion from being pursued at this time. These are clearly extremely unusual circumstances, but the Government remain committed to the central principles of the Sewel convention. We will therefore commit not to commence provisions on matters devolved to Northern Ireland without the appropriate consents having been obtained. It is our intention to pick this up with the Executive, following those elections. It may not be possible to resolve this before the Bill receives Royal Assent. We are most likely to make further amendments to the Bill in the House of Lords to put beyond doubt that all the relevant provisions can be commenced at separate times for different areas of the United Kingdom.

2.30 pm

Gavin Robinson (Belfast East) (DUP): The Minister will be aware that although the aspiration is to see an early return to the Stormont Executive, the likelihood of that happening in the immediate future is somewhat fraught. Given that the Bill will inevitably conclude before we see the return to the institutions of Stormont, will he outline what steps will be taken to regularise issues, once the Assembly has been restored?

Mr Wallace: We are in ongoing discussions with the Northern Ireland Executive, and we hope that the Northern Ireland Assembly elections are completed and that Stormont takes up the reins again, so that devolution returns to Northern Ireland. That is our starting-point, and it is what we all wish. There was a good cross-party consensus for these provisions for Northern Ireland in the Assembly earlier. I cannot remember the exact date of the election—the hon. Gentleman might have to remind me. Let us plan for normality in Northern Ireland and make sure that we get to a good position.

Gavin Robinson: The election is planned for 2 March. I agree with the aspiration to see a return to Stormont as soon as possible, but does the Minister believe that there would be some merit in at least corresponding with the leaders of each political party to attain affirmation of the measures at this stage, for fear that we do not see a return in a reasonable period?

Mr Wallace: I am grateful to the hon. Gentleman, and I will certainly put that suggestion to officials. My view would be that pre-suspension of the Assembly is the place we are at, and although there has been a change of a leader, I am not sure that we have had any signal that it has gone backwards. The date of 2 March gives me some good hope. I have never known the other place move at the speed of light, so I hope we shall have time to make sure that this gets through.

Finally, this group includes two proposals concerning unexplained wealth orders: new clause 5, in the name of a number of the officers of the all-party parliamentary groups on anti-corruption and responsible tax, and Opposition amendment 1. I will allow hon. Members the opportunity to speak to those amendments and will respond to them in my closing remarks.

Carolyn Harris (Swansea East) (Lab): The Opposition support the spirit of the Bill and broadly support this group of amendments. We welcome new provisions to prosecute those professionals who fail to prevent tax evasion, as well as welcoming unexplained wealth orders, under which assets can be seized if owners are unable to explain how they were funded. We, of course, support the Government’s effort to tighten up state powers against white-collar crime, but we have concerns that they are squandering the opportunity that the Bill provides to stamp out the everyday corruption of the super-rich who are getting a free ride at the expense of the wider society, thereby fuelling inequality.

Another problem is that, amid the Government’s cuts to public services, the Bill could be very difficult to enforce. Although I understand the giving of new powers to HMRC, are the Government not concerned about how HMRC will carry out its new duties? Given that
the coalition Government decimated HMRC’s budgets by £100 million and that HMRC is set to lose 137 of its offices by 2027, there seems little point in creating laws that cannot be enforced—unless, of course, it is to give the impression that the Government are doing something. This, I fear, is a theme that has sadly run through our proceedings on the Bill so far.

We Opposition Members argue that it is crucial for the agencies involved in civil recovery powers to have sufficient resources to do their jobs properly. We therefore request a distinct and clear annual report that details the resources allocated to the agencies that are concerned solely with the task of carrying out these recovery powers.

In previous stages, the Government objected on the grounds that the asset recovery incentivisation scheme would allow frontline agencies to keep 100% of what they recover, but this argument is seriously flawed. In theory, yes, the agencies could retain the total value recovered, but as the Public Accounts Committee made clear in its progress review of the Proceeds of Crime Act 2002, these agencies’ recovery rates have been typically poor. Consequently, it remains to be seen how these agencies will improve their rate of recovery to benefit from the new incentivisation scheme.

Another reason that the Government gave is that anyone who wanted to find out this information could in theory obtain it by going to a number of different sources. Yet again, this is flawed. We previously argued for a detailed reporting of resources, specifically for these agencies, in the exercise of the powers laid down in the Bill and the Proceeds of Crime Act 2002.

The Government have already blocked a number of measures that Labour has proposed to make this a meaningful and effective Bill. We proposed a corporate probation order. If a company was found to have committed a failure to prevent offence, it would have been subject to an independent review of its compliance orders and as the Home Affairs Select Committee made clear in its review of the Proceeds of Crime Act 2002, these agencies’ recovery rates have been typically poor. Consequently, it remains to be seen how these agencies will improve their rate of recovery to benefit from the new incentivisation scheme.

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The aim of new clause 5 is to establish whether the Government believed that this was unnecessary because UK law could already deal with such cases of negligence. Although there may be a case for some UK law to be used to a similar effect, it would not be an identical effect.

While there is an implied threat to the EU that the Government could change the UK’s economic model into one of a tax haven, there is a strong case for legislation to protect both UK citizens and citizens from around the world. With the potential for a race to the bottom and the destruction of workers’ rights and the slashing of corporation tax, it could be argued that a Brexiteer Government would foster an environment where tax evasion was implicitly encouraged.

As my colleagues have said, and will no doubt say again, the Bill must do more to tackle the deeply entrenched and extraordinarily costly phenomenon of tax avoidance. Tax avoidance is, in effect, living to the letter of the law, but not in the spirit of the law. Repeated investigations of companies that sail close to the wind but know that they have bought the lawyers and accountants to make their tax abuse legal is both very frustrating and extremely costly. As the UK general anti-abuse rules show, there are ways to minimise the risk of corporate abuse of the tax system, and these should be absorbed into the Bill.

Spain, Canada and Australia each have a single agency responsible for supervising and enforcing anti-money laundering regulations—Britain has 22. Worse still, according to Transparency International UK, 15 of these 22 supervisors also lobby on behalf of the interests of their sector, creating clear conflicts of interest and a system inefficient to its core. The Government raised this problem in their action plan that preceded the Bill, but they were not concerned enough to convert this into proposed legislation. The system needs reform and the Bill needs to reflect this. Unless the Government accept all these concerns and indeed all the changes suggested in the Opposition amendments, the Bill is likely to fail on the intention to clean up money laundering and tax evasion.
This is not an entirely theoretical issue. In the past, very significant costs have been awarded against the Serious Fraud Office. I am not pretending that the circumstances were similar to those that we are discussing in this instance—I think that that may not have been the finest hour of the Serious Fraud Office—but there is clearly evidence that the sort of people with whom we are dealing might try to obtain costs that would have a deterrent effect on the use of the orders. It would be useful to hear from the Minister whether he thinks that the courts can and should use various cost-capping measures to ensure that we are not unreasonably exposed to very high costs.

Richard Arkless: I want to talk briefly about what I must admit is probably my favourite section of the Bill—the part that deals with unexplained wealth orders. I think it is an excellent provision, which is likely to drive a Trojan horse right through the assets of criminals who choose to lodge them in the United Kingdom.

The hon. Member for Amber Valley (Nigel Mills) made some very valid points about new clause 5. Indemnity costs can be easily translated to mean, in layman’s terms, full costs. In other words, every single hour and every penny of the expense on the file can be charged to the losing party, with no assessment of whether those costs are reasonable. Given that we are talking about politically exposed people, potentially in other jurisdictions, we can imagine the number of officials travelling back and forth on flights. All that will find its way on to a costs sheet, and all of it will be recoverable to the payee in indemnity costs. We could end up with an inequality of arms, not in favour of the Government but in favour of the respondents, which I think would be very dangerous.

The threat of indemnity costs acts as a major litigation risk for the claimants or pursuers, or, in this case, the applicants. If they know that they are likely to be in for a bigger bill, they will think twice about making applications. These are our law enforcement agencies, and I believe that they should be able to pursue their applications with determination, without fear or favour, and without the risk of incurring indemnity costs which would be deeply disproportionate. That would be very bizarre and counterproductive.

I thank the hon. Member for Amber Valley for tabling his probing new clause, and I shall be pleased to hear what the Government have to say about it. As a boring, pedantic lawyer, I think it worth mentioning that indemnity costs are very rare, and arguably arise only in proportionate circumstances. However, we are talking about politically exposed people with potentially limitless funds. The better they can make their case in court, the more likely it is that they will be awarded indemnity costs if they are successful, and I think that we should take that risk out of the equation.

As I have said, the unexplained wealth orders provision is an excellent feature of the Bill. Let me explain exactly how the orders would work. The Bill will enable a court in Scotland—the Court of Session—on application by Scottish Ministers to make an unexplained wealth order. Such orders will require individuals or organisations to explain the origin of their assets if there are reasonable grounds for suspecting that they may have been involved in criminality, or intend to use that wealth for criminal purposes, and if the value of the assets exceeds £100,000. During earlier stages of the Bill, the Minister and I discussed that threshold, and I should be pleased if he could update me on his thoughts about it.

Mr Wallace: In response to what has been said about the issue, and the sensible suggestions made by the hon. Gentleman, we are considering options for potentially lower thresholds, to be dealt with in the other place. We will of course inform him when there is agreement across the Government.

2.45 pm

Richard Arkless: That is very co-operative of the Minister, and I greatly appreciate it. I may not have his confidence in the other place, but we will wait with bated breath.

Unexplained wealth orders will be available to the courts when assets appear disproportionate to known legitimate income. For example, it was reported recently that a taxi driver owned a £1 million fish tank. That is not to say that taxi driving is not a potentially lucrative trade, but the asset could certainly be disproportionate to that person’s income. Failure to provide a response to an order and explain the legitimate source of funds would give rise to a presumption that the property was recoverable, which would make any subsequent civil recovery action much easier.

I must say, as a lawyer, that the notion of reversing the burden of proof does not automatically sit very comfortably with me, but, as in other areas, I consider it to be proportionate to the issue at stake. Sound legal principles such as the presumption of innocence, and the burden of proof being on the Crown, should not inadvertently protect criminals, which I suspect may have been the case thus far. The key aspect of this provision is that a criminal conviction will no longer be necessary before law enforcement can pierce the criminal’s veil that camouflages his wealth. Getting away with the crime itself will no longer protect a criminal’s wealth. The Bill will allow this power to be applied to foreign politicians and officials or those associated with them, known as politically exposed people. That will enable the issue to be tackled substantively and determinedly for the first time.

I agree with some of what was said by the hon. Member for Swansea East (Carolyn Harris) about resources. Part of the reason for introducing provisions for unexplained wealth orders is the fact that many law enforcement agencies think that there is a raft of applications, ready to be made immediately. There are properties and asset groups and accumulations in this country, and in some cases we do not know where they come from. If the Act receives Royal Assent, this power will land on the desks of law enforcement agencies that potentially have applications piled up. I think that, in those circumstances, resources are a very viable concern.

I hope that the Minister will be able to give us some reassurance, which unfortunately he has not been able to give thus far during the Bill’s passage, that enough resources will be allocated to make unexplained wealth orders work. This is probably the best part of the Bill, and it needs to work. If it does work, we shall make huge strides in ensuring that this country cannot be used as a safe haven for dirty money.
Mr Wallace: This has been a short and helpful part of our proceedings today. I am pleased that Members in all parts of the House agree in principle with the concept of the unexplained wealth order. I think that it will be an incredibly useful tool. The first group of amendments dealt with another tool that could be used to ask people to explain where their wealth came from, even without the evidence or the intelligence that would link them to the offence of gross human rights abuse that we are seeking to introduce.

The use of unexplained wealth orders to put the onus on individuals to tell us where they acquired their wealth will obviously be a strong step towards clearing the United Kingdom of people who seek to harbour their ill-gotten gains here, but we should not forget that it will also deal with criminals in the UK who are “washing” their wealth and depositing it elsewhere in the community. Such people sometimes hide in plain sight.

What I am about to say is different from what I have said to the National Crime Agency. I would like to see this provision used sooner rather than later. We in Parliament always get lobbied for new offences—lots of people come along and lobby us, and there is always either a Home Office Bill or a Ministry of Justice Bill going through this House—and a lesson I have learned in my 12 years in Parliament is that if offences are not used sooner rather than later, many of them just sit on shelves. It is therefore important that the law enforcement agencies hear Parliament today say, “We are—hopefully—going to give you these powers; we want them to be used.”

Richard Arkless: Given that we want to start using these orders immediately, resource is a key issue. It is difficult to put a price on this, but has any assessment been made within Government of what this is going to cost in the next two to three months after Royal Assent, because there are a lot of applications ready to be made and we need the resources to make them?

Mr Wallace: I can reassure the hon. Gentleman and the hon. Member for Swansea East (Carolyn Harris) that one part of government that has not seen a significant reduction in its budgets is the area of the regional organised crime units, the national crime agencies and the security and intelligence agencies, which assist us in tackling organised crime and money laundering. The National Crime Agency has a capital budget of £50 million this year, with £427 million of funding. It is supported in England and Wales by the regional organised crime units, which have got £519 million of funding. The figures for the Serious Fraud Office are £45 million, with £5 million of capital this year, and the figures for HMRC are £3.8 billion in resource and £242 million in capital. Of course, in terms of crime-fighting, the question is, “How long is a piece of string?”

Dr Huq: I am listening intently to what the Minister is saying, and I am reminded of an Evening Standard report—from earlier this year, I think—that the Home Office has not revealed new Criminal Finances Bill will target just 20 tycoons a year.” The report says that is based on the Home Office’s own impact assessment which “predicts that the power will remain unused in its first year as part of the learning curve’ and thereafter will be used in only 20 cases each year.”

That is because of resource implications, which is precisely the point raised by the hon. Member for Dumfries and Galloway (Richard Arkless). Does the Minister have any comment to make on that?

Mr Wallace: The impact assessment is not linked to access to funds. The impact assessment is a judgment as to how it would see these powers being used. Probably like the hon. Lady, I would like to see them used an awful lot more, but that is an impact assessment, and the NCA does not follow the impact assessment. If the evidence is presented or the cases are put before it that allow it to do 100, it will do 100. It is not restricted by the impact assessment. I would therefore not be too distracted by the London Evening Standard and the impact assessment.

Instead, I would focus on the fact that we have well resourced our law enforcement agencies to tackle this, and this Bill will give them the power. They have the political support of both sides of the House to exercise that power, so let us see how far we go. However, I would be delighted to join the hon. Lady in asking, in 12 months’ time or whenever the Bill goes through, why we have not used them more; I will be asking the NCA and all the other organisations to try to make sure they have done so.

The hon. Member for Swansea East made a point about the asset recovery incentivisation scheme, or ARIS, funding for the recovery of assets not really being worth the paper it was printed on—I think that was what she was trying to say, if she will forgive me for putting words in her mouth. However, since 2006, under an arrangement under her last Government, £764 million has gone into funding those law enforcement agencies, and in the last three years £257 million has gone in. Hopefully, with the new arrangement, above the baseline of, I think, £146 million—I will correct that in writing if it is not £146 million—100% will be kept.

We are also following on from the excellent reports from the Home Affairs Committee and the Public Accounts Committee looking into why we have not achieved enough in terms of confiscation orders and recovery of assets. I have told officials I am particularly concerned that it was suggested in one of those reports that the focus seemed to be on small assets—the collection rate was higher for smaller amounts of money, but lower among millionaires—and I have specifically directed officials that we must look at turning the tables. I want all assets collected that are subject to confiscation, but those reports are a good guideline and we did not ignore that specific point. We will certainly make sure that we build on it and improve on it, because there is money in it for us all, should we do it, and I am very keen that we should.

New clause 5, tabled by my hon. Friend the Member for Amber Valley (Nigel Mills), seeks to prevent the courts from awarding uncapped costs against enforcement agencies when they have brought unsuccessful applications for unexplained wealth orders or related interim freezing orders. I appreciate that this is to ensure that law enforcement agencies do not feel constrained in their ability to apply for an unexplained wealth order, for fear of incurring financial liability. But, as law enforcement representatives told the Public Bill Committee in November, this is a natural part of the state wielding its investigative powers, and they are certainly not pressing for a provision...
of this type. It is a well-established principle that the losing party pays the winning party’s legal costs. This is an important check and balance on parties bringing spurious claims, or the state using its powers erroneously.

At the same time, the civil procedure rules do already allow for capping in exceptional circumstances, so law enforcement agencies would be able, as things stand, to apply for a cost-capping order in appropriate cases. I undertake to ensure that this point is included in the code of practice that will support the use of these orders. I trust that Members will agree that this is a far more sensible way forward than a blanket rule for all unexplained wealth order cases.

It is crucial that the initial cases are thoroughly developed to ensure that the orders have the greatest possible impact. We are already actively engaging with law enforcement officers and prosecutors to encourage the use of the new powers being introduced by the Bill. Ultimately, it will be for the enforcement authorities to decide when to use them, but we will—as, no doubt, will Her Majesty’s loyal Opposition—monitor and review the use of the orders once they have been introduced. This will inform future support or changes that may be needed to ensure that they are being used to maximum effect.

The hon. Member for Swansea East explained from the Opposition Front Bench the objective behind her amendment 1. However, as I explained when this issue arose in Committee, politically exposed persons in the UK and European economic area can, in fact, already be made subject to an unexplained wealth order. These orders can be made in two situations: first, where an individual is suspected of involvement in serious crime; and secondly, in relation to non-EEA politically exposed persons. An unexplained wealth order can thus be made in relation to politicians and senior officials in Europe, when they are suspected of being involved in serious criminality. In such an investigation, if evidence exists of links to serious organised crime, it should be available, obtainable and readily provided, and it would be unreasonable and disproportionate, for example, for Members of this House to be made subject to an order without any evidence of criminality.

However, for investigations into grand corruption involving countries outside Europe, including the developing world, that evidence is far less likely to be available. It will be much harder in some countries where corruption is endemic to get the evidence to bring to the court at first about wealth hidden in London. That is why we have chosen to have a lower threshold for evidence when applied to countries outside the EEA.

We should not forget that unexplained wealth orders are not an end in themselves; they are part of a process leading eventually, should those concerned not be able to give satisfactory answers, to another action in court to confiscate the assets. As I said when I met the right hon. Member for Hackney North and Stoke Newington (Ms Abbott) to discuss this, I do not want unexplained wealth orders also to produce a lot of derelict empty buildings that are caught up in legal dispute and sitting around London being no good for anyone. I want them to be used and be placed on people whom we have linked to serious crime, and then, should they not be able to satisfy the court, for us then to go to the next step and recover that asset, so that the houses and the housing market are freed up, and any money is returned to whoever it has been stolen from—a country, or other people. An order is therefore a step in the process, not an end in itself.

I hope that I have sufficiently reassured the House on these points, and that the Opposition will feel inclined to not press their amendment.

**Question put and agreed to.**

**New clause 8 accordingly read a Second time, and added to the Bill.**

**New Clause 2**

**Failure to Prevent an Economic Criminal Offence**

“(1) A relevant body (B) is guilty of an offence if a person commits an economic criminal offence when acting in the capacity of a person associated with (B).

(2) For the criminal purposes of this clause—

“economic criminal offence” means any of the offences listed in Part 2 of Schedule 17 to the Crime and Courts Act 2013.

“relevant body” and “acting in the capacity of a person associated with B” has the same meaning as in section 39.

(3) It is a defence for B to prove that, when the economic criminal offence was committed—

(a) B had in place such prevention procedures as it was reasonable in all the circumstances to expect B to have in place, or

(b) it was not reasonable in all the circumstances to expect B to have any prevention procedures in place.

(4) In subsection (2) “prevention procedures” means procedures designed to prevent persons acting in the capacity of a person associated with B from committing an economic criminal offence.

(5) A relevant body guilty of an offence under this section is liable—

(a) on conviction on indictment, to a fine,

(b) on summary conviction in England and Wales, to a fine,

(c) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding the statutory maximum.

(6) It is immaterial for the purposes of this section whether—

(a) any relevant conduct of a relevant body, or

(b) any conduct which constitutes part of a relevant criminal financial offence takes place in the United Kingdom or elsewhere.

(7) The Chancellor of the Exchequer and the Secretary of State must prepare and publish guidance about procedures that relevant bodies can put in place to prevent persons acting in the capacity of an associated person from committing an economic criminal offence.”—[Sir Edward Garnier.]"
“(1) A relevant body (B) is guilty of an offence if a person commits an economic criminal offence when acting in the capacity of a person associated with (B).

(2) For the purposes of this clause—

“economic criminal offence” means one of the following—

(a) a common law offence of conspiracy to defraud;
(b) an offence under section 1, 5 or 7 of Fraud Act 2006;
(c) an offence under section 1, 17 or 20 of the Theft Act 1968 (theft, false accounting and destruction of documents);
(d) an offence under section 993 of the Companies Act 2006 (fraudulent trading);
(e) an offence under sections 346, 397 and 398 of the Financial Services and Markets Act 2000 (providing false statements to auditors, misleading statements, and misleading the FCA);
(f) an offence under section 327, 328 and 329 of the Proceeds of Crime Act 2002 (concealing criminal property, facilitating acquisition, acquisition and use of criminal property).

“relevant body” and “acting in the capacity of a person associated with B” has the same meaning as in section 39.

(3) It is a defence for B to prove that, when the economic criminal offence was committed—

(a) B had in place such prevention procedures as it was reasonable in all the circumstances to expect B to have in place, or
(b) it was not reasonable in all the circumstances to expect B to have any prevention procedures in place.

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(5) A relevant body guilty of an offence under this section is liable—

(a) on conviction on indictment, to a fine,
(b) on summary conviction in England, to a fine,
(c) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding the statutory maximum.

(6) It is immaterial for the purposes of this section whether—

(a) any relevant conduct of a relevant body, or
(b) any conduct which constitutes part of a relevant criminal financial offence takes place in the United Kingdom or elsewhere.”

This New Clause would create an offence of failing to prevent any financial offence listed in Part 2 of Schedule 17 of the Crime and Courts Act 2013.

New clause 6—Public registers of beneficial ownership of companies registered in the Overseas Territories—

“(1) In Part 1 of the Proceeds of Crime Act 2002 (introductory), after section 2A, insert—

“2AA Duty of Secretary of State: Public registers of beneficial ownership of companies registered in Overseas Territories

(1) It shall be the duty of the Secretary of State, in furtherance of the purposes of—

(a) this Act; and
(b) Part 3 of the Criminal Finances Act 2017
to take the steps set out in this section.

(2) The first step is, no later than 31 December 2018, to provide all reasonable assistance to the Governments of the UK’s Overseas Territories to enable each of those Governments to establish a publicly accessible register of the beneficial ownership of companies registered in that Government’s jurisdiction.

(3) The second step is, no later than 31 December 2019, to prepare an Order in Council and take all reasonable steps to ensure its implementation, in respect of any Overseas Territory that has not yet introduced a publicly accessible register of the beneficial ownership of companies within their jurisdiction. This Order would require the Overseas Territory to adopt such a register.

(4) In this section “a publicly accessible register of the beneficial ownership of companies” means a register which, in the opinion of the Secretary of State, provides information broadly equivalent to that available in accordance with the provisions of Part 21A of the Companies Act 2006.”

This new clause would require the Secretary of State to take steps to provide that Overseas Territories establish publicly accessible registers of the beneficial ownership of companies, for the purposes of the Proceeds of Crime Act 2002 and Part 3 of the Bill (corporate offences of failure to prevent facilitation of tax evasion).
New clause 10—Duty to prevent use of new Limited Partnerships for financial criminal activity—

“(1) The Treasury may not lay regulations before Parliament on new Limited Partnerships before the Secretary of State has completed and published a review of the proposed regulations. 

(2) It shall be the duty of the Secretary of State to review draft regulations which would allow the creations of new Limited Partnerships, in order to prevent the use of new Limited Partnerships for financial criminal activity.

(3) In performing that duty the Secretary of State must, in particular, have regard to the contribution transparency may make in tackling tax evasion, money laundering, national and cross border criminality, and terrorist financing.

(4) Following any review under subsection (2) the Secretary of State must lay a report before Parliament on what steps the Government will take to prevent new Limited Partnerships being used for criminal purposes.

(5) In conducting the review the Secretary of State must consult—

(a) the Scottish Government,
(b) the National Crime Agency,
(c) the Serious Fraud Office,
(d) the Financial Conduct Authority,
(e) HMRC,
(f) interested third sector organisations, and
(g) any other persons the Secretary of State deems relevant.”

This new clause sets a duty on the Secretary of State to review Treasury proposals for new Limited Partnerships to prevent their use for financial criminal activity, including tax evasion, money laundering and terrorist financing. In carrying out the review the Secretary of State will be required to consult those groups listed in subsection (5) and lay a report before Parliament.

New clause 11—Failure to prevent facilitation of tax evasion offences: consultation on other jurisdictions—

“(1) Within 12 months of this Act receiving Royal Assent, the Secretary of State must conduct a public consultation on the issues listed in subsection (2).

(2) The issues are—

(a) the desirability of the Crown Dependencies and Overseas Territories introducing equivalent offences to those introduced by sections 40 and 41 of this Act; and
(b) the steps that would need to be taken for the Crown Dependencies and Overseas Territories to introduce equivalent offences to those introduced by sections 40 and 41 of this Act.

(3) As part of this consultation the Secretary of State must seek views from—

(a) the governments of the Crown Dependencies and Overseas Territories,
(b) such bodies as the Secretary of State or the governments specified in subsection (3)(a) consider appropriate,
(c) any other person or body who the Secretary of State deems relevant, with particular regard to non-governmental bodies and private sector entities.

(4) The Secretary of State must lay before both Houses of Parliament a report setting out the outcome of this consultation within 24 months of this Act receiving Royal Assent.”

New clause 12—Failure to prevent facilitation of tax evasion offences: publication of convictions—

“(1) The Secretary of State must publish an annual report listing all bodies and organisations that have been found guilty of a failure to prevent facilitation of a UK foreign tax evasion offence within the previous five years.”

New clause 13—Failure to prevent tax evasion offences: sentencing guideline—

“(1) The Secretary of State must produce sentencing guidelines for the level of fine to be imposed on bodies found guilty of failure to prevent facilitation of a UK foreign tax evasion offence.

(2) Such guidance must stipulate that the maximum level of the fine cannot be greater than the total value of the tax whose evasion was facilitated.”

New clause 14—Failure to Prevent an Economic Criminal Offence (No. 3)—

“(1) A relevant body (B) is guilty of an offence if a person commits an economic criminal offence when acting in the capacity of a person associated with B.

(2) For the criminal purposes of this clause—

“economic criminal offence” means any of the offences listed in Part 2 of Schedule 17 to the Crime and Courts Act 2013.

“relevant body” and “acting in the capacity of a person associated with B” have the same meaning as in section 39.

(3) B is guilty of an offence under this section if a person associated with B commits an economic criminal offence intending—

(a) to obtain or retain business for B; or
(b) to obtain or retain an advantage in the conduct of business for B or otherwise for the financial benefit of B.

(4) It is a defence for B to prove that, when the economic criminal offence was committed—

(a) B had in place such prevention procedures as it was reasonable in all the circumstances to expect B to have in place, or
(b) it was not reasonable in all the circumstances to expect B to have any prevention procedures in place.

(5) In subsection (2) “prevention procedures” means procedures designed to prevent persons acting in the capacity of a person associated with B from committing an economic criminal offence.

(6) A relevant body guilty of an offence under this section is liable—

(a) on conviction on indictment, to a fine,
(b) on summary conviction in England and Wales, to a fine,
(c) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding the statutory maximum.

(7) It is immaterial for the purposes of this section whether—

(a) any relevant conduct of a relevant body, or
(b) any conduct which constitutes part of a relevant criminal financial offence takes place in the United Kingdom or elsewhere.

(8) The Chancellor of the Exchequer and the Secretary of State must prepare and publish guidance about procedures that relevant bodies can put in place to prevent persons acting in the capacity of an associated person from committing an economic criminal offence.”

This new clause would create a corporate offence of failing to prevent economic crime, defined by reference to the offences listed in Part 2 of Schedule 17 to the Crime and Courts Act 2013.

New clause 15—Failure to Prevent an Economic Criminal Offence (No. 4)—

“(1) A relevant body (B) is guilty of an offence if a person commits an economic criminal offence when acting in the capacity of a person associated with B.

(2) For the criminal purposes of this clause—

“economic criminal offence” means one of the following—

(a) a common law offence of conspiracy to defraud;
(b) an offence under section 1, 5 or 7 of Fraud Act 2006;
(c) an offence under section 1, 17 or 20 of the Theft Act 1968 (theft, false accounting and destruction of documents);
(d) an offence under section 993 of the Companies Act 2006 (fraudulent trading);
(e) an offence under sections 346, 397 and 398 of the Financial Services and Markets Act 2000 (providing false statements to auditors, misleading statements, and misleading the FCA);
(f) an offence under section 327, 328 and 329 of the Proceeds of Crime Act 2002 (concealing criminal property, facilitating acquisition, acquisition and use of criminal property), “relevant body” and “acting in the capacity of a person associated with B” have the same meaning as in section 39.

(3) B is guilty of an offence under this section if a person associated with B commits an economic criminal offence intending—
(a) to obtain or retain business for B; or
(b) to obtain or retain an advantage in the conduct of business for B or otherwise for the financial benefit of B.

(4) It is a defence for B to prove that, when the economic criminal offence was committed—
(a) B had in place such prevention procedures as it was reasonable in all the circumstances to expect B to have in place, or
(b) it was not reasonable in all the circumstances to expect B to have any prevention procedures in place.

(5) In subsection (2) “prevention procedures” means procedures designed to prevent persons acting in the capacity of a person associated with B from committing an economic criminal offence.

(6) A relevant body guilty of an offence under this section is liable—
(a) on conviction on indictment, to a fine, (b) on summary conviction in England and Wales, to a fine, (c) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding the statutory maximum.

(7) It is immaterial for the purposes of this section whether—
(a) any relevant conduct of a relevant body, or
(b) any conduct which constitutes part of a relevant criminal financial offence takes place in the United Kingdom or elsewhere.

(8) The Chancellor of the Exchequer and the Secretary of State must prepare and publish guidance about procedures that relevant bodies can put in place to prevent persons acting in the capacity of a relevant body from committing an economic criminal offence.”

This new clause would create a corporate offence of failing to prevent economic crime, defined by reference to the offences listed in Part 2 of Schedule 17 to the Crime and Courts Act 2013.

New clause 16—Conversion of platforms to centralised registers: review—

“(1) Within one year of this Act receiving Royal Assent the Secretary of State must establish a review of the operational efficacy of closed beneficial ownership platforms created by Crown Dependencies or British Overseas Territories that are subject to the automatic exchange of beneficial ownership information with Her Majesty’s Government for the purpose of combating illicit financial activity.

(2) The aim of the review will be to gather information to equip Her Majesty’s Government to take all steps necessary to provide financial, administrative or any other support to assist Crown Dependencies and British Overseas Territories in converting all such beneficial ownership platforms into closed centralised registers of beneficial ownership.

(3) In the course of the review the Secretary of State must consult—
(a) the governments of any Crown Dependencies and Overseas Territories which have created closed beneficial ownership platforms and which are subject to the automatic exchange of information with Her Majesty’s Government for the purpose of combating illicit financial activity; and
(b) such bodies as the Secretary of State or governments under subsection (3)(a) deem appropriate.

(4) The review shall be completed and laid before Parliament within one year of its establishment.

(5) No later than one year after the review has been laid before Parliament, Her Majesty’s Government must have taken all steps necessary to assist relevant Crown Dependencies and British Overseas Territories in the establishment of closed centralised registers of beneficial ownership.

(6) Her Majesty’s Government shall supply quarterly reports to Parliament of the progress of steps taken under subsection (5), and such reports shall set out—
(a) concerns expressed by relevant Crown Dependencies and British Overseas Territories about conversion of beneficial ownership platforms to centralised registers, and
(b) an assessment by Her Majesty’s Government of the extent to which objections to the creation of centralised registers can be justified on a constitutional, economic, administrative or any other operational basis.”

New clause 17—Public registers of beneficial ownership of companies registered in Crown dependencies—

“(1) In Part 1 of the Proceeds of Crime Act 2002 (introductory), after section 2A, insert—
“2AA Duty of Secretary of State: Public registers of beneficial ownership of companies registered in Crown dependencies—

(1) It shall be the duty of the Secretary of State, in furtherance of the purposes of—
(a) this Act; and
(b) Part 3 of the Criminal Finances Act 2017 to take the actions set out in this section.

(2) The first action is, no later than 31 December 2017, to provide all reasonable assistance to the Governments of Crown Dependencies to enable each of those Governments to establish a publicly accessible register of the beneficial ownership of companies registered in that Government’s jurisdiction.

(3) The second action is, no later than 31 December 2019, to publish legislative proposals to require the Government of any Crown dependency that has not already established a publicly accessible register of the beneficial ownership of companies registered in that Government’s jurisdiction to do so.

(4) In this section—
“a publicly accessible register of the beneficial ownership of companies” means a register which, in the opinion of the Secretary of State, provides information broadly equivalent to that available in accordance with the provisions of Part 21A of the Companies Act 2006.

“legislative proposals” means either—
(a) a draft Order in Council; or
(b) a Bill presented to either House of Parliament.”

New clause 18—Whistleblowing in relation to failure to prevent facilitation of tax evasion and money laundering—

“(1) The Secretary of State shall conduct a review of arrangements to facilitate whistleblowing in the banking and financial services sector in relation to the disclosure of suspected
corporate failure to prevent facilitation of tax evasion and money laundering.

(2) The review must consider, but shall not be limited to—
   (a) arrangements to protect the anonymity of persons disclosing suspected corporate failure to prevent facilitation of tax evasion and money laundering;
   (b) the efficacy of current penalties for institutions that treat whistleblowers unfairly, and proposals for future criminal penalties.

(3) In conducting the review the Secretary of State must consult—
   (a) whistleblowers in the banking and financial services sector;
   (b) devolved administrations,
   (c) interested charities,
   (d) the relevant regulators, and
   (e) any other persons the Secretary of State deems relevant.

(4) The Secretary of State must lay the report to Parliament within six months of the passing of this Act."

This new clause requires the Secretary of State to conduct a review of arrangements to facilitate whistleblowing in the banking and financial services sector, in consultation with those groups listed in subsection (3), and then lay a report before Parliament on steps the Government will take to bring forward penalties for institutions that fail to protect whistleblowers.

New clause 20—Report on the impact of the criminal offences relating to offshore income, assets and activities—

“(1) The Chancellor of the Exchequer shall, within one year of the coming into force of the provisions in Tax Management Act 1970 relating to criminal offences relating to offshore income, assets and activities introduced by section 165 of the Finance Act 2016 publish a report on the impact of the introduction of these offences.

(2) The report must include, but need not be limited to, information about—
   (a) the number of persons who have been charged with offences under each of sections 106B, 106C and 106D of the Tax Management Act 1970;
   (b) the number of persons who have been convicted of any such offence; (c) the average fine imposed; and
   (d) the number of people upon whom a custodial sentence has been imposed for any such offence.”

New clause 21—Report on income lost to tax evasion—

“(1) The Chancellor of the Exchequer shall, within one year of the passing of this Act, prepare and publish a report, in consultation with stakeholders, on the value of income lost to the Exchequer from tax evasion offences.

(2) The report must include the following—
   (a) the value of the income lost to the Exchequer from tax evasion offences in the financial years—
      (i) 2015-16;
      (ii) 2014-15;
      (iii) 2013-14;
      (iv) 2012-13; and
      (v) 2011-12;
   (b) a detailed summary of the model used by HMRC for estimating income lost to the Exchequer from tax evasion offences.
   (c) an assessment of the efficacy of HMRC’s performance in relation to dealing with tax evasion, including—
      (i) a breakdown of specific HMRC departments or units dealing with investigation and enforcement of tax evasion matters;
      (ii) details of the numbers of staff in each of the years listed in paragraph (a) who are located within departments or units dealing with investigation and enforcement matters in relation to tax evasion;
      (iii) details of the budgets allocated to departments or units dealing with investigation above; and
      (iv) details of the numbers of prosecutions or the amount of tax recovered in each financial year listed in paragraph (a) as a result of the work of HMRC departments or units dealing with investigation and enforcement matters in relation to tax evasion in those financial years.”

Sir Edward Garnier: I shall be relatively brief in introducing this group of new clauses. In moving new clause 2, which stands in my name and that of a number of hon. Members on both sides of the House and which mirrors new clauses 3, 4, 14 and 15, I want to introduce a debate about the future of corporate criminal liability in this jurisdiction. I must declare an interest, as over the past few years I have been instructed by the Serious Fraud Office in a number of cases involving the prosecution of large international companies. One of the problems that prosecutors and, no doubt, investigators have found in this jurisdiction when dealing with the modern corporate landscape—to use that hideous jargon—involves trying to fix liability on a company suspected of criminal activity, as a matter of criminal law. It is not difficult to fix criminal liability on an individual if the evidence is there: the person either did or did not do it, and they either did or did not have the necessary criminal intent.

Under current English law, however, fixing criminal liability on a corporation involves resorting to what is called the identification principle. This involves finding someone of sufficient seniority within a corporation who can act as or be described as the directing mind of the company. Through that identified person, we can then move on to fix criminal liability on the corporation. That was fine in the Victorian era, when most companies had one or two directors. An example would be a small business in a market town in the 1860s or 1870s, which would have been owned and directed by two or three men—it was always men in those days. If a fraud was
committed on behalf of the company, it would have been perfectly easy to find the directing mind of that company among the small group of directors.

As the industrial revolution and corporate legal development proceeded during the late 19th century and early 20th century, however, it became clear that companies were getting bigger. An increase in international trade meant that companies based in this country had offices, and directing minds, in other parts of the world. In 1912, the United States dealt with this by doing away with the identification principle involving the directing mind and, through case law, by developing a principle in criminal law that a company could be vicariously liable for the criminal acts of its employees on the basis that they were conducting criminal activities for the benefit and on behalf of the company.

We in this country reached the stage long ago at which we needed to reform the way in which we look at corporate criminal liability. The hon. Member for Dumfries and Galloway (Richard Arkless), with his Scottish legal experience, will no doubt inform us whether the situation is the same in Scotland as it is in England, but I believe that it is uncontroversial to say that the Victorian identification principle is no longer apt to deal with international corporations. I am not picking on the company that I am about to mention because I think it has committed a criminal offence; quite the contrary—I just want to use it as an example of a large international company. British Telecommunications is a huge company that employs hundreds of thousands of people all around the globe doing various things in the telecoms world, all of them entirely legitimate and beneficial to the company, its shareholders and our national economy. Surely, however, it is a matter of common sense to say that it would be extremely difficult nowadays to fix upon an individual or small group of individuals as representing the directing mind of that company if it was suspected that an offence had been committed many miles away from the main board and the headquarters of the company in London. I repeat that I have used British Telecommunications simply as an example of a large international company with operations right around the world.

Of course it would be perfectly possible to fix upon an individual, a human being, who had committed an offence. It might well be that that individual had committed an offence for the benefit of the international corporation, but unless that person was of sufficient seniority within the hierarchy of that great big international company, it would be very difficult to fix criminal liability for that person’s offence on the corporation as well. As I have said, the United States has been getting round that problem for more than 100 years by using the principle of vicarious liability, which we are used to dealing with in this country in civil law but not in criminal law.

I believe that there are two ways in which we can approach this question, and this is the whole point of the new clauses that I and others have tabled. First, we could use the American system of vicarious liability, and there are plenty of good arguments for doing so. Secondly, we could approach the problem—as we have done in the new clauses—by using the failure to prevent regime, in which, when a company fails to prevent someone or another body associated with it from committing a specified offence, it thereby becomes liable for the criminal offence itself. We already have that provision on the statute book in section 7 of the Bribery Act 2010, and it is about to be added to the statute book through the existing provisions in this Bill relating to tax offences. That follows David Cameron’s speech to the corruption summit at Lancaster House last summer.

In pushing forward these new clauses, I want to invite Parliament, in this House and the other place, and the Government—by which I mean not only the political Government but the non-political Government: the officials who run the Government day by day and advise on matters of policy—to consider whether extending the failure to prevent regime would be an easier and better way to deal with this than turning the whole thing on its head by adopting the vicarious liability principle wholesale.

There are plenty of arguments for and against the extension of the section 7 failure to prevent bribery model. I have attended a number of meetings with criminal lawyers who are far more experienced than I am. Indeed, I see one sitting just two Benches in front of me, behind the Minister. My hon. Friend the Member for Louth and Horncastle (Victoria Atkins) will know, as I have come to learn over the past few years since I have taken an interest in corporate crime, that a number of difficulties are created by the failure to prevent model. I will not rehearse them all now, but some of those difficulties were set out on Friday 13 January 2017 in the Ministry of Justice’s “Call for evidence” paper, which sets out five options for a failure to prevent regime.

I favour the failure to prevent model over the vicarious liability model because it is already set within our system. The new clauses would not extend the principle but merely extend the ambit of the criminal offences that could come within a failure to prevent system. The provisions will not be brought into this Bill because it is highly unlikely that the Government would accept any of them—albeit they may nod politely at them—when the Ministry of Justice’s call for evidence process is still open. However, I hope that the Government will look carefully at the shape and design of the new clauses with a view to considering vigorously whether what we have proposed as a matter of principle is worthy of greater thought.

The intention of new clause 2 is to create a corporate offence of failing to prevent economic crime, as defined by reference to the offences listed in part 2 of schedule 17 to the Crime and Courts Act 2013. Again, I will do my best to be brief. That schedule brought in the deferred prosecution agreement system for dealing with errant companies. I declare an interest, with both capital and small letters, in that not only have I been instructed by the SFO in two of the three deferred prosecution agreements that have so far taken place, but I brought the system into law when I was Solicitor General—at least I began it before I got the sack. There is a cloud in every silver lining, is there not?

Sir Henry Bellingham (North West Norfolk) (Con): Very few in this case.

Sir Edward Garnier: Very few. I am diverting myself, because I deliberately said “a cloud in every silver lining” not “a silver lining in every cloud.”
The short point is that schedule 17 to the 2013 Act contains about 50 economic and financial criminal offences that can be dealt with through deferred prosecution agreements between either the Crown Prosecution Service or the SFO on the one hand and corporations—that is to say respondents and defendants that are not human beings—on the other. Those offences are perfectly capable of being moved across into the failure to prevent regime. As I said, section 7 of the Bribery Act 2010 makes it an offence to fail to prevent bribery, and we are about to have an offence of failing to prevent a tax offence, so why not—I ask rhetorically on this occasion—extend the failure to prevent regime across to these other offences? New clause 3 does exactly the same, save that it limits the offences to those set out in its subsection (2).

New clauses 4, 14 and 15 contain provisions suggested by the hon. Member for Newcastle upon Tyne North (Catherine McKinnell) that broadly address the same issue that I am discussing. I will not press new clause 2 to a Division, because that will inform the Ministry of Justice’s discussion paper. I also hope that they will encourage the Home Office and the Minister, with whom I have had some useful discussions about this and other matters to do with the Bill, to consider carefully and positively the extension of the failure to prevent regime.

3.15 pm

The wheels of Whitehall move extremely slowly. Everyone has to be consulted nowadays and nobody is allowed to have an idea of their own without it being beaten up and pushed through the roller by every other Department that thinks it has an interest or half an interest in what somebody else wants to do. People should try to produce a piece of legislation as a Law Officer. Law Officers are not supposed to have any policies; they are simply supposed to sit in a cupboard, the door of which is occasionally opened to get an answer and then shut again with them inside. Fortunately, however, I was able to bring forward deferred prosecution agreements. I hope, as a very much ex-Law Officer, that I will encourage the Government to take a positive view of the principles behind the new clauses, not only because I want that but because they represent an efficient and effective way of assisting the SFO, which is one of the most valuable and effective prosecution agencies in the western world, to do its job of ensuring that both bad people and bad companies are brought to justice. I hope to hear positive things from my hon. Friend the Minister, from whom I have never heard anything else.

Roger Mullin (Kirkcaldy and Cowdenbeath) (SNP): I start by thanking the Security Minister and the Government for responding to the campaign on Scottish limited partnerships in which I have been involved for about a year. We are all grateful that the Government recently announced that they will conduct a review, which means that the amendment that I have regularly been tabling for some of the worst international crime, money laundering and hiding of criminal assets to be found. Without going into great detail of how they manage to do that, it might interest the House to know just a few of the types of crime for which they have been used.

SLPs have been at the centre of Ukrainian arms deals, kick-backs and a major Moldovan banking fraud. They have been at the heart of a major corruption scandal in Latvia involving the nephew of Uzbekistan’s President Islam Karimov. They have been used to run international mail frauds, including that of a French psychic who has been targeting vulnerable elderly people with offers of spiritual insights for significant amounts of cash. They are involved in a $1 billion copyright infringement case that is taking place in the United States. They have been involved in criminal activity, such as setting up paedophile websites and raising money through such horrible activities. The list goes on and on. SLPs, and other limited partnerships to some extent, have been utilised as a way of hiding billions of pounds of criminal money. Often that money does not necessarily come here, as we find it in tax havens. The legitimisation of a UK or Scottish limited partnership is used as a means of hiding the beneficiaries of such criminal activity.

For those reasons, I am particularly grateful that the Ministry has been willing to speak seriously about this. He has done more than any other Minister to move the Government to respond to some of our concerns, so why did I table new clause 10? I did so because SLPs and limited partnerships are based on a 1907 Act, of which probably few people are aware, that amended the Partnership Act 1890, of which even fewer people are aware. By some chance, I sit on the Regulatory Reform Committee, which is so popular that in December it held its second meeting since I joined it in January 2016. Why did we have our second meeting in December? Because we were told that the Treasury was introducing a legislative reform order. And what was that legislative reform order for? At the same time as the Government announced a much-welcomed review of limited partnerships, the Treasury sought to create a new form of limited partnership—private fund limited partnerships—not on the Floor of the House, but through a device that is supposed to be used only for non-controversial matters of legislative reform. I can hardly think of anything more controversial than a mechanism that has been used for international criminal assets and money laundering, but I have even greater concerns.

I will have to leave the debate in about an hour to attend a meeting of the Regulatory Reform Committee to take evidence on the Treasury’s proposals—[Interruption.] I hear Members suggesting they are jealous, but I am sure that they are not. Under the proposals, there are four areas with which even SLPs have to comply that these new private fund limited partnerships will not. For example, the jurisdiction in which the general partners are registered no longer needs to be divulged. The registration numbers of the general partners no longer need to be divulged, and the registration numbers of the limited partners, if they are corporations, no longer need to be divulged.
Not only are we creating a new form of limited partnership, but we are doing so with considerably less regulation than is in place for existing limited partnerships that have been a front for international criminality. As I have such great faith in the Minister for Security, our new clause would require the Home Office to conduct a review before the Treasury introduces any legislation to create a new form of limited partnership so that we can ensure that those limited partnerships will not be subject to the type of criminal abuse and illegality that we have found with Scottish limited partnerships.

There is also a broader question to be answered. Why are this Government using a device such as a legislative reform order to try to quickly establish something in such a controversial area? Surely this is something that should be fully and properly debated on the Floor of the House. That is why, when I go to the Committee shortly, I will certainly not be agreeing that the proposal makes progress. I will do my best to require that this matter is brought back to the Floor of the House so that it can receive proper and urgent scrutiny. In the light of my arguments, I commend new clause 10 to the House.

**Nigel Mills:** It is a pleasure to speak in this debate. I rise to address the new clauses that my right hon. and learned Friend the Member for Harborough (Sir Edward Garnier) spoke about and new clause 6. I will begin by speaking to the new clauses tabled by my right hon. and learned Friend the Member for Harborough (Sir Edward Garnier), who co-chairs the all-party group on anti-corruption, on the failure to prevent economic crime.

The hon. Member for Kirkcaldy and Cowdenbeath (Roger Mullin) knows far more about such things than I do, and he made his argument well, but I reinforce the point that there is a strong feeling among the public, because if large companies are seen to be part of some very serious criminal activity, people are confused about why those companies and the senior people within them have not been prosecuted for those serious offences. If people look across the Atlantic, they see that America does manage to prosecute senior bankers for such offences, so they think, “We see all our banks being fined in America for being guilty of rigging various markets, yet why are no senior directors of those companies being prosecuted here? Why are those banks not being prosecuted?” That exposes the fact that our law, as the hon. Gentleman explained, has become out of date. It seems horribly unfair that the Serious Fraud Office finds it comparatively easy to prosecute very small companies and their directors, when it is clear who the controlling minds are, but that when we see far more serious offences being committed by, on behalf of, or for the benefit of much larger companies, we cannot quite find enough evidence to prosecute those companies or their very senior directors.

**Mark Field** (Cities of London and Westminster) (Con): In the US context, does my hon. Friend accept that there is often a political element there, despite the division of power? The prosecutor is often looking to make a name for himself by taking on a big bank—often, it has to be said, a big non-US bank. It is a particular concern—not just in the banking world but beyond—that overseas companies tend to be fair game as far as prosecutions are concerned. There is actually a rather different regime there, and it might not necessarily point to a desire and a need for a change in UK law.

**Nigel Mills:** I agree with my right hon. Friend’s point. It is interesting that the United States seems to favour prosecuting large banks and large companies that are internationally owned rather than US-owned. I am sure that the Foreign Office is trying to work out whether that is an unfair, anti-competitive move by the US. He is right that we should not try to read too much across from the US system into ours, but I was trying to make the point that people are confused about why people are prosecuted in the US but not over here.

That takes me back to the point that it seems unfair that while we can prosecute directors of small businesses, we cannot prosecute when we see much more serious offences in large businesses. That is why I support extending the model of the failure to prevent that we already have in place for bribery and that we are adding for tax evasion. We are talking about other very serious economic crimes, and it is hard to make a distinction as to why we would rank some of these offences as less important or serious such that we do not take the power to prosecute so that we prevent serious fraud, for instance.

I welcome the Government’s consultation on those issues, and it is right that it would be somewhat premature to legislate before we get the outcome of the consultation, as that might make a mockery of the idea of consulting. It is a real pity that although this Bill is the ideal vehicle in which to act, we cannot, because of the timing, make the change that we want. We will be relying on another relevant Bill being introduced later in this Parliament so that we can finally make the change. As my right hon. and learned Friend the Member for Harborough said, it would be helpful if the Minister would make some encouraging noises about how seriously the Government take such matters and when we might expect to see some progress following the consultation, if the Government were minded to proceed with legislation.

I will take a bit of a leap from that topic to the subject of new clause 6—our grouping is interesting. For quite a long while, I thought that I was supporting Government policy by encouraging our overseas territories and Crown dependencies to adopt the same transparency regarding beneficial ownership that we are putting in place for the UK through the Bill. The previous Prime Minister was absolutely right to make efforts to get those territories and dependencies to agree to having transparent registers. I think that we all welcome the fact that the territories have moved a fair way in agreeing to have registers and reliable information on the beneficial owners of companies operating there. We all congratulate them on that, and look forward to that being in place; we all recognise that it will be a great step forward for various law enforcement authorities to be able to get that information relatively speedily to help prosecutions here. However, that does not go far enough, and we recognise that by saying in new clause 6 that we want a transparent register.

3.30 pm

In our debate on the first group of amendments, the Minister strongly made the case that what attracted businesses to the UK was the rule of law and our
favourable tax regime. I suspect that those are the main advantages that all our overseas territories have—people go there and establish various companies, trusts and so on because they recognise the strong rule of law, which is based on our rule of law, and can get the favourable tax treatment that they want. What we are trying to say in new clause 6 is that those territories can rightly market themselves as advantageous places from which to do business, because they have a stable rule of law and the right tax treatment, but that we do not want them to market themselves as, or to be used as, ways of hiding dirty money and being a way around the rules that we are putting in place, and that other countries around the world have.

We want those territories to have the same transparency as us. When they lobby us and say, “We don’t need to do that, and if we did it before Delaware, Panama or wherever, it would move all these people elsewhere and that would make our business model inviable,” they always seem to add, “We don’t want dirty, corrupt or criminal money in our territory. We take action if we spot that.” I can never quite get the reason why they are so opposed to having a transparent register. If people are not operating in those territories but using entities in them, why are the territories so concerned about having a transparent register that would show that and allow us all to see it? It just leaves a suspicion that they might be getting a bit of money coming through that perhaps ought not to be going there. It would be greatly to the advantage of the reputation of the territory, and that of the UK as a whole, if this transparency were in place. That is why I support the efforts of the right hon. Member for Barking (Dame Margaret Hodge) to draft the new clause and get it in order.

It clearly would not be right for this House to legislate for all those territories—those days passed a few decades ago—but it is clearly right for us to send out a strong message that although there are many advantages to being one of our Crown dependencies or overseas territories, those advantages come with obligations, one of which is that we want those places to be beacons of the right way of doing business and investing, and of attracting the right kind of money. We are saying, “Over the next couple of years, we want you to get these transparent registers. We don’t want to destroy your business model or national income, but we want it to be clear that you are taking clean, legitimate money. There is no reason for those who are operating like that to want to hide.” If any of the territories are acting as a conduit to get money into the UK, we will know who the beneficial owner is, because that will be published here, so one of the main advantages that they have is probably no argument against the new clause.

I feel strongly about this because we are affected when there are stories about money being hidden in these territories. I was in Tajikistan on a parliamentary visit, where a very effective toll road has been built between the two main cities. The only problem is that the revenue from the tolls end up in a British Virgin Islands company. Nobody quite knows who owns it, but let us just say that it is owned in such a way that it is unlikely that the Tajik authorities will be scrutinising it too closely. It is your money—the toll money, which we pay, to be stolen and siphoned off to one of these strange territories.” That may or may not be true.

Mark Field: My hon. Friend makes a strong and powerful case, but does he not recognise the distinction between privacy and secrecy? No one wants an entirely secret element, but most people who indulge in banking, whether in an overseas territory or anywhere else, expect a certain amount of privacy. There is no question but that we would expect law enforcement, the police and the tax authorities to have access to these registers. My hon. Friend has been fair in making the point that ultimately a lot of these issues should be constitutional questions for the territories; these measures should not be imposed on them by the UK. On the notion that anyone should have access to that information beyond the authorities I mentioned, as they would in his Tajikistan example, surely he can understand the reluctance for that to happen, particularly in the globalised financial world in which we live, and particularly if the same does not apply elsewhere.

Nigel Mills: I accept that we hear the privacy argument a lot—I am sure that it is made in the UK context as well—but we have taken the decision to have transparent registers so that we know who the ultimate beneficial owners of these entities are. If I think through the scenarios in which people would have a right to privacy, I can perhaps see that there might be a good reason not to publish if there is a real issue of individual safety, but I struggle to find many other situations for which there is a good argument for people being able to establish entities or other bodies in the overseas territories without being clear about who the ultimate owner is. If someone owns a company here or is a shareholder, that has to be public. That transparency exists for any kind of entity here, so I am not sure why a different argument ought to apply for our dependencies. In weighing the right to privacy against the right to ensure that we are not letting dirty, corrupt, criminal money into the system, we have to err on the latter side of the equation.

Mr Wallace: My hon. Friend gave the example of a toll road in Tajikistan. Because of where we are now, with a commitment to central registers and automatic access for our law enforcement agencies to those registers in countries such as the BVI, we could investigate his example and those responsible could be tracked down. Because it is an offence under the Bill to encourage tax evasion, even in another country—I guess the people who siphon off the toll money are not paying taxes in Tajikistan—we could take action if the BVI bank had a British nexus. We have now gone a long way towards tackling that type of crime because of this Bill and where we have got to since David Cameron’s summit.

Nigel Mills: I am grateful to the Minister for making those points, but we should be careful that we do not focus only on one example. There might be good commercial reasons in that case and it might just be a rumour from that country. I was highlighting the question of whether there are sufficient resources in the various law enforcement bodies, either here or elsewhere, to pursue inquiries through the labyrinth of corporate structures that tend to be involved when it comes to the most complex money-laundering or corruption situations.

The advantage of transparency, and one reason why we have chosen to have it here, is that it puts the information into the public domain so that various NGOs or other bodies can do some of the initial
investigation, piece together the corporate chains and links, break the corporate veils, and thereby work out where this money is coming from and where it has got to. I am a little sceptical that our law enforcement bodies will ever have the resources to start that process in the vast majority of cases. If we can get the information into the public domain and give people the chance to trace it all the way through and find the answers, that new information can be used by the law enforcement bodies. That is what we are trying to achieve, because enabling transparency will make it much harder to hide the money through a complex structure going through multiple territories and however many different trusts and entities.

It is entirely right and welcome that law enforcement bodies will have timely access to information, but that will not be enough to enable the full tackling of this scourge that we would like to see. That is why I support the effort that has been made with new clause 6 to find a way to send a very strong signal to our territories that we want transparent registers. That is the right thing to do and it is the right direction of travel for the regimes in question. We want our territories to take the lead, rather than waiting for everybody else to do something first. Let us set an example and move first, and not wait for the herd.

Caroline Flint (Don Valley) (Lab): It is a pleasure to follow the hon. Member for Amber Valley (Nigel Mills). I almost feel like not making a speech and sitting down now—but I will not—because he made such excellent points about why public registers of beneficial ownership in our overseas territories are so important. I look forward to working with him on this issue and on public country-by-country reporting, as well as with the many other colleagues from both sides of the House and from eight political parties who support new clause 6. Despite some Government pressure, several Conservative MPs support the new clause, including the former International Development Secretary, the right hon. Member for Sutton Coldfield (Mr Mitchell), who I understand hopes to catch your eye, Madam Deputy Speaker. I also pay tribute to my right hon. Friend the Member for Barking (Dame Margaret Hodge) for her hard work on this important amendment. I am really sorry—and she is too—that she cannot be here today to speak in this debate. I hope that, on this occasion, Members will not mind me dubbing new clause 6 “the Hodge amendment”.

I welcome the Government’s Criminal Finances Bill. Its aims of tackling corruption, tax evasion and terrorist financing are really important and should be commended. However, the absence of any mention of the overseas territories is remarkable. As Christian Aid has said, the No. 1 thing that the Government can do to tackle corruption, money laundering, and tax evasion is to ensure transparency in their overseas territories. Unfortunately, the secrecy that those territories trade in facilitates the corruption and the aggressive tax avoidance and tax evasion that we are all trying to stamp out.

The amendment is supported by the all-party groups on responsible tax and on anti-corruption, Christian Aid, Global Witness, Transparency International, Action Aid, Publish What You Pay, Save the Children, Oxfam and many others. We all know from numerous polls that this matter is something that the British public really care about. Two thirds of them want the Government to insist on public registers of beneficial ownership in the overseas territories.

As the hon. Member for Amber Valley mentioned, we have, with this amendment, responded to concerns raised earlier at different points of debate on this Bill. We are focusing purely on the overseas territories where the constitutional issues are more clear cut. We recognise that the overseas territories are taking steps towards private registers of beneficial ownership, so we have allowed a generous timeline for them to move from that to make these registers publicly accessible.

The overseas territories need to have these private registers in place by June of this year. This amendment would give them another two and a half years after that, which is within the lifetime of this Parliament, simply to make those private registers public. Such a move would be a major step forward.

New clause 6 is important not only for us in the UK, but for developing countries, which is why so many NGOs are supporting it. According to the UN Conference on Trade and Development, developing countries lose at least $100 billion every year as a result of tax havens. Around 8% to 15% of the world’s wealth is being held offshore in low tax jurisdictions, many of which come under our jurisdiction. A World Bank review of 213 big corruption cases found that more than 70% of them relied on secret company ownership. Company service providers registered in UK territories were second on the list in providing these companies. Oxfam has said recently that around one third of rich Africans’ wealth is currently sitting in offshore tax havens. If all that wealth was held in Africa and taxed properly, we would be able to pay for enough teachers to educate every child in Africa.

It damages our reputation, as the hon. Member for Amber Valley said, that the British Virgin Islands was the most mentioned tax haven in the Panama papers. We know that future leaks are coming, so why cannot we get ahead of the game and ensure transparency now?

In a recent debate on the Commonwealth Development Corporation Bill, the Minister of State, Department for International Development, the hon. Member for Penrith and The Border (Rory Stewart), said that the CDC would never invest through Anguilla or the British Virgin Islands. If a DFID Minister and the CDC can say that, what does it say about our responsibility today to change that reputation—British Ministers are clearly considering this—and do something to help those territories become more transparent?

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): My right hon. Friend is making an incredibly strong point. I, too, was pleased to add my name to new clause 6—I am sorry that I have not been able to join her for much of this debate. Does she agree that this is all about the consistency of approach? We talk about trying to reduce the need for aid in certain countries, and a key way in which to do that is to ensure that countries can generate their own revenues by having tax paid properly in their own jurisdictions?

Caroline Flint: I absolutely agree with my hon. Friend and I thank him for his support and for putting his name to new clause 6. Aid is important, but more
important is the question of how to create self-sufficiency so that more countries that are recipients of aid can stand on their own two feet. Transparency regarding overseas territories and our own system is an important part of that, as is good governance in the countries in question. Unfortunately, some countries to which we supply aid could do a hell of a lot more to help their own citizens. This is an area where we can have a direct impact and start making significant changes right now.

3.45 pm

 Sadly, we have seen a somewhat disappointing climb-down from Ministers in recent weeks. The Government’s new line is that as public registers emerge as the global standard, they would expect the overseas territories to follow suit. I applaud the fact that the UK Government have made considerable progress on this agenda but although the UK is 15th on the financial secrecy index, when combined with our overseas territories and Crown dependencies, we are at the top of the list. We cannot hide from that. Other countries probably use that fact as an excuse for not adopting public registers. We should be aware that we are bound to the overseas territories and Crown dependencies in such a way that other countries in which we want to see progress can use it as an excuse not to take steps forward on this important matter.

David Cameron deserves praise—I do not often say that—for his leadership at the 2013 G8 summit, yet we cannot claim global leadership in this area until we get our own house in order. Why is it so important that the registers are publicly available? First, that is the only way in which people in developing countries can access the information properly. Secondly, beyond the law enforcement agencies, which will have access as a result of progress that has been made, public registers will allow NGOs and civil society to interrogate the data as they have with the Panama papers. Transparency is far more efficient than endless systems of information exchange between Governments.

Stephen Doughty: Does my right hon. Friend agree that there is a conflict here? On the one hand, different Labour and Conservative Governments have been very sensible in supporting tax systems and tax authorities in many developing countries. However, if transparency of information—on companies, how they are incorporated and so on—is not available, even if we are giving them support, they cannot get to the bottom of where their taxes are actually going.

Caroline Flint: If we do not have the tools to make the difference, we are not going to see the change that I think everyone across the House wants to see. Without full access to transparent information, investigators will not know what information to request through these agreements, and that is fundamental. That is why public access to the data is important and why David Cameron was exactly right to demand it.

When the Minister responds, I expect him to say that the overseas territories are making real progress on this agenda and that including them in the legislation is not necessary. Let us be clear about the progress that has been made since the former Prime Minister first asked the overseas territories to consider public registers of beneficial ownership back in October 2013. More than three years on, just one overseas territory, Montserrat, has committed to a public register. Hooray for Montserrat! The rest have delayed at every step. Is the Minister satisfied with that outcome and how does he account for why progress has been so slow?

In April 2014, the then Prime Minister wrote to overseas territory leaders, asking them to consult on public registers. Not all of them even did that. In July 2015, the current Chief Secretary to the Treasury, the right hon. Member for South West Hertfordshire (Mr Gauke), asked those overseas territories with financial centres to develop plans for central registers by November 2015. That deadline was not hit. Press reports last year said that the overseas territories were ignoring Foreign Office Ministers’ letters and meeting requests. At the most recent meeting with overseas territories’ leaders in November 2016, public registers of beneficial ownership were not even mentioned in the final communiqué. That raises the question whether we would have made as much progress as we have if the Panama papers had not been released.

Mr Wallace: The right hon. Lady is not being very charitable. Actually, we have achieved an awful lot since David Cameron’s summit. While the registers are not public, we will this year achieve a central register of beneficial ownership in all the overseas territories and Crown dependencies, and where they have needed help in getting there, we have given them help. The hon. Lady said that the issue of the public register had not even been raised. I can tell her that I had a meeting with the overseas territories and Crown dependencies two weeks ago, and I raised it then.

Caroline Flint: I thank the Minister for that information, because I did go and read the final communiqué from the meeting in 2016, and while there was some mention of beneficial ownership and private registers, nothing in the communiqué mentioned any journey from private to public registers—the point I made a little earlier. I do welcome the progress that has been made, but, as I will go on to suggest, unless we link the efforts being made on private registers to the endgame of public registers, I fear that we will still have some of the problems that so many people on both sides of the House and outside it have been worried about for some years.

Mark Durkan (Foyle) (SDLP): The Minister has just told us that he did raise the issue of making the register of ownership public. If he was prepared to raise that issue two weeks ago, and if he is prepared to adopt that role of encouragement, would it not be better for him if he was supported in future by this Parliament through the very new clause we are debating?

Caroline Flint: I thank the hon. Gentleman for his intervention. Part of having this debate, and part of looking at ways to rephrase the original amendment, is about strengthening the arm of Ministers to say, “Look, we welcome the efforts on central registers, private registers and the automatic exchange of information, but we are on a journey. This is not the endgame; this is part of a journey to where we want to get to.” It would be helpful to hear from the Minister what the reaction was to the discussion of public registers at the meeting he mentioned.
The issue of central registers is important because, while there may be private registers, information may be held in different places. Private central registers are important because it helps to make things clearer, even in the private situation, if those who ask for information are able to get it. Also, if we do not have central registers, it will be even harder to make that journey to public registers if we want to do that in the future.

So how many of our overseas territories will provide central registers? Will the British Virgin Islands register be central? Not all of the overseas territories have indicated that this is the route they want to go down. That is why Ministers should be talking to them now about the journey to public registers. This is about the journey we are on. The way the private registers are put together, how they are held and how easy it is to access them for those who are going to have to ask for access are all pertinent to a future where public registers are available.

When the Minister responds to the new clause, I expect him to say how complicated this all is constitutionally. None of us who has signed the new clause wants the Orders in Council to be used. They are there as a backstop if the Government are unsuccessful in persuading the overseas territories to publish their registers. As I have said before, the new clause gives the overseas territories until the end of 2019 to act on their own.

However, the fact is that we cannot remove the possibility of using Orders in Council if we want to see more progress on the transparency agenda. The constitutional position on the overseas territories is very clear. A 2012 Government White Paper said:

“As a matter of constitutional law the UK Parliament has unlimited power to legislate for the Territories.”

There are multiple examples of the UK legislating for its overseas territories. In 2009, the UK imposed direct rule in the Turks and Caicos Islands, following allegations of corruption. In 2000, the UK Government decriminalised homosexual acts in the overseas territories using Orders in Council. In 1991, the UK Government, by Order in Council, abolished capital punishment for the crime of murder in Anguilla, the British Virgin Islands, the Cayman Islands, Montserrat, and the Turks and Caicos Islands. The exception was Bermuda, which is generally considered the most autonomous overseas territory, but the UK Government threatened to impose change, which had the desired effect of ensuring changes in domestic legislation.

On Second Reading and in Committee, the Minister was very clear that he wanted to see public registers in the overseas territories and was working to get them, so why has he scaled back on his ambitions in recent weeks? Undoubtedly, the UK Government need to work closely with our overseas territories to help them to diversify their economies away from a unique selling point of secrecy, and that will require a great deal of support.

As we look ahead to a global, post-Brexit Britain, let us seek to lead the world rather than just follow. Let us ensure that transparency is increased. Let us ensure a fair playing field for businesses and individuals across the world. Let us ensure that tax cheats, corrupt individuals, terrorists and organised criminals have nowhere to hide. For the benefit of UK taxpayers, for people in the developing world, and for the UK’s reputation and that of our overseas territories, let us not miss this opportunity. For all these reasons, I urge the House to support new clause 6.

Mr Mitchell: New clause 6 is an important probing amendment. I very much look forward to hearing what the Minister says before I decide whether to vote for it. One of the most important aspects of the Bill is tackling corruption and standing up for openness and transparency. The Government deserve enormous praise for the work that they have done—landmark work, really—not only here but in the G20, in trying to tackle corruption. That is what this new clause is about.

Conservative Members join the right hon. Member for Don Valley (Caroline Flint), who spoke to the new clause very eloquently, in saying how much we regret that the right hon. Member for Barking (Dame Margaret Hodge) cannot be here today. Given the reason for that, I hope that she will send the right hon. Lady the House’s best wishes. I should correct her on one point. She said that Back Benchers signing this new clause might have been leaned on by the Government or were signing it in spite of being leaned on. I am happy to confirm to the House that no one has tried to lean on me in this respect.

I think that the Minister will have to do a little better than in his response to my hon. Friend the Member for Amber Valley (Nigel Mills) on his Tajikistan bridge example, because my hon. Friend was absolutely correct. The Administration of Tajikistan may well be colluding with the owners of the bridge, but that is not the point—the point is to enable civic society to hold the powerful to account. That is why we support transparency. That is why, when I had the privilege of being Secretary of State for International Development, we introduced the transparency initiative. We put everything we possibly could into the public domain. It is why we should all support a free press. Although it may be rumbustious and unruly from time to time, a free press is nevertheless a bastion of our liberties. Sunlight is the best disinfectant. A lot of the stuff that is the subject of this new clause leaks out anyway in the back pages of Private Eye or whatever. It is much better to put the whole thing on a formal setting and have it made public. The Government, particularly the former Prime Minister and the former Chancellor, my right hon. Friend the Member for Tatton (Mr Osborne), and my right hon. Friend the Member for Brentwood and Ongar (Sir Eric Pickles) in his capacity as the anti-corruption tsar, have made huge progress on this.

Will the Minister give us the flavour of the Government’s thinking on the slightly differing treatment of the overseas territories and the Crown dependencies? It would be helpful for the House to understand that. During the run-up to the tabling of this new clause, I was visited by officials of no fewer than five of the dependent territories, supported by the Falkland Islands, although I think that that was a matter of solidarity rather than direct interest. They made some very important points, which no doubt we will hear about from my hon. Friend. Will the Minister give us the flavour of the Government’s thinking on the slightly differing treatment of the overseas territories and the Crown dependencies? It would be helpful for the House to understand that. During the run-up to the tabling of this new clause, I was visited by officials of no fewer than five of the dependent territories, supported by the Falkland Islands, although I think that that was a matter of solidarity rather than direct interest. They made some very important points, which no doubt we will hear about from my hon. Friend. Will the Minister give us the flavour of the Government’s thinking on the slightly differing treatment of the overseas territories and the Crown dependencies? It would be helpful for the House to understand that. During the run-up to the tabling of this new clause, I was visited by officials of no fewer than five of the dependent territories, supported by the Falkland Islands, although I think that that was a matter of solidarity rather than direct interest. They made some very important points, which no doubt we will hear about from my hon. Friend. Will the Minister give us the flavour of the Government’s thinking on the slightly differing treatment of the overseas territories and the Crown dependencies? It would be helpful for the House to understand that. During the run-up to the tabling of this new clause, I was visited by officials of no fewer than five of the dependent territories, supported by the Falkland Islands, although I think that that was a matter of solidarity rather than direct interest. They made some very important points, which no doubt we will hear about from my hon. Friend.
They point out that the potential effect on their income, which could reduce quite substantially, might well push them back into dependency. That is a fair point. The Government’s answer should be to try at all times to narrow the footprint of the areas that can hide behind secrecy.

4 pm

Certainly, it is a step forward to have a register, albeit not a public one, but we need to hear from the Government how long they intend to allow the register to remain private and whether they expect the dependent territories and the Crown dependencies to make the register public in due course. If the register remains private, although it may be accessible to law enforcement agencies—that is, obviously, right—crime fighters will be confronting corruption with one hand behind their back. Under British law, we completely accept the argument that allowing law enforcement agencies to see all the entries makes the fight against crime and corruption much easier. That is why in the UK we have a public register. I hope that the Minister will explain to the House how he thinks progress will be made towards a public register, and whether he is saying that the Crown dependencies want more time—a point that their representatives made when they came to see me—or whether he takes a different view.

Finally, the Africa Progress Panel looked recently at the extent of the siphoning off of revenue from the Democratic Republic of the Congo. It is a rich irony that in the DRC some of the poorest people in the world live on top of some of the richest real estate. The Africa Progress Panel identified nearly £1.5 billion of lost revenue—more than the country’s total health and education budgets during the period in question—in the area at which it looked. According to credible studies by the World Bank, the extent of the money stolen or concealed as unpaid tax in Africa each year dwarfs the totality of the flows of international aid and development money. The House today has the opportunity to go with the grain of the Bill, and with the grain of British leadership internationally, on transparency and openness. Unless the Minister has a very strong argument—he is the sort of Minister who may well have—the effect of our saying that we will not impose the same standards on dependent territories, with all the advantages that they gain from that status, will be to damage our credibility on these matters not only here in Britain but internationally.

Robert Neill (Bromley and Chislehurst) (Con): It is a pleasure to follow my right hon. Friend the Member for Sutton Coldfield (Mr Mitchell), who speaks with great pleasure to follow my right hon. Friend the Member for Harborough (Sir Edward Garnier) was right to stress the value of the Serious Fraud Office’s work. It is extremely successful and highly regarded the world over, not least because it is operationally independent of any investigating authority. Many of us believe that it would be quite wrong to do anything to change that arrangement. The SFO works well as currently constituted, and it has an international reputation as a leader precisely because of that important independence.

I turn to new clause 6. I have much sympathy with what the right hon. Member for Don Valley (Caroline Flint) has said, but I do not think that new clause 6 is an appropriate or proportionate way to achieve the desired objective. Let me set out why. Before I do so, I should declare an interest as the secretary of the all-party group on Gibraltar, one of the British overseas territories, and I am also a member of the all-party group on the Channel Islands, which are Crown dependencies. Crown dependencies are not covered by new clause 6, but they are covered by other new clauses.

My concern is that the way the argument is put assumes that all the overseas territories should be lumped in together, which I do not think is fair. I particularly want to address the position of Gibraltar. Its position is different, first, because of the nature of its constitution and, secondly, because unlike other overseas territories—I do not criticise or make any comment about them—it is, in effect, part of the European Union. As part of the European Union, it has had to comply, and has done so willingly, with international and EU standards in the same way as the UK.

It is important not to lump Gibraltar in with other jurisdictions where there has been controversy. I say that specifically—it is important for the House to have this on the record—because I am afraid that some politicians on the other side of the land border in Spain unscrupulously seek regularly to slander Gibraltar and its constitutional and legal arrangements, doing so wholly unfairly to advance an unjustified claim against Gibraltar. I would not want anything said in this House in any way to give comfort to people seeking to do down a loyal and effective British territory, so we need to draw such a distinction.

There is a twofold point to be made about Gibraltar. Although I accept the 2010 White Paper’s observations about what can be done, I argue that it is undesirable to contemplate legislating, certainly in Gibraltar’s case, because to do so, even by Orders in Council, would have the effect of abrogating the 2006 Gibraltar constitution. The constitution gives Gibraltar, and the democratic and elected Gibraltar Parliament, entire home rule in matters relating to its economy and domestic legislation, save only those matters reserved to be exercised by the Governor on behalf of the British Crown.

Caroline Flint: I thank the right hon. Gentleman.

Robert Neill: Not yet.

Caroline Flint: I apologise to the hon. Gentleman, who should be “right honourable”. I absolutely agree that it is very welcome that Gibraltar has complied not only with the EU initiative, but with the OECD as well. I would gently ask him, however, why Gibraltar is not in favour of following the UK route of having a public register of beneficial ownership?

Robert Neill: The reason was very properly and sensibly set out by my right hon. Friend the Member for Sutton Coldfield. There is a risk of a competitive disadvantage,
and as I have said, we must bear in mind the situation in which Gibraltar finds itself. I suggest it would be inappropriate for it to be at a competitive disadvantage compared with other Mediterranean jurisdictions, some of which are not well disposed towards it.

Gibraltar has done a great deal, and continuing dialogue is a sensible way forward. It would not be appropriate to legislate, particularly as undermining Gibraltar's constitution, even if it was legally possible theoretically—I suspect it would be challenged in the courts—would be most undesirable politically, because our commitment to Gibraltar must be made particularly clear as we leave the European Union.

It is worth adding that Gibraltar has taken very considerable practical steps and has been recognised internationally for doing so. It is worth simply saying that it has transposed all the necessary EU directives into its law—perfectly willingly, without any difficulty and of its own volition—and it has also complied with all OECD initiatives in this regard. It has gone beyond that to establish a central register, under the terms of the fourth anti-money laundering directive, for which the United States and the United Kingdom; and it is widely recognised by international organisations and individual jurisdictions as placing Jersey in a leading position in meeting standards of beneficial ownership transparency.’

Similar provisions, in different legislative forms, have also been made in the two other Crown dependencies. Again, it would be unfair, inappropriate and disproportionate to lump the Crown dependencies in with this issue.

We all share the same objective. We want to make sure there is maximum transparency and honest money in our system. For the reasons I have set out, however, I hope those who support the new clause, and other new clauses that have not yet been moved, will reflect and conclude that this is not the appropriate legislative vehicle to achieve that objective.

Sir Henry Bellingham: I, too, would like to say a few brief words on new clause 6. I declare an interest: I chair the all-party British Virgin Islands group and I am a former Minister with responsibility for the overseas territories.

I am well aware of the challenges in Africa. My right hon. Friend the Member for Sutton Coldfield (Mr Mitchell) mentioned the Democratic Republic of the Congo. He and I will remember when Tullow Oil had its licences expropriated by the Kabila Government. It transpired that the interface company was a BVI-registered shell company in which Kabila, and part of Zuma’s family, had shares. It would have been very useful if we had been able to confirm that at the time.

I entirely accept that looking to the future and envisaging public registers across the world makes a lot of sense. What I am very worried about—this is the only point I am going to make—is that if new clause 6 is passed and territories like the BVI lose their business model, there would be a massive exodus by legal services, accountancy firms, banks and so on. They would have to then rely on tourism, and it could well be that they move back to being dependencies.

The other issue is this: would it solve the problem? No. The companies registered in the BVI, the Cayman Islands or the Turks and Caicos Islands would simply register elsewhere in countries that do not have public registers. They would go to Panama or Colombia. Indeed, I saw recently that the United States, Hong Kong and Singapore have said specifically that they will not bring in public registers until the rest of the world moves on. New clause 6 is well intentioned, but we should be very mindful of the unintended consequences.

Apart from the BVI losing its business model, those unintended consequences would include, above all else, the loss of some excellent intelligence and exchange of
information arrangements. For example, the BVI has in place a beneficial ownership secured search system that enables our crime and fraud agencies to co-operate immediately and confidentially to get the information required. If these companies were registered elsewhere in the world, we would lose that crime-busting capability.

4.15 pm

For those reasons, I hope that the Minister will reject new clause 6, well intentioned though it is, and instead work with right hon. and hon. Members concerned about this whole issue and make sure that in due course we persuade more and more countries around the world to work together and ensure a uniform approach in the future.

Nick Herbert (Arundel and South Downs) (Con): I rise to support new clause 6, to which I added my name in the full confidence that I was merely endorsing what I understood to be Government policy on ensuring transparency on these matters in the overseas territories, that policy having been announced by the previous Prime Minister. I find myself genuinely puzzled, therefore, about why that is apparently no longer Government policy, and I wish to raise some issues and put some questions that I hope the Minister can answer so as to reassure me and other hon. Members who have supported the new clause in good faith that there are good reasons why it should not go forward.

First, I thought that the argument about transparency had been established. My right hon. Friend the Member for Cities of London and Westminster (Mark Field) suggested that transparency would, in itself, be an undesirable thing for the overseas territories to have to undertake, but it seems to me that we might well have applied that argument to the position in the UK. Had we accepted that argument, we would not have taken action here in the UK to require transparency.

Mark Field: It is fair enough that I be allowed to defend myself. I was making the point that while I favoured full transparency towards law enforcement agencies and the tax authorities, I did not support there being a full, open and public register at this stage, because I supported the idea of banking privacy.

Nick Herbert: I am grateful to my right hon. Friend for clarifying what he said, but my point still stands, which is that we have taken action in the UK to require such publication. Why is it right in the UK but wrong in the overseas territories? That was the point I was seeking to make. Perhaps the Minister can explain.

Secondly, I understand that constitutional objections have been raised to the new clause. The argument is that it would be wrong to insist that the overseas territories take action. If so, why did we propose it in the first place? As a result, hon. Members like me now find themselves on the wrong side of the Government’s opinion, when we thought we were supporting a policy in our manifesto. If there is a constitutional objection, was it not surprising that the previous Prime Minister announced the policy of transparency for the overseas territories?

Is it even right that the British Government never impose policies on our overseas territories? In 2000, the Government, by Order in Council, decriminalised homosexuality in the overseas territories. I doubt that many Members would oppose that policy, although I suspect it was opposed in many of the overseas territories. Do hon. Members say that the British Government were wrong to do that? Murder might still be a capital offence in some of the overseas territories had the Government not insisted on the abolition of such capital crimes in 1991. The principle is established that the Government are constitutionally entitled and have in practice, where there is an overriding public policy justification, legislated in relation to the overseas territories.

The third argument advanced against this measure is that the overseas territories are doing it anyway. We are told that it is not necessary to back new clause 6 because the overseas territories are well on their way to doing the right thing, but that takes us back to the question of what it is that they are doing. If they are producing registers, that is welcome, but my question still stands: why did we think transparency was a good thing, but now no longer believe that it is a good thing? We have reset that bar. We are now saying that the overseas territories are on their way to doing the right thing, but the right thing is now defined merely as the register, and it is no longer transparency.

I think the reason this has happened has been revealed by some of my hon. Friends for entirely honourable reasons, and it is that some of these overseas territories and therefore some of my hon. Friends fear that there will be a competitive disadvantage for the overseas territories if they are required to produce a public register as the new clause suggests, in the way they will eventually be required to do, and as the Government suggested at one point that they should.

However, let me say simply that if we accept the argument that being at a competitive disadvantage is an obstacle to taking measures against tax evasion or corruption, this House would do very little on those issues. It can always be argued that we could be putting our own banking arrangements or those of other countries at risk by taking steps deemed to be in the public interest on the grounds that they could produce corruption. To turn that around, if we accept the argument on competitive disadvantage, there would be no reason why the House should not reverse all the measures taken on banking transparency and establish some sort of regime that used to pertain in countries like as Switzerland where there would be wholesale banking secrecy, because that would be good for business and it would place us at a competitive advantage by comparison with other countries. It could be argued that such a thing would be entirely acceptable.

Clearly, that would not be acceptable. We have taken the opposite view: there is a reason to demand transparency and that transparency is essential in order to tackle corruption. We are talking about measures that are necessary to protect not just the UK taxpayer but the poorest countries in the world, which are disadvantaged and penalised because people are able to siphon off funds unlawfully and immorally and shelter them in various regimes. We are apparently saying that we are willing to accept that, because if we take action against it, some other regime will perform that immoral task.

That seems to me to be a wrong position for the House of Commons to take, and if it were accepted, we would not have a Bill such as this one or any transparency measures at all.
I therefore hope that the Government will reconsider their position. New clause 6 is entirely reasonable, providing a period of time for the overseas territories to comply with the transparency requirement. I, for one, will take a great deal of convincing that something that was held by the Government to be desirable and that we hold to be desirable and right in our own country is wrong for the overseas territories.

Mark Field: I have spent the last 16 years as the Member for Cities of London and Westminster, and six of those years as an adviser to an international law firm with a substantial Isle of Man presence—Cains. Over the last two years, I have been the vice-chairman for international affairs for my party and have therefore had many dealings with and much knowledge of these sorts of issues.

I fervently agree with the right hon. Member for Don Valley (Caroline Flint) and my right hon. Friend the Member for Sutton Coldfield (Mr Mitchell) that there has been a significant journey—indeed, a massive change—with respect to the mentality around beneficial ownership, getting registers together and having a certain openness about those registers. It is a journey that is ongoing.

I think it realistic to believe—my hon. Friends the Members for Bromley and Chislehurst (Robert Neill) and for North West Norfolk (Sir Henry Bellingham) presented some powerful arguments in this regard—that there is a real risk of competitive disadvantage applying to a number of the overseas territories. As my hon. Friend the Member for Bromley and Chislehurst pointed out, and as was recognised by the right hon. Member for Don Valley, the Crown dependencies are in a different legal and constitutional position. They are not part of the United Kingdom. They have their own legitimate legal and constitutional position. They are not part of the United Kingdom. They have their own legitimate and democratic Governments, and I think it would be quite wrong for the Government to railroad them, whether by means of Orders in Council or through the Bill.

My instinct is that we shall return to these issues. I support the Government: I do not think that the time is ripe for a provision such as new clause 6. It would, however, be wrong to assume that a huge amount of work has not been done quietly behind the scenes. I know from my own experience, and the experience of many other people, that in recent years there has been a sea change in the attitudes of a number of the overseas territories, and certainly in those of the Crown dependencies, many of which are ahead of the game when it comes to elements of the transparency agenda. I think there is a real risk—which was very well described by my hon. Friend the Member for North West Norfolk—that if we were to impose this provision on the overseas territories in such short order, a huge amount of business would leave those shores. Some would say, perhaps with some legitimacy, “We do not want to have this business here.”

I believe that we should continue the work of recent years, and consider global protocols that would prevent competitive disadvantage from coming into play. Surely that would be a better regime. I think it entirely wrong to perceive all our overseas territories as terrible tax havens where illicit work goes on. They have an astonishing amount of technology, which I have seen at first hand in, among others, the British Virgin Islands and the Cayman Islands, to enable them to co-operate instantaneously with law enforcement and tax authorities in the event of any suspicious transactions.

Richard Arkless: It is an honour to follow the right hon. Member for Cities of London and Westminster (Mark Field). His homeward commutes on Thursday evenings fill me with the utmost envy. Perhaps he would enjoy my regular seven-hour journeys up and down. However, he made a very interesting speech. Indeed, the contributions from Members on both sides of the House have been very informed and enlightening.

I do not want to take up too much time, but I want to touch briefly on some of the new clauses before I hand over to the other Front Benchers. New clauses 2, 3, 14, 15 and 4 extend the principle of corporate economic crime, which has been discussed at length today. The Bill incorporates a failure to prevent such crime, but only in relation to tax evasion. As others have said, it would appear sensible, given the current climate and the public mood, to extend that provision so that the liability reaches the tops of organisations.

I have mentioned this in the House before, but, as a lawyer who had some in-house experience working for a large retail bank, I can say with the utmost certainty that sticking one’s head above the parapet and telling the bank that it is wrong is not the course of action that is most conducive to one’s career. I did not fall foul of that myself—I avoided that particular pitfall—but I think that I probably would have done so at some future time.

I think the public would demand that the concept of corporate economic crime be extended beyond tax evasion. I think they would be surprised to learn that the bank would not be held liable for LIBOR-rigging, for instance. Of course, the individuals concerned were prosecuted under different laws, but there was no corporate criminal liability for the boards of directors or for the banks themselves. I do not think the public would thank us for a corporate economic offence that extended only to tax evasion. It is tax evasion, for goodness’ sake. I think the public would expect companies such as banks and other large organisations to be held criminally liable for something as obvious as tax evasion. It is a great shame that the Bill has not grasped the nettle. The Minister may, of course, have something miraculous to say. I suspect, however, that we are not going to have an extension of corporate economic crime, which is a real shame.

4.30 pm

Even if it were to come to pass, I would still have issues about some of the provisions in the failure to prevent model. If a bank can show that it had reasonable processes and protocols, that is an absolute defence. There is also a defence if, in the circumstances, it is deemed that the bank ought not to have any reasonable processes in place. I know from bitter first-hand experience of commencing litigation against banks that in the eleventh hour they will miraculously pull together volumes and volumes of training manuals, protocols and processes that seemed completely absent when the alleged offence
was being committed to convince the judge that they have all the processes necessary. Call me a cynic, but even if the failure to prevent was extended along the lines of the incorporated new clauses, I still think there is an opportunity for a bank to—to put it in colloquial terms—wriggle out of that potential responsibility.

I do not have a great deal to add to what has been said on new clause 6, which we will support. We are pleased that the Crown dependencies are not part of new clause 6. Given that I am a Scottish National party MP, it is part of my political definition that I do not want this place to legislate on places or jurisdictions where it does not have authority. We understand that there is more of a case for the overseas territories, and we will support the amendment on that basis, but the Chair of the Select Committee on Justice, the hon. Member for Bromley and Chislehurst (Robert Neill), was absolutely right to make the distinction between, for example, Gibraltar and the overseas territories.

Throughout this process I have been puzzled about why Gibraltar is considered an overseas territory and not a Crown dependency; that is probably not within the Minister’s remit, but it has occurred to me over the last few months.

Transparency is key. If this Government’s policy is transparency and we all agree that transparency would facilitate a fairer banking and financial system, there ought to be no good reasons why those jurisdictions should not have public registers the same as we have. But I corroborate other Members’ views that that is the clear direction of travel. Whether or not it is right to legislate to compel jurisdictions over which we perhaps do not have authority is another question, but on the basis of transparency and the fact that I think it reflects the public mood, we will support new clause 6.

New clause 11 asks the Government to go through a consultation process to persuade and cajole the Crown dependencies to adopt legislation that, frankly, ought to be determined by their own Parliaments in their own jurisdictions. New clause 6 is easier to deal with as it deals with transparency and things we really want to get done, but new clause 11 seems to be a wish-wash of “Let’s have a chat with them,” and “Let’s see if we can persuade them to do anything,” when that really ought to be up to them, as it ought to be up to the Scottish Parliament, and up to the Welsh Parliament or whatever jurisdiction holds those powers. I therefore would have constitutional jurisdictional problems with new clause 11, but, again, I accept the basis behind it. However, I think we will find that as time goes on the overseas territories and Crown dependencies will be willing to have that conversation about the effectiveness of their registers.

We have tabled three new clauses in this group. The first is on Scottish limited partnerships, and I have nothing to add to what was said by my hon. Friend the Member for Kirkcaldy and Cowdenbeath (Roger Mullen), who is no longer in his place as he had to go to the second meeting of the rather popular Committee he mentioned. He articulated the case very well. It would be our intention to press new clause 10 to a vote this evening, but that will turn completely on what the Minister has to say when summing up—so, no pressure, and we look forward to hearing what the Minister has to say, or we will, without question, press new clause 10 to a vote.

New clause 19 gets to the heart of the issue surrounding criminal finances: what I would describe as the responsibility-shedding, banking sales-driven culture that we have in the UK. The banks are the facilitators of criminal finance; they facilitate all the wrongdoing in the financial system. The reason we had the crash in 2007-08 was that the pendulum had swung from banks being professional organisations looking after their clients’ interests to being completely sales-driven, profit-seeking organisations. I think the pendulum has swung too far, and it was the swinging of that pendulum that created the mess almost 10 years ago. Unless we deal with that culture, we will not be able to deal properly with the facilitating that big companies and banks can give to criminal finances. It is a shame that that opportunity has not been taken in the Bill.

Not long after I was elected to this place, I was dismayed to learn that the Financial Conduct Authority had withdrawn its promise to look into the banking culture. Why? That was the most obvious thing to do if we were to clean up the financial system. The public were demanding it, and I think that business ethics were demanding it, and I simply cannot understand why neither the FCA nor the Government would carry out a review into the very thing that had facilitated the crash and that could indeed facilitate another crash if we are not careful.

Our new clause 18 deals with protection for whistleblowers. Given what I understand about the culture of banks, I know that it is very difficult for a bank employee to put their head above the parapet. People who work in those organisations and who have information that law enforcement agencies could use to address and pursue criminality should have protection. Quite simply, if anyone in a bank raises their head above the parapet and tells all and sundry that the bank is committing or facilitating criminal finance acts, their career is over, not only in that bank but more generally in the financial services sector. The consequence of honesty and transparency should not be that such people lose their jobs and their livelihoods. There should be some form of protection, which is why we have tabled that new clause.

That concludes my submissions on the new clauses that we have tabled, other than to say again—ad nauseam—that we support the principles of the Bill but we do not believe that it goes far enough in certain areas. We applaud the direction of travel in which it will take the UK economy, and we hope that we will be able to go further. We hope that its provisions will not be caught up in red tape and bureaucracy, and that they will actually work so that we can get at the bad guys’ money and the rest of us who play by the rules can have a fair crack of the whip.

Dr Huq: This group of new clauses contains a fair few of ours, so I shall take a bit longer than I did last time. I want to speak to new clauses 6, 16 and 17 and I want to press new clause 17 to a vote.

Tax evasion was big news in 2016 following the publication of the Panama papers, which threw light on certain opaque offshore companies. Following the leaking of those papers, the overwhelming sentiment was that something needed to be done, and this Bill is that something—or rather, it introduces a set of somethings to deal with the problem. It introduces new corporate
offences that will no longer be reliant on the defunct guiding mind principle, it creates unexplained wealth orders and it contains some other eye-catching stuff including the failure to prevent offences under the category of a politically exposed person. It also makes necessary amendments to our pre-existing anti-terrorism legislation. The Minister has pointed out that the Bill builds on a raft of Labour-initiated legislation, including the Proceeds of Crime Act 2002, the Bribery Act 2010 and the Terrorism Acts of 2000 and 2006. On the whole, we support the Bill, and all this stuff is not to be sniffed at.

I also want to mention the new additional monitoring, which the Minister announced on the spot a little earlier, relating to the human rights abuses mentioned in our debate on the first group of new clauses.

As the Bill has progressed, however, it has become apparent that there are chinks in the armoury for fighting money laundering. We welcome what is in it, but concerns are being expressed not only in my party but by a range of charities and non-governmental organisations such as Amnesty International, Christian Aid, Traidcraft, Transparency International, CAFOD and the ONE Campaign. They are concerned about what the Bill does not contain, and the elephant in the room is the issue of beneficial ownership and the UK’s inaction in tackling the financially secretive companies and practices that lie at the heart of the economies of many of our overseas territories and Crown dependencies. Beneficial ownership is entirely not present in the Bill. It is conspicuous by its absence. In other words, I am referring to our “tax havens.” The silence seems bizarre given that we are talking about money laundering, tax evasion and terrorist financing. Whether the Government like it or not, the matter must be addressed. The issue falls within the Bill’s remit because overseas territories are facilitating, aiding and abetting financial crime. The last time I was at the Dispatch Box I said that the UK, along with its overseas territories and Crown dependencies, is the biggest secretive financial jurisdiction in the world, so we have a special responsibility to act and to lead on this agenda, not to be slightly less bad than everyone else. The UK is facilitating some of the largest and most well-known tax havens, so we should be leading not following.

When the Government have been told that they need to “get real” not just by me in Committee but by the court of public opinion after the scandalous events of last year, they need to toughen up and get a grip on overseas territories and Crown dependencies because they facilitate illicit financial activity on a global scale, but the same excuses follow and have been trotted out today: the UK does not have the constitutional legitimacy for the overseas territories and Crown dependencies; and the territories are supposedly adhering to international standards anyway, so making them adopt public registers of beneficial ownership is not necessary. We are also told that the Government do want the territories and dependencies to adopt such registers, that they are working towards that, and that in the light of the progress made the threat of an Order in Council is unnecessary.

The Government say that the time will be right when the rest of world follows the UK’s lead and that they will set a global benchmark for financial territories. At the sixth sitting of the Bill Committee, the Minister told us that only when the time is right and only when there is an international standard for public registers of beneficial ownership will it be imperative for our overseas territories and Crown dependencies to follow suit. He actually claimed that the Crown dependencies and overseas territories with financial centres are already way ahead of “most jurisdictions”, including most G20 nations, on tax transparency. We were told that they are doing enough and that now was not the time to upset the applecart with public registers, particularly when they have agreed to adopt centralised registers. The Minister may recognise his own words from Committee in response to an amendment of mine that was pretty much identical to new clause 6:

“I certainly think that these places”—the overseas territories and Crown dependencies—“have come 90% of the way, and we should see whether that works for us. We all have the intention”—to adopt public registers—“and the United Kingdom is leading by example.”

In response to our threat of an Order in Council, he said:

“The new clause is a very strong measure. We should not impose our will on the overseas territories and Crown dependencies when they have come so far.”

This already seems slightly contradictory.

On the one hand, we hear that we cannot legislate for the dependencies. In fact, I remember the Minister calling me—someone whose parents suffered the worst excesses of the British empire—a neo-imperialist. It was certainly the first time that anyone has called me a neo-colonialist or whatever it was. At the same time, however, we clearly are able to do something and have the option to stop turning a blind eye and to turn inactivity into activity. The Minister himself insisted that the proposal was a “strong measure” that is less preferable to his own formula of cajoling and peer group pressure.

Mr Wallace: Will the hon. Lady recognise for once that through cajoling and peer group pressure all Crown dependencies and overseas territories will by this year have central registers of beneficial ownership or similar? That is ahead of many G20 countries that do not even have central registers. We have actually come a long way and a lot further than when Labour was in government.

Dr Huq: I listened carefully to what the Minister said, and he said something similar in response to my right hon. Friend the Member for Don Valley (Caroline Flint). I will literally eat any hat—not that I am wearing one—if that happens. The registers must be in a format that is easily convertible to public registers.

We are not there yet. As someone who conducted empirical social science research, I wonder where the 90% figure came from. I know such things are often said across the Dispatch Box—in this case, it was in a Public Bill Committee—on the hoof, in the heat of the moment, and I would not want to label the Minister as a purveyor.
of fake news, but does he really think that we are 90% of the way there? Even if Government Members say that we do not normally do this, there is always a time when, if needed, we can step in, and the Labour party would argue that that time is now.

4.45 pm

Rather worryingly, the Government recently replied to the report of the International Development Committee, “Tackling corruption overseas”, by emphatically rejecting the claim that they need to do more to ensure that the overseas territories and Crown dependencies adopt centralised public registers. That is rather different from the rhetoric we are hearing today. There is evidence that, behind the scenes—I am sorry to say this—the Government have not, to use the Minister’s words, really “cajoled” the Governments of the Crown dependencies. Alternatively, perhaps they have not been cajoling those Governments hard enough, because if this Government really had, I would not have to cite the following statement by the Chief Minister of Jersey from Jersey’s Hansard. When asked by a Deputy—they are not called MPs—when the public registers of beneficial interest would become a reality, he answered:

“The U.K. Government accepts, and has accepted in conversations with us, that our approach meets the policy aims that they are trying to meet and international bodies, standard setters and reviewers, have acknowledged that our approach is a leading approach and is superior to some other approaches taken.”

It is hard to see how the Government can cajole someone to do something while simultaneously telling them that they do not need to do it—that speaks for itself.

The Government seem a bit confused about whether they do or do not want to play their part in creating a fair, ethical and transparent finance system. As for the suggestion that the UK lacks the constitutional power to legislate for the Crown dependencies, we have heard examples from both sides of the House of when such powers have been used.

Mark Field: The specific problem is about legislating for the overseas territories rather than the Crown dependencies. I think it is understood across the board that this does not apply to the Crown dependencies. We all recognise that significant progress has been made in recent years, so will the hon. Lady pledge at this juncture not to press new clause 6 to a Division? Let us see further progress in the months and years to come that will hopefully ensure that we move towards a global protocol that keeps everyone happy.

Dr Huq: First, I would like to finish what I was trying to say. I was coming to the Crown dependencies and overseas territories, which I realise are two different things. I would also like to hear what the Minister has to say, because at earlier stages of the Bill he was conciliatory and we backed down on some things.

We are dealing with not just new clause 6 but new clause 17. We are looking at both overseas territories and Crown dependencies because, internationally, the UK will be able to lecture and persuade others to adopt transparent finance practices only if its overseas territories and Crown dependencies stop engaging in—

Robert Neill: Will the hon. Lady give way?
The question is not, “Can we do this?” but, “Is it right to do this?” It will come as no surprise that I think that the answer is yes. The Government’s White Paper made it clear that when the law is not working, or there has been a breakdown in order—corruption was mentioned—the UK has the power to act.

Sir Eric Pickles rose—

Dr Huq: I have said that I am not giving way any more.

Dr Huq: It would help if Members were listening to me. How many times have I given way? Numerous times—more than anyone else in our proceedings, which have been going on for many hours—so I would like to make some progress.

Even if, as has been mentioned, it is the British Virgin Islands and the Cayman Islands that are prolific offenders—I think that the British Virgin Islands came up the greatest number of times in the Panama papers—it does not completely absolve the Crown dependencies. Several Members have tried to untangle the difference between Crown dependencies and overseas territories. The Isle of Man managed to rack up 8,000 entries in the Panama papers and is being singled out by the Canadian revenue authorities for investigation. Let us not forget that in October 2015, HMRC defeated the Isle of Man on a tax avoidance scheme that took place from 2001 to 2008 and left a hole in our finances of £200 million. That is a not insignificant sum, and it is money going from our Exchequer. How many hospitals and schools could we have built for that? I do not know the precise answer; it is a rhetorical question. In 2007, the tax havens of Guernsey and Jersey were investigated by our Serious Fraud Office in one of the biggest corruption investigations in African history. These things often join up; the money moves around.

The point is clear: the very structure of the laws pertaining to finance in these places, coupled with their deliberate adoption of complex and opaque institutional structures, is crying out for reform. Globally, these dependencies are at the heart of undermining the rule of law—something that we hold dear—in other countries due to the corruption that they facilitate. Their laws therefore clearly need to be changed, and there is undeniable scope for us to change them. As my right hon. Friend the Member for Barking (Dame Margaret Hodge), who is sadly absent, has said, there is a moral case for us to act, even if there might not be an identical incident in which we have so acted. My right hon. Friend the Member for Don Valley referred to polling that shows enormous public support for such an approach—some 80% of people in a recent poll.

The Bill Committee was told that public registers are not an international norm and that our Crown dependencies and overseas territories are somehow exemplars because they have adopted closed registers of beneficial ownership. Lamentably, that might look like a bit of an alternative fact—dare I say that. I have here a piece of paper—in fact, it is three sheets stapled together—with a list of 46 jurisdictions. Those countries are all dependencies of G20 nation states, so they are in a similar constitutional position to our overseas territories and Crown dependencies, and they all have centralised registers of beneficial ownership. Shall I read out all 46, or does the House want just a smattering? They are: the Ashmore and Cartier Islands, Christmas Island, the Cocos Keeling Islands, the Coral Sea Islands—

Madam Deputy Speaker (Mrs Eleanor Laing): Order. The hon. Lady is not going to read out all 46, is she? She has made her point most eloquently, so there is no need to list all 46. We do not read long lists in this Chamber, and the House has got the point she is making.

Dr Huq: I am most grateful for that clarification. Some of those on the list are the DOM-TOMs—the départements d’outre-mer and the territoires d’outre-mer—so there is a long list, including Guadeloupe and Martinique, but I shall move on.

It is a bit of a nonsense for the Conservative party to claim that the overseas territories and Crown dependencies are leading the world in financial transparency because of the creation of central registers if 46 other dependencies are doing that already. Not only have some been incredibly slow to catch up with the aforementioned countries, but some of our Crown dependencies and overseas territories are among the worst offenders and have not adopted centralised registers, let alone made them public. More accurately, they have adopted platforms.

The Government ask us to believe that the British Virgin Islands or the Cayman Islands will be able to police their own financial businesses by relying on those businesses, which facilitate crime. It is asking them to mark their own homework and to be judge and jury. Call me a cynic, but I doubt that that is a workable solution. Do we really believe that anonymous companies in the British Virgin Islands—which, for example, allowed the former wife of a Taiwanese President to illicitly purchase $1.6 million of property in Manhattan—would be capable of policing themselves?

There are several other examples. Would Alcoa, the world’s third largest producer of aluminium, be capable of policing itself when it has used an anonymous company in the British Virgin Islands to transfer millions of dollars in bribes to Bahraini officials? Would the anonymous British Virgin Islands-based company used by Teodorin Obiang, the son of the President of Equatorial Guinea, really be capable of policing itself when it allowed him to squirrel away $38 million of state money to buy a private jet? It was thanks to the US Justice Department that he was caught. The Government’s protestation that we are working with the territories and dependencies, and that we are 90% of the way there, is at best highly questionable.

Robert Neill: Is that it?

Dr Huq: No, there is more.

The main point I want to make is that our Government should be at the forefront of the push to cast off the cloak of secrecy under which terrorists have previously been able to fund their attacks and gangsters have stored their ill-gotten gains. We should not be dragging our feet on this. Some of these jurisdictions, including the British Virgin Islands and the Cayman Islands, have hidden behind the fig leaf of the consultation.
I shall dispense with the rest of what I was going to say, but we wish to press new clause 17 to a Division—
[Interruption] If anyone had listened to me, they would know that I was largely talking about the Crown dependencies.

In conclusion, we could have gone all the way and become the gold standard for other Governments to follow. We could also have dealt with the public disquiet over perceived levels of tax evasion, which the former Prime Minister, to his credit, wanted to tackle. This massive oversight undermines not only the claims made by the former Member for Witney, but citizens in some of the poorest developing countries of the world, which are at the end of these complex supply chains of criminality. Those citizens are the main losers in all of this.

The Home Office’s press release that accompanied the publication of the Bill said that the new offences were aimed at “sending out a clear message that anyone doing business in and with the UK must have the highest possible compliance standards.” Although we agree with large parts of the Bill, it does, none the less, fall short. New clause 17, which Her Majesty’s loyal Opposition wish to press to a Division, would go some way towards addressing a number of these issues.

5 pm

Mr Wallace: It is a pleasure to follow the hon. Member for Ealing Central and Acton (Dr Huq). I will take this opportunity to respond to the many points that have been raised in this debate. It is a regret that the right hon. Member for Barking (Dame Margaret Hodge) is not in her place, but it is for fully understandable reasons. I pay tribute to her for the work she has done in these issues.

Let me now turn to the main thrust of this debate. What has dominated our proceedings is this question of whether our British overseas territories and Crown dependencies should have public registers of beneficial ownership. I am a supporter of transparency. I was the first Member of this House to publish my expenses—long before that was required. It was not a popular thing to do at the time, but I am a great believer in transparency. I learned that from my time in the Scottish Parliament, because I am also a great believer in respecting devolution and respecting constitutional arrangements.

Let me say to my right hon. Friend the Member for Arundel and South Downs (Nick Herbert) that we have not changed our ambition. Our ambition is still to have public registers of beneficial ownership in the overseas territories and Crown dependencies. I repeated that to the leaders of those territories and dependencies just two weeks ago, but how we get there is where there are differences. We must recognise that, ever since David Cameron held that anti-corruption summit, we have come a long way—I am not sure whether it is 90%, 89%, or 85%. I do not know the percentage—I did not do the same course as the hon. Member for Ealing Central and Acton. None the less, we now have a commitment to keep either central registers or linked registers. My hon. Friend the Member for Amber Valley (Nigel Mills) needs to recognise that it is perfectly possible to link registers and to interrogate them centrally. We aim to fulfil that commitment by June 2017.

We are also committed to allowing our law enforcement agencies to have automatic access to those registers. We already do that in some of those territories, with requests coming back within hours. As a Home Office Minister, I am charged with ensuring that we see off organised crime, tackle corruption, and deal with money laundering. I believe that our arrangements do allow us to deal with potential crime and tax evasion. If I did not think that, I would not be here making the point that now is not the time to impose that on our overseas territories and Crown dependencies. I have faith that, at the moment, the capabilities of our law enforcement agencies enable us to interrogate those systems and to follow up and prosecute those people who encourage tax evasion not only in this country, but in other countries. This Bill gives us that extra territorial reach that many other countries do not have.

Ian Paisley (North Antrim) (DUP): Can the Minister give the House a categorical assurance that none of the money made from ill-gotten gains of criminal activity, through fuel fraud in Northern Ireland and the Republic of Ireland, is illicitly put into those countries?

Mr Wallace: We find criminals using banking systems all over the world to hide their money, whether that is in Northern Ireland, London, the Republic of Ireland, Crown dependencies or elsewhere. Such places have agreed to work with our law enforcement agencies, and we will allow their law enforcement agencies access to our databases in order to follow up such activity.

The hon. Member for Ealing Central and Acton underplays the success of the United Kingdom’s leadership role. Without imposing on democratically elected Governments in those countries and without imposing our will in some sort of post-colonial way, we have achieved linked registers and access to registers for our law enforcement agencies across many Crown dependencies and overseas territories. We might compare ourselves with our nearest neighbours, the major economies—with all due respect, I do not mean Christmas Island—such as Germany and other European neighbours such as Spain. We are the ones with a public register and we, not them, are the ones ready to have a unified central register. Perhaps we should start by looking at the major economies, rather than sailing out on a gunboat to impose our will on overseas territories that have done an awful lot so far in getting to a position in which I am confident that our law enforcement agencies can bring people to justice. That is the fundamental point of this principle. We have not abandoned our ambition. We have decided that the way to do it is not to impose our will on overseas territories.

The Labour party’s new clause 17 is probably constitutionally bankrupt, if I may use that phrase. It would certainly cause all sorts of problems, although I am not sure that we can actually impose our will on a Crown dependency like that. All the good words of the hon. Member for Ealing Central and Acton seem to have disappeared because the new clause leaves out overseas territories and would apply only to Crown dependencies. If Labour Members think that such a provision is right for Crown dependencies, why is it not right for overseas territories? I do not understand why they have left that out, although I suspect it is because, when it really comes to it, Labour Members do not
know what they are talking about. If the Labour party wanted to be successful with this, it might have done it in its 13 years in Government.

I respect devolution and constitutional arrangements, and it is important to do that at this stage. Crucially, if we do this in partnership, we will get there. When we see people being prosecuted and the system of information exchange between law enforcement agencies working, we will have arrived at a successful point. I am confident that we will get there. I do not shy away from telling the overseas territories and Crown dependencies that our ambition is for transparency but, first and foremost, our ambition is for a central register that is easily interrogated by our law enforcement agencies.

Nick Herbert: I welcome my hon. Friend’s restatement that the Government remain committed to transparency. Will he give some kind of indication of a timetable, once his policy of registers is fully in place, by which he expects the overseas territories to be able to move to full transparency?

Mr Wallace: The first commitment is for the central register to be in place by June this year. Where overseas territories have trouble fulfilling that—for example, they just do not have the capacity to do it—we have offered help to allow them to do so. Hopefully that means that we will keep on target. As for setting a date for the public register, we first have to complete our own, and get it up and running. Once we know what challenges are involved in doing that and seeing how it works, we can have a grown-up discussion with our G20 partners about when they will do that. We should not just focus on the overseas territories and Crown dependencies. Major economies, including our own, are guilty of allowing people to hide illicit funds, which is why we introduced this Bill. I suspect we will find many funds laundered not in those small overseas territories, but in some major economies in the G20. That is important.

Mark Durkan: A number of the Minister’s hon. Friends used the argument of competitive disadvantage when speaking against new clause 6. That is not an argument that the Minister has addressed at the Dispatch Box. Will he assure us that he is not saying that, when the time might be right in the future, and as long as any of the territories cite concerns about competitive disadvantage, the British Government would just back off?

Mr Wallace: We do have to recognise that there is a difference between secrecy and privacy; we have to respect that and to understand when privacy is an advantage and when it is being used secretly, to create a disadvantage or to avoid detection. So the difference between secrecy and privacy is not as straightforward as it would seem. In our lives, we all deserve some element of privacy. Shareholdings in some very major private companies, for example, are not listed—they have to be declared—and that has been established for many years.

Mark Durkan: Just to clarify the point, some of the Minister’s hon. Friends said that their grounds for not supporting new clause 6 were that these territories would be put at a competitive disadvantage if they had to move to public registers. Is that the Government’s case, or is that argument being made by his hon. Friends, but not from the Dispatch Box?

Mr Wallace: The United Kingdom Government do not think they are at a competitive disadvantage, and that is why we are progressing with a public register ourselves. However, we will lead by example and by peer-group pressure; we will not lead by imposition. That is fundamentally the difference between the Government and some Members of the House. That is how we are going to get there.

Caroline Flint: Will the Minister give way?

Mr Wallace: No, I have to press on. I am sorry. The damage caused by economic crime perpetrated on behalf, or in the name, of companies to individuals, businesses, the wider economy and the reputation of the United Kingdom as a place to do business is a very serious matter, and it comes within the area of corporate failure to prevent economic crime.

The Government have already taken action in respect of bribery committed in pursuit of corporate business objectives, and the Bill will introduce similar offences in relation to tax evasion. Both sets of offences followed lengthy public consultations, as is appropriate for such matters, which involve complex legal and policy issues.

That is why I confirmed in Committee that the Government would be launching a public call for evidence on corporate criminal liability for economic crime. That call for evidence was published on 13 January and is open until 24 March. It will form part of a potentially two-part consultation process. It openly examines evidence for and against the case for reform, and seeks views on a number of possible options, such as the “failure to prevent” model. Should the responses we receive justify changes to the law, the Government would then consult on a firm proposal. It would be wrong to rush into legislation in this area, but I hope hon. Members will recognise that the Government are looking closely at this issue, and I encourage them to contribute to the consultation process.

Let me move on to the issue of limited partnerships, which was raised by the hon. Member for Kirkcaldy and Cowdenbeath (Roger Mullin) and more generally by members of the Scottish National party. I am grateful for the work they have done alongside the Glasgow Herald in highlighting the abuse of the Scottish limited partnership by criminals internationally and domestically, and it is important that we address that issue. We take these allegations very seriously—only recently, the hon. Gentleman highlighted another offence to me—and that is why a call for evidence was issued on 16 January by the Department for Business, Energy and Industrial Strategy on the need for further action.

The “Review of limited partnership law” is an exciting document—I am afraid the graphics man was clearly not in on the day it was created—but I urge members of the Scottish National party to respond to it, and I know they have already done so. They will be interested in one of the questions, which asks:

“What could the UK government do to reduce the potential of Limited Partnerships registered in Scotland being used as an enabler of criminal activity, whilst retaining some or all of the aspects of those Scottish Limited Partnership structures which are beneficial?”

I know the Scottish National party will respond to that.
Richard Arkless: What can the Minister tell us about the mystery Committee that is sitting for one hour today and proposing a new type of limited partnership that will, in theory, step into the place of SLPs? That is the sticking issue for me. Is there anything he can say on that point?

Mr Wallace: Well, apart from asking the hon. Member for Kirkcaldy and Cowdenbeath how he has enjoyed his hour on the Committee, which he has gone off to attend, I think we should look at this in chronological order. The review is taking place now. Whatever it produces will, of course, be responded to. If it is responded to in legislation, that will succeed whatever is being discussed in that Committee now.

I come now to the issue of tax evasion and the Opposition’s new clause 11, which returns us to the question of corporate transparency in overseas territories. I should stress that the new offences in part 3 of the Bill already apply in those jurisdictions. First, the domestic tax evasion offence applies to any entity based anywhere in the world that fails to prevent a person acting for it, or on its behalf, from criminally facilitating the evasion of UK taxes. The overseas offence applies to any entity that carries out at least part of their business in the United Kingdom. The only circumstances in which a company is outside the scope of these offences is where there is no connection to the UK: no UK tax loss, no criminal facilitation from within the UK, and no corporation carrying out any business. In those situations, it is for the country suffering the tax loss, and not for the UK, to respond. The corporate offences are by no means a one-size-fits-all solution for every country. However, I am pleased to report that Government officials have spoken to revenue authorities, regulators and businesses from across the world about the new corporate offences, and there has been significant interest in them.

5.15 pm

New clause 13 would require the Secretary of State to produce sentencing guidelines that would stipulate a maximum financial penalty no greater than the tax evaded. As hon. Members may be aware, it is the role of the Sentencing Council, under the presidency of the Lord Chief Justice, to produce sentencing guidelines. The council has already published a definitive guide of fraud, bribery, and money laundering offences, including a section on corporate offenders. Therefore, while I agree that there is merit in a sentencing guideline for the new corporate offences, it would not be for the Government to produce it. This could undermine the independence of the judiciary.

I have sought to cover as many of the concerns that have been raised as possible. I am grateful to the House for its patience and for enabling discussion of so many significant topics. I trust that right hon. and hon. Members are suitably reassured that we have reflected on all the amendments in this group and will agree that legislation is not necessary or appropriate for the reasons I have set out. I remain open to discussing these matters or any others with colleagues, and I am sure that we will return to some of them in the House of Lords. At this stage, I hope that I have addressed hon. Members’ concerns and invite them not to press their amendments.

Caroline Flint: I will not press new clause 6 to a vote. I do not believe that the Minister has really answered the points that have been made by hon. Members across the House. I am sure that this matter will be picked up in the other place, and I reserve the right to pick it up once again with my right hon. Friend the Member for Barking (Dame Margaret Hodge) when it returns to this place.

Sir Edward Garnier: My new clause 2 was drafted and tabled before Christmas. Since then, I have had a number of meetings with my hon. Friend the Minister and we have also seen the Ministry of Justice’s call for evidence in relation to corporate criminal liability. In the light of what he has said this afternoon, I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

New Clause 17

PUBLIC REGISTERS OF BENEFICIAL OWNERSHIP OF COMPANIES REGISTERED IN CROWN DEPENDENCIES

(1) In Part 1 of the Proceeds of Crime Act 2002 (introductory), after section 2A, insert—

"2AA Duty of Secretary of State: Public registers of beneficial ownership of companies registered in Crown dependencies

(1) It shall be the duty of the Secretary of State, in furtherance of the purposes of—

(a) this Act; and

(b) Part 3 of the Criminal Finances Act 2017
to take the actions set out in this section.

(2) The first action is, no later than 31 December 2017, to provide all reasonable assistance to the Governments of Crown Dependencies to enable each of those Governments to establish a publicly accessible register of the beneficial ownership of companies registered in that Government’s jurisdiction.

(3) The second action is, no later than 31 December 2019, to publish legislative proposals to require the Government of any Crown dependency that has not already established a publicly accessible register of the beneficial ownership of companies registered in that Government’s jurisdiction to do so.

(4) In this section—

“a publicly accessible register of the beneficial ownership of companies” means a register which, in the opinion of the Secretary of State, provides information broadly equivalent to that available in accordance with the provisions of Part 21A of the Companies Act 2006.

“legislative proposals” means either—

(a) a draft Order in Council; or

(b) a Bill presented to either House of Parliament.”

(New clause 17 agreed to.)

Brought up, and read the First time.

Question put, That the clause be read a Second time.

Division No. 162] 

AYES

Abbott, rh Ms Diane
Abrahams, Debbie
Alexander, Heidi
Ali, Rushanara
Allin-Khan, Dr Rosena
Bailey, Mr Adrian
Barron, rh Sir Kevin
Benn, rh Hilary
Berger, Luciana
Blackman-Woods, Dr Roberta

Blenkinsop, Tom
Bloomfield, Paul
Boswell, Philip
Brabin, Tracy
Bradshaw, rh Mr Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen

BARKING (Dame Margaret Hodge)
Burden, Richard
Burgon, Richard
Butler, Dawn
Cadbury, Ruth
Campbell, rh Mr Alan
Campbell, Mr Ronnie
Carmichael, rh Mr Alistair
Champion, Sarah
Chapman, Jenny
Clegg, rh Mr Nick
Coaker, Vernon
Coffey, Ann
Cooper, Julie
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Coyle, Neil
Crausby, Sir David
Creagh, Mary
Creasy, Stella
Craddes, Jon
Cunningham, Alex
Cunningham, Mr Jim
Dakin, Nick
Danczuk, Simon
David, Wayne
Davies, Geraint
Debono, Thangam
Doughty, Stephen
Dowd, Jim
Dowd, Peter
Durkan, Mark
Eagle, Ms Angela
Eagle, Maria
Edwards, Jonathan
Elford, Clive
Elliot, Julie
Ellman, Mrs Louise
Elmore, Chris
Esterson, Bill
Evans, Chris
Farrelly, Paul
Field, rh Frank
Fitzpatrick, Jim
Fletcher, Colleen
Flint, rh Caroline
Flynn, Paul
Fovargue, Yvonne
Foxcroft, Vicky
Furniss, Gill
Gapes, Mike
Gardiner, Barry
Glindon, Mary
Goodman, Helen
Green, Kate
Greenwood, Lilian
Greenwood, Margaret
Griffith, Nia
Haigh, Louise
Hanson, rh Mr David
Harman, rh Ms Harriet
Harris, Carolyn
Hayes, Helen
Healey, rh John
Hiller, Meg
Hodgson, Mrs Sharon
Hoey, Kate
Hopkins, Kelvin
Howarth, rh Mr George
Huq, Dr Rupa
Johnson, rh Alan
Johnson, Diana
Jones, Gerald
Jones, Helen
Jones, Mr Kevan
Jones, Susan Elan
Kane, Mike
Keeley, Barbara
Kendall, Liz
Kinhah, Danny
Kyle, Peter
Lamb, rh Norman
Lammy, rh Mr David
Lavery, Ian
Leslie, Chris
Levis, Clive
Levis, Mr Ivan
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
Madders, Justin
Mahmood, Mr Khalid
Malhotra, Seema
Mann, John
Marris, Rob
Marken, Gordon
Maskell, Rachael
Matheson, Christian
McCabe, Steve
McCartney, Kenny
McDonnell, Dr Alasdair
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McInnes, Liz
McMahon, Jim
Meale, Sir Alan
Miliband, rh Edward
Morden, Jessica
Mulholland, Greg
Murray, Ian
Nandy, Lisa
Olney, Sarah
Onn, Melanie
Onurah, Chi
Osamor, Kate
Owen, Albert
Pears, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Pound, Stephen
Powell, Lucy
Pugh, John
Qureshi, Yasmin
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Rachel
Reynolds, Emma
Reynolds, Jonathan
Rimmer, Marie
Ritchie, Ms Margaret
Robinson, Mr Geoffrey
Rotheram, Steve
Shah, Naz
Sheerman, Mr Barry
Sheriff, Paula
Shuker, Mr Gavin
Siddiq, Tulip
Skinner, Mr Dennis
Slaughter, Andy
Smith, Angela
Spellar, rh Mr John
Stevens, Jo
Stringer, Graham
Thomas, Mr Gareth
Thomas-Symonds, Nick
Thornberry, Emily
Turley, Anna
Turner, Karl
Twigg, Derek
Twigg, Stephen
Umunna, Mr Chuka
Vaz, Valerie
Adams, Nigel
Afrejie, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Amess, Sir David
Andrew, Stuart
Ansell, Caroline
Argar, Edward
Atkins, Victoria
Bacon, Mr Richard
Baker, Mr Steve
Baldwin, Harriett
Barclay, Stephen
Bebb, Guto
Bellingham, Sir Henry
Benyon, rh Richard
Beresford, Sir Paul
Berry, Jake
Berry, James
Bingham, Andrew
Blackman, Bob
Blackwood, Nicola
Blunt, Crispin
Bone, Mr Peter
Borwick, Victoria
Brady, Mr Graham
Brazier, Sir Julian
Bridgen, Andrew
Brokenhine, rh James
Bruce, Fiona
Buckland, Robert
Burns, Conor
Burns, rh Sir Simon
Burrowes, Mr David
Burt, rh Alistair
Cairns, rh Alun
Campbell, Mr Gregory
Carmichael, Neil
Cartledge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Mr Christopher
Churchill, Jo
Clark, rh Greg
Cleerwly, James
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Colville, Oliver
Costa, Alberto
Courts, Robert
Cox, rh Mr Geoffrey
West, Catherine
Whitehead, Dr Alan
Williams, Hywel
Williams, Mr Mark
Wilson, Phil
Winnick, Mr David
Winterton, rh Dame Rosie
Woodcock, John
Wright, Mr Iain
Zeichner, Daniel

Tellers for the Ayes:
Nick Smith and
Judith Cummins

NOES
Crabb, rh Stephen
Crouch, Tracey
Davies, Byron
Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Dr James
Davies, Mims
Davies, Philip
Dinenage, Caroline
Djanogly, Mr Jonathan
Donaldson, rh Sir Jeffrey M.
Dornies, Nadine
Double, Steve
Dowden, Oliver
Doyle-Price, Jackie
Drax, Richard
Drummond, Mrs Flick
Duddridge, James
Duncan Smith, rh Mr Iain
Dunne, Mr Philip
Ellis, Michael
Ellison, Jane
Ellwood, Mr Tobias
Elphicke, Charlie
Eustice, George
Evans, Graham
Evans, Mr Nigel
Evennett, rh David
Fabricant, Michael
Fallon, rh Sir Michael
Fernandes, Suella
Field, rh Mark
Foster, Kevin
Frasco, rh Mr Mark
Frazier, Lucy
Freeman, George
Fuller, Richard
Fysh, Marcus
Gale, Sir Roger
Garnier, rh Sir Edward
Garnier, Mark
Gauke, rh Mr David
Ghani, Nusrat
Gibb, rh Mr Nick
Gillan, rh Mrs Cheryl
Glen, John
Goodwill, Mr Robert
Graham, Richard
Grant, Mrs Helen
Grayling, rh Chris
Green, Chris
Green, rh Damian
Greening, rh Justine
Grieve, rh Mr Dominic
McCartney, Karl
McLoughlin, Sir Patrick
McPartland, Stephen
Menzies, Mark
Mercer, Johnny
Merriam, Huw
Metcalf, Stephen
Miller, Mrs Maria
Mills, Nigel
Milton, rh Mr Anne
Mitchell, rh Mr Andrew
Mordaunt, Penny
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mowat, David
Mundell, rh David
Murray, Mrs Sherry
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, Caroline
Norman, Jesse
Nuttall, Mr David
Offord, Dr Matthew
Opperman, Guy
Osborne, rh Mr George
Paisley, Ian
Patel, rh Priti
Paterson, rh Mr Owen
Pawsey, Mark
Penning, rh Mike
Penrose, John
Percy, Andrew
Perry, Claire
Philp, Chris
Pickles, rh Sir Eric
Pincher, Christopher
Poulter, Dr Daniel
Pow, Rebecca
Prestis, Victoria
Prisk, Mark
Pritchard, Mark
Purseglove, Tom
Quinn, Jeremy
Quince, Will
Raab, Mr Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Mary
Rosindell, Andrew
Rudd, rh Amber
Rutley, David
Sandbach, Antoinette
Scally, Paul
Selous, Andrew
Shannon, Jim
Shapps, rh Grant
Sharma, Alok
Shelbrooke, Alec
Simpson, rh Mr Keith
Skidmore, Chris
Smith, Henry
Smith, Julian
Smith, Rhyston
Soames, rh Sir Nicholas
Solway, Amanda
Soubry, rh Anna
Spelman, Mr Caroline
Stewart, Bob
Stewart, Iain
Streeter, Mr Gary
Stride, Mel
Stuart, Graham
Sturdy, Julian
Sunak, Rishi
Swaney, rh Sir Desmond
Swire, rh Sir Hugo
Syms, Mr Robert
Thomas, Derek
Throup, Maggie
Timpson, Edward
Tolhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David
Trevelyan, Mrs Anne-Marie
Truss, rh Elizabeth
Tugendhat, Tom
Turner, Mr Andrew
Tyrie, rh Mr Andrew
Vaizey, rh Mr Edward
Vara, Mr Shailesh
Vickers, Martin
Villiers, rh Mrs Theresa
Walker, Mr Charles
Walker, Mr Robin
Wallace, Mr Ben
Warburton, David
Warman, Matt
Wharton, James
Whately, Helen
White, Chris
Whittaker, Craig
Whittingdale, rh Mr John
Wiggin, Bill
Williams, Craig
Williamson, rh Gavin
Wilson, Mr Rob
Wollaston, Dr Sarah
Wrapp, William
Wright, rh Jeremy
Zahawi, Nadhim

Tellers for the Noes:
Steve Brine and
Heather Wheeler

Question accordingly negatived.

New Clause 19

THE CULTURE OF THE BANKING INDUSTRY AND FAILURE TO PREVENT THE FACILITATION OF TAX EVASION

(1) The Secretary of State must undertake a review into the extent to which banking culture contributed to the failure to prevent the facilitation of tax evasion in the banking sector.

(2) The review must consider, but shall not be limited to, the following issues—

(a) the impact of culture change on decision making senior executive and board level;

(b) the pressure on staff to meet performance targets;

(c) how allegations of tax evasion are reported and acted on.

(3) The review must set out what steps the UK Government intends to take to ensure that banking culture is not facilitating tax evasion.

(4) In carrying out this review, the Secretary of State must consult—

(a) devolved administrations;

(b) HMRC;

(c) the Serious Fraud Office;

(d) the Financial Conduct Authority;

(e) interested charities, and

(f) anyone else the Secretary of State deems appropriate.

(5) The Secretary of State shall lay a copy of the review before the House of Commons within six months of this Act receiving Royal Assent.---(Richard Arkless.)

Brought up, and read the first time.

Question put, That the clause be read a Second time.

The House divided: Ayes 241, Noes 300.

Division No. 163] [5.32 pm

AYES

Abbott, rh Ms Diane
Abrahams, Debbie
Ahmed-Sheikh, Ms Tasmina
Alexander, Heidi
Ali, Rushanara
Allin-Khan, Dr Rosena
Arkless, Richard
Bailey, Mr Adrian
Churchill, Jo
Clark, rh Greg
Cleverly, James
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Colville, Oliver
Costa, Alberto
Courts, Robert
Cox, Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Davies, Byron
Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Dr James
Davies, Mims
Davies, Philip
Dinenage, Caroline
Djanogly , Mr Jonathan
Dorries, Nadine
Double, Steve
Dowden, Oliver
Doyle-Price, Jackie
Drax, Richard
Drummond, Mrs Flick
Duddridge, James
Duncan Smith, rh Mr lain
Dunne, Mr Philip
Elliott, Tom
Ellis, Michael
Ellison, Jane
Ellwood, Mr Tobias
Elphicke, Charlie
Eustice, George
Evans, Graham
Evans, Mr Nigel
Evanneth, rh David
Fabricant, Michael
Fallon, rh Sir Michael
Fernandes, Suella
Field, rh Mark
Foster, Kevin
Francois, rh Mr Mark
Frazer, Lucy
Freeman, George
Fuller, Richard
Fysh, Marcus
Gale, Sir Roger
Garnier, rh Sir Edward
Garnier, Mark
Gauke, rh Mr David
Ghani, Nusrat
Gibb, rh Mr Nick
Gillian, rh Mrs Cheryl
Glen, John
Goodwill, Mr Robert
Graham, Richard
Grant, Mrs Helen
Grayling, rh Chris
Green, Chris
Green, rh Damian
Greening, rh Justine
Grieve, rh Mr Dominic
Griffiths, Andrew
Gummer, rh Ben
Gyimah, Mr Sam
Hallon, rh Robert
Hall, Luke
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harrington, Richard
Harris, Rebecca
Hart, Simon
Haselhurst, rh Sir Alan
Hayes, rh Mr John
Healy, rh Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Herbert, rh Nick
Hinds, Damiam
Hoare, Simon
Hollingbery, George
Hollinrake, Kevin
Hollobone, Mr Philip
Holoway, Mr Adam
Hopkins, Kris
Howarth, Sir Gerald
Howell, John
Howlett, Ben
Huddleston, Nigel
Hunt, Mr Jeremy
Hurd, Mr Nick
Jackson, Mr Stewart
James, Margot
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkin, Mr Bernard
Jenkyns, Andrea
Johnson, rh Boris
Johnson, Dr Caroline
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, rh Mr David
Jones, Mr Marcus
Kawczynski, Daniel
Kennedy, Seema
Kinahan, Danny
Kirby, Simon
Knight, Julian
Kwarteng, Kwasi
Lancaster, Mark
Latham, Pauline
Leadsom, rh Andrea
Lee, Dr Philip
Lefroy, Jeremy
Leigh, Sir Edward
Leslie, Charlotte
Letwin, rh Sir Oliver
Lewis, rh Brandon
Lewism, rh Dr Julian
Liddell-Grainger, Mr Ian
Lidington, rh Mr David
Lord, Jonathan
Loughton, Tim
Mackinlay, Craig
Mackintosh, David
Malthouse, Kit
Mann, Scott
Mathias, Dr Tania
Maynard, Paul
McCartney, Jason
McCartney, Karl
McLoughlin, rh Sir Patrick
McPartland, Stephen
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Metcalfe, Stephen
Miller, rh Mrs Maria
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Mordaunt, Penny
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mowat, David
Mundell, rh David
Murray, Mrs Sherryl
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, Caroline
Norman, Jesse
Nuttall, Mr David
Oford, Dr Matthew
Opperman, Guy
Osborne, rh Mr George
Paisley, Ian
Patel, rh Priti
Paterson, rh Mr Owen
Pawsey, Mark
Penning, rh Mike
Penrose, John
Percy, Andrew
Perry, Claire
Philp, Chris
Pickles, rh Sir Eric
Pincher, Christopher
Poulter, Dr Daniel
Pow, Rebecca
Prentis, Victoria
Prisk, Mr Mark
Pritchard, Mark
Purseglove, Tom
Quin, Jeremy
Quince, Will
Raab, Mr Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Mary
Rosindell, Andrew
Rudd, rh Amber
Rutley, David
Sandbach, Antoinette
Scully, Paul
Selsour, Andrew
Shannon, Jim
Shapps, rh Grant
Sharma, Allok
Sheehybrooke, Alec
Simpson, rh Mr Keith
Skidmore, Chris
Smith, Henry
Smith, Julian
Smith, Royston
Soames, rh Sir Nicholas
Solloway, Amanda
Soubry, rh Anna
Spelman, rh Dame Caroline
Stewart, Bob
Stewart, Iain
Streeter, Mr Gary
Stride, Mel
Stuart, Graham
Sturdy, Julian
Sunak, Rishi
Swayne, rh Sir Desmond
Swire, rh Sir Hugo
Symes, Mr Robert
Thomas, Derek
Throup, Maggie
Timpson, Edward
Tohur Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David
Trevelyan, Mrs Anne-Marie
Truss, rh Elizabeth
Tugendhat, Tom
Turner, Mr Andrew
Tyrie, rh Mr Andrew
Vaizey, rh Mr Edward
Vara, Mr Shalash
Vickers, Martin
Villiers, rh Mrs Theresa
Wall, Mr Charles
Walker, Mr Robin
Wallace, Mr Ben
Warburton, David
Warman, Matt
Wharton, James
Whately, Helen
White, Chris
Whittaker, Craig
Whittingdale, rh Mr John
Wiggin, Bill
Williams, Craig
Williamson, rh Gavin
Wilson, Mr Rob
Wollaston, Dr Sarah
Wragg, William
Wright, rh Jeremy
Zahawi, Nadhim

Tellers for the Noes:
Heather Wheeler and
Steve Brine

Question accordingly negatived.

Clause 9

Power to extend moratorium period

Amendments made: 2, page 27, line 12, at end insert “,
and
(b) section 336BA, which provides for an automatic
extension of the moratorium period in certain cases
(period extended if it would otherwise end before
determination of application or appeal proceedings
etc.)."

This amendment is consequential on amendment 9.
Amendment 3, page 27, line 15, at end insert “, and (b) section 336BA, which provides for an automatic extension of the moratorium period in certain cases (period extended if it would otherwise end before determination of application or appeal proceedings etc.).”

This amendment is consequential on amendment 9.

Amendment 4, page 27, line 35, at end insert—

‘( ) A moratorium period extended in accordance with subsection (2) or (4) of section 336BA may also be further extended by the court on the making of an application under this section.”

This amendment is consequential on amendment 9 and clarifies that where a moratorium period has been extended automatically under subsection (2) or (4) of new section 336BA it may be further extended by the court on the making of an application under section 336A.

Amendment 5, page 28, line 3, at end insert—

“(8) An application under this section may be made by an immigration officer only if the officer has reasonable grounds for suspecting that conduct constituting the prohibited act in relation to which the moratorium period in question applies—

(a) relates to the entitlement of one or more persons who are not nationals of the United Kingdom to enter, transit across, or be in, the United Kingdom (including conduct which relates to conditions or other controls on any such entitlement), or

(b) is undertaken for the purposes of, or otherwise in relation to, a relevant nationality enactment.

(9) In subsection (8)—

“prohibited act” has the meaning given by section 335(8) or (as the case may be) section 336(10); “relevant nationality enactment” means any enactment in—

(a) the British Nationality Act 1981,

(b) the Hong Kong Act 1985,

(c) the Hong Kong (War Wives and Widows) Act 1996,

(d) the British Nationality (Hong Kong) Act 1997,

(e) the British Overseas Territories Act 2002, or

(f) an instrument made under any of those Acts.”

This amendment is consequential on amendments 13 and 14 and ensures that immigration officers may exercise their powers to make applications to extend the moratorium period only for the purposes of their immigration functions.

Amendment 6, page 28, line 6, at end insert—

“( ) The court must determine the proceedings as soon as reasonably practicable.”

This amendment requires the court to determine proceedings on applications to extend the moratorium period as quickly as possible.

Amendment 7, page 28, line 31, leave out from “appeal” to “may” in line 33 and insert “lies to the appropriate appeal court on a point of law arising from a decision made by the Crown Court in Northern Ireland or by the sheriff.

( ) The appropriate appeal court”. This amendment provides for rights of appeals on applications to extend the moratorium period in Northern Ireland or Scotland.

Rights of appeal in relation to England and Wales are already available under section 28 of the Senior Courts Act 1981.

Amendment 8, page 28, line 35, at end insert—

‘( ) The appropriate appeal court is—

(a) in the case of a decision of the Crown Court in Northern Ireland, the Court of Appeal in Northern Ireland;

(b) in the case of a decision of the sheriff, the Sheriff Appeal Court.

( ) For rights of appeal in the case of decisions made by the Crown Court in England and Wales, see section 28 of the Senior Courts Act 1981 (appeals from Crown Court and inferior courts).”

This amendment provides for the meaning of “appropriate appeal court” for the purposes of amendment 7.

Amendment 9, page 28, line 35, at end insert—

“336BA Extension of moratorium period pending determination of proceedings etc

(1) A moratorium period is extended in accordance with subsection (2) where—

(a) an application is made to the court under section 336A for the extension (or further extension) of the moratorium period, and

(b) the period would (apart from that subsection) end before the court determines the application or it is otherwise disposed of.

(2) The moratorium period is extended from the time when it would otherwise end until the court determines the application or it is otherwise disposed of.

(3) A moratorium period is extended in accordance with subsection (4) where—

(a) proceedings on an appeal in respect of a decision on an application under section 336A have been brought, and

(b) the period would (apart from that subsection) end before the proceedings are finally determined or otherwise disposed of.

(4) The moratorium period is extended from the time when it would otherwise end until the proceedings are finally determined or otherwise disposed of.

(5) But the maximum period by which the moratorium period is extended by virtue of subsection (2) or (4) is 31 days beginning with the day after the day on which the period would otherwise have ended.

(6) A moratorium period is extended in accordance with subsection (7) where—

(a) an application is made to the court under section 336A for an extension of the period,

(b) the court refuses to grant the application, and

(c) the period would (apart from that subsection) end before the end of the 5 day period.

(7) The moratorium period is extended from the time when it would otherwise end until—

(a) the end of the 5 day period, or

(b) if proceedings on an appeal against the decision are brought before the end of the 5 day period, the time when those proceedings are brought.

(8) The “5 day period” is the period of 5 working days beginning with the day on which the court refuses to grant the application.

(9) This restriction on the overall extension of a moratorium period mentioned in section 336A(6) applies to an extension of a moratorium period in accordance with any provision of this section as it applies to an extension under an order of the court.”

This amendment provides for the automatic extension of the moratorium period (up to a maximum of 31 days) in circumstances where an application for its extension has been made under new section 336A of the Proceeds of Crime Act 2002 but proceedings on that application have not been determined before the period would otherwise end or where an appeal has been brought in relation to such an application that has yet to be determined when the period would otherwise end. It also provides for a 5 day extension where a court refuses a section 336A application for the purposes of enabling the applicant to bring appeal proceedings before the period would otherwise end.

Amendment 10, page 28, line 36, leave out “and 336B” and insert “to 336BA”.

This amendment is consequential on amendment 9.
Amendment 11, page 28, line 38, leave out “and 336B” and insert “to 336BA”.

This amendment is consequential on amendment 9.

Amendment 12, page 29, line 6, at end insert “or in accordance with any provision of section 336BA”.

This amendment is consequential on amendment 9.

Amendment 13, page 29, line 27, at end insert—

“( ) an immigration officer who is not below such grade as is designated by the Secretary of State as equivalent to that rank.”

This amendment enables senior immigration officers to make applications in England and Wales and Northern Ireland to extend the moratorium period under new section 336A of the Proceeds of Crime Act 2002.

Amendment 14, page 29, line 46, at end insert—

“( ) an immigration officer who is not below such grade as is designated by the Secretary of State as equivalent to that rank.”

This amendment enables senior immigration officers to make applications in Scotland to extend the moratorium period under new section 336A of the Proceeds of Crime Act 2002.

Amendment 15, page 29, line 46, at end insert—

“( ) “Working day” means a day other than—

(a) a Saturday,

(b) a Sunday,

(c) Christmas Day,

(d) Good Friday, or

(e) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in the part of the United Kingdom in which the application in question under section 336A is made.”—(Mr Wallace.)

This amendment is consequential on amendment 9.

Clause 11

Further information notices and orders

Amendments made: 16, page 35, line 16, after “notice” insert “under this section”.

This is a minor drafting amendment that ensures stylistic consistency with corresponding provisions in the Bill.

Amendment 17, page 35, line 17, after “notice” insert “under this section”.

This is a minor drafting amendment that ensures stylistic consistency with corresponding provisions in the Bill.

Amendment 18, page 37, line 32, leave out from “order” to “may” in line 33 and insert “made by a magistrates’ court, the magistrates’ court”.

This amendment has the effect that the power to impose a civil penalty for failing to comply with a further information order made under new section 339ZJ of the Proceeds of Crime Act 2002 (inserted by clause 13) would not apply in relation to Scotland to orders made by the sheriff.

Amendment 19, page 37, line 35, leave out from beginning to second “the”.—(Mr Wallace.)

This amendment is consequential on amendment 18.

Ordered,

That subsection (3) of clause 12 be transferred to the end of line 19 on page 92.—(Mr Wallace.)

This is to move the amendment of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001 from clause 12 into clause 34. Clause 34 makes other amendments of that Schedule, all of which also relate to the forfeiture of terrorist cash.

Clause 13

Forfeiture of certain personal (or moveable) property

Amendments made: 20, page 42, line 21, leave out from “only” to end of line 23 and insert “if the officer has reasonable grounds for suspecting that the unlawful conduct in question relates to an assigned matter (within the meaning of the Customs and Excise Management Act 1979);”.

In addition to removing the restriction on powers discussed in the explanatory statement for NC8, this amendment provides that where an HMRC officer exercises the new powers “(inserted by clause 13 into the Proceeds of Crime Act 2002) to search for a listed asset the officer must suspect that the unlawful conduct in question would relate to an assigned matter (that is, any matter in relation to which HMRC has powers or duties other than in relation to devolved tax matters). This is in line with the powers to search for cash in section 289 of the 2002 Act (as amended by amendment 67).

Amendment 21, page 42, leave out lines 32 to 35.

This amendment is consequential on amendment 20.

Amendment 22, page 43, line 10, at end insert—

“(2A) The Secretary of State must also consult the Attorney General about the draft in its application to the exercise of powers by SFO officers and the Director of the Serious Fraud Office.”

It is intended that National Crime Agency officers will access the powers conferred by new Chapter 3A of Part 5 of the Proceeds of Crime Act 2002 by being designated under section 10 of the Crime and Courts Act 2013 as having the powers and privileges of a constable or by being accredited financial investigators. This amendment sets out who is to be a “senior officer” for the purposes of Chapter 3A when a power is exercised by such an NCA officer.

Amendment 23, page 43, line 22, leave out “paragraph (d)” and insert “any of the preceding paragraphs”.

This amendment is partly consequential on amendment 22. It also caters for the possibility that an accredited financial investigator could fall within any of existing paragraphs (a) to (c) of new section 303E(4) and not just paragraph (d).

Amendment 24, page 45, line 6, at end insert—

“(2A) The Secretary of State must also consult the Attorney General about the draft in its application to the exercise of powers by SFO officers and the Director of the Serious Fraud Office.”

This amendment inserts into the provision about the making of a code of practice by the Secretary of State the equivalent of new subsection (2A) of section 292 of the Proceeds of Crime Act 2002 that is inserted by paragraph 14(3) of Schedule 1 to the Bill.

Amendment 25, page 47, leave out lines 13 to 21.

See the explanatory statement for NC8.

Amendment 26, page 56, line 41, at end insert—

“( ) If the property was seized by a National Crime Agency officer, the compensation is to be paid by the National Crime Agency.”

This amendment sets out by whom compensation is to be paid under new section 303W of the Proceeds of Crime Act 2002 if property seized under new Chapter 3A of Part 5 of that Act was seized by a National Crime Agency officer. See also the explanatory statement for amendment 22.

Amendment 27, page 56, line 44, after “officer” insert “or a National Crime Agency officer.”—(Mr Wallace.)

This amendment is consequential on amendment 26.
Clause 14

FORFEITURE OF MONEY HELD IN BANK AND BUILDING SOCIETY ACCOUNTS

Amendments made: 28, page 59, leave out lines 32 to 40.

See the explanatory statement for New Clause NC8.

Amendment 29, page 60, line 5, at end insert—

“( ) the Director General of the National Crime Agency or any other National Crime Agency officer authorised by the Director General (whether generally or specifically) for this purpose, or”.

It is intended that National Crime Agency officers will access the powers conferred by new Chapter 3B of Part 5 of the Proceeds of Crime Act 2002 by being designated under section 10 of the Crime and Courts Act 2013 as having the powers and privileges of a constable or by being accredited financial investigators. This amendment sets out who within the NCA is to be a “senior officer” for the purposes of Chapter 3B.

Amendment 30, page 65, line 34, at end insert—

“( ) Where money is released by virtue of subsection (6)(a), there must be added to the money on its release any interest accrued on it whilst in the account referred to in section 303Z9(6)(b).

If, under new section 303Z12 of the Proceeds of Crime Act 2002, a court sets aside the forfeiture of money pursuant to an account forfeiture notice, this amendment provides that there must be added to the money that is released any interest accrued on that money in the period since its forfeiture.

Amendment 31, page 67, line 33, at end insert—

“( ) Where money is released by virtue of subsection (4), there must be added to the money on its release any interest accrued on it whilst in the account referred to in section 303Z14(7)(a).”

If, under new section 303Z16 of the Proceeds of Crime Act 2002, a court upholds an appeal against the making of a forfeiture order and orders the release of all or part of the forfeited money, this amendment provides that there must be added to the money that is released any interest accrued on that money in the period since its forfeiture.

Amendment 32, page 68, line 33, at end insert—

“( ) If the account freezing order was applied for by a National Crime Agency officer, the compensation is to be paid by the National Crime Agency.”

This amendment sets out by whom compensation is to be paid under new section 303Z18 of the Proceeds of Crime Act 2002 if an account freezing order made under new Chapter 3B of Part 5 of that Act was applied for by a National Crime Agency officer. See also the explanatory statement for amendment 29.

Amendment 33, page 68, line 36, after “officer” insert “or a National Crime Agency officer”.—(Mr Wallace.)

This amendment is consequential on amendment 32.

Clause 28

ACCREDITED FINANCIAL INVESTIGATORS

Amendments made: 34, page 80, line 6, leave out paragraph (b).

The amendment made by the provision that is left out now forms part of the amendment made by amendment 64.

Amendment 35, page 80, line 15, leave out paragraph (b).

The amendment made by the provision that is left out now forms part of the amendment made by amendment 65.

Amendment 36, page 80, line 32, leave out paragraph (b).—(Mr Wallace.)

The amendment made by the provision that is left out now forms part of the amendment made by amendment 68.

Clause 30

CONFISCATION ORDERS AND CIVIL RECOVERY: MINOR AMENDMENTS

Amendments made: 37, page 80, line 44, at end insert—

“(3A) In section 230 (free property: Northern Ireland), in subsection (3)(b) for “or 297D” substitute “, 297D or 298(4).”

Clause 30(2) and (3) amends sections 82 and 148 of the Proceeds of Crime Act 2002, which determine what constitutes “free property”, in relation to confiscation proceedings in England and Wales and Scotland respectively, by providing that property detainted under section 298(4) of the 2002 Act is not free property. This amendment provides for a corresponding change to be made to section 230, which applies in the case of confiscation proceedings in Northern Ireland.

Amendment 38, page 81, line 4, at end insert—

“( ) In section 290 (prior approval to exercise of section 289 search powers), in subsection (4), after paragraph (aa) (inserted by Schedule 1 to this Act) insert—

“(bb) the Director General of the National Crime Agency or any other National Crime Agency officer authorised by the Director General (whether generally or specifically) for this purpose.”

( ) In section 297A (forfeiture notice), in subsection (6), after paragraph (ba) (inserted by Schedule 1 to this Act, but before the “or”) at the end of that paragraph insert—

“(ab) in relation to the exercise of a power by a National Crime Agency officer, the Director General of the National Crime Agency or any other National Crime Agency officer authorised by the Director General (whether generally or specifically) for this purpose.”

( ) In section 302 (compensation), after subsection (7ZA) (inserted by Schedule 1 to this Act) insert—

“(7ZB) If the cash was seized by a National Crime Agency officer authorised by the Director General (whether generally or specifically) for this purpose, the compensation is to be paid by the National Crime Agency.”—(Mr Wallace.)

This amendment clarifies the way in which Chapter 3 of Part 5 of the Proceeds of Crime Act 2002 is to operate when powers are exercised by a National Crime Agency officer who has been designated under section 10 of the Crime and Courts Act 2013 as having the powers and privileges of a constable or who is an accredited financial investigator.

Clause 33

FURTHER INFORMATION NOTICES AND ORDERS

Amendments made: 39, page 87, line 40, after first “notice” insert “under this section”.

This is a minor drafting amendment that ensures stylistic consistency with corresponding provisions in the Bill.

Amendment 40, page 88, line 1, after “notice” insert “under this section”.

This is a minor drafting amendment that ensures stylistic consistency with corresponding provisions in the Bill.

Amendment 41, page 88, line 2, after “notice” insert “under this section”.

This is a minor drafting amendment that ensures stylistic consistency with corresponding provisions in the Bill.

Amendment 42, page 90, line 20, leave out from “order” to “may” in line 21 and insert

“made by a magistrates’ court, the magistrates’ court”.

This amendment has the effect that the power to impose a civil penalty for failing to comply with a further information order made under new section 22D of the Terrorism Act 2000 (inserted by clause 33) would not apply in relation to Scotland to orders made by the sheriff.
Amendment 43, page 90, line 23, leave out from beginning to second “the”.—(Mr Wallace.)

This amendment is consequential on amendment 42.

Clause 52

EXTENT

Amendments made: 44, page 109, line 20, at end insert—

“( ) section (Her Majesty's Revenue and Customs: removal of restrictions)(4)(c);”.

This amendment is consequential on NC8.

Amendment 45, page 109, line 30, at end insert—

“( ) section (Her Majesty's Revenue and Customs: removal of restrictions)(2), (3) and (4)(d);”.

This amendment is consequential on NC8.

Amendment 46, page 109, line 39, at end insert—

“( ) section30(3A).”—(Mr Wallace.)

This amendment is consequential on amendment 37.

Clause 53

COMMENCEMENT

Amendments made: 47, page 110, line 10, after “28(3)” insert “and 30(3A)A”.

This amendment is consequential on amendment 37.

Amendment 48, page 110, line 13, after “Sections” insert—

“(Her Majesty’s Revenue and Customs: removal of restrictions).”.

This amendment provides for NC8 to come into force two months after Royal Assent.

Amendment 49, page 111, line 1, at end insert—

“( ) section12(1) and (2);”.

This amendment provides for consultation with the Scottish Ministers before the Secretary of State makes regulations commencing clause 12(1) and (2) of the Bill.

Amendment 50, page 111, line 13, at end insert—

“( ) section12(1) and (2);”.—(Mr Wallace.)

This amendment provides for consultation with the Department of Justice in Northern Ireland before the Secretary of State makes regulations commencing clause 12(1) and (2) of the Bill.

Schedule 1

POWERS OF MEMBERS OF STAFF OF SERIOUS FRAUD OFFICE

Amendment made: 51, page 114, line 32, leave out sub-paragraph (3).—(Mr Wallace.)

The amendment made by the provision that is left out now forms part of the amendment made by amendment 69.

Schedule 3

FORFEITURE OF CERTAIN PERSONAL (OR MOVEABLE) PROPERTY

Amendment made: 52, page 124, line 44, after first “to” insert “a magistrates' court,”. —(Mr Wallace.)

The amendment mirrors for new Part 4A of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001 the change being made to existing Schedule 1 to the 2001 Act by amendment 60.

Schedule 4

FORFEITURE OF MONEY HELD IN BANK AND BUILDING SOCIETY ACCOUNTS

Amendments made: 53, page 135, line 35, after “But” insert “—

(a)”,

The amendment is consequential on amendment 54.

Amendment 54, page 135, line 37, at end insert—

“(b) the senior officer must consult the Treasury before making the application for the order or (as the case may be) authorising the application to be made, unless in the circumstances it is not reasonably practicable to do so.”

This amendment introduces a consultation requirement into the process of applying for an account freezing order under new Part 4B of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001. The requirement to consult will enable the Treasury to consider whether it is a case in which it should be exercising its powers under the Terrorist Asset-Freezing etc Act 2010.

Amendment 55, page 140, line 28, after “aside” insert “(or recalling)”. This amendment takes account of the fact that in Scotland an account freezing order will be recalled rather than set aside.

Amendment 56, page 142, line 7, at end insert—

“( ) Where money is released by virtue of sub-paragraph (6)(a), there must be added to the money on its release any interest accrued on it whilst in the account referred to in paragraph 10W(6)(b).”

If, under new paragraph 10Z of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001, a court sets aside the forfeiture of money pursuant to an account freezing notification, this amendment provides that there must be added to the money that is released any interest accrued on that money in the period since its forfeiture.

Amendment 57, page 144, line 20, at end insert—

“( ) Where money is released by virtue of sub-paragraph (5), there must be added to the money on its release any interest accrued on it whilst in the account referred to in paragraph 10Z2(7)(a).”—(Mr Wallace.)

If, under new paragraph 10Z4 of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001, a court upholds an appeal against the making of a forfeiture order and orders the release of all or part of the forfeited money, this amendment provides that there must be added to the money that is released any interest accrued on that money in the period since its forfeiture.

Schedule 5

MINOR AND CONSEQUENTIAL AMENDMENTS

Amendments made: 60, page 148, line 18, at end insert—

“( ) In paragraph 3(3A), in the words before paragraph (a), after “application to” insert “a magistrates' court.”

This amendment inserts a reference to a magistrates' court into paragraph 3(3A) of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001, which concerns the making of the first application to extend a period of detention of seized cash and allows the application to be made and heard without notice and heard and determined in private.

Amendment 61, page 149, line 4, at end insert—

“( ) After paragraph 10Z8 (inserted by section 38) insert—
Amendment 66, page 150, line 33, at end insert—
“( ) in paragraph (b) (as amended by section 30(3A) of this Act), for “or 298(4)” substitute “, 298(4) or 303O(5)”.

This amendment is consequential on amendment 37.

Amendment 67, page 151, line 19, at end insert—
“25A In section 289 (searches), in subsection (5)(b) for “a customs officer” substitute “an officer of Revenue and Customs”.”.

This amendment corrects an out of date reference to a customs officer.

Amendment 68, page 151, leave out line 20 and insert—
“(1) Section 290 (prior approval) is amended as follows.

(2) In subsection (4)(c), after “investigator”, in the first place it occurs, insert “who does not fall within any of the preceding paragraphs”.

(3) After subsection (6) insert—“.

This amendment is partly consequential on amendment 38. It also clarifies that an accredited financial investigator could fall within any of paragraphs (a) to new (ba) of section 195G(3) of the Proceeds of Crime Act 2002. See also the explanatory statement for amendment 36.

Amendment 69, page 151, line 25, at end insert—
“26A In section 302 (compensation), in subsection (7A), for “or a constable” substitute “, a constable, an SFO officer or a National Crime Agency officer.”.

This amendment is consequential on amendment 38. See also the explanatory statement for amendment 51.

Amendment 70, page 152, line 33, leave out from beginning to “in” and insert—
“(1) Section 333D (tipping off: other permitted disclosures) is amended as follows.

(2) “.

This amendment is consequential on amendment 71.

Amendment 71, page 152, line 39, at end insert—
“( ) After subsection (1) insert—

(1A) Where an application is made to extend a moratorium period under section 336A, a person does not commit an offence under section 333A if—

(a) the disclosure is made to a customer or client of the person,

(b) the customer or client appears to the person making the disclosure to have an interest in the relevant property, and

(c) the disclosure contains only such information as is necessary for the purposes of notifying the customer or client that the application under section 336A has been made.

“Moratorium period” and “relevant property” have the meanings given in section 336C.”.

This amendment provides that a person carrying on a business in the regulated sector does not commit a tipping off offence under section 333A of the Proceeds of Crime Act 2002 simply by telling a customer that an application to extend a moratorium period, which would prevent a transaction with the customer being concluded, has been made.

Amendment 72, page 162, line 21, at end insert—
“68A In section 445 (external investigations), omit subsection (3).”

—(Mr Wallace.)

Section 445 of the Proceeds of Crime Act 2002 confers a power enabling orders to be made corresponding to those under Part 8 of that Act in connection with external investigations. Subsection (3) of that section provides that the power cannot be exercised so as to enable a disclosure order to be made for the purposes of an external investigation into whether a money laundering offence has been committed. This amendment removes that restriction, in line with clauses 7 and 8.
**Sue Hayman** (Workington) (Lab): On a point of order, Mr Speaker. I wonder whether you could advise me. I have been to Downing Street today, along with a constituent who had travelled all the way from west Cumbria to hand in a petition. Unfortunately, we were turned away at the gates. I was told that I would not be allowed to go to Downing Street to hand in a petition that had been booked in through the proper procedures. We had been offered a time to hand in a petition about health services, so it was understood what the petition was about. However, when I asked the security officer from No. 10 Downing Street why I was not allowed to hand in the petition, as had been agreed, he told me that today was “not a good day”. When I pressed him, he told me that I could hand in the petition “after Thursday”.

I am concerned that I have been prevented from handing in a petition that was properly booked in, through the proper procedures, because of a by-election, handing in a petition that was properly booked in, told me that I could hand in the petition “after Thursday”. When I pressed him, he told me that I could hand in the petition “after Thursday”.

I am concerned that I have been prevented from handing in a petition that was properly booked in, through the proper procedures, because of a by-election, and that this has been politicised. Can you advise me, Mr Speaker, on what is my best course of action?

**Mr Speaker:** I am grateful to the hon. Lady for her point of order and for giving me a moment’s notice of it. She is clearly concerned and aggrieved. My initial response is to say to her that this is not a point of order for the Chair, or, for that matter, a subject for the House authorities. I understand her concern, not least in terms of personal inconvenience, and I trust that her point of order has been heard on the Treasury Bench. It is very much a matter for Ministers, with whom it has not been registered, but I repeat that it is not a matter for the Chair.

**Third Reading**

5.48 pm

**Mr Wallace:** I beg to move, That the Bill be now read the Third time.

Financial profit is at the heart of almost all forms of serious and organised crime, which directly affects the most vulnerable in society. The Bill will significantly improve our ability to tackle money laundering, corruption, tax evasion and terrorist financing. It is a key part of the Government’s critical work to reduce the flow of dirty money into the City and to cut off the funding streams to the fraudsters, money launderers and kleptocrats.

This country is the largest centre for cross-border banking. The UK is, and will remain, a good place to do business. However, the National Crime Agency estimates that up to £90 billion may be laundered here each year. I have made it clear—as has my right hon. Friend the Prime Minister and, indeed, her predecessor—that we need to make the UK a hostile environment for those seeking to move, hide and use the proceeds of crime and corruption. In an increasingly competitive international marketplace, the UK simply cannot afford to be seen as a haven for dirty money. We must not turn a blind eye to the money of corrupt officials that flows through businesses, banks and property, and that is why the Bill is so important.

I thank the shadow Home Secretary, the right hon. Member for Hackney North and Stoke Newington (Ms Abbott), and the hon. Member for Ealing Central and Acton (Dr Huq), as well as the hon. Members for Dumfries and Galloway (Richard Arkless) and for Kirkcaldy and Cowdenbeath (Rogier Mullin), for their input throughout the Bill’s passage so far. Other hon. Members have also brought considerable knowledge and expertise to the proceedings.

The Government, and I as the Minister concerned, have been determined to be open to input from all parties, and I am pleased that we have made some concessions towards addressing the issues raised. I know we have not dealt with all the concerns raised, but I hope that I have made sure that the Bill leaving this place is better than when it was introduced and that it has taken on the points raised by both the Labour party and the SNP, and indeed by my hon. Friends on the Conservative Back Benches.

We had further detailed debate of the Bill on Report today, with many well-informed contributions from all parts of the House. The debate has covered the scope of the unexplained wealth orders and other powers in part I of the Bill, as well as the corporate offences regarding the failure to prevent the facilitation of tax evasion.

Of course much of today’s debate has focused on issues that were not part of the Bill itself, notably the new clause in the name of my hon. Friend the Member for Esher and Walton (Mr Raab) and the right hon. Member for Barking (Dame Margaret Hodge) and others, which sought to impose sanctions on those involved in gross human rights abuse or violations overseas. The strength of feeling on this issue is clear, and the treatment of Sergei Magnitsky was undeniably deplorable.

This Government are committed to promoting and strengthening universal human rights globally. Our approach focuses on holding those states responsible for the worst violations of human rights and working with those states determined to strengthen protections against abuse. But we have listened to the House, and our amendment will allow for the recovery of property connected with torture or cruel, inhuman and degrading treatment overseas. This sends out the strong message that those seeking to profit from torture and other serious abuses will not be able to do so in the UK.

The House also debated the commitments made by the overseas territories to tackling corruption and money laundering in their financial systems. The UK is at the forefront of the global approach to increasing corporate transparency and tackling tax evasion and corruption. That work started under David Cameron, and it continues. I share the desire for the Crown dependencies and overseas territories to take further steps towards full corporate transparency. That is why this Government continue to work closely with them towards that goal, but we must recognise the significant progress they have already made, putting them well ahead of many other jurisdictions.

The Bill and the wider package of measures of which it is a part will give agencies the powers they need to ensure that crime does not pay in a Britain that works for everyone. It is important that these powers are available to all parts of the UK, but, as I have said, we will await the outcome of elections in Northern Ireland before we commence the provisions there.

The need for this legislation is significant and particularly timely as we negotiate our future relationship with the European Union. Now, more than ever, we must showcase the UK as one of the best places in the world to do business, as we form new ties with international friends and partners.
Serious and organised crime costs the UK at least £24 billion annually and deprives people of their security and prosperity. We task our law enforcement agencies with combating the evolving threat from both criminals and terrorists, and I pay credit to those agencies for all the work they do on our behalf, but without the necessary powers to pursue and prevent these illicit activities, they fight a losing battle.

This Government have done more than any other to tackle money laundering and terrorist financing, but the scale of the threat is clear and we must do more. This Bill sends the clear message that we will not stand for money laundering or the funding of terrorism through the UK, and I commend it to the House.

5.53 pm

Ms Diane Abbott (Hackney North and Stoke Newington) (Lab): We in the Opposition broadly support the thrust of this legislation, and we have noted that the Minister has proved to be a listening Minister, which we welcome.

Tax avoidance and money laundering are the opposite of victimless crimes. In the first instance, there are inflated asset prices in the territories where the money is laundered, and there is no bigger example of that than the housing market in this country, particularly in London. In some of the most expensive parts of London, we can walk down streets where most of the houses are completely empty. Some might be empty because it is the wrong time of year for their owner to be there, and others because they have been bought as an investment, but increasing numbers of those properties are being used to launder money, and if this legislation can bear down on that, it will be of value not least to people who are victims of the wildly inflated London housing market.

Tax avoidance and money laundering mean a loss of tax for some of the poorest communities in the world. I was in Ghana last year looking at tax avoidance and evasion, and I was struck by the fact that a woman selling drinks by the side of the road could pay proportionally more tax than some of the biggest drinks manufacturers in the world. These are distorted systems of taxation, and if this legislation can bear down on that type of tax avoidance, it is to be welcomed. I was pleased to hear the Minister say that we are beginning to return money to some of these territories, notably Macau. I believe that we have also signed an accord with Nigeria. Above all, this legislation is important for suppressing corruption. It is not just a law-enforcement measure; it is also, indirectly, an anti-corruption measure.

I remind the House that the genesis of the Bill was the Panama papers, which revealed extremely widespread and highly lucrative avoidance of tax on an industrial scale. There were 11 million leaked files, and Britain was the second most prominent country in which the law firms’ middlemen operated. It was second only to Hong Kong. One British overseas territory, the British Virgin Islands, was by far the most popular tax haven state used by the firms in the documents. The Minister has said that we are at the forefront of taking action on tax avoidance and money laundering, and so we should be. The UK has sovereignty over one third of tax havens internationally.

We welcome the Government’s new clause 7, which will bear down on money recycled as a consequence of human rights abuses elsewhere. We still believe that there is insufficient scope for the civil recovery of assets, and the enforcement powers in the civil recovery provisions could be improved. There are particularly important omissions regarding the penalties for offences relating to the facilitation of tax avoidance, involving middlemen such as lawyers, accountants and straightforward spivs such as those identified in the Panama papers.

On the disclosure of beneficial ownership, we feel that there is a major problem, as the lack of disclosure can help to facilitate money laundering and corruption. Let us take an example. In the Department for Business, Innovation and Skills consultation paper published in March 2016, the Government said that between 2004 and 2014, more than £180 million-worth of property in the UK was being investigated by UK law enforcement agencies as it was suspected of being funded by the proceeds of corruption. Moreover, more than 75% of those properties had offshore corporate ownership. That is believed to be the tip of the iceberg in terms of scale and of the proceeds of corruption being invested in UK property through offshore companies.

On the British overseas territories and Crown dependencies, I understand the technical argument that we cannot apply the same regime to those areas, but the moral issue is substantially the same. Some Members have spoken as though the populations of those territories as a whole benefit from financial services, but that is not the case. Only in recent years has the financial services industry been open to employing people born and bred on those islands in advisory, legal and management positions. Just because the political elites in those countries argue for light-touch regulation, let us not delude ourselves that financial services are helping the territories as a whole. We believe that the argument that we cannot impose proper standards on those territories is false. UK jurisdiction applies in all matters of defence and security, and the House has a right and a duty to see how best to impose those laws.

The people who are benefiting from the secrecy and the lack of regulation are the tax evaders and avoiders, the money launderers, the major criminal enterprises and the terrorist networks. We urge the Government to move forward on those issues. If legislation is required for onshore activity here in the UK, most reasonable people would argue that it is even more pressing to include overseas territories and Crown dependencies.

The Opposition are calling for a wide-ranging review of the UK tax gap, including an assessment of the loss of income tax due to tax evasion. As several Members on both sides of the House have said, if the legislation simply rests on the statute book and does not result in commensurate prosecutions, it will be a dead letter. We note that the Minister has listened thus far, and I hope that the Government and the appropriate Departments are listening when I urge them to ensure that the legislation amounts to more than just good intentions and that it is actively used to bear down on tax evasion, money laundering and corruption.

Mr Speaker: This debate has been concluded with notable speed.

Question put and agreed to.

Bill accordingly read the Third time and passed.
Social Security and Pensions

6.1 pm

The Parliamentary Under-Secretary of State for Welfare Delivery (Caroline Nokes): I beg to move,

That the draft Social Security Benefits Up-rating Order 2017, which was laid before this House on 16 January, be approved.

Mr Speaker: With this we shall consider the following motion:

That the draft Guaranteed Minimum Pensions Increase Order 2017, which was laid before this House on 16 January, be approved.

Caroline Nokes: With the leave of the House, and as you have indicated, Mr Speaker, my remarks will cover motions 3 and 4 on the Order Paper. In my view, the provisions in both orders are compatible with the European convention on human rights.

I will first deal with an entirely technical matter that we attend to in this place each year and that I do not imagine we will need to dwell on today. The Guaranteed Minimum Pensions Increase Order 2017 provides for contracted-out benefit schemes to increase members’ guaranteed minimum pensions that accrued between 1988 and 1997 by 1%.

The Social Security Benefits Up-rating Order 2017 reflects the Government’s continuing commitment to increase the basic and new state pension with the triple lock by 2.5%, to increase the pension credit standard minimum guarantee in line with earnings, and to increase benefits to meet additional disability needs and carer benefits in line with prices. The Chancellor reaffirmed this Government’s commitment to the triple lock for the length of this Parliament. This Government will be spending an extra £2.5 billion in 2017-18 on uprating benefit and pension rates. With the guaranteed minimum pensions increase order we continue: to maintain our commitment to the triple lock for both the basic and the new state pension for the length of this Parliament; to increase the pension credit standard minimum guarantee by earnings; and to increase benefits that reflect the additional costs that disabled people face as a result of their disability, and carers’ benefits, in line with prices. That includes increases to the disability living allowance, attendance allowance, carer’s allowance, incapacity benefit and the personal independence payment.

I commend the orders to the House.

6.6 pm


Clearly we support the uprating of the guaranteed minimum pension in line with prices. However, I wish to touch on issues raised in last year’s National Audit Office report on the guaranteed minimum pension and the new state pension arrangements that came into effect last year. As we have heard, the Guaranteed Minimum Pensions Increase Order provides an annual increase in the guaranteed minimum pension where there has been an increase in the general level of prices during the period under review.

When the additional state pension was introduced in 1978, an option was created under which an individual could contract out into another pension scheme on the basis that that other scheme met certain criteria. In that instance, both the employee and their employer paid a reduced national insurance contribution given that they were forgoing the state pension entitlements. Between 1978 and 1997, schemes that took on such new members were required to provide a guaranteed minimum pension—a new test was applied after 1997. Nevertheless, contracted-out schemes still had to provide a guaranteed minimum pension to scheme members for rights accrued between 1978 and 1997.
In 2016, the introduction of the new state pension ended contracting out by replacing the additional state pension with a single tier. Working-age people will now have their existing state pension entitlement adjusted for previous periods of contracting out and transferred to the new state pension scheme. Occupational pension scheme providers will continue to revalue any guaranteed minimum pensions that people have built up.

For people retiring after 6 April 2016, the Government will no longer take account of inflation increases to guaranteed minimum pensions when uprating people’s new state pension. The changes mean any guaranteed minimum pensions accrued between 1978 and 1998 will not be uprated, and the scheme provider will uprate guaranteed minimum pensions built up between 1988 and 1997 only to a maximum of 3% each year.

The National Audit Office was contacted by people approaching retirement age who had concerns that the new arrangements for a single-tier state pension will leave them worse off than they would have been under the guaranteed minimum pension. People also raised concerns about the lack of notice. Where have we heard that before? The NAO investigated and concluded that there would be some winners and some losers under the new arrangements, depending on the amount of time that people were contracted into a scheme. The NAO also commented that, again, there had been a dearth of information for those new retirees.

The NAO suggested that those who lose under the new rules may be able to build up additional entitlement to the state pension. The report recommended that the Government, via the Department for Work and Pensions, improve their evidence and analysis of the impact of these reforms, and provide much clearer, targeted information to the public about how they will be affected. I would be very grateful if the Minister updated us on how her Department is responding to the findings of the NAO report.

The Social Security Benefits Up-rating Order 2017 provides for the annual uprating of social security entitlements excluded from the Government’s freeze to levels of social security enacted in the Welfare Reform and Work Act 2016. This year, the Secretary of State has decided to uprate social security entitlements by inflation under the consumer prices index measure, which is at 1%. As the Minister explained, that covers attendance allowance, carer’s allowance, disability living allowance, the personal independence payment, industrial injuries disablement benefit, bereavement benefits, incapacity benefit and severe disablement allowance, to name but a few. The Secretary of State has also decided to uprate the new state pension in accordance with the triple lock, and pension credit in line with earnings, at 2.4%.

We would not stand in the way of measures to increase the adequacy of the social security safety net provided by those benefits, especially not after seven years in which the system has been under considerable attack. We will therefore support the uprating order, but I must take this opportunity to expand on my real concerns about the inadequate uprating, particularly in the context of the freezing of many social security payments under last year’s Welfare Reform and Work Act, and the real cuts to some kinds of social security support, such as the employment and support allowance, the support for those in the work-related activity group, the universal credit work allowances, and the widow’s pension allowance, which we discussed yesterday, again to name just a few. This is an erosion of the adequacy of social protection for those who are often the most vulnerable in society.

Justin Tomlinson (North Swindon) (Con): Surely the shadow Minister recognises that our support for those with long-term health conditions and disabilities has increased by £3 billion a year, to a record amount. That shows that we are directing money to the most vulnerable in society—rightly so.

Debbie Abrahams: I am grateful to the former Parliamentary Under-Secretary of State for Disabled People. Actually, we know that social security support will have declined by 2020.

Justin Tomlinson indicated dissent.

Debbie Abrahams: The former Minister shakes his head, but these are the Government’s own figures. If we look at spending across Europe as a percentage of GDP, we see that we are below the EU average when it comes to social security spending, just as we are on health spending.

Let us start with rising costs. Traditionally, the link between social security and inflation has ensured that some of the most vulnerable households in our country are not made worse off, year on year, by inflation in the cost of basic goods and services. The adequacy of social security has been heavily eroded over the past seven years. Research by the Joseph Rowntree Foundation demonstrates that the price of essentials has risen three times faster than wages over the past 10 years. When that is combined with the coalition’s initial 1% freeze on uprating, introduced in the Welfare Reform Act 2012, and the complete social security freeze put in place in last year’s Act, it means that low-income households have seen a significant deterioration in the adequacy of social security support since 2010.

Clearly, the historic drop in oil prices and subsequent slow-down in inflation of the price of household goods provided some respite to low-income households, but we know that the impact of the EU referendum on, for example, food and fuel prices is only just starting. People on low incomes spend a much larger proportion of their household budgets on the essential goods and services that have been so prone to inflation, so they are likely to have felt the effects of spiralling prices long after they have slowed down.

The costs of basic household items are beginning to rise again, with last month’s official figures showing inflation at a two-year high of 1.8%. I understand that the actual increase in food prices has been approximately 20%, but that has only just started to be passed on to consumers, so it is going to get worse. That puts real pressure on households that are trying to provide for their basic needs. Indeed, last week the Joseph Rowntree Foundation published a report showing that 19 million people are now struggling to make ends meet and get the basics required for a socially acceptable standard of living.

In the context I have set out, a 1% uprating to some social security entitlements is unlikely to do much for those who are struggling to get by. If the Prime Minister
is really serious about helping those people, I urge that there be some reconsideration. As a matter of principle, it seems only fair that social security should rise in line with inflation and should apply to all entitlements, not just the ones that the Government have cherry-picked. Although the economic arguments for a freeze may once have been founded on the slow-down in the prices of the basics that every household needs, now that prices are predicted to rise by 10% by 2020 even that weak economic justification no longer stands up. That is before we even get to the social argument for protecting the incomes of the poorest people in our society, whom this Government have set out to punish over the past seven years.

In last year’s inquiry by the all-party group on health into the effect of the Welfare Reform and Work Act 2016 on child poverty and child health, the freeze on social security support payments was singled out as the most damaging. I remind Members that the Institute for Fiscal Studies estimates that child poverty will increase by around 1 million as a direct result of social security and tax changes, and that will impact on those children’s health and futures. I make an impassioned plea to the Government to review the benefit freeze on working-age benefits. When several other disability benefits are approaching April, when several other disability benefits will be cut; I urge the Government to reconsider.

I shall not detain the House any longer. I urge the Government to review the cap before price inflation begins to pick up again. If they really cared about those struggling to make ends meet, that is exactly what they would do. In the meantime, although we regret the limit on the groups who will benefit from the uprating, we will support the order.

6.18 pm

Dr Eilidh Whiteford (Banff and Buchan) (SNP): I am glad we are able to debate these orders simultaneously. The Scottish National party will obviously not oppose the social security uprating order, and we certainly welcome the pensions uprating order, but this is an opportunity to put on record, again, our deep concern about the ongoing impact on low-income households of the freeze on working-age benefits. We are particularly concerned about tax credits, which are mostly paid to working families with children, and employment and support allowance, which is paid to those who are not currently fit for work but are in the work-related activity group.

Any of us who regularly pushes a trolley around a supermarket can be in no doubt that the price of basic foods and household essentials is rising, and rising sharply. The depreciation in the value of the pound last year has taken some time to filter through to retail prices, but increases in the price of imported food and other goods is now very visible. The Bank of England has made it clear that it expects inflation to remain well above the 2% target for several years.

Ahead of the Budget and looking further forward, I hope the Government will look again at the benefit freeze and recognise that those on low and middle incomes spend a much larger proportion of their income on essentials than wealthier households and are disproportionately affected by rising food and fuel prices. In that context, a 1% rise in those benefits that are included in the order is unlikely to keep pace with the increase in prices that we expect to see over the coming months. The hon. Member for Oldham East and Saddleworth (Debbie Abrahams) has already alluded to the Joseph Rowntree Foundation assessment of the rising costs of essentials, which should give us all pause for thought. One simple example is that many of the severely sick and disabled people who will receive a 1% uprating—those who receive ESA as part of the support group—have limited mobility and are likely to spend a lot of time at home. Inevitably, they incur high heating costs during the winter months, yet the cost of energy is rising. Some of the big energy companies have already made announcements of price increases, and others have said that they are set to follow. Benefits that will be uprated by 1% include most disability and carer benefits—ESA, carers and pensioners’ premiums, statutory maternity and paternity pay and statutory sick pay. All are paid to people who are likely to be disproportionately affected by rising energy costs, and all are paid to people who are unable to work or who are limited in their ability to work.

Financial hardship is an increasing reality for households affected by sickness and disability and, as prices rise, that will only get worse. Even with increases to the minimum wage and personal allowances, large numbers of working parents and disabled people are significantly worse off in real terms and are finding it harder than ever to make ends meet.

When even the Financial Times is highlighting, as it did earlier this month, the strains on household finances that are already apparent and is warning that “a combination of falling living standards and rising inequality would be extremely dangerous in today’s febrile politics”, we should really heed the warnings.

I want to turn now to pensions and highlight the proposed increase in the single-tier pension. This has been the first full year that the new single-tier pension has been in effect, but I get the very strong impression that it is poorly understood among the general public.

Although I welcome the 2.5% increase in the single-tier pension, I am not at all clear how many pensioners will actually receive the full benefit of that increase. We know that there are both winners and losers in the transition process and that most new pensioners will not receive the full single-tier pension. Before its introduction, it was estimated that only around 22% of women and half of men reaching state pension age would be entitled to the full single-tier pension. Perhaps the Minister can clarify what has happened in practice and whether those sentiments were right. What proportion of male and female pensioners have received the full whack, and what ongoing impact assessment has the Department undertaken?

Perhaps the Minister can give the House an update on the pensions dashboard. I get the sense that there are real gaps in most people’s knowledge of the new system and that many people coming up for retirement are in for a nasty shock when they realise that they will not be eligible for as much as they think.

In this context, it would be very wrong not to mention the WASPI women, many of whom got insufficient and wholly inadequate notice of the shift in their pension age, and who, as a consequence, will lose enormous sums of money over the course of their retirement.

This week, I had a letter from a constituent who is one of the WASPI women. She did not get proper information about the changes and she has had no time
to plan for them. She is facing an uncertain future in more ways than one in that she is currently undergoing treatment for cancer. She says that she does not know whether she will ever receive her pension. She is hopeful that she will make a good recovery—certainly I send her my good wishes. She makes the sobering point that none of us knows what is around the corner. There is a basic injustice here and that is why, even though she is ill, she is determined to fight for a fairer settlement. We can and we must do better by these thousands of women who are losing out.

While we are on the subject of women and gender inequality in pensions, I have to say that I am sorry that, in the past year, the Government have removed savings credits for new pensioners. Around 80% of those who previously benefited from savings credit were women, most of whom will have spent their working lives in low-paid jobs and are unlikely to have had access to an occupational pension scheme. Nevertheless, these are people who have managed to save, against the odds, despite the limited opportunities available to them. There is little enough incentive for people in low-paid jobs to save, and reducing savings credit and abolishing it for new pensioners erodes that incentive even further.

Pensions uprating is a wishful dream for some pensioners. Those who have frozen pensions are left out of the uprating. That is still a very live issue, and one that is likely to be more acute in the months ahead. There are those who are entitled to a UK state pension by virtue of having worked for it and of having paid their contributions but who have, for whatever reason, spent their retirement domiciled abroad. They face very different circumstances depending on whether their country of residence has a reciprocal agreement with the UK for the uprating of state pensions. Those in countries that do not have a reciprocal arrangement with the UK see their pensions frozen at their initial retirement level so, in real terms, the value of their pension falls every single year.

There are thought to be more than half a million people with frozen pensions, mostly in Commonwealth countries such as Australia, Canada, New Zealand and South Africa, but also in countries with strong family and historical links to the UK such as India, Pakistan, parts of the Caribbean and Africa. The issue will only become more acute in the months ahead as the UK leaves the European Union and European economic area. UK pensioners who retire to sunnier parts of the continent—there are thought to be 400,000—currently get their pensions uprated throughout the EEA as normal, but reciprocal arrangements will need to be put in place when we leave the EU if those pensioners are not to find themselves in the same difficult situation as those living in Canada and Australia. I hope that the Minister will be able to share the Government’s thinking on that issue, and tell us what steps they are taking to protect UK pensioners who live in other parts of Europe.

We need to deal with the fact that many of those approaching pension age, who have lived through an era of globalisation, will have worked in several EU countries and may have accrued pension rights in several parts of Europe, with wee bits of pension in several systems. That is true for many people who have worked in global industries or for multinational corporations. It is a bit of a minefield, and it would be immensely helpful if the Minister offered reassurance to UK pensioners living in EU countries that those issues are on the Government’s radar and will be addressed. I hope that the Minister will take the opportunity to address all the issues I raised as she closes the debate.

6.26 pm

**Caroline Nokes:** I thank the hon. Members for Oldham East and Saddleworth (Debbie Abrahams) and for Banff and Buchan (Dr Whiteford), speaking from the Opposition Front Benches, for their contributions. I will attempt to address the specific points raised in full.

The Government did respond to the National Audit Office report outlining the online Check your State Pension service, which now delivers personalised information to people many years in advance. The report also acknowledged that the aggregate impacts of the reforms need to be taken into account. Taking account of all elements of the reform, about 75% of people will receive more from the new state pension by 2030 than under the previous systems. There is no statutory requirement for formerly contracted-out pension schemes to increase for those accrued between 1978 and 1988. The Government do not intend to introduce legislation requiring those schemes to index pre-1988 guaranteed minimum pension rights. This needs to be set in context with the changes to the overall pensions landscape. Other aspects of pension reform may offset the loss of indexation—for example, maintaining the triple lock in this Parliament. Since 2011, the basic state pension has risen by £570 a year more than it would have been uprated by earnings.

Work, not welfare, is the best and most sustainable route out of poverty, which is why our tax and welfare reforms are designed to ensure that work pays and that increased earnings are rewarded, rather than penalised. However, we remain committed to supporting people who cannot work and those with additional needs, which is why the orders provide for an additional £2.5 billion in 2017-18 to increase benefits for pensioners, carers and the additional costs of disability. We have had to make difficult decisions on spending. To protect those with additional needs, we are increasing the ESA support group component in line with the consumer prices index, and will also increase the enhanced disability, severe disability, carer and pensioner premiums.

The Government are committed to building a country that works for everyone, which is why the forthcoming Green Paper will identify and address the root causes of child poverty, building on the new statutory indicators of parental worklessness and children’s educational attainment, which were set out in the Welfare Reform and Work Act 2016.

The hon. Member for Banff and Buchan will be aware that the current policy regarding overseas pensions is a longstanding one of successive Governments that has been in place for almost 70 years. Many Commonwealth countries, including Australia, Canada and New Zealand, have pension systems that take account of overseas pensions as part of their means test. That means that a significant proportion of any increases in the UK state pension would go to the respective Treasuries of those countries. The hon. Lady is, of course, right to point out the issue of British overseas pensioners in other EU member states. Let me reassure her that their rights are part of the negotiation process. The Government are committed to getting the best deal for those pensioners.
The Government will be spending an extra £2.5 billion in 2017-18 on uprating benefit and pension rates. We will be spending over £2.1 billion more on state pensions and pension credit; nearly £0.3 billion more on disabled people and their carers; and £100 million more on people who are unable to work because of sickness or unemployment.

To conclude, the Government are continuing their commitment to the triple lock for both basic and new state pension for the length of this Parliament. We are increasing the pension credit standard minimum guarantee by earnings, and increasing benefits to meet additional disability needs, and carer benefits, by prices. I commend the order to the House.

Question put and agreed to.

PENSIONS

Resolved,
That the draft Guaranteed Minimum Pensions Increase Order 2017, which was laid before this House on 16 January, be approved.— (Caroline Nokes.)

Business without Debate

ESTIMATES

Motion made, and Question put forthwith (Standing Order No. 145),
That this House agrees with the Report of the Liaison Committee of 20 February:
(1) That a day not later than 18 March be allotted for the consideration of the following Estimates for financial year 2016-17: Department for Environment, Food and Rural Affairs, insofar as it relates to future flood prevention, and Department of Health, insofar as it relates to health and social care.
(2) That a further day not later than 18 March be allotted for the consideration of the following Estimates for financial year 2016-17: Department for Business, Energy and Industrial Strategy, insofar as it relates to the Government’s productivity plan, and Department for Work and Pensions, insofar as it relates to intergenerational fairness.—(Steve Brine.)

Question agreed to.

DELEGATED LEGISLATION

Motion made, and Question put forthwith (Standing Order No. 118(6)),
That the draft Housing and Planning Act 2016 (Permission in Principle etc) (Miscellaneous Amendments) (England) Regulations 2017, which were laid before this House on 20 December 2016, be approved.—(Steve Brine.)

The House proceeded to a Division.

Mr Deputy Speaker (Mr Lindsay Hoyle): I inform the House that the motion relates exclusively to England. A double majority is therefore required.

The House having divided: Ayes 273, Noes 107.

Votes cast by Members for constituencies in England: Ayes 260, Noes 84.

Division No. 164]  [6.31 pm

AYS

| Afriyie, Adam | Atkins, Victoria |
| Aldous, Peter | Bacon, Mr Richard |
| Allan, Lucy | Baker, Mr Steve |
| Allen, Heidi | Baldwin, Harriett |
|             | Barclays, Stephen |
|             | Bebb, Guto |
|             | Bellingham, Sir Henry |
|             | Benyon, Rh Richard |
|             | Berry, Jake |
|             | Berry, James |
|             | Bingham, Andrew |
|             | Blackman, Bob |
|             | Blackwood, Nicola |
|             | Blunt, Crispin |
|             | Borwick, Victoria |
|             | Brady, Mr Graham |
|             | Brazier, Sir Julian |
|             | Bridges, Andrew |
|             | Brokenshire, Rh James |
|             | Bruce, Fiona |
|             | Buckland, Robert |
|             | Burns, Conor |
|             | Burns, Rh Sir Simon |
|             | Burrows, Mr David |
|             | Cairns, Rh Alan |
|             | Campbell, Mr Gregory |
|             | Carmichael, Neil |
|             | Cartlidge, James |
|             | Cash, Sir William |
|             | Caulfield, Maria |
|             | Chalk, Alex |
|             | Chishti, Rehman |
|             | Churchill, Jo |
|             | Clark, Rh Greg |
|             | Clifton-Brown, Geoffrey |
|             | Coffey, Dr Thérèse |
|             | Collins, Damian |
|             | Colville, Oliver |
|             | Costa, Alberto |
|             | Courts, Robert |
|             | Crab, Rh Stephen |
|             | Crouch, Tracey |
|             | Davies, Byron |
|             | Davies, Chris |
|             | Davies, David T. C. |
|             | Davies, Glyn |
|             | Davies, Dr James |
|             | Davies, Mims |
|             | Dinenage, Caroline |
|             | Djanogly, Mr Jonathan |
|             | Donaldson, Rh Sir Jeffrey M. |
|             | Double, Steve |
|             | Dowden, Oliver |
|             | Doyle-Price, Jackie |
|             | Drax, Richard |
|             | Drummond, Mrs Flick |
|             | Duddridge, James |
|             | Duncan Smith, Rh Mr Iain |
|             | Dunne, Mr Philip |
|             | Ellis, Michael |
|             | Ellison, Jane |
|             | Ellwood, Mr Tobias |
|             | Elphicke, Charlie |
|             | Eustice, George |
|             | Evans, Graham |
|             | Evans, Mr Nigel |
|             | Evennett, Rh David |
|             | Fabricant, Michael |
|             | Fallon, Rh Sir Michael |
|             | Fernandes, Suelia |
|             | Field, Rh Mark |
|             | Foster, Kevin |

Noes

| Argar, Edward | Atkins, Victoria |
|               | Bacon, Mr Richard |
|               | Baker, Mr Steve |
|               | Baldwin, Harriett |
|               | Barclays, Stephen |
|               | Bebb, Guto |
|               | Bellingham, Sir Henry |
|               | Benyon, Rh Richard |
|               | Berry, Jake |
|               | Berry, James |
|               | Bingham, Andrew |
|               | Blackman, Bob |
|               | Blackwood, Nicola |
|               | Blunt, Crispin |
|               | Borwick, Victoria |
|               | Brady, Mr Graham |
|               | Brazier, Sir Julian |
|               | Bridges, Andrew |
|               | Brokenshire, Rh James |
|               | Bruce, Fiona |
|               | Buckland, Robert |
|               | Burns, Conor |
|               | Burns, Rh Sir Simon |
|               | Burrows, Mr David |
|               | Cairns, Rh Alan |
|               | Campbell, Mr Gregory |
|               | Carmichael, Neil |
|               | Cartlidge, James |
|               | Cash, Sir William |
|               | Caulfield, Maria |
|               | Chalk, Alex |
|               | Chishti, Rehman |
|               | Churchill, Jo |
|               | Clark, Rh Greg |
|               | Clifton-Brown, Geoffrey |
|               | Coffey, Dr Thérèse |
|               | Collins, Damian |
|               | Colville, Oliver |
|               | Costa, Alberto |
|               | Courts, Robert |
|               | Crab, Rh Stephen |
|               | Crouch, Tracey |
|               | Davies, Byron |
|               | Davies, Chris |
|               | Davies, David T. C. |
|               | Davies, Glyn |
|               | Davies, Dr James |
|               | Davies, Mims |
|               | Dinenage, Caroline |
|               | Djanogly, Mr Jonathan |
|               | Donaldson, Rh Sir Jeffrey M. |
|               | Double, Steve |
|               | Dowden, Oliver |
|               | Doyle-Price, Jackie |
|               | Drax, Richard |
|               | Drummond, Mrs Flick |
|               | Duddridge, James |
|               | Duncan Smith, Rh Mr Iain |
|               | Dunne, Mr Philip |
|               | Ellis, Michael |
|               | Ellison, Jane |
|               | Ellwood, Mr Tobias |
|               | Elphicke, Charlie |
|               | Eustice, George |
|               | Evans, Graham |
|               | Evans, Mr Nigel |
|               | Evennett, Rh David |
|               | Fabricant, Michael |
|               | Fallon, Rh Sir Michael |
|               | Fernandes, Suelia |
|               | Field, Rh Mark |
|               | Foster, Kevin |

Francois, Rh Mr Mark

Frysh, Marcus

Gale, Sir Roger

Garnier, Rh Sir Edward

Garnier, Mark

Gauke, Rh Mr David

Ghani, Nusrat

Gibb, RH Mr Nick

Glen, John

Goodwill, Mr Robert

Gove, Rh Michael

Graham, Richard

Grant, Mrs Helen

Grayling, Rh Chris

Green, Chris

Green, Rh Damian

Greening, Rh Justine

Grieve, Rh Mr Dominic

Griffiths, Andrew

Gummer, Rh Ben

Gyimah, Rh Mr Sam

Haffon, Rh Robert

Hall, Luke

Hammond, Stephen

Hancock, Rh Matt

Hands, Rh Greg

Harrington, Richard

Harris, Rebecca

Haselhurst, Rh Sir Alan

Hayes, Rh Mr John

Heald, Rh Sir Oliver

Heappey, James

Heaton-Harris, Chris

Heaton-Jones, Peter

Henderson, Gordon

Herbert, Rh Nick

Hinds, Damian

Hoare, Simon

Hollingbery, George

Hollinrake, Kevin

Hollabone, Mr Philip

Holloway, Rh Mr Adam

Hopkins, Kris

Howarth, Sir Gerald

Howell, John

Howlett, Ben

Huddleston, Nigel

Hunt, Rh Mr Jeremy

Jackson, Mr Stewart

James, Margot

Javid, Rh Sajid

Jayawardena, Mr Ranil

Jenkin, Mr Bernard

Jenkins, Andrea

Johnson, Dr Caroline

Johnson, Gareth

Johnson, Joseph

Jones, Andrew

Jones, Rh Mr Marcus

Kawczyński, Daniel

Kennedy, Seema

Kirby, Simon

Knight, Julian

Kwarteng, Kwasi

Lancaster, Mark

Latham, Pauline

Leadsom, Rh Andrea

Lee, Rh Philip

Lefroy, Jeremy

Leigh, Sir Edward

Leslie, Charlotte
It is the petition of the many parents and supporters of a petition on the future of our state-run nursery schools.

6.45 pm

That the Petroleum Licensing (Exploration and Production) (Landward Areas) (Amendment) (England and Wales) Regulations 2016 (S.I., 2016, No. 1029), be referred to a Delegated Legislation (Committees) Committee.

Question accordingly agreed to.

DELEGATED LEGISLATION (COMMITTEES)

Ordered,

That the Petroleum Licensing (Exploration and Production) (Landward Areas) (Amendment) (England and Wales) Regulations 2016 (S.I., 2016, No. 1029), be referred to a Delegated Legislation Committee.—(Chris Heaton-Harris.)

PETITIONS

The future of nursery schools

6.45 pm

Daniel Zeichner (Cambridge) (Lab): I rise to present a petition on the future of our state-run nursery schools. It is the petition of the many parents and supporters of...
schools such as the Fields Children’s Centre in Cambridge. Those schools do brilliant work that is now threatened by funding changes.

The petition reads:

The petition of residents of Cambridge,

Declares that nursery schools have very good outcomes with regard to closing the achievement gap as well as supporting children with complex educational or medical needs; further that the petitioners are concerned by the Government’s proposals for early years funding that would mean that local authorities would pass on 95% of early years funding from central government directly to early year providers; further that should the proposals be accepted all nursery schools in Cambridgeshire will find themselves in dire financial difficulties; and further that the proposals would lead to a loss of early years provision as well as job losses for nursery staff.

The petitioners therefore request that the House of Commons urges the Government to drop their proposal that would require local authorities to pass on 95% of early years funding from central government directly to early year providers.

And the petitioners remain, etc.

Closure of bank in Odiham

6.48 pm

Mr Ranil Jayawardena (North East Hampshire) (Con): Banks are more than a utility; they provide a service to communities up and down the land. Today banks are changing definitions and moving the goalposts so that they can close more branches, including in my constituency. This is being done by all banks, at a time when they are seeking to rebuild trust. The people of Odiham want to make it clear to this House—they have done so well into their four figures—that they want their local bank to remain.

The petition reads:

The Humble Petition of the people of North East Hampshire, Sheweth,

That Lloyds Bank have proposals to close the Odiham High Street branch on 8th March 2017; that this high street branch is particularly highly valued; especially by older residents and small business owners who often pop in to manage their finances; and that if accounts are moved to Fleet, this becomes a four hour return journey by public transport, which is clearly not in the best interests of our community.

Wherefore your Petitioners pray that your Honourable House urges HM Government to take all possible steps to urge Lloyds Bank to reconsider this decision and to make sure that the banking industry considers the social implications of their actions.

And your Petitioners, as in duty bound, will ever pray, &c.

SS Mendi

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

6.48 pm

Dr Andrew Murrison (South West Wiltshire) (Con): A hundred years ago today, just before 5 o’clock in the morning, the troopship Mendi—on its way from Plymouth to Le Havre, in the company of HMS Brisk—was rammed by the freighter SS Darro in thick fog off the Isle of Wight and sank within just a very few minutes. More than 600 mainly black South African Native Labour Corps volunteers were killed in what remains one of the biggest maritime disasters in our waters in our history. On average, about 6,000 men were killed each day throughout the great war, which might explain why the death of 600 men in one incident, dreadful though that is, went unremarked in the House at the time. A search of Hansard will find no contemporaneous reference to it. I am very pleased to be able to rectify that this evening.

It is said that, as the Mendi slipped below the waves, the 65-year-old Reverend Isaac Dyobha steadied the men with these words as they conducted the death dance on the sloping deck:

“Be quiet and calm, my countrymen, for what is taking place is exactly what you came to do. You are going to die, but that is what you came to do. Brothers, we are drilling the death drill. I, a Xhosa, say you are my brothers. Zulus, Swazis, Pondo, Basutos and all others, let us die like warriors. We are the sons of Africa. Raise your war cries, my brothers, for though they made us leave our assegais back in the kraals, our voices are left with our bodies.”

Now, that is probably apocryphal, but the event became an iconic moment in South Africa—a rallying point for black consciousness in the years that followed. Post-apartheid, the Mendi has become a staple in the South African national story: monumentalised, used to name warships, and used to name this day—South Africa’s armed forces day. It is the inspiration for South Africa’s principal civil award for courage, the Order of Mendi. Still deeply and uncomfortably controversial in South Africa, we will probably never know the full details of what exactly happened on that cold foggy night, but the fortitude and dignity of the labour corps volunteers is beyond doubt. War is never glorious, but those who serve in it often are, as this episode so clearly demonstrates.

John Gribble and Graham Scott, in their excellent account of the sinking published this month by Historic England, describe what happened after the collision. There was, of course, a Board of Trade inquiry, conducted over five days in London. The penalty handed down to the Darro’s master seems unduly lenient, given that he was going much too fast in thick fog and failed to observe the rules for the prevention of collision at sea. Worse still, he stood off as men drowned, giving rise to a much circulated story that he was disinterested in rescuing men of colour. It has to be said that that allegation is unsubstantiated. The wreck was rediscovered in 1945 by a Navy hydrographer, and was explored by the Isle of Wight diver, Martin Woodward, in 1968.

Mr Andrew Turner (Isle of Wight) (Con): I am grateful to my hon. Friend for commemorating the centenary of the sinking of SS Mendi. He will be aware that the SS Mendi was positively identified by one of my constituents,
Mr Martin Woodward has a museum in Arreton, where the bridge telegraph from SS Mendi is exhibited—it is a very great memorial.

Dr Murrison: Indeed. We have to be very grateful to Mr Woodward. He was, I believe, a self-taught diver who dived in an old hard hat rig. In those days—the 1960s—diving off the Isle of Wight was quite something. It would have been difficult work. I am yet to visit his museum in Arreton, but I will certainly make it my business to do so when I am next on the island.

In 2009, the Mendi was designated as a war grave by the Ministry of Defence. In 2012, English Heritage commissioned the excellent Wessex Archaeology, which is based near my constituency, to research the wreck and produce a report.

Jim Shannon (Strangford) (DUP): I commend the hon. Gentleman for bringing this subject forward for debate. Does he agree that it is only right and proper to remember those who sailed off to fight in a war that, it could be argued, was theirs not by fact, but by the principles of freedom and democracy? It is fitting that we in this House play our part by commemorating the souls lost on that fateful night.

Dr Murrison: Yes, the hon. Gentleman is absolutely correct. These volunteers—they were all volunteers—could have seen this as somebody else’s war on the other side of the world, but they did not. For whatever reason, I suspect there was a mixture of reasons and motives—they travelled 6,000 miles to serve in the conflict on the western front, while others served in other theatres of the great war. We have to be extremely grateful to them for their work and, in many cases, their sacrifice.

The Wessex Archaeology report produced in 2012 and the board of inquiry report serve as the authoritative primary sources on this tragedy. It is good to note that from today, the 100th anniversary, the Mendi qualifies under the 2001 UNESCO convention on the protection of the underwater cultural heritage.

Today’s centenary is an occasion, first and foremost, for us to commemorate brave men who lost their lives in Britain’s icy waters, but it also gives us an opportunity to reflect on the world as well as the war, since the war to end all wars drew many thousands from around the globe to its killing fields. The historiography and remembrance of the great war have, for 100 years, been overwhelmingly of the white war fought by white men in Europe, but the jigsaw has some missing pieces. The centenary is an opportunity to find them and fit them. Drawn from India, China, the Caribbean, Egypt and across Africa, as well as the UK, the labour corps were an essential part of the great war story. Neglected for too long, they must now be heard.

Some 100,000 men served in the Chinese Labour Corps and 40,000 in the French equivalent under arrangements with the Chinese Government. They were seen as cheap labour and dismissed as “coolies”, and the UK trade unions resisted their employment in the British Isles. In 1917, there was a reluctance to allow black men to raise a hand against whites, even against the enemy on the western front—they might, after all, develop a portable taste for it, which was an alarming prospect for the Union Government of Louis Botha.

The South African Native National Congress, the predecessor of the African National Congress, sensing an opportunity to advance the prestige of black people and further its political ambitions, offered to raise combatant troops but was rebuffed by Pretoria. So although non-whites did fight in theatres where the enemy, too, was likely to be non-white, they served on the western front as unarmed labourers. In France and Flanders, they were treated as second class and were penned up in compounds like prisoners of war. When they returned home, the Government in Pretoria failed to live up to earlier promises, denying them campaign medals bearing the relief of a monarch in whose name they had been prepared to sacrifice all. One veteran said he felt “just like a stone which, after killing a bird, nobody bothers about, nobody cares to see where it falls.”

None the less, South African Native Labour Corps members returned to their homeland utterly changed, with perspectives, horizons and ambitions that would not suit their rulers. One white officer told his men: “When you people get back to South Africa, don’t start thinking that you are whites, just because this place has spoiled you. You are black, and you will stay black.”

Some will say that this is inconvenient history, that we must not judge yesterday by the standards of today, and that we have no business raking it all up, but I would argue that the great war centenary is the last opportunity to shine a light on the unremembered. The story will be incomplete and partial for as long as they remain in the shadows.

The experience of the great war centenary so far has been that the candid and respectful exploration of shared history, however uncomfortable, has not driven people apart or reignited hurt and grievance, but brought them together. We saw that so well last year in the island of Ireland, in the commemorations surrounding the centenary of the Easter Rising and the Somme offensive. To my mind, the Mendi tragedy is primarily a heartrending story of stoicism and bravery in the face of adversity, but inevitably it also prompts difficult questions about attitudes to race in the early 20th century, the progress made over 100 years and where we are today.

The story of the SS Mendi, like the battle of Delville Wood during the Somme offensive of 1916 has, of course, particular resonance in South Africa, but we must commemorate it, too, in the United Kingdom. There is a danger—

7 pm

Motion lapsed (Standing Order No. 9(3)).

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

Dr Murrison: We must commemorate it, too, in the UK, because there is a danger that some communities in modern Britain may get the impression that they have little equity in what we as a nation are commemorating during this four-year centenary, and that it has nothing to do with them.

On Friday, in the presence of the South African high commissioner, I had the great privilege of launching an engagement project funded by the Department for Communities and Local Government, called “The Unremembered: World War One’s Army of Workers”.

Mr Andrew Turner

Indeed. We have to be very grateful to Mr Woodward. He was, I believe, a self-taught diver who dived in an old hard hat rig. In those days—the 1960s—diving off the Isle of Wight was quite something. It would have been difficult work. I am yet to visit his museum in Arreton, but I will certainly make it my business to do so when I am next on the island.
Created by the Big Ideas Community Interest Company, it ensures that communities across the UK will remember the 616 brave men of the South African Native Labour Corps and 30 crew members who lost their lives on 21 February 1917. Over the coming months the project will explore men from across the globe, as well as from the UK, who went to theatres of war not to fight, but to dig trenches and latrines, build hospitals and roads and carry food, water and the wounded. Unremembered will encourage and support communities to explore the role of labour corps during the great war and after it in the great clean-up operation that set about restoring normality to the battlefield and reburying the dead under the supervision of the Commonwealth War Graves Commission.

Graham Evans (Weaver Vale) (Con): My hon. Friend is making very powerful points, for which I pay tribute to him. Is he aware of the Hollybrook memorial in Southampton, which is dedicated to those who died on the SS Mendi? It might be a good idea for the Royal British Legion and local schools to remember this date in future years, so that those who died on that day 100 years ago will never be forgotten.

Dr Murrison: My hon. Friend is absolutely right. Yesterday, a commemoration was held in Southampton to mark the loss of people on the Mendi. A service is held every year, with this year being particularly special, given the fact that it is the 100th anniversary.

Unremembered will reach out to Britain’s diverse communities, bringing to mind the world as well as the war, and reminding everyone that the events of 100 years ago are very much to do with them today. The Basotho, Pondo, Swazi, Xhosa and Zulu volunteers of 1917, some of them high born and educated, most far more modest men, believed that what they were going to do was to carry food, water and the wounded. Denied the respect and recognition for rest, but by early 1917, the need for labour on the western front had become critical as a result of the unprecedented scale of casualties suffered: I think my hon. Friend said that there were about 6,000 a day during the war. That was the catalyst for the creation of the labour corps. Maintaining the vast military infrastructure of camps, transport routes, stores and supply dumps and communications networks was a mammoth undertaking. Without the efforts of the labour corps, the Army and other fighting forces simply could not have functioned.

It is right for the events of 100 years ago not to be forgotten. I am pleased that the Under-Secretary of State for Foreign and Commonwealth Affairs, my hon. Friend the Member for Bournemouth East (Mr Ellwood)—who has ministerial responsibility for Africa—was able to represent Her Majesty’s Government at the Commonwealth War Graves Commission’s Hollybrook cemetery in Southampton yesterday. In the presence of Her Royal Highness the Princess Royal, those brave men were honoured with the respect and recognition that they fully deserve on the 100th anniversary of their deaths. I agree with my hon. Friend that it is important for us not to forget the discrimination faced by many who served in the labour corps. This anniversary is an opportunity for us to recognise our nation’s past, and to strengthen our ties with the nations that supported us and fought beside us. The Government are commemorating the centenary, as well as the wider role of the labour corps, in a number of ways.

The CWGC cares for the graves and memorials of the 1,300 members of the South African Native Labour Corps who lost their lives in the first world war. We know that the majority of those who died aboard the Mendi were never found, but nearly 600 are commemorated by name on the Hollybrook memorial in Southampton. As is the case with all the Commission’s cemeteries and memorials, every one of those named at Hollybrook is commemorated in the same way. In life they had very different experiences, but in death they are honoured with equal respect. The remains of 19 who died aboard the Mendi were recovered, and buried in cemeteries and local churchyards. Today their graves can be found...
along the coastlines on either side of the English channel. There are graves at Milton cemetery in Portsmouth—where a commemorative event took place on Friday—and also in France and the Netherlands.

As my hon. Friend mentioned, the Government are funding a community engagement project called “The Unremembered: World War One’s Army of Workers” to recognise the contribution of the tens of thousands of labourers who served in the first world war. I urge schools and communities throughout the country to take part in that important project, which will focus on the role of labour corps including the South African Native and Chinese Labour Corps, and will provide educational resources to enable schools and communities to learn more about them. Its aim is to further understanding of the impact of the first world war, to achieve positive community impact, and to raise awareness of local heritage sites, particularly the labour corps war graves and memorials that can be found in the UK. I would also like to remind organisations that the Heritage Lottery Fund has funding available to explore, conserve and share local first world war heritage. Thousands of young people and communities throughout the UK have already been involved in activities marking the centenary, and I encourage local communities to apply to this fund.

The centenary programme aims to commemorate all who served in the first world war and were impacted by it, and to provide opportunities for the public to rediscover our shared history. I therefore conclude today by paying tribute to all who lost their lives in 1917 at the sinking of the SS Mendi and all who were affected by it. Together, we will ensure that they have not been forgotten.

Question put and agreed to.

7.10 pm

House adjourned.
Oral Answers to Questions

INTERNATIONAL DEVELOPMENT

The Secretary of State was asked—

Export Licences

1. Ms Margaret Ritchie (South Down) (SDLP): What recent discussions she has had with the Secretary of State for International Trade on the granting of export licences to Saudi Arabia.

Priti Patel: As my hon. Friend will have just heard me say very specifically with regard to Saudi Arabia and to export licences, a judicial review is under way and we cannot comment on ongoing legal matters.

Ann Clwyd (Cynon Valley) (Lab): Famine looms over Yemen, as the Secretary of State will know. What is the UK doing to ensure that aid is not being impeded by the Saudi-led coalition?

Priti Patel: The right hon. Lady may be aware that the UK has not just funded the Yemen appeal, but led the way in the UN with our support. We are the fourth largest bilateral donor. DFID and the British Government have been very clear and direct on the matter of working on the ground and of making the case to the Saudi Arabian authorities that they must not impede humanitarian aid and support. We have been working with many of our international partners to monitor the access routes to ensure that supplies can get into Yemen, which, as she knows, is vital at this difficult time.

Tom Brake (Carshalton and Wallington) (LD): On the subject of granting export licences to Saudi Arabia and indeed to other countries, does DFID make representations about matters such as civilian casualties and breaches of international humanitarian law?

Priti Patel: I can assure the right hon. Gentleman that we do more than make representations, and we do so not just through Government, but directly. I have dealt directly with the authorities in Saudi Arabia and with the Kingdom of Saudi Arabia relief fund, and made some very specific requests with regard not just to the situation on the ground and the conflict, but, as I have already said to the right hon. Lady, to getting support to the people who need help in this crisis.

Syria

2. Mr David Burrowes (Enfield, Southgate) (Con): What assessment she has made of the humanitarian situation in Syria.

Priti Patel: The situation in Syria is devastating and appalling. The UN estimates that 13.5 million Syrians are in need of humanitarian assistance, and 1.5 million are living in siege-like conditions. There are 4.9 million refugees in the region. The UK, as my hon. Friend will know, has been at the forefront of the international effort in providing support to the region and to Syria directly.

Mr Burrowes: I commend that leading effort. Can the Secretary of State assure me that our aid is reaching Christian refugees who face jeopardy because, sometimes, they avoid the official camps for fear of persecution? Those who end up in those camps face further persecution because of their faith.

Priti Patel: My hon. Friend is right to raise that matter. It is a really important issue given the movement of migrants and refugees. Ensuring the safety of refugees and protecting them from persecution is absolutely at the heart of the UK’s involvement, especially with regard to the aid and support that we provide in Syria.
and the wider region. I can assure him that all the agencies and partners with which we work pay particular attention to monitoring the welfare and safety of minorities, including those of Christians.

Thangam Debbonaire (Bristol West) (Lab): I recently had a very helpful meeting with one of the DFID Ministers about the situation in the berm—an area of no man’s land between Jordan and Syria. I am aware of how much the Government are doing with aid, but will the Secretary of State please update us on the humanitarian situation in the berm and what else is being done and could be done to help those refugees?

Priti Patel: I thank the hon. Lady for raising the appalling situation in the berm; it is a devastating situation. She asked about what we are doing. Obviously, work has taken place through our agencies and partners, and more directly with the Jordanian Government. We are working with them in a very difficult, hostile terrain and territory in order to ensure that people and children are being protected and that they are getting access to food and water, which, frankly, is a major priority in the berm.

Anna Soubry (Bromley and Chislehurst) (Con): Last week, I met a number of Syrian refugees along with the hon. Member for Tooting (Dr Allin-Khan); we were guests of Oxfam in Jordan. The Secretary of State was also in Jordan not that long ago. Will she tell us what plans she and the Government have to continue to support Jordan in its magnificent efforts—a country of 9 million people that has taken in and housed 1.5 million Syrian refugees? What more can we do to help Jordan?

Priti Patel: I thank my right hon. Friend for her question. She has seen at first hand the incredible and remarkable work in Jordan—a host country and a host community. It is under great strain and pressure, particularly economically, but also in providing the vital support that is needed. What more are we going to do? Post the London conference is the Brussels conference. I have been clear—this is exactly why I was in Jordan—about the additional support that we will give to Jordan, not just as the UK but through the international community, with the World Bank and the International Monetary Fund, and through many of the reforms taking place in Jordan itself.

9. [908738] Peter Grant (Glenrothes) (SNP): At DFID questions on 11 January, the Secretary of State told my hon. Friend the Member for Glasgow North (Patrick Grady) that her Department was actively pursuing the possible use of drones to drop emergency aid in Syria. Will she update the House on what progress has been made since then?

Priti Patel: I thank the hon. Gentleman for his question. In besieged areas inside Syria, there are enormous problems of access to humanitarian aid and things of that nature. On drones, we are examining all options for getting aid into besieged areas in Syria. That includes the possibility of using drones to deliver aid directly.

Mr Peter Bone (Wellingborough) (Con): The Government should be congratulated on being the second biggest donor in the area—second only to the United States. We can look after more people closer to home than we can in this country. What is the Secretary of State doing to encourage other European countries to match our level of support for the region?

Priti Patel: My hon. Friend raises a really important point. We are constantly calling on other donor countries to step up and effectively pull their fingers out by putting more money into the international system. The Government are leading reform of the international system: we are challenging donor countries to be much more efficient and effective in how we distribute aid and get resources directly to people in the country and in the region.

Albert Owen (Ynys Môn) (Lab): Like the Secretary of State, I met thousands of children in the camps of Jordan, Lebanon and Turkey who had fled Syria; I saw etched on their faces the fear they had experienced while in Syria. As others have done, I welcome the work in those host countries, but is the Secretary of State not embarrassed that the Government have turned their back on our obligation to take 3,000 unaccompanied children who have fled Syria and are in Europe?

Priti Patel: I, too, have met and spoken to hundreds of such children and seen and heard from them directly the trauma that they have experienced in travelling from Syria into the neighbouring countries. The hon. Gentleman cannot justify saying that we are not helping those children: we take the welfare of unaccompanied asylum-seeking children more than seriously. We have made very clear commitments to those children and that is what we are doing. We have committed to resettling 20,000 Syrian nationals through the Syrian vulnerable persons resettlement scheme and 3,000 of the most vulnerable children. That is on top of being the second largest bilateral donor to Syria and inside the region.

Kate Osamor (Edmonton) (Lab/Co-op): I thank the Secretary of State for all the work she is doing in Syria, but I draw her attention to the humanitarian crisis in the Lake Chad region, where around 450,000 children are at risk of severe acute malnutrition. Can she assure me that the Government’s response to this crisis is purely humanitarian, and does she think the UK is acting in good time?

Mr Speaker: I am sure that the hon. Lady meant also to refer to Syria—it was probably a slip of the tongue—as that is the question on the Order Paper. She probably did, but I did not hear it.

Priti Patel: I thank the hon. Lady for speaking about the humanitarian crises in Syria and in the Lake Chad region; she is right to mention the awful situation there. UK aid is clearly directed and focused on providing food, water and shelter to give protection to the most vulnerable people who need that life-saving support at this very difficult time.

UN Gender Equality Initiative

3. Alex Cunningham (Stockton North) (Lab): What support the Government are providing to the UN’s Step It Up for Gender Equality initiative.

[908732]
The Parliamentary Under-Secretary of State for International Development (James Wharton): UN Women is an important organisation and partner in the global fight to deliver gender equality, women’s rights and women’s empowerment. The UK Government provide £12 million a year in core annual funding support for that organisation.

Alex Cunningham: Budget day on 8 March is also International Women’s Day. Given that 93 countries have already made firm commitments to the UN’s Step It Up initiative, will the Minister now set that date as a deadline for the UK to make its formal commitment and show that it is fully engaged in international action to combat gender inequality?

James Wharton: The UK is a world leader in combating gender inequality. Since 2011, more than 5 million girls have been through education thanks to the work of the UK. We have seen 10 million women get access to modern family planning, and have saved more than 100,000 lives in childbirth. We have seen 36 million women given better access to financial services. Women’s empowerment and gender equality are key parts of what we do and of what this Government do, and we intend to continue to deliver on that.

8. [908737] Vicky Foxcroft (Lewisham, Deptford) (Lab): In the light of the large number of unaccompanied children who remain at risk of trafficking and exploitation in Europe, and bearing in mind councils such as Lewisham, which offered 23 places but has filled only one, will the Government reconsider their decision to drop the Dubs scheme?

James Wharton: The hon. Lady, of course, expresses her concern for some of the most vulnerable children, including girls, in the world who have suffered such terrible persecution and problems in the countries from which they have fled. The UK is the second largest donor in the region, and we can assist many more by helping where the need is most immediate. We must always be careful to ensure that steps taken by the UK Government do not inadvertently facilitate further trafficking and difficult journeys. We must channel money to where it can have the most impact and help the most people.

10. [908739] Paula Sherriff (Dewsbury) (Lab): Part of preventing exploitation is allowing women access to family planning services, so will the Minister join me in utterly condemning Trump’s global gag rule? Will we offer any new funding for projects that are now under threat?

James Wharton: The UK is a global leader in the area of family planning. The Secretary of State is bringing together a significant family planning conference, which the UK will host in the coming months. We need to ensure that where we are able to help people to lead better lives, to deliver economic growth, and to empower women and deliver on gender equality, we continue to be a global leader in that space. That is what we will continue to do. Of course, we always have to adapt to decisions made by our international partners.

Kate Osamor (Edmonton) (Lab/Co-op): Despite the leading role that the former Prime Minister played in shaping the sustainable development goals globally, there has been slow progress domestically. Will the Secretary of State update the House on the progress of implementing the goals across Government Departments?

The Secretary of State for International Development (Priti Patel): The global goals are absolutely embedded not just in what the Department for International Development does, but across Government. As I may have mentioned in response to other questions, we are in the process of revising every single departmental plan across Government, and the global goals will be fully recognised in that process.

South Sudan

4. Mr Laurence Robertson (Tewkesbury) (Con): What assessment she has made of the humanitarian situation in South Sudan.

The Secretary of State for International Development (Priti Patel): The humanitarian situation in South Sudan is deeply concerning, with 4.9 million people who do not have enough to eat. Famine has been declared in the Unity State. We are monitoring the situation and working to get direct aid into South Sudan at what is, quite frankly, a devastating time for that country.

Mr Robertson: I thank the Secretary of State for her response and for the work that she is carrying out in South Sudan. As well as providing the immediate humanitarian assistance, is there any prospect of building some sort of in-country resilience for the future?

Priti Patel: My hon. Friend makes an important point. Our priority, of course, is emergency aid—food assistance and water. We are also asking others to step up, particularly donors. We are calling on all sides that are involved in the conflict to end the fighting, because we need long-term political solutions if we going to end the current crisis.

Patrick Grady (Glasgow North) (SNP): The famine declared in South Sudan is the first anywhere in the world for six years. Last night the all-party Sudan and South Sudan group launched its report on the need for peace in the wider region. How is the Secretary of State’s Department responding specifically to these crises? Will she confirm that she will defend the aid budget so that it focuses on those in desperate need and is not subject to smash-and-grab raids by the Foreign Secretary to support diplomatic empowerment funds?

Priti Patel: It is important that we recognise the state of the world right now. We are seeing four crises—four famines—around the world. We are in an unprecedented time. This is the first time we have seen this situation since the last certified famine in 2000. I do not see it as an issue about how we spend money across Government Departments; it is about how the UK shows global leadership when it comes to times of humanitarian crisis in the world. The British Government are leading the world right now, calling on others to step up, but also saving lives and changing lives at this critical time.

Dame Caroline Spelman (Meriden) (Con): The Anglican communion and the Anglican Alliance have a network of churches in southern Sudan and can help to get aid to those who most need it. How is the Secretary of State engaging with the Anglican communion in that area?
Priti Patel: My right hon. Friend is absolutely right: the Church community—the Anglican communion—are present there. We are working with all partners because of the nature of the challenging situation on the ground. Let us be very frank: there is no easy solution in terms of aid access and getting support to people, so we are working with all partners. It is important to recognise that all partners and humanitarian workers are doing very difficult work in very challenging situations. This House should praise them all for what they are doing at this difficult time.

Mr Gregory Campbell (East Londonderry) (DUP): We have been offering assistance for some considerable time in the general area, but given the problems that have been generated in South Sudan in the past six months, can the Secretary of State outline what specific steps have been taken to get assistance to the people there in recent months?

Priti Patel: I absolutely can. We have been very specific, not only in terms of UK support through the partner network that I have referred to but through DFID and the UK presence on the ground, in getting direct assistance to people. The situation is challenging. People are being persecuted and violence is driving them out of their homes. People are now in camps. We are working to protect civilians and ensure that within those camps they are protected and safeguarded as well as in receipt of food, shelter and water.

Scottish Government: Meetings

5. Ms Tasmina Ahmed-Sheikh (Ochil and South Perthshire) (SNP): When she next plans to meet her counterpart in the Scottish Government. [908734]

The Minister of State, Department for International Development (Rory Stewart): Prompted by the question, I spoke to Alasdair Allan yesterday and we have a date firmly in the diary for a future meeting.

Ms Ahmed-Sheikh: I am grateful to the Minister for his answer. Does he agree that Scottish international development organisations, while often smaller than their English counterparts, can offer as much or more in terms of value for money and impact, as well as continuing to contribute to the preservation of positive public opinion in relation to international development? What steps can he take to ensure that DFID-funded programmes are made more accessible to smaller funded international non-governmental organisations based in Scotland as well as their counterparts in NIDOS—the Network of International Development Organisations in Scotland?

Rory Stewart: There are two separate questions there. First, I pay tribute to Scottish charities, ranging from major charities such as the HALO Trust through to smaller charities working with the Scottish Government on the ground in Malawi. Secondly, our Department is very much committed to working with smaller NGOs and civil society organisations which often know more, can do more, and care more than bigger organisations.

Montserrat

6. Anne McLaughlin (Glasgow North East) (SNP): What support her Department is providing to Montserrat to help that country become self-sufficient. [908735]

The Parliamentary Under-Secretary of State for International Development (James Wharton): The Department is continuing to provide significant support to Montserrat, including budgetary support and work that we are doing to help to develop the economy to make it sustainable into the future.

Anne McLaughlin: The Premier of Montserrat, Donaldson Romeo, recently told MPs and peers that he does not want his country to be the recipient of international aid for generations to come. Instead, he is looking for strategic capital investment to develop, for instance, the tourism industry. Will the Minister meet the all-party group on Montserrat to discuss some of his suggestions so that the country can once again become self-sustaining?

James Wharton: As always, DFID Ministers would be delighted to meet parliamentary colleagues. I am sure we would be happy to arrange an appropriate meeting, and I can assure the hon. Lady that we are looking to invest in long-term economic prospects in Montserrat, as elsewhere.

Donbass

7. Tom Blenkinsop (Middlesbrough South and East Cleveland) (Lab): What recent assessment she has made of the humanitarian situation in the Donbass region of Ukraine. [908736]

The Minister of State, Department for International Development (Rory Stewart): The United Nations assesses that more than 3 million people are currently victims of the ongoing violence in Ukraine. Our particular concern is about the 800,000 people living along the line of contact, suffering continual violence over the past three years.

Tom Blenkinsop: Russian aggression in the east of Ukraine has resulted in the internal displacement of 1.6 million Ukrainians. Russian aggression is now heightening in the east of Ukraine. Apart from seeking a resumption of the ceasefire in the east of Ukraine, will the Government commit to providing additional support to the Ukrainian Government to deal with such numbers of internally displaced people?

Rory Stewart: The British Government currently provide support to Ukraine in two ways. First, we provide support directly to the Ukrainian Government and governance programmes. Secondly, through the International Committee of the Red Cross and People in Need, which is a Czech organisation, we provide humanitarian assistance. We must be clear that this conflict in Ukraine was caused and is sustained by Russian aggression.

Topical Questions

T1. [908780] Henry Smith (Crawley) (Con): If she will make a statement on her departmental responsibilities.
The Secretary of State for International Development (Priti Patel): This year the world faces numerous humanitarian crises, to which I have already referred. Parts of South Sudan are now in famine and there is a credible risk of famine in Yemen, north-east Nigeria and Somalia. That is why today I have announced new packages of support. The UK’s message to the world is clear: we need to act now to help innocent people who are starving to death.

Henry Smith: Can my right hon. Friend be more specific about measures her Department is taking to help to address the potential crisis that is developing in Somalia, South Sudan and other countries in the region?

Priti Patel: Specifically, our focus right now is on emergency food and water. That is where the need is. We are talking about more than 1 million people in both countries who need urgent support. They are the focus of our attention right now. Obviously, working with our partners, we will make assessments to see what additional support we will need to continue to put in.

Imran Hussain (Bradford East) (Lab): The Rohingya are among the most persecuted people in the world today. In recent weeks and months, they have faced new waves of violence perpetrated by the Burmese Government. How much of the £95 million budget for the Burma project will go towards much-needed assistance for the Rohingya, and what steps are the Government taking to ensure that that happens?

The Minister of State, Department for International Development (Rory Stewart): We absolutely agree that the situation for the Rohingya is deeply troubling. We are dealing with it in different ways. I raised it personally on my last visit to Burma with the Minister of Home Affairs and Aung San Suu Kyi. DFID staff are accessing the Rohingya areas and we continue to work with Kofi Annan and the UN system, but the hon. Gentleman is absolutely right to say that it is vital that we get humanitarian access and support to the Rohingya population.

Priti Patel: The UK has much to celebrate when it was the heart of our new trade deals?

Priti Patel: I did not fully hear the question, but I did hear the most important point, which was that of Africa and economic development. The British Government, through UK aid, are at the forefront of leading the way when it comes to prosperity and economic development. We will continue to do exactly more of that. [ Interruption ]

Mr Speaker: Order. We are discussing matters affecting some of the most vulnerable people on the face of the planet. Let us have a bit of order for Mary Robinson.

T6. [908787] Mary Robinson (Cheadle) (Con): Like many Members, I have visited the UNICEF-run Zaatari camp in Jordan, where almost 80,000 refugees have settled since being forced from Syria. Overwhelmingly, the children I spoke to had wonderful aspirations to become doctors, nurses, scientists and engineers. What steps is the Department taking to ensure that humanitarian aid reaches these camps and helps refugee children to get the education they need?

Priti Patel: My hon. Friend is right to raise this important issue. Education is crucial in the camps but also in the region. In both Jordan and Lebanon we have helped to support more than 200,000 children to have access to education. The UK, once again, is leading the way to enable more and more children to go to school in the region.

T4. [908785] Tommy Sheppard (Edinburgh East) (SNP): On Sunday, the Israeli military authorities issued 40 demolition notices on the Bedouin village of Khan al-Ahmar in the occupied Area C of the west bank. If this happens tomorrow, it will mark a dramatic escalation of the demolitions and will compromise DFID’s actions in the region. Can I ask the Government to call on the Israeli authorities to cease—

Mr Speaker: Order. We are deeply grateful.

Rory Stewart: This is an issue that the hon. Gentleman and I have discussed on a number of occasions. We remain absolutely clear, as the British Government, that it is necessary both to protect the security of the Government of Israel and to ensure that the legitimate rights of the Palestinian people are protected. We will continue to work carefully to monitor illegal demolitions.

Fiona Bruce (Congleton) (Con): The Independent Commission for Aid Impact is a unique body created to scrutinise DFID. What assurances can Ministers give that the forthcoming review of ICAI’s own performance will be conducted independently of the Department that it scrutinises?

Priti Patel: I can assure my hon. Friend that the tailored review of ICAI will be carried out in accordance with the guidance that has been set very clearly for the reviews of non-departmental public bodies, including all the relevant and appropriate levels of independence.

T5. [908786] Lucy Powell (Manchester Central) (Lab/Co-op): As we approach Fairtrade fortnight, what is the Secretary of State doing to ensure that fair trade is at the heart of our new trade deals?
Priti Patel: The hon. Lady is absolutely right to raise the importance and significance of fair trade. This is at the heart of everything that we in DFID stand up for, in terms of principles and values. In our economic development work, that is exactly what we are championing throughout DFID.

Nusrat Ghani (Wealden) (Con): Daesh continues to commit genocide against the Yazidi people. May I ask the Secretary of State what aid is being targeted to support Yazidi men and women?

Priti Patel: My hon. Friend will have heard my earlier response about the persecution of minorities in conflict areas, particularly with regard to the middle east crisis. We are working with all our partners to ensure that the Yazidi people are receiving aid and protection through our partnership-working on the ground.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [908728] Yasmin Qureshi (Bolton South East) (Lab): If she will list her official engagements for Wednesday 22 February.

The Prime Minister (Mrs Theresa May): 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.

Yasmin Qureshi: Yesterday, the campaign group fighting cuts at West Cumberland hospital was due to deliver a 30,000-strong petition to Downing Street. Despite having a slot booked, they were turned away at the gates and told, “Today isn’t a good day. Come back after Thursday.” How can the Prime Minister justify this disgraceful dismissal of the people of Copeland?

The Prime Minister: A petition was indeed delivered to No. 10. The petition was accepted by No. 10 Downing Street yesterday, so I suggest to the hon. Lady that she go as far back as that. Let us just look at Labour’s policy before the last election, because before the last election, the right hon. Member for Leigh (Andy Burnham), the former Labour shadow Health Secretary, said the following: “what I’d cut…are hospital beds”.

Labour policy: cut hospital beds.

Jeremy Corbyn (Islington North) (Lab): When hospitals are struggling to provide essential care, why is the Prime Minister’s Government cutting the number of beds in our national health service?

The Prime Minister: Thanks to the medical advances, to the use of technology and to the quality of care, what we see on hospital stays is actually that the average length of time for staying in hospital has virtually halved since the year 2000. Let us look at Labour’s record on this issue. In the last six years of the last Labour Government, 25,000 hospital beds were cut. But we do not even need to go as far back as that. Let us look at Labour’s policy before the last election, because before the last election, the right hon. Member for Leigh (Andy Burnham), the former Labour shadow Health Secretary, said the following: “what I’d cut…are hospital beds”.

Labour policy: cut hospital beds.

Jeremy Corbyn: In 2010, there was the highest ever level of satisfaction with the national health service, delivered by a Labour Government. The British Medical Association—[Interruption.] It’s doctors. The British Medical Association tells us that 15,000 beds have been cut in the past six years, the equivalent of 24 hospitals, and as a result, we have longer waiting times at A&E, record delayed discharges and more people on waiting lists. The Prime Minister claims the NHS is getting the money it needs, so why is it that one in six A&E units in England are set for closure or downgrading?

The Prime Minister: I will tell the right hon. Gentleman what is happening and what has happened since 2010 in A&E: we see 1,500 more emergency care doctors—that includes 600 more A&E consultants—and we have 2,400 more paramedics. We have more people being seen in accident and emergency every single week under this Government. He talks about what the NHS needs: what the NHS needs is more doctors—we are giving it more doctors; what it needs is more funding—we are giving it more funding. What it does not need is a bankrupt economy, which is exactly what Labour would give it.

Jeremy Corbyn: I asked the Prime Minister why one in six A&E units are currently set for closure or downgrading; she did not answer. One of the problems—she well knows this—is the £4.6 billion cut to social care, which has a knock-on effect. Her friend the Tory chair of the Local Government Association, Lord Porter, has said that extra council tax income will not bring in anywhere near enough money to alleviate the growing pressure on social care”.
Two weeks ago, we found out about the sweetheart deal with Tory Surrey. When will the other 151 social services departments in England get the same as the Surrey deal?

**The Prime Minister:** The right hon. Gentleman refers to the questions he asked me about Surrey County Council two weeks ago. Those claims were utterly destroyed the same afternoon, so rather than asking the same question, he should stand up and apologise.

**Jeremy Corbyn:** Far from my apologising, it is the Prime Minister who ought to be reading her correspondence and answering the letter from 62 council leaders representing social service authorities who want to know if they are going to get the same deal as Surrey. They are grappling with a crisis, which has left over 1 million people not getting the social care they need.

We opposed Tory cuts in the NHS which involved scrapping nurses’ bursaries, because we feared it would discourage people from entering training. The Prime Minister’s Government said that removing funding for nurses’ bursaries would create an extra 10,000 training places in this Parliament. Has this target been met?

**The Prime Minister:** There are 10,000 more training places available for nurses in the NHS. The right hon. Gentleman talks about the amount of money being spent on the NHS. It is this Conservative Government who are putting the extra funding into the NHS. I remind him that we are spending £1.3 billion more on the NHS this year than Labour planned to spend if it had won the election.

**Jeremy Corbyn:** My questions were about social services funding to pay for social care—no answer. My questions were about the number of training places for nurses being brought in—no answer. In reality, 10,000 fewer places have been filled because there are fewer applications. A problem is building up for the future. In addition, the Royal College of Midwives estimates that there is a shortage of 3,500 midwives in England, and the Royal College of Nursing warns:

“The nursing workforce is in crisis and if fewer nurses graduate in 2020 it will exacerbate what is already an unsustainable situation”.

Will the Prime Minister at least commit herself to reinstating the nurses’ bursary?

**The Prime Minister:** The right hon. Gentleman asked me a question about nursing training places, which I answered. If he does not like the answer he gets, he cannot just carry on asking the same question if I have answered it previously. He talks about all these issues in relation to what is happening in the NHS, so let us look at what is happening in the NHS: we have 1,800 more midwives in the NHS since 2010; we have more people being seen in accident and emergency since 2010; and we have more operations taking place every week in the NHS. Our NHS staff are working hard. They are providing quality care for patients up and down the country. What they do not need is a Labour party policy that leads to a bankrupt economy. Labour’s policy is to spend money on everything, which means bankrupting the economy and having no money to spend on anything. That does not help doctors and nurses, it does not help patients, it does not help the NHS, and it does not help ordinary working families up and down this country.

**Jeremy Corbyn:** Yes, let us look at the national health service and let us thank all those who work so hard in our national health service, but also recognise the pressures they are under. Today, a Marie Curie report finds that nurses are so overstretched they cannot provide the high-quality care needed for patients at the very end of their lives. The lack of care in the community prevents people from having the dignity of dying at home. There is a nursing shortage and something should be done about it, such as reinstating the nurses’ bursary.

The Prime Minister’s Government have put the NHS and social care in a state of emergency. Nine out of 10 NHS trusts are unsafe, 18,000 patients a week are waiting—[Interruption.] Mr Speaker, I repeat the figure: 18,000 patients a week are waiting on trolleys in hospital corridors and 1.2 million often very dependent—[Interruption.] It seems to me that some Members are not concerned about the fact that there are 1.2 million elderly people who are not getting the care they need. The legacy of her Government will blight our NHS for decades: fewer hospitals, fewer A&E departments, fewer nurses and fewer people getting the care they need. We need a Government who will put the NHS first and will invest in our NHS.

**The Prime Minister:** First, the right hon. Gentleman should consider correcting the record, because 54% of hospital trusts are considered good or outstanding—quite different from the figure he cited. Second, I will take no lessons on the NHS from the party—[Interruption.] Oh, the deputy leader of the Labour party says we should take lessons on the NHS, but I will not take any lessons from the party that presided over the failure that happened at Mid Staffs hospital. Labour says we should learn lessons. I will tell the House who should learn lessons: the Labour party, which still fails to recognise that if you are going to fund the NHS—we are putting money in, and there are more doctors, more operations and more nurses—you need a strong economy. We now know, however, that Labour has a different sort of phrase for its approach to these things. Remember when it used to talk about “boom and bust”? Now it is borrow and bankrupt. [Interruption.]

**Mr Speaker:** Order. We must get through Back Benchers’ questions and the Prime Minister’s answers to them. I call Mr Michael Tomlinson.

Q4. [908791] Michael Tomlinson (Mid Dorset and North Poole) (Con): Brendan Cox will meet today with the Duchess of Cornwall to launch plans to bring communities together over the weekend of 17 and 18 June to mark the first anniversary of our colleague Jo’s death. The aim of this Great Get Together, as it has been called, is for more than 10 million people across the country to come together as communities and neighbours for events such as street parties, picnics and even bake offs. Will the Prime Minister join me in agreeing that such events and moments of national reflection and celebration in our communities will be a fitting tribute to Jo and will remind us all that, as she herself said, we have far more things in common than things that divide us?

**The Prime Minister:** My hon. Friend raises an extremely important point, and I am very happy to agree that what is becoming known as the Great Get Together is a fitting and important tribute to our late colleague Jo
Cox. I commend her husband, Brendan—I am sure that everyone across the House would wish to do so—for the work that he has done. As my hon. Friend said, it is important to remember that there is more that brings us together than divides us, and this is an important moment of national reflection and celebration of the strength of our communities. As we face the future together—these are momentous times for this country—it is important that we remember that being united makes us strong and recognise the things that unite us, as a country and a people, and the bonds we share together. This is a very fitting tribute to our late colleague.

Angus Robertson (Moray) (SNP): In recent days, the Prime Minister has said that it is a key personal commitment to transform the way domestic violence is tackled. It is hugely welcome that she has called for ideas about how the treatment of victims could be improved and more convictions against abusers secured. Combating violence against women and preventing domestic violence is the aim of the Istanbul convention, which the UK is yet to ratify. Does she agree with Members on both sides of the House that the convention should be ratified as a priority?

The Prime Minister: The right hon. Gentleman raises an important subject. As he says, I take it particularly seriously—I worked hard on it as Home Secretary and I continue to do so as Prime Minister. There were still an estimated 1.3 million female victims of domestic abuse in the last year and more than 400,000 victims of sexual violence. He is right that we signed up to the Istanbul convention, and we are fully committed to ratifying it, which is why we supported in principle the private Member’s Bill of the hon. Member for Banff and Buchan (Dr Whiteford) on Second Reading and in Committee. In many ways, the measures we have in place actually go further than the convention, but I am clear that we need to maintain momentum, which is why I am setting up a ministerial working group to look at the legislation and at how we can provide good support to victims, and to consider the possibility of a domestic violence Act.

Angus Robertson: This Friday, the House will consider a Bill on the Istanbul convention. We know that Ministers have been working hard with my hon. Friend the Member for Truro and Falmouth (Sarah Newton), has had a number of constructive discussions with the hon. Member for Banff and Buchan. The Government have tabled some mutually agreed amendments, for which the Government will vote this Friday. I hope that all my hon. Friends who are present on Friday will support these measures. This is an important Bill. The Government have supported it, and I hope it will be supported on both sides of the House.

Q6. [908793] William Wragg (Hazel Grove) (Con): Residents in the village of High Lane in my constituency are concerned about 4,000 homes proposed under the Greater Manchester spatial framework, which will more than double the size of the village. What assurances can my right hon. Friend give to my constituents that the green belt is safe with this Government?

The Prime Minister: I am happy to give that commitment to my hon. Friends. The Government are very clear that the green belt must be protected. We are very clear that boundaries should be altered only when local authorities have fully examined all other reasonable options. If they do go down that route, they should compensate by improving the quality or accessibility of the remaining green-belt land so that it can be enjoyed. I know about the particular issue that my hon. Friend raises, and I believe that the Greater Manchester spatial framework led to quite a number of responses. There was a lot of interest in that consultation, which closed last month, and I am sure that all those views will be taken into account.

Q2. [908789] Caroline Flint (Don Valley) (Lab): Last week, the all-party group on children of alcoholics launched a manifesto for change. Some 2.5 million children are growing up in the home of a problem drinker—I did, too. These children are twice as likely as others to have problems at school, three times more likely to consider suicide, and four times more likely to become an alcoholic, yet today 138 local authorities have no plan to support these children. Will the Prime Minister work with the all-party group to establish the first ever Government strategy to tackle this hidden problem that blights the lives of millions?

The Prime Minister: The right hon. Lady raises an important issue. I know that she recently spoke very movingly about her own experience. I am sure that Members on both sides of the House recognise the devastating impact that addiction can have on individuals and their families, so this is an important issue for her to raise. It is unacceptable that children bear the brunt of their parents’ condition. The Government are committed to working with MPs, health professionals and those affected to reduce the harm of addiction and to get people the support they need. We shall look carefully at the proposals suggested by the right hon. Lady.

Former Military Personnel: Northern Ireland

Q9. [908796] Dr Julian Lewis (New Forest East) (Con): If she will take steps to introduce legislative proposals to provide legal protection to former military personnel who served in Northern Ireland at least equivalent to that offered to former republican and loyalist paramilitaries.

The Prime Minister: As I have made clear, I think it is absolutely appalling when people try to make a business out of dragging our brave troops through the courts. In the case of Northern Ireland, 90% of deaths were caused by terrorists, and it is essential that the justice system reflects that. It would be entirely wrong to treat terrorists more favourably than soldiers or police officers. That is why, as part of our work to bring forward the Stormont House agreement Bill, we will ensure that
investigative bodies are under a legal duty to be fair, balanced and proportionate so that our veterans are not unfairly treated or disproportionately investigated.

Dr Lewis: While I welcome that reply, it does not go quite as far as I and many other people would like. There is no prospect of new credible evidence coming forward against our veterans of the troubles up to 40 years after the event, yet people are starting to use the same techniques in Northern Ireland against them as were used against veterans of Iraq. Surely the answer has to be a statute of limitations preventing the prosecution of veterans to do with matters that occurred prior to the date of the Belfast agreement.

The Prime Minister: As my right hon. Friend knows, we are looking at this issue as part of the Stormont House agreement. What we are doing is ensuring that the investigative bodies responsible for looking at deaths during the troubles will operate in a fair, balanced and proportionate manner. We want cases to be considered in chronological order, and we want these protections enshrined in legislation. We are going to consult fully on these proposals, because we want to make sure that we get this right.

Engagements

Q5. [908792] Gerald Jones (Merthyr Tydfil and Rhymney) (Lab): When the new local housing allowance cap for social tenants is introduced in 2019, it will hit people on low incomes in my constituency hard. In places such as Maidenhead, the allowance will often exceed the average rent, but the basic weekly allowance in Merthyr Tydfil is £67, while the rent charged by Merthyr Valleys Homes is £76, which is already one of the lowest social housing rents in Wales. That will mean that tenants, including many older people, will be expected to find nearly £500 a year to put towards their rent. Will the Prime Minister act now? Will she issue clear guidance to exempt older people, at the very least, from these crude cuts, and also to ensure that the local housing allowance is in line with local rents?

The Prime Minister: Local authorities have a fund and can exercise discretion. There will be some variation across the country, and steps have been taken to ensure that particularly vulnerable people are not affected in the way that the hon. Gentleman suggests.

Q10. [908797] Dr Tania Mathias (Twickenham) (Con): The lack of large-scale vaccine manufacturing has been described as a national security issue for our country, and it will take many years to build that up. Will the Prime Minister look into what more the Government can do to address this highly critical health and defence concern?

The Prime Minister: My hon. Friend is absolutely right to raise the issue in that context. The Government take it very seriously. The ability to ensure that we can readily scale up vaccine production in the event of a pandemic is, as she says, vital to our national security. As I am sure she will understand, the precise details are necessarily confidential, but I can assure her that we have provisions in place to ensure that urgently needed vaccines are available in the UK at short notice, including in the event of a pandemic. As an added contingency, we are funding a £10 million competition to establish a world-leading centre for vaccine manufacturing. However, that is only part of the picture, because we are in a strong position: we have one of the most comprehensive and successful vaccination programmes in the world, backed up by £300 million in this year alone.

Q7. [908794] Kerry McCarthy (Bristol East) (Lab): Last night Bristol City Council set its budget. Very difficult decisions were made more difficult by the abject failure of the previous Mayor to get a grip on the council’s finances. It has taken a Labour Mayor to face up to the challenge, but Government cuts are making his task almost impossible, and devolution simply means asking us to do more with less. We did our bit last night in setting the budget; will the Prime Minister now meet the Mayor of Bristol to discuss the fairer funding deal that the people of Bristol deserve?

The Prime Minister: I understand that my right hon. Friend the Communities Secretary has indeed had such a meeting to discuss the issue that the hon. Lady has raised.

Q11. [908798] Chris Davies (Brecon and Radnorshire) (Con): Seventeen years ago, my constituents Sue and Glyn Jones received a phone call that no parent should ever have to take. The caller told them that their daughter Kirsty, who was backpacking in Thailand, had been brutally murdered. The Thai authorities are due to close their investigation of Kirsty’s murder soon but, as yet, her case remains unsolved, her killer remains free, and her parents have neither justice nor closure. May I ask my right hon. Friend to press the Thai authorities to use recently improved DNA techniques to bring the killer to justice, to endeavour to provide more support for families who have lost loved ones abroad and, finally, to ensure that Kirsty’s personal effects are, at last, returned home to her parents from Thailand?

The Prime Minister: I am sure that the whole House will join me in offering condolences to the Jones family and in recognising the terrible trauma that they have been through as a result of the killing of their daughter. As I am sure that my hon. Friend appreciates, it is not for the British Government to interfere with police investigations that take place in another country, but I understand that the Foreign Office has been providing support and remains ready to do so. Our embassy in Bangkok will continue to raise these issues with the Thai Government, and I am sure that the Foreign Office will keep my hon. Friend updated on any developments.

Q8. [908795] Phil Wilson (Sedgefield) (Lab): In the Prime Minister’s Lancaster House speech, she said of a future trade agreement with the EU: “no deal for Britain is better than a bad deal for Britain.” In the spirit of consistency, will that rule also apply to any future trade negotiations with the United States of America, where President Trump has said that America comes first?

The Prime Minister: I assure the hon. Gentleman that, as I have said consistently, we will be ensuring that when we negotiate trade deals with whichever countries around the world, they will be good deals for the UK.
Q12. [908799] Crispin Blunt (Reigate) (Con): In the Marriage (Same Sex Couples) Act 2013, we took the power, subject to a consultation and the laying of an order, to give humanists in England and Wales the opportunity to celebrate marriages as they do in Scotland. We have had the consultation, with 90% approval, and there has even now been reference to the Law Commission, which has concluded. Will my right hon. Friend now give her attention to laying this order and giving humanists in England and Wales the same rights and freedoms as they enjoy very successfully in Scotland?

The Prime Minister: My hon. Friend has been following this issue closely over recent years. I think he recognises that this is an important and complex area of law, and we want to make sure that proposals are considered properly. That is why the Ministry of Justice is carefully examining the differences in treatment that already exist within marriage law, alongside the humanist proposals, so that the differences can be minimised. I am sure that my hon. Friend will agree that it is both right and fair to approach this in that way.

Q13. [908800] Neil Parish (Tiverton and Honiton) (Con): In February 2008, Mr Barry Pring, the brother of one of my constituents, was unlawfully killed in Ukraine. Mr Pring’s Ukrainian wife is clearly implicated in his death. Earlier this year, our coroner in Devon ruled that Mr Pring was tricked into standing on a carriageway before being run down by a car that had stolen licence plates and no lights—death was immediate. However, every time an investigating officer makes progress with the case in Ukraine, they are replaced. This has happened 10 times and the case has stalled. May I implore my right hon. Friend to raise this case with the Ukrainian Prime Minister so that we can get justice and closure for Barry’s mother and brother and the Pring family?

The Prime Minister: I am sure that the whole House will join me in offering condolences to Barry’s family following his death in 2008. I understand that my hon. Friend has discussed this case with my right hon. Friend the Foreign Secretary. As I said in reply to an earlier question, it is not for the British Government to interfere in the legal processes of another country, but the Foreign Office has been regularly raising this case with the Ukrainian authorities and will continue to do so. It is my understanding that UK police have assisted the investigation on a number of occasions and all information from the UK coroner’s inquest will be passed on. I am sure that the Foreign Office will keep my hon. Friend updated on any developments.

Q14. [908801] Nic Dakin (Scunthorpe) (Lab): My constituent Kevin’s chances of survival from pancreatic cancer were no better than his mother’s, who died of that disease 40 years earlier. This disease is soon to become the fourth biggest cancer killer in the UK. Will the Prime Minister join MPs on both sides of this House to champion a significant increase in spending on pancreatic cancer research which, sadly, currently lags behind that on other cancers?

The Prime Minister: The hon. Gentleman raises a very important point that is obviously of particular relevance in the case of the constituent to whom he refers. As he says, pancreatic cancer is one of those cancers that it is very difficult to deal with and treat. There has been a lot of attention over the years on certain cancers, such as breast cancer, but it is important that the appropriate attention is given to cancers that are proving more difficult to deal with, such as pancreatic cancer.

Q15. [908802] Gavin Newlands (Paisley and Renfrewshire North) (SNP): Tens of thousands of disabled people on the Motability scheme have had their cars removed by this Government. In November, the Minister for Disabled People, Health and Work said that they will be looking at allowing personal independence payment claimants to keep their cars pending appeal. Next week, my constituent Margaret Gibson will lose her car, which she regards as a lifeline, despite a pending appeal and two decades of receiving higher rate disability living allowance. Will the Prime Minister update the House on the progress of this review to help Margaret and thousands like her?

The Prime Minister: The hon. Gentleman raises an issue about the way in which these assessments are made and the implications of the decisions taken. He referred, I think, to a review in relation to PIP payments and the Motability element of that. If I may, I will write to him with further details.

Derek Thomas (St Ives) (Con): It was a year ago this week that the Edward Hain community hospital was temporarily closed due to fire safety concerns. There are now no community beds in the towns of St Ives, Penzance and St Just, or in the rural areas in between. GPs, residents and local campaigners agree with me that this valued community hospital needs to be reopened as an urgent priority. Will my right hon. Friend the Prime Minister apply pressure to NHS Property Services and to Cornwall’s NHS managers to find a way of getting that building work done and reopening those community beds?

The Prime Minister: This is obviously a concern for my hon. Friend’s constituents—he is right to raise it. I am sure that he recognises that the first priority must be to ensure that patients are treated in a safe and secure environment, and I understand that the local clinical commissioning group and the NHS have been working closely to ensure that community hospital facilities in Cornwall are fit to deliver that expectation. I think that a review has already been undertaken into the repairs and improvements needed to bring the Edward Hain community hospital up to a safe standard, and the CCG will be looking at the infrastructure and facilities that it needs, once a final local plan has been agreed. Obviously my right hon. Friend the Health Secretary has heard my hon. Friend’s representations.

Caroline Lucas (Brighton, Pavilion) (Green): The Government’s business rates hike could devastate the local economy in my constituency. Brighton pier is facing a 17% increase, the World’s End pub a 123% increase, and Blanch House hotel a 400% increase. Does the Prime Minister recognise that Brighton will be disproportionately affected? Will she urgently set up a discretionary fund to support small and micro-businesses, and agree to a full review of the whole system?
The Prime Minister: If we just stand back, we can see that business rates are based on the rental values of properties. Those values change over time—they can go up and down—and it is right that business rates change to recognise that. That is the principle of fairness that underpins the business rates system. However, we also want to support businesses and we recognise that, for some, business rates will go up when the revaluations take place. That is why we have put significant funding in place for transitional relief. I recognise that there has been particular concern that some small businesses will be adversely affected as the result of this revaluation, and that is why I have asked the Chancellor and the Communities Secretary to ensure that there is appropriate relief in those hardest cases.

Sir Julian Brazier (Canterbury) (Con): My right hon. Friend gave a sympathetic answer to my right hon. Friend the Member for New Forest East (Dr Lewis) and I know that she has taken particular interest in the matter that he raised. May I put it to her that, for many of us, there is something profoundly wrong with a criminal justice system that can pursue veterans who have risked their lives for this country 40 years on, long after there is any possibility of new evidence, while it is at the same time capable of paying out £1 million to a terror suspect?

The Prime Minister: In relation to the issue in Northern Ireland, the legacy bodies were part of the Stormont House agreement and we are working to deliver on that agreement. As I said in reply to my right hon. Friend the Member for New Forest East (Dr Lewis), the overwhelming majority of our armed forces in Northern Ireland served with great distinction and we owe them a huge debt of gratitude. The situation at the moment is that cases are being pursued against officers who served in Northern Ireland, and we want to see the legacy body set up under the Stormont House agreement taking a proportionate, fair and balanced approach. As I said earlier, we recognise that the majority of individuals who suffered did so at the hands of terrorists.

Andy Burnham (Leigh) (Lab): On the steps of Downing Street, the Prime Minister pledged to end the “burning injustice” of so few working-class boys going to university. Will she tell me how cutting every single secondary school place for every child has the opportunity to go as far as their talents and their hard work enable them to go.

Paul Scully (Sutton and Cheam) (Con): Mr Speaker, you saw at first hand what a cup run means to a town and a club such as Sutton. With AFC Wimbledon out of the picture, I wonder whether my right hon. Friend will join me in congratulating Sutton United on such a spirited performance on Monday, and in wishing Lincoln City well for keeping the non-league spirit alive in the next round of the FA cup. Finally—[ Interruption. ]

Mr Speaker: Order. The hon. Gentleman must be heard.

Paul Scully: Finally, will my right hon. Friend join me in congratulating and thanking Arsenal for their generosity in allowing Sutton to keep a little extra slice of the FA cup pie?

The Prime Minister: If I may say so, that was a neat reference to pie at the end of the question. I am happy to congratulate Sutton on their extremely good run in the FA cup. It makes a huge difference to a local area when its football club is able to progress to that extent, to be up there with the big boys, and to do as well as Sutton did. I am also happy to congratulate Lincoln City—I see that my hon. Friend the Member for Lincoln is sitting next to my hon. Friend the Member for Sutton and Cheam (Paul Scully)—on their success. We wish them well for the future.

Michelle Thomson (Edinburgh West) (Ind): The UK Green Investment Bank, which is co-located in Edinburgh, is being sold, and recent newspaper reports suggest that the contract could be concluded soon. That is happening despite the UK’s stated focus on research and development, and the fact that no realistic guarantees have yet been given as to the continuation of a proper headquarters and board based in Edinburgh. Will the Prime Minister commit to looking again at why a sale at this time is not in the best interests of Edinburgh, the green agenda or UK taxpayers?

The Prime Minister: Before I respond to the hon. Lady’s question, I am afraid that I owe a couple of apologies. I am sorry for mixing up my hon. Friends the Members for Stroud (Neil Carmichael) and for Lincoln (Karl McCartney). I was obviously getting carried away with the football fever that my hon. Friend the Member for Sutton and Cheam introduced into the Chamber.

The hon. Member for Edinburgh West (Michelle Thomson) mentioned the Green Investment Bank. If I may, I will write to her with a response to her question.

Mr Speaker: I think it is fair to say that in dealing with the matter the Prime Minister has deployed a very straight bat.
**Points of Order**

12.43 pm

**Christian Matheson** (City of Chester) (Lab): On a point of order, Mr Speaker. May I seek your guidance on a matter that is hampering my ability to represent my constituents? Other hon. Members may also be suffering from this creeping issue. About a year ago, I had a problem with North Wales police when contacting them on behalf of a constituent. The force refused to deal with me unless I provided written permission from the constituent that I was able to talk to them on his behalf. I pointed out at the time that I had not plucked his name from the electoral register; he had come to see me and had asked me to take on his case. I then had a similar problem with my local hospital, the Countess of Chester, which refused to converse with me about constituents without prior approval. Again, I pointed out that the constituents would have come to see me and that I have a big enough case load without making up cases on behalf of constituents who may or may not exist.

Earlier this week, Ministers in the Department for Work and Pensions circulated a letter about universal credit—my hon. Friends the Members for Stretford and Urmston (Kate Green) and for Ellesmere Port and Neston (Justin Madders) raised this at DWP questions—that, again, required hon. Members to provide written consent from a constituent so that Ministers are able to discuss the constituent’s personal issues with their Member of Parliament. Sir, can you give me some guidance as to whether it is absolutely necessary for hon. Members, every single time we seek to make representations to a public authority on behalf of a constituent, to get that constituent’s written permission? That will add a great burden of admin to our already heavy workload. Or might you be able to say from the Chair that, if we are raising a case, it is because it has been raised with us by a constituent who is desperate for our support and that further administrative burden is most unwelcome?

**Mr Speaker**: I thank the hon. Gentleman for advance notice of his point of order, which it is reasonable to assume will be of real concern to Members on both sides of the House. I observe in passing that a similar concern was raised at oral questions to the Department for Work and Pensions on Monday.

What I will say to the hon. Gentleman is this: I will ensure—and I have consulted—that the matter is investigated. I undertake to report back to the House. It is a fundamental constitutional principle that Members of Parliament should be able to act on behalf of their constituents, and there is specific legislation, passed in 2002, to ensure that Members are not unreasonably constrained from doing so by data protection provisions. That does seem to me to be clear, and I am reinforced in that view not only by professional advice but by the healthy nodding of the Leader of the House’s head.

**Seema Malhotra** (Feltham and Heston) (Lab/Co-op): On a point of order, Mr Speaker. Media reports suggest that the Treasury and the Department for Communities and Local Government have sent some MPs constituency-level data on the impact of the Government’s business rates policy. It appears that that information has not been placed in the public domain or made equally available to all Members of Parliament. I understand today that the House of Commons Library has requested those data but, as of just before Prime Minister’s Question Time, the Department for Communities and Local Government, to which I have given advance notice of this point of order, has simply said that it is looking into it.

Are you aware of any reason why official data not in the public domain may be selectively released in this way? That action appears to breach protocols on impartiality, objectivity and integrity in the UK Statistics Authority’s code of practice for official statistics, as well as the ministerial code. Can you advise me as to what could be done to clear up the confusion and ensure that these, and all official data released, are in future published in line with national statistics protocols so that all MPs can equally scrutinise the likely effect of Government policy on our constituencies?

**Mr Speaker**: I thank the hon. Lady for giving notice of her intended point of order. I would certainly be concerned if it were true that Members on one side of the House have been given preferential access to Government statistics by a Government Department. I am not saying that that is so, and I do not know it to be. If it were, it would be a matter of concern.

At this stage, it is not for me to judge whether, if it had occurred, it would itself constitute a breach of the protocols or the code that the hon. Lady mentions. However, she has made her concern clear, and it has been heard by Ministers—I think I can safely say that because a Minister from the relevant Department, the Under-Secretary of State for Communities and Local Government, the hon. Member for Nuneaton (Mr Jones), is on the Treasury Bench.

I feel sure that the hon. Member for Feltham and Heston (Seema Malhotra) will find opportunities to pursue this matter, perhaps even later today in the local government finance debate, in dealing with which Ministers from the Department will be present on the Treasury Bench.

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr Marcus Jones) rose—

**Mr Speaker**: If the Parliamentary Under-Secretary of State wishes to attend to the matter now, that would be most helpful.

**Mr Jones**: Thank you, Mr Speaker. I can confirm that we will be providing the information that the hon. Member for Feltham and Heston (Seema Malhotra) has requested.

**Mr Speaker**: To all?

**Mr Jones**: Yes, to all.

**Mr Speaker**: Thank you. I am extremely grateful to the Minister for that additional comment.
BILL PRESENTED

VEHICLE TECHNOLOGY AND AVIATION

Presentation and First Reading (Standing Order No. 57)

Secretary Chris Grayling, supported by the Prime Minister, the Chancellor of the Exchequer, Secretary Amber Rudd, Secretary Elizabeth Truss, Secretary Greg Clark and Secretary David Mundell, presented a Bill to make provision about automated vehicles, electric vehicles, vehicle testing and civil aviation; to create an offence of shining or directing a laser at a vehicle; and to make provision about fees for courses offered as an alternative to prosecution for road traffic offences.

Bill read the First time; to be read a Second time tomorrow, and to be printed (Bill 143) with explanatory notes (Bill 143-EN).

Lee Valley Regional Park (Amendment)

Motion for leave to bring in a Bill (Standing Order No. 23)

12.50 pm

James Berry (Kingston and Surbiton) (Con): I beg to move,

That leave be given to bring in a Bill to amend section 48(4) of the Lee Valley Regional Park Act 1966 to remove the power of the Lee Valley Regional Park Authority to raise by way of levy on any local authority whose local authority area falls outside the area defined under section 2(2) of the Act; and for connected purposes.

Like so many people in this country, I love our parks and open spaces. I enjoy walking almost every weekend in the stunning parks we enjoy in south-west London. I doubt I can improve on the conclusions of the Communities and Local Government Committee’s excellent recent report on public parks, which said:

“Parks and green spaces are treasured assets and are often central to the lives of their communities. They provide opportunities for leisure, relaxation and exercise, but are also fundamental to community cohesion, physical and mental health and wellbeing, biodiversity, climate change mitigation, and local economic growth.”

I would be pleased to welcome any Member of this House to one of our excellent local parks in the Royal Borough of Kingston upon Thames—to the ancient Fairfield in Kingston, Fishponds park in Surbiton, Tolworth Court Farm fields, Churchfields in Chessington, or Beverly park in New Malden, to name but a few. All those parks are open for the public to enjoy and are maintained with Kingston taxpayers’ money. The same is the case for virtually every park in the country: local taxpayers pay for their local park.

Lee valley regional park is different. It is paid for not only by local ratepayers but by the ratepayers of every single London borough, including my borough, Kingston upon Thames, which is about as far away from the Lee valley as one can get within Greater London. Let me be clear that I have no quarrel with Lee valley regional park; it is an excellent facility, enjoyed by many Londoners. My simple contention is that, at a time when councils are having to reduce their parks budgets, it is no longer justifiable for hefty sums to be levied on London boroughs to maintain a park that is miles away and seldom used by their residents.

The Lee Valley Regional Park Authority was created by an Act of Parliament in 1966, to maintain and administer Lee valley regional park, a 10,000 acre amenity that stretches from Hertfordshire to East India dock. Along with the counties of Essex and Hertfordshire, seven out of London’s 32 boroughs have parts of the park within their local areas. It contains several state-of-the-art Olympic sporting venues, such as the Lee valley white water centre and the velopark. The development of those facilities was partially funded by the Mayor of London’s Olympic precept, for which London taxpayers have footed the bill since 2006.

The funding mechanism for the park is set out in section 48(4) of the 1966 Act, which allows the authority to raise funds for the upkeep of the park by way of a levy on every London borough, as well as on three councils immediately outside London. This unusual funding model might have been appropriate in 1966—
House certainly deemed it so 50 years ago—but, like the England football team’s fortunes, the financial position of local authorities was rather more favourable in 1966 than it is now. Local authorities have had to make significant spending cuts following repeated reductions in their revenue support grant, and will continue to have to do so until the business rates retention model championed by my local council leader, Councillor Kevin Davies, comes into force.

Councils are having to retreat to meeting the increasing demand on statutory services such as adult social care, at the expense of discretionary services, including parks. The Select Committee’s report shows that 92% of local authority parks departments have experienced budget reductions in the past three years. Kingston’s Conservative council has rightly maintained parks funding, but that is a political commitment that the Conservative group made in the 2014 local elections, and comes at the opportunity cost of funding in other discretionary areas that other councils have chosen to prioritise. It is against that backcloth that there is increasing disquiet, particularly south of the Thames, at having to pay the Lee valley park’s massive annual levy.

The opportunity to introduce this ten-minute rule Bill is timely, because local authorities received their demand from the Lee Valley Regional Park Authority just before the recent recess, on 10 February. The 2017-18 levy is £101,186,900. I should point out that that is a small but welcome reduction on last year’s levy, but it is out of step with the reduction in funding for local authorities over the same period. The demand on my local authority of Kingston is £160,730. Over the same period, the council will spend £1.3 million on parks, trees and ground maintenance within the borough. The ratepayers of Kingston, of whom I am one, would rightly ask why, when their services are under pressure, they are being forced to pay a sum equivalent to 10% of the borough’s own parks budget to maintain a park 20 miles away that few of them use and that some of them would never have heard of until I made this speech today. I ask the same question of this House.

A number of arguments will be levied against me. The first is that Lee valley park is there for the enjoyment of all Londoners, so the cost should be shared throughout London. However, as one would expect, there is an uneven distribution of visitors, with the numbers coming from the contiguous boroughs far outstripping the numbers coming from other boroughs, particularly those south of the river. That is borne out by the visitor statistics for last year, which show that 605,000 visits were made by residents from Waltham Forest, in which the park sits, yet only 5,000 visits were made by Kingston residents, and just 4,000 by Sutton residents—the lowest figure other than that for the tiny City of London corporation area.

If we divide the relevant levy by the number of visitors from those boroughs, the cost per visit tells an interesting story. A visit from each Waltham Forest resident costs the local council 32p per visitor, which does not seem unreasonable. A visit from a Kingston resident costs my local council £2.15 per visitor, which I suggest is wholly unreasonable. But we are not the worst affected: a visitor from Sutton costs their council £46.92 per visit. The levy bears no relation to the number of visitors from a borough in the previous year; I suggest that even if my Bill does not proceed, the funding formula is in need of radical review.

Another point that might be made against me is that Lee valley park would suffer from a loss of funding from all London boroughs. Let me be clear: I do not want to see any diminution in the quality of the park. There are, though, many other funding models. The levy on the local authorities proximate to the park could be increased, although clearly that would not be popular with those authorities. The park could be funded by central Government, as royal and national parks are. Alternatively, the park could find ways to reduce its frankly very high outlay—its budget is twice that of the largest park in the country, the Lake District national park, which is 58 times the size of Lee valley regional park—or it could increase its revenue, including through the amazing sports facilities it has been gifted at the taxpayers’ expense. Lord True offered some suggestions to that effect in the other place last March. I do not pretend to have a solution for the park’s future funding model; that will be a matter for future debate and consultation.

It is my contention that the Lee Valley Regional Park Authority should have its statutory power to levy charges on local authorities outside the area in which it sits removed. That is also the contention of colleagues on the Government Benches who have kindly lent their support to the Bill, as well as of London’s Conservative council leaders and the Greater London Authority Conservative group in the London Assembly. Judging by reports on the “No To Lee Valley Tax” campaign run by the Newsquest and News Shopper titles throughout south London, a number of representatives from across the political divide agree, too.

The Lee Valley Regional Park Act passed through the House more than 50 years ago, when the financial position of local authorities was very different. In straitened times, when local authorities are being required to cut their parks budgets, it is simply not right that, year on year, vast sums are being levied by the Lee valley authority on boroughs such as Kingston, to pay for the upkeep of a park many miles away that is seldom used by the residents of those boroughs. I hope that Lee valley regional park has a long future, but not at the expense of taxpayers in Kingston or throughout London.

12.59 pm

Stella Creasy (Walthamstow) (Lab/Co-op): I rise to oppose this legislation—[Interruption.] I hope that the hon. Member for Kingston and Surbiton (James Berry) will give me the opportunity to explain why. Let me declare straight away that, as a proud Member of Parliament for Waltham Forest, I am a regular user of the Lee Valley Regional Park Authority spaces. I have been to the ice rink, but I have not been on the horses. I certainly walk through the wetlands, and I look forward to enjoying the Walthamstow wetlands. As a young child with grandparents in Surbiton, I also enjoyed the parks of Kingston.

The legislation that the hon. Gentleman proposes is fundamentally misguided, because he misses the point about the value of regional parks for London and other areas. I am talking about the benefits of maintaining and developing beautiful spaces for recreation, nature
and enjoyment for all our constituents. I hope that, in the time available, I can set out the five reasons why I believe that, although he might think that he is standing up for the residents of Kingston, he may be selling them short.

First, the Lee Valley Regional Park Authority was set up to be a regional facility. It was established in the 1960s, before I was born, by the then Minister for Sport, and was given the role of delivering sports facilities and Olympic recreational facilities on their doorstep in London. The hon. Gentleman thinks that he is making the case for the local government cuts. I gently suggest to him that perhaps he should talk to his Front-Bench team about how these amenities can benefit us all. I gently suggest to him that, rather than trying to cut corners, he should encourage his constituents that there is nothing of interest in Lee valley park, he should encourage them to come and use the facilities that they are paying for. They will certainly receive a warm welcome from us all in the north-east corner of London.

Certainly, when the hon. Gentleman talks about visitor numbers, he is missing out on the fact that we have seen a 50% increase in the number of people visiting the Lee valley regional park. I suspect that that is simply not true. Many of them will have watched, or indeed have visited, the Olympics, in which the Lee valley regional park played a key role. I wager that many of his constituents cheered on Joe Clarke as he won Britain’s first gold medal in the London Olympics at the Lee valley canoeing centre. The hon. Gentleman thinks that he is speaking up for his constituents, but what he may be doing is misunderstanding their pride in what the Lee valley regional park was able to deliver in the Olympics and what it continues to deliver today.

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In conclusion, although I recognise that the hon. Gentleman thinks that he is making the case for the residents of Kingston, he should consider that the residents of London, who include the residents of Kingston and Surbiton, deserve better from us all. They deserve some strategic thinking, so that we invest in regional parks such as Lee valley. We should respect London as an urban green park in the future. We need to invest in our green spaces and, for the small amount of funding that entails, recognise the benefits that exist for us all. Lee valley park never saw it as simply benefiting those who lived nearby, but recognised that the investment in the park from all the regions would benefit every constituent.

The hon. Gentleman’s proposed legislation would have more merit if he was expressing an equally forensic concern about the visits by the residents of Kingston to say, the royal parks and asking about their funding. I did listen to what he said, but I have looked at his legislation and he is not suggesting a similar cut in the royal parks’ funding to reflect his concern about whether residents from Kingston actually visit those parks. That is the point: we invest in these regional organisations for our mutual benefit.

We have 14 sites of special scientific interest in the Lee valley regional park. Rather than not visiting the area, I invite the hon. Gentleman to join me when we open the Walthamstow wetlands to see for himself the benefit of the site. It will be a national site of significance.

The hon. Gentleman says that there are residents in Kingston who have not even heard of the Lee valley regional park. I suggest to him that that is simply not true. Many of them will have watched, or indeed have visited, the Olympics, in which the Lee valley regional park played a key role. I wager that many of his constituents cheered on Joe Clarke as he won Britain’s first gold medal in the London Olympics at the Lee valley canoeing centre. The hon. Gentleman thinks that he is speaking up for his constituents, but what he may be doing is misunderstanding their pride in what the Lee valley regional park was able to deliver in the Olympics and what it continues to deliver today.

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Police Grant

1.7 pm

Brandon Lewis (Hammersmith) (Lab): I am not sure whether people in London will recognise the rosy picture that the Secretary is painting. The Government are making £1 billion of savings. Does the Minister intend to shift more money away from London, as was planned in 2015—up to another £700 million? Will he fund the national and international capital city grant properly? That is £172 million short. With the Mayor, the Home Secretary is appointing a new commissioner. The Minister must realise that there are special responsibilities in London, which the Government should engage with.

Richard Fuller (Bedford) (Con): The Minister is making a lot of sense on this issue. As he will know, Bedfordshire, from a financial point of view, is one of the most structurally challenged police authorities. However, Kathryn Holloway, the police and crime commissioner, has found enough resources to put 100 new police officers on the frontline, so we can do very good things to increase frontline policing within this settlement. However, will the Minister tell us a little more about the timing of the review of the funding formula? That will make a big difference for Bedfordshire.

Brandon Lewis: As my hon. Friend will appreciate, I am not in a position at the moment to outline what the new funding formula will look like—that work is still ongoing—but I am happy to give him a flavour of where we are on timing. My hon. Friend makes a good point. Police forces around the country have done really good and interesting work on reform, which is why the number of officers spending more time on the frontline has gone up by a few per cent. in the past few years. That is a good thing because we are using our resources properly in ensuring that our uniformed police officers are on the frontline working with and for their communities.

Some really good work is going on. As well as meeting the Mayor’s Office for Policing and Crime, I have met the Bedfordshire PCC and chief constable to talk about some of the changes that they face, particularly as a county that has rural work as well as the focus of an urban centre in Luton. There are really good examples in Bedfordshire and elsewhere of how police forces work with other forces, as Bedfordshire does as part of the seven, and other agencies—the fire brigade, ambulance services and other public sector bodies—to bring about operational benefits that can bring savings and a better service for local communities.
Rishi Sunak (Richmond (Yorks)) (Con): I thank the Minister for his engagement with the North Yorkshire PCC on exactly these issues and the challenges of rural policing. May I urge him to consider the recommendations of his Department’s technical reference group, which has concluded that population is the best predictor of police demand and should therefore be a key part of any future funding formula for rural areas?

Brandon Lewis: I thank my hon. Friend for his comment. I am happy to be engaging with the excellent PCCs in both Bedfordshire and North Yorkshire—the latter’s being Julia Mulligan, whom I saw earlier this week. She is another good example of a PCC working to deliver for the frontline and looking for savings to make sure that even better and wider services can be delivered for local communities.

I come back to the timeline, mentioned by my hon. Friend the Member for Bedford (Richard Fuller), and will cover the point made by my hon. Friend the Member for Richmond (Yorks) (Rishi Sunak) about the technical reference groups working through the issue. Academics, police and crime commissioners, and chief constables are working on it.

I am grateful to all the PCCs and chief constables who have taken time to be involved, feed into the work and come to see me. I have an open-door policy for anyone who wants to put forward ideas for the group. On the timeline, I have been clear from the beginning: this is a big, important piece of work and it is important that we get it right. Rather than setting timelines, I want to let the groups do their work and report to us. We will then have to make decisions on how to take things forward. I am keen for the work to get done, but I do not want to pressure the groups with a specific timeframe. Hon. Members will have to bear with us on that. It is important that we take the time to get this right, rather than rushing to get it implemented.

Jo Churchill (Bury St Edmunds) (Con): Although it is said that sparsity and rurality will be taken into account, may I push the Minister once again? He has been kind with his time when we have discussed the issue, but this is important for our area. If the allocation is made just on the basis of population, Suffolk will get £3 million less than Norfolk, although they are very similar counties that the Minister knows very well.

Brandon Lewis: The Suffolk PCC and chief constable have lobbied me on that issue—in fact, the Suffolk PCC came in the past week or two to make that very point. There is a plan of work to do at the moment. The technical reference group and senior group will work through the issues and make those recommendations to us. I will not prejudge the outcome; it is right to let the experts do their work on what the fundamentals should be.

The settlement also includes extra resources for national programmes including the transformation fund, which enables forces to undertake essential policing reform. Last year, we provided a planning assumption to the House to help PCCs. We are meeting our planning assumption for stable force-level funding. That means that every PCC who maximises their local precept income this year and in 2017-18 will receive at least the same direct resource funding in cash that they received in 2015-16.

I can also report to the House that local council tax precept income has increased faster than expected. That means that we can not only meet our planning assumption on stable local funding for PCCs but increase our national investment in policing reform and transformation faster than expected. That will ensure that police leaders are given the tools to support reform, and the capability to respond to the changing nature of crime and to protect the vulnerable.

Mr Kevan Jones (North Durham) (Lab): I hope that the Minister agrees that Durham has an outstanding Labour PCC in Ron Hogg and a first-rate chief constable, who is working hard not only to drive up standards but to make the force more efficient. Does the Minister recognise that forces such as Durham’s are hindered when it comes to raising the precept? Some 55% of properties in Durham are in band A, so an increase there would not generate a great deal of cash compared with what Surrey or somewhere else would receive.

Brandon Lewis: I recognise that Durham has a very good police force with an excellent chief constable. I met the chief constable and PCC pretty recently when they came to outline some of the points that the hon. Gentleman has just made. There are differences around the country and we must recognise that different areas will have different abilities to raise money locally according to the precept and their council tax base. The hon. Gentleman is right. I represent a constituency in which about 80% of properties fall into the lower council tax bands, so I fully appreciate his point. But the funding settlement is not the only source of money for police forces.

John Glen (Salisbury) (Con): The Minister is making sensible observations about the changing profile of crime and rural considerations, but will he think about the nature of crime and how it is different in rural areas? In agricultural areas outside Salisbury, there are crimes such as hare coursing. Difficult policing jobs that require police presence cannot be offset with technology. That must be understood in this review.

Brandon Lewis: My hon. Friend, as always, makes a very good point that outlines one of the realities of the way in which policing is changing. That is why it is important to have local decision making in policing, with locally accountable police and crime commissioners who understand the needs of their local areas and are able to direct their resources where they need them based on the demands of their area.

Andy Burnham: Will the Minister give way?

Brandon Lewis: I want to make some more progress.

This year, we created the police transformation fund—the grant settlement is not the only source of money for policing—which has already provided investment to develop specialist capabilities to tackle cybercrime and other emerging crimes, and has provided a major uplift in firearms capability and capacity. The fund will increase by £40 million next year to £175 million. We will continue
to allocate additional specific funding for counter-terrorism to ensure that critical national counter-terrorism capabilities are maintained. Counter-terrorism police funding continues to be protected and, in fact, will increase to £675 million in 2017-18. That reinforces our commitment to protect the public from the threat of terrorism. The House and the public can be in no doubt that the police will have the resources they need to do their crucial work, and will be given the investment necessary to provide a more modern and efficient police service.

James Berry (Kingston and Surbiton) (Con): I think my right hon. Friend will agree that we have the most professional armed police officers in the world. The statistics on fatalities bear that out. Does he agree that forces outside London must upscale their armed capacity to match the level that we have in London in view of the terror threat that affects the whole country?

Brandon Lewis: This comes back to the point that it is important that local police and crime commissioners, working with their chief constables, are able to assess the operational needs for their area and to work across policing. The National Police Chiefs Council is doing very well in ensuring that police forces are working across areas, and that chief constables are working together for the benefit of the country. The Metropolitan police has a big part to play in that, being such a large part of policing in this country.

Andy Burnham: Will the Minister give way?

Brandon Lewis: No, I want to make some progress.

There is a lot for the police to be proud of. However, Her Majesty’s inspectorate of constabulary’s police effectiveness, efficiency and legitimacy report this year raised a concern that some forces may have eased up on the pace of reform in the past year. The clear challenge from us to police leaders is to ensure that this is not the case in 2017-18 and, after talking to them, I think it is a challenge that they will relish. Maintaining funding should not mean that police leaders take their foot off the gas.

I assure the House that the Government will play their part to support forces to transform and become more efficient. I will update the House on the steps we are taking to give the police the tools they need to transform themselves. As I mentioned earlier, we are increasing the size of the transformation fund by more than £40 million, which will enable additional investment in cross-force specialist capabilities, exploiting new technology, driving efficiency and improving how we respond to changing threats.

The first year of the fund has demonstrated that it is supporting and incentivising policing to meet future challenges by being more efficient and effective, and building capability and capacity to respond to a changing mix in crime, as my hon. Friend the Member for Salisbury (John Glen) outlined. The key to the success of this work is that it is sector led, through the Police Reform and Transformation Board; this is the police service transforming itself to meet the demands of the future, using tools provided by this Government.

Mr Kevan Jones: Will the Minister give way?

Brandon Lewis: Not at the moment.

With the foundations of the police-led process firmly in place, more can now be done to develop compelling investment proposals at scale. The fund should continue to allow the best ideas from across policing for transformational change to be developed and delivered. In 2017-18, we will invest a further £32 million to continue a major uplift in firearms capability and capacity so that we can respond quickly and forcefully to any firearms attack. I expect to see ambitious proposals, endorsed by the National Crime Agency, to go further and increase our capability to tackle serious and organised crime, which is a growing, dynamic and diverse national security threat that costs the United Kingdom at least £24 billion a year. It leads to loss of life, preys on the vulnerable, creates negative role models in our communities and can deprive people of their security and prosperity. But we cannot simply rely on extra funding to drive police reform. We need to ensure that police forces have the right legislative tools to do the job and improve efficiency.

Mr Kevan Jones: I thank the Minister for finally giving way. I am sure that he is aware that Durham is the most outstanding police force in the UK for efficiency. Why has that not been rewarded in the settlement? For example, changes to the funding formula this year mean that the force in Durham will have £700,000 less in its budget than it had last year.

Brandon Lewis: I am slightly surprised by the hon. Gentleman’s opening comment because I have already accepted an intervention from him, along with many other interventions. He has actually made a good case for exactly why it is important that we do this police funding formula review—to ensure that we get a formula that is not based on the one that has been in place for decades and that many police forces are very unhappy with. We will deliver on our manifesto pledge to deliver a fair funding formula for police.

Andy Burnham: The public all over the country are noticing a reduction in visibility of neighbourhood policing and in responsiveness by the police. They will struggle to match what they see on the ground with the complacent statements that have been made in the House today. Let me remind the Minister—we need accuracy on this because police officers on the front line deserve it—that the promise of the 2015 spending review was “real-terms protection” for the police throughout this Parliament. Has he met that promise, yes or no?

Brandon Lewis: As I have already outlined twice to the right hon. Gentleman, we have met the promise of the spending review. Police and crime commissioners who maximise their precept are in the same position. No matter how many times he asks the same question, he will get the same answer. I give way to the hon. Member for Preston (Mr Hendrick).

Andy Burnham: He’s lying!

Mr Mark Hendrick (Preston) (Lab/Co-op) rose—
Brandon Lewis: I am sorry, if the hon. Gentleman will excuse me, I could not quite hear what the right hon. Member for Leigh (Andy Burnham) said. Would he like to intervene and outline that for us?

Mr Speaker: Order. I did not hear anything said that was out of order. If I did not hear it, I cannot act on it. At this point, the hon. Member for Preston (Mr Hendrick) is intervening, so we will hear that. If somebody wants to raise a point of order or whatever, he or she is free to do so, but I cannot comment on something that I did not hear.

Mr Hendrick: When the Chancellor announced in 2016 that police budgets would continue to be protected in cash terms assuming council tax was maximised, I—like many others—welcomed the news. Last year’s cuts to grant funding were a uniform 0.6% and this year’s provisional settlement outlined a further 1.3% cut to direct resource funding. How does that square with what the Minister said?

Brandon Lewis: I can only repeat what I said earlier: last year, we protected police spending when the precept was taken into account. The overall level of government funding allocated to police is exactly as announced in the 2015 spending review at £8.497 billion.

I am delighted that the Policing and Crime Act 2017 received Royal Assent on 31 January because it allows us to ensure that we are working towards implementing many provisions that will further help policing to reform and deliver in the future. The Act ensures that collaboration and more efficiency. Does he accept, however, that these reviews of formulae very often do not take into account the capacity of different kinds of forces to make changes? Large urban authorities have huge capacity to better tackle emerging threats can go further and faster, providing efficiencies to ensure that money is spent on the frontline delivering for the communities in which the police work. There is substantial evidence showing that closer collaboration between the emergency services can improve public safety, secure more efficient services and deliver better value for money for taxpayers.

Sir Oliver Letwin (West Dorset) (Con): My right hon. Friend knows that I strongly support his efforts to get collaboration and more efficiency. Does he accept, however, that these reviews of formulae very often do not take into account the capacity of different kinds of forces to make changes? Large urban authorities have huge capacity to make changes, but it is much more difficult for small rural police forces. Will he ensure that that is taken into account in the review?

Brandon Lewis: My right hon. Friend makes a good point. I assure him that we are looking at all those factors as we work through the process. It is so important that the police chief constables, the police and crime commissioners and other parties are doing solid work on the ground to ensure that the process is fully informed. I have no doubt that we will be debating that in the House in due course.

Police and crime commissioners and chief constables are already collaborating to make savings and pool resources to improve effectiveness, without sacrificing local accountability and identity. That is a credit to them.

Mr Stewart Jackson (Peterborough) (Con): My right hon. Friend is making a cogent case, as he usually does. I encourage him to proceed in the way in which he has outlined because my local constabulary, Cambridgeshire, is working on things such as firearms, forensics, dogs and homicide, and it has become much more efficient. For example, the tragic Joanna Dennehy murders of two or three years ago would not have been solved as expeditiously as they were without cross-county collaboration between several police forces.

Brandon Lewis: My hon. Friend is right. I met his chief constable and police and crime commissioner only this week and they showed me some of the excellent work being done there. It is one of the forces that is really driving forward and working to make sure that it delivers on the opportunities that the Act gives it to bring together the fire service and police force to create even further efficiencies and, importantly, better outcomes for residents in future.

Andy Slaughter: Efficiency has increased, but that can take us only so far. My borough is paying for an extra 50 police officers. Londoners are paying £61 in their council tax every year just to make up for the shortfall in the money that should be given to cover national events such as the planned visit of the President of the United States. Will the Minister guarantee that, when he looks further at funding, he will consider what local and regional authorities are contributing at the moment?

Brandon Lewis: I agree that it is important that as we go through the review work we look at the functions in a capital city that are different from those in other parts of the country. We do pay extra money into London, but we also have to bear in mind that London’s Metropolitan police is by far the best funded force in the country, accounting for just over 25% of all police funding. It is a very, very well-funded police force.

Andy Slaughter: Will the Minister give way?

Brandon Lewis: Not at the moment—I will make some progress.

We are making sure, through the Act, that we support greater collaboration. To do this, the Act contains provisions to enable police and crime commissioners to take on responsibility for local fire and rescue services, where the local case is made. This means that we can maximise the benefits of joint working between policing and fire services at a local level, drive innovative reform, and bring the same direct accountability to fire as exists for policing.

The police funding settlement for 2017-18 is not impacted by the ongoing police core grant distribution review, as the settlement retains the approach to distribution that we have used in recent years.

John Glen: Does my right hon. Friend acknowledge that the situation will be different in different places? Wiltshire and Dorset recently went through a consolidation of the fire service into one entity. Another organisational change would not be welcome, because that would mean more money being spent on that reorganisation when we have just had one in the fire service. This needs to be done carefully, county by county.

Brandon Lewis: My hon. Friend makes a very good point that highlights why it is important that this is driven locally. The Act is an enabling power, not a
mandatory one. He is absolutely right that his own local PCC and the adjoining PCC are looking at how they can be more involved in the governance of fire without necessarily changing the excellent work that was done to find savings in the past year or so.

Some hon. Members have mentioned the core distribution review. While I am talking about police funding on the current formula for this year, it would be remiss of me not to outline that review a bit further and answer a few of the questions about it, as there is clearly widespread interest. We are continuing the process of detailed engagement. Under an open door policy, I am meeting all PCCs and forces who wish to discuss this issue. I can also assure the House that no new funding arrangements will be put in place without a full, proper public consultation.

I want to re-emphasise that the 2017-18 police funding settlement provides fair and stable funding for police forces. It increases funding for the police transformation fund to ensure that police leaders have been given the tools to support reform and the capabilities that they need to be able to respond to the changing nature of crime. We are protecting police spending and meeting our commitment to finish the job of police reform so that we are able to make sure that we, and the police, are helping the vulnerable, cutting crime and supporting our communities. I commend this motion to the House.

1.34 pm

Carolyn Harris (Swansea East)(Lab): Labour Members deplore the approach that this Government have taken to police funding. They have broken their promise to Parliament that they would protect frontline policing. They have left police forces across the country without the money they need to keep our citizens safe from crime. With funding cut every single year, there are now 21,000 fewer police officers than there were in 2010. That is what this Government have done for policing.

Moreover, the Government have persistently failed to introduce a funding formula that is linked in any meaningful way to the needs of different areas. When they did try to do so, it literally did not add up and had to be withdrawn. Now we see in today’s motion that for another year they are simply salami-slicing the police budget again, with real-terms cuts of 2.7% across the force, regardless of need. They decided they could not run their own funding model because, they said, it was broken, but they have not been able to build a new one despite trying for four years.

This is incompetence. It is the action of a panicked and out-of-touch Government forced to make bad decisions that bear little relation to community needs because of the lack of capacity that is a problem of their own creation.

Gerald Jones (Merthyr Tydfil and Rhymney) (Lab): Does my hon. Friend agree that the 4.9% real-terms cut in Gwent police and 5.3% real-terms cut in South Wales police will put frontline policing at risk in those areas? I have spent some time with frontline police as part of the police service parliamentary scheme, and the frontline officers I have met certainly do not recognise the rosy picture painted by the Minister.

Carolyn Harris: I certainly do agree with my hon. Friend. I appreciate the work that he has done with the police service parliamentary scheme and know that he understands what real policing is really all about.

No wonder that only last week the outgoing head of the Metropolitan police said:

“It's getting difficult... The bottom line is that there will be less cops. I can’t see any other way... There’s only so much you can cut and make efficiencies and then you’ve got to have less police... I’m not sure that’s wise”.

We do not believe it is wise either.

Mr Kevan Jones: Does my hon. Friend agree that the pain has not been distributed equally across the country? In Durham we have lost 25% of our police officers since 2010. Nationally, the average is 12%, although Surrey, I understand, has lost only 1% of its officers.

Carolyn Harris: I certainly agree. I think the method is shambolic.

I turn to broken promises. Let me give a bit of history. In 2011, David Cameron said:

“There is no reason for there to be fewer front-line officers.”—[Official Report, 30 March 2011; Vol. 526, c. 335.]

Yet the number of police officers fell by almost 21,000 after he became Prime Minister. The total size of the police workforce has fallen by over 46,000 since 2010. Following a successful campaign from the Labour Benches led by my right hon. Friend the Member for Leigh (Andy Burnham), the former Chancellor, the right hon. Member for Tatton (Mr Osborne), told Parliament at the autumn statement in 2015 that “now is not the time for further police cuts... There will be real-terms protection for police funding.”—[Official Report, 25 November 2015; Vol. 602, c. 1373.]

Today’s figures show that he has broken that promise to Parliament. In fact, between 2015-16 and, going forward, 2017-18, the total amount of real-terms Government grants for police forces has fallen by 4.4%. The real-terms cuts we have seen in the past two years come on top of real-terms cuts of £2.3 billion—25%—in the preceding five years, as shown by the National Audit Office.

Sir Oliver Letwin: I am interested in the hon. Lady’s argument. Is she asserting that local taxation is not a form of revenue?

Carolyn Harris: It is.

The motion means that next year, after inflation, funding for London services will be cut by more than £48 million. The Northumbria police service will find itself in a position of having to increase the local tax burden by £6 million just to stand still, and funding for the South Wales police service will fall by over 5% in a single year.

Andy Burnham: This House has not been given an accurate picture. As my hon. Friend rightly says, the 2015 spending review promised real-terms protection. Local tax rises have not made up for Government cuts, so there are real-terms cuts to police services all over the country. Does she agree that, of all Government Ministers, the Policing Minister should tell the truth at the Dispatch Box?

Carolyn Harris: That would be welcome.
Meanwhile, crime levels, which the Government keep telling us have fallen, are actually about twice what they were previously presumed to be, as we have learned since January, following the inclusion of cybercrime. In London, the proposed settlement does not include the full cost of policing ceremonial and other national events that take place there simply because it is our nation’s capital.

Andy Slaughter: May I congratulate my hon. Friend on painting the correct picture, particularly in relation to London, which gets only half the money it should get nationally? Every Londoner pays a £61 subsidy through their council tax each year. One of the biggest costs relates to neighbourhood policing, which was destroyed under the previous Mayor of London and is being resurrected by the current Mayor, but that is happening under huge financial pressure and the Government’s failure to fund London properly.

Carolyn Harris: I certainly agree with my hon. Friend. A London citizen will end up paying more for national events through their council tax than anyone else. I am sure that my London colleagues will be pleased to know that the funding for trips such as that by President Trump will come out of their pockets.

The underfunding of our police services must stop. Our citizens deserve a police force that is fit for purpose, and our hard-working policemen and women deserve a Government who support them to do a job. The Minister is being disingenuous if he tries to imply that the cuts will not have a negative effect on our ability to police. In fact, we are starting to see real evidence that neighbourhood policing is suffering as a direct result of the Conservative party’s actions.

In its latest annual report, Her Majesty’s inspectorate of constabulary states:

“Neighbourhood policing is one area where the danger of across-the-board reductions in resources is apparent...As chief officers reduce their workforces, they will need to...include assurances that a smaller police workforce will not compromise public safety and explain any effect there might be on neighbourhood policing.”

I share those concerns. Neighbourhood policing matters. It is not just reassuring to local communities, but crucial for crime prevention. Unfortunately, however, I fear that the damage is already being done. Last year’s HMIC annual report went on to say that “we found that there were too many forces where there were signs of an ever-larger proportion of the workforce being drawn into responding to incidents, leading to a reduction in crime prevention activity.”

I do not believe that the cuts that we are being asked to approve today will not lead to further reductions in neighbourhood policing. I can only assume that that is a price that the Minister is prepared to pay.

The problem is compounded by cuts to other frontline services. As local authority and mental health services are also pared back, it falls to the police to pick up the pieces when preventable problems become emergency incidents. That is a problem for police resourcing, but more than that it is a tragedy for the individuals, families and communities concerned.

The HMIC assessment continued:

“Society should no longer tolerate conditions in which these illnesses and disorders are neglected until they land at the feet of the police, in circumstances of violence, disorder and desperation.”

Under this Government, those desperate situations are tolerated because they have got their priorities wrong. As a result, police resources are used to respond to individual crises that do not count in the crime figures. Forces themselves estimate that crime accounts for only 22% of the number of emergency and priority incidents. When the Minister says that crime is falling, he is wrong. It is wrong to use that as the justification for funding cuts.

The Minister argues that it is okay to cut, because forces can raise local precepts to fill the gap, but that misses the point. Raising the precept, which most forces, for understandable reasons, are attempting to do, is simply a way of asking the public to pay more because of the Government’s political decision to give less from general taxation.

Sir Oliver Letwin: rose—

Carolyn Harris: I am going to make progress. The Government are passing the buck on a monumental scale. More than that, it is unfair because some forces will be unable to raise as much as others.

Steve Double (St Austell and Newquay) (Con): rose—

Carolyn Harris: I am going to make progress. The ability of forces to raise funding will depend on local circumstances and the prevailing level of council tax, neither of which necessarily bears any relation to policing needs. In fact, initial results from a current research project at the London School of Economics, which is examining the factors that drive demand for policing, suggest that, in general, crime levels are significantly higher where house prices are lower. If that is correct, it means that shifting towards greater funding through a council tax precept is precisely the opposite of what is required. The communities with the greatest need will have the least ability to meet that need through higher tax rises.

All that suggests that the Government’s policy on policing is wrong. My real concern, however, is deeper: I do not think that the Government have any idea whether or not the cuts are jeopardising public safety. If the National Audit Office finds it hard to work out what the service is offering value for money, how can the Conservative party reassure us that the cuts are safe? Frankly, this is a mess.

In its 2015 report on the financial sustainability of police forces, the National Audit Office concluded that police forces have “insufficient understanding” of the demand for their services and what affects their costs. It said that that made it “difficult for them to...show how much resource they need, and demonstrate that they are delivering value for money.”

If the National Audit Office finds it hard to work out what the service is offering value for money, how can the Conservative party reassure us that the cuts are safe? Frankly, this is a mess.

We need to understand how the police force of the future will protect the public in a way that offers value for money for the taxpayer, but the Minister appears to have no idea how to do that. That is no wonder, for when the Government cannot even come up with a formula that funds forces fairly on current need, I can understand how considering how to respond to future needs must be way beyond their capability.
Even worse than that, the Government are ignoring the work that has already been done. In 2014 a group of senior police officers explored how policing should work in an environment of austerity. Their report, “reshaping policing for the public”, discussed a wide restructuring of the police force to get bigger bang for the taxpayers’ buck. However, I fear, as predicted by the police and crime commissioner for Northumbria, that the report just made its way on to a shelf in Whitehall and is collecting dust.

In summary, the Government present themselves as the party of law and order, but their policing policy is a shambles. They do not know what forces need or whether taxpayers’ money is being spent properly. They cannot say at what point efficiency gains become a threat to public safety. They blithely promise Parliament that they will protect the frontline, just as they take away the cash that is needed to do so. They pass the buck to local taxation even though the areas that need more resources are those with the least ability to raise funds. In the absence of any credible policy, the Government just keep cutting year after year in the hope it will all be okay. But it is not okay. The Government’s incompetence lets down the taxpayer. Their broken promises about further cuts to frontline services let down the public and are insulting to the hard-working and brave police officers right across this country.

1.48 pm

Richard Drax (South Dorset) (Con): Before I start—I shall not speak for long—it would be negligent of me not to thank the chief constable of Dorset, Debbie Simpson, our police and crime commissioner, Martyn Underhill, the 1,200 brave officers who serve us and the 1,000 odd staff who support them so admirably across Dorset.

I pay tribute to my right hon. Friend the Minister, who has been given a difficult pack of cards and is dealing with it as best he can, bearing in mind the state of our economy, which we inherited, and the fact that, to run an effective NHS and police force, we need money. Dorset police has an overall budget requirement of £121.3 million. That sounds like a lot of money, but for a large county such as Dorset it is not. Dorset still receives, as my right hon. Friend the Minister knows, the second lowest grant per head of population—only Surrey receives less—and that has been the case for some years.

My comments are based on those of the chief constable and the police and crime commissioner, Mr Underhill. All police forces have faced the same cut in police grant for 2017-18, which equates to a cut of 1.4%. That is higher than last year because of top-slicing for national projects such as the police transformation fund and the emergency services network, which the Minister has mentioned. In Dorset, the 1.4% cut in central Government grant results in a reduction of just over £800,000. In a letter to the police resources unit, the chief constable and Mr Underhill said that they were “disappointed in the settlement provided to the Police and Crime Commissioner for Dorset.”

As the House knows, each police force can raise funds through council tax. The elected police and crime commissioner in each police force area decides the level of police precept levied on residential council tax bills, but it must be limited to 2% or else a referendum will be triggered. After local consultation in Dorset and with a clear majority of nearly 80% to approve an increase, Mr Underhill agreed to increase council tax by 1.98% this year. However, the 1.4% cut in central funding means that the overall funding for Dorset remains static. Every year, the number of people paying council tax in Dorset increases. One might think that that was good news, because it increases the tax base. However, that tax base is the direct result of an increase in the number of properties in the county, which in turn places more pressure on the police service.

It is generally accepted that a new funding formula is needed, and the Minister has kindly said in the House that a new formula is being looked at. The Government, as I understand, want to replace the existing formula with a simplified one, and they are consulting on the arrangements. However, following the discovery of statistical errors in the funding proposals last year, the formula review was re-started. It is not yet finished, and I believe I heard the Minister say that he was not clear—perhaps he can help me when he sums up—about when that will happen. Meanwhile, Dorset still loses £1.9 million via formula damping because the 2009-10 review of the funding formula was never properly implemented.

To balance the books this year, the strategic alliance of Dorset police with Devon and Cornwall police—as the Minister said, the fact that it is looking far and wide to create more efficiencies will be welcomed—will be required to deliver savings of £3.9 million, and £12 million over the next three years. These are considerable sums, particularly when Dorset is way ahead of many police forces in cutting back-room staff and making itself more efficient. I know that my right hon. Friend the Minister is well aware of that point.

The comprehensive spending review in 2010 resulted, as we all know, in savings. They were due to the fact that the country was in a terrible state and there simply was not the money, so cuts had to be made. Thankfully, in November 2015 the new spending review protected police spending, but that was based on the assumption that council tax would rise every year. The actual settlement for 2016 was a cash reduction of 0.6%, and no details were given for future years. Future settlements protect police funding only on the basis that council tax will rise each and every year.

The provisional police settlement is once again only for a single year, unlike in other Departments, which give a four-year preparatory budget outline. That significantly compromises the ability of police forces to plan ahead. As we have heard from the Minister, the police are facing radical reviews and changes, and different crime patterns, particularly in areas such as mine in rural Dorset. We have heard, and I reiterate, that any new formula needs to provide stability, transparency and certainty, and it must recognise the needs of a predominantly rural police force such as the one in Dorset.

Andy Burnham: I have listened carefully to the argument that the hon. Gentleman has advanced, and I agree with much of what he is saying. On the basis of his analysis, would he say that the Government have honoured the promise that they made to the police at the 2015 spending review?
Richard Drax: I think that the right hon. Gentleman is playing with figures slightly. In a sense, I believe that the Government have honoured that promise, but it depends, as I have said, on council tax being raised every single year. In some cases, it is not, and, as we have heard, the various bands raise different amounts of money. The Minister is well aware of that, and he is doing his best.

Sir Oliver Letwin: Does my hon. Friend and neighbour agree that history suggests that complicated formulae invented by clever statisticians usually go horribly wrong? There is a great deal to be said in this instance, for the reasons that he advances of transparency, simplicity and stability, for tilting towards a formula based on population that we can all understand. Not only would that help Dorset, but it might help the country as a whole.

Richard Drax: It is well known in the House that my right hon. Friend is an extremely intelligent man, but I did not know that he was able to foresee what I was about to say in my very next sentence. Perhaps he has read my speech; I do not know. That is exactly the point I was going to make next, and I thank him for his intervention. A fair settlement would use population, not crime statistics, as the basis of any formula. Another hon. Friend has mentioned sparsity and rurality, which are central to counties such as mine. The population measure is fair and robust, and it can be monitored. It is not influenced by police action. Crime statistics ignore things such as road safety and fear of crime, and they assume the same police response for every situation.

Mr Kevan Jones: I hear what the hon. Gentleman is saying about population, but is he saying that any future formula should not take into account poverty or demand in cities or in areas that have particular problems? If he is suggesting what I think he is suggesting, we will get the situation that we have in local government, where any understanding of poverty that relates to crime is taken out of the formula. That will benefit his constituents at the expense of mine.

Richard Drax: The hon. Gentleman clearly does not know the make-up of my constituency. There is probably as much poverty hidden in the depths of Dorset as there is in his constituency. All I am saying is that Dorset needs a fairer share of the cake. Larger metropolitan areas can achieve far greater economies of scale in any funding—whether it be in education, the NHS or the police—than we can in Dorset.

We suffer from the fact that the police force has great difficulty in getting around a huge rural mass. People in my constituency and that of my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) do not often see a police officer. Rural communities do not feel that the police understand their concerns about hare coursing—my hon. Friend the Member for Salisbury (John Glen) made a point about that—as well as about trespassing and poaching.

Steve Rotheram (Liverpool, Walton) (Lab): The hon. Gentleman is talking about confidence in the police. Just last night in my constituency, a convicted murderer, who was taken to the local hospital in a taxi, absconded because a taxi was called to return him back to prison. Is not the fact that police numbers are a factor in how prisoners are taken to and from appointments outside prison part of the problem of confidence that the hon. Gentleman is talking about, and do we not need a review of police numbers?

Richard Drax: I hear what the hon. Gentleman says with his example. Now he mentions it, I think I have read about it, but I am not aware of all the details, so I am afraid I am not in a position to comment. However, I hear the concern that he has clearly expressed.

Finally, all the factors I have mentioned will only get worse if the funding for rural policing is reduced any further. I therefore beg the Minister, on behalf of Dorset police—as I say, they do a wonderful job for us—to take into account all those factors when the review is done, so that Dorset can at last get not more of the cake, but a fairer share of it.

2.1 pm

Paul Blomfield (Sheffield Central) (Lab): I am delighted to follow the hon. Member for South Dorset (Richard Drax). Although we represent very different constituencies, he made a thoughtful contribution, which exposed many of the flaws in the Minister’s arguments about police funding and showed that it has not in fact been protected.

In the September recess each year, I hold a community consultation across my constituency. I make that point because, with about 1,000 people coming along to about 50 meetings and with 1,000 or more people completing surveys, it is a useful time—one a year, every September—to take the temperature on the issues causing people concern and worrying them about their communities.
Each year since 2012, the impact of cuts on local policing has grown as an issue. In last year's consultation, it came up even more forcefully.

Between 1997 and 2010, patient and properly supported work on developing community policing and building partnerships had a real impact on people in such areas. It reduced crime, enhanced community safety, made people feel more positive about and proud of the areas they live in and built trust in the police. However, that patient, careful work has been incrementally eroded since 2010, and communities have felt the consequences.

South Yorkshire police have had their problems over the years, and we have had to confront a number of specific issues. I am grateful to the Home Office and the previous Home Secretary for their support in addressing some of the additional costs and related issues. We now have strong leadership with both an outstanding police and crime commissioner, Alan Billings, and a newly appointed and outstanding chief constable, Stephen Watson. However, like forces across the country, their ability to provide the policing that our communities need is severely undermined by the funding made available by the Government.

I want to pay tribute to all the men and women in the South Yorkshire force, who do a tough job on behalf of all of us who live in the region, often at enormous personal risk. Their tough job has been made tougher by the cuts that they have had to come to terms with. My hon. Friends have commented on the numbers, and numbers are key. In 2011, we had a force of 5,849 full-time equivalent staff. For 2017-18, we are looking at a force of 4,967. When we break down the numbers further, we see an 18% fall in the number of frontline police. We have lost almost one in five of the people serving us on our streets, which in its impact on the force across the region is roughly the equivalent of every police officer in Doncaster having gone or been wiped out.

The number of police civilian staff is also down—by 24%. Police civilian staff do not often get the attention that they deserve, but they play a critical role in supporting frontline policing in roles such as civilian investigators, intelligence analysts, radio officers, detention officers and many more critical roles. One in four of those posts have been lost to the force. Police community support officers have played such a vital role in previous years in building up the relationship between communities and the police, developing trust, and identifying the sources of crime and dealing with the situation before crimes happen, but we have lost 27% of them.

All that has an impact both on the communities that depend on policing and on those who provide the policing. Zuleika Payne, the acting chair of the South Yorkshire Police Federation, told me: “I represent a talented and committed group of people”—and she does—“who care deeply about the communities that they serve, but they feel increasingly that they’re doing their job with their hands handcuffed behind their backs.”

Not only that, but we are putting the police at risk. There is increasing reliance on single crewing where officers previously worked in pairs to deal with difficult situations. The Minister will be aware of the appalling and awful attack—a vicious axe attack—on Sheffield PC Lisa Bates. The whole community across South Yorkshire felt desperate about it. In that situation, Lisa was paired. As the Police Federation has pointed out to me, if she had been single crewing—that is increasingly what they face—she might now be dead. Such are the risks that cuts in numbers are creating not only for our communities, but for the people who serve them in our police force.

There are all the other issues that hon. Members have talked about—the Minister has acknowledged them—such as the growth in serious and organised crime and cybercrime. Other pressures have been caused by the cuts made by other arms of the Government to partner organisations that work alongside the police in trying to build safe and secure communities. The police are increasingly picking up the consequences of pressures on social services and taking on a greater role because of the crisis in mental health provision. The thin blue line in South Yorkshire, and across the country, is becoming the last line of protection in ever wider areas, and the situation is reaching breaking point.

Andy Burnham: The only service my hon. Friend did not mention in terms of the extra pressure being put on the police frontline is the ambulance service. I think that is the single greatest source of pressure on frontline policing and is actually putting police officers in very difficult situations that are beyond their training and competence. Does there not need to be an urgent review of the performance of the ambulance service, particularly of the pressure it is now placing on police officers on the frontline?

Paul Blomfield: My right hon. Friend makes a very important point and he is absolutely right to seek such a review. We have seen the pressures on the ambulance service in some frightening cases, including the case raised recently by my hon. Friend the Member for Sheffield, Heeley (Louise Haigh) on the Floor of the House in terms of response times. My right hon. Friend is right to highlight the combination of problems and pressures that have been created.

My right hon. Friend tried to pin the Minister down on funding levels. Judging by the Minister’s response, I am sure that he is going to argue that a rise in the precept to offset proposed cuts in grants will compensate the South Yorkshire force for the £2.5 million loss in funding we face in this settlement. That, however, is disingenuous and the Minister knows it. Even putting aside the political double dealing of forcing local tax increases to fund national tax cuts for those who do not need them, flat cash funding is not real protection for police budgets. He knows that is the case. To meet the increase in wages and other pressures in South Yorkshire, we will still be seeing cuts of about £7 million to the local force. Local residents are being asked to pay more for a further decline in services.

We have seen what short-sighted policies have done to our prison service, with the Government now scrambling to overcome the problems that they have created. Surely we cannot let that happen to our police service, too. We need the Government to recognise the scale of the problem, to recognise that the settlement does not address it and to persuade the Chancellor to take action before it is too late.
2.11 pm

Steve Double (St Austell and Newquay) (Con): It is a pleasure to follow the hon. Member for Sheffield Central (Paul Blomfield).

As with all areas of public services, the police service has historically been underfunded in rural areas for too long. This has often been based on a false perception about the nature of crime and policing in rural areas when compared with cities and other urban areas. The notion that crime in rural areas is little more than the occasional break-in to a garden shed or something of that nature is false. There is a direct comparison between the types and nature of crime in urban and rural areas. On a population pro rata basis, the number of crimes are also distinctly similar.

In addition, there are many specific challenges in policing rural areas, which often require a great police presence and boots on the ground. For example, Cornwall, in which my constituency is located, is an area that, alongside routine residential police matters, has record numbers of tourists, ever more busy roads and many other issues concerning our rural communities, not least the simple fact that sparsely populated rural areas have to bear additional logistic costs. Cornwall is, after all, one of the longest counties with the longest coast—and that is before we consider the challenges of policing the Isles of Scilly. The cost of policing rural sparsely populated areas, where officers must cover large areas and deal with a wide variety of issues—not just crimes—is significant. Rural areas have more than their fair share of remote and winding roads, where statistically there is a disproportionately high number of road traffic accidents. I understand that 61% of road traffic accidents occur on rural roads, which in turn puts an additional burden on the police and other emergency services.

I am pleased to see that deprivation is a key factor when considering police funding, but again there is a myth, often perpetuated by the Labour party, that crime in rural areas is little more than the occasional break-in to a garden shed or something of that nature is false. There is a direct comparison between the types and nature of crime in urban and rural areas. On a population pro rata basis, the number of crimes are also distinctly similar.

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I am pleased to see that deprivation is a key factor when considering police funding, but again there is a myth, often perpetuated by the Labour party, that deprivation exists only in cities. My constituency contains five neighbourhoods in the 10% most deprived in the country.

Mr Kevan Jones: The hon. Gentleman must not have read my maiden speech, in which I referred to my constituency as a rural constituency with urban problems. I very much recognise the point he makes.

Steve Double: I am grateful to the hon. Gentleman for that intervention. I am pleased to report that he is an exception among Labour Members, who continually present the image that deprivation is an exclusively urban issue.

We have previously been told that the trouble with Cornwall is that we have the wrong type of deprivation to attract police funding. The wrong type of deprivation—not even Network Rail come could up with that excuse. Deprivation exists in our rural and coastal towns and villages. It is often the people who live in the most remote parts of our country who are the most vulnerable. It is time to address the unfairness in funding that has affected our police in rural areas. I am very pleased to confirm that I believe we now have a Policing Minister who both understands the issues facing rural areas and is willing to address them. Not only have I found him willing to take on board the points that I and many of my colleagues have put to him, but I am pleased to report that the police and crime commissioner for Devon and Cornwall has asked me to congratulate the Minister on the transparent and constructive way that he has dealt with her and other PCCs.

As we are all aware, the job of fighting crime and making our communities safe is not just the responsibility of the police; it is a partnership between all stakeholders. In my constituency, we have a number of examples where that is happening. The Newquay Safe scheme has attracted national recognition. It is a collaboration between local residents, the council, the business community and the police. They have successfully worked together to reduce crime and antisocial behaviour in the town, repairing the image of Newquay as a world-class family holiday resort. The town centre of St Austell has suffered from a growing problem of antisocial behaviour in recent years. Here again, stakeholders have come together to address the problem. Only recently, the town centre business improvement district funded extra security to help to reduce antisocial behaviour in the town centre.

It is good that different parts of the community are working together to address these issues, but that cannot be a substitute for frontline police. We should not expect the business community to fund others to do the job of the police in keeping our streets safe. I am therefore pleased to report that, despite the constraints on budgets and the comments from Labour Members, our PCC recently announced that Devon and Cornwall will be gaining additional frontline police officers. The increase in police numbers is greatly welcome and will take the force’s total back up to over 3,000. Another 80 posts are to be created in key support roles, proving once again that it is the Conservative party, on the Government Benches, that is leading the way in delivering value for money for the taxpayer.

We would all, of course, want more money for our police, but I am happy to support the motion today. I am reassured by the Minister’s acceptance that the formula does need to be reviewed going forward. I trust that we can count on him to ensure that in future the unfairness towards rural areas will be addressed and that our police in places like Devon and Cornwall will receive a better deal in the future.

2.18 pm

Marie Rimmer (St Helens South and Whiston) (Lab): I listened carefully to the hon. Member for St Austell and Newquay (Steve Double) and, in particular, to my hon. Friend the Member for Sheffield Central (Paul Blomfield), whose remarks ring true.

Merseyside police relies on the Government for 81% of its funding due to a low council tax base. Percentage cuts to the Government grant therefore hit us particularly hard. Since 2010, the Merseyside police budget has been reduced by 15%. During this period, the force has been required to make a £91 million reduction in police spending. The Merseyside police budget is now £21 million short of restoring the 4,000 police officers we need. In 2010, the police force employed 4,588 police officers but by next March that will be reduced to 3,580—a loss of more than 1,000. If these cuts continue, the force estimates
that by 2020 it will be operating with more than 26% fewer officers compared with 2010, having been reduced to 3,400 police officers.

As the Government continue to cut our police grant, Ministers are determining police force budgets by assuming that forces will increase the police precept by the maximum allowed of 1.95% a year. Our commissioner has not really been given a choice: our county has a low council tax base, with most of our properties in bands A or B, so people are not well off and £5 therefore has a significant impact on them. Before Christmas, the Government confirmed that the grant allocated to Merseyside police would be further cut in 2017-18 by 1.4%, leaving the force with £3.3 million less in grant next year in comparison with this year. Even increasing the precept by the maximum allowed would raise less than half the money lost through the grant, at just £1.2 million. Even with the extra contribution provided by taxpayers, the force still has to find £6.8 million of savings in the next financial year to balance the books.

As for the demands on Merseyside police, they take 1.2 million calls every year—between 500 and 700 emergency 999 calls every day—and record 1,234 incidents each day. They deal with well over 200 overt and covert operations and events every year, including large-scale public order events. One of the most demanding issues is organised crime, which is a major priority in Merseyside. Some 83 organised crime groups operate regionally with identified crossovers or geographical links to Merseyside. Force analysis highlights a significant national spread of activity of Merseyside organised crime in all 43 forces. This means that our police have to cross over into all the other 42 forces. In addition, Merseyside has a significantly high number of organised crime groups with international links. Assessments have indicated that Merseyside is one of three national hubs for drugs—the main criminality for 70% of Merseyside’s organised crime groups is drugs—the others being the areas covered by the Metropolitan Police Service and West Midlands police. This is a further indication of the impact of Merseyside organised crime groups on national crime trends.

On recorded crime, Merseyside has recorded 5,903 drug offences. Nationally, only the Met police recorded more. As for gun crime, the year 2014-15 saw 162 firearms offences, which was the sixth highest in the country, as reported to Parliament. The National Ballistics Intelligence Service indicated that there were 277 inferred firearms on Merseyside, 38 of which were active, meaning that they had been fired within the last 12 months. Since 2010, Merseyside has witnessed a 12% increase in the number of people killed or seriously injured on the roads. Furthermore, according to recent data, every 12 months more than 500 people are sadly killed or suffer serious injuries.

Merseyside has some of the most deprived boroughs in the country. The index of multiple deprivation rates Liverpool and Knowsley as the second and fifth local authority districts with the largest proportions of highly deprived neighbourhoods in England, with Liverpool being the local authority with the largest number of neighbourhoods in the most deprived 1%. This issue is further exacerbated by ongoing cuts to other public services, such as local authorities, which have magnificent working relationships with the police: they work together on many joined-up issues, but those are now sadly now under threat. We have also seen cuts to youth offending services, which were previously better able to support the police in their community safety work. Furthermore, Merseyside police’s ability to assist other forces by mutual aid, which it has done admirably in the past, might be compromised, making this as much a national as a local issue.

The Government are working on a new funding formula that will dictate how much each police force receives from the funding pot. We deserve a fairer funding settlement from the Government. It saddens me, but I need to say it: this Conservative Government’s chosen austerity programme and cuts to all our public services, which are valued by everyone in the country, are taking the “Great” out of “Great Britain” and threatening what we were so admired for in years gone by.

2.25 pm

Holly Lynch (Halifax) (Lab): The Minister knows that I have sought to work cross-party as much as possible to overcome some of the challenges in frontline policing—my Protect the Protectors campaign has had support from MPs across the House, and the 11 names on my ten-minute rule Bill, presented to the Chamber two weeks ago, represented five different political parties—but I am really struggling to recognise the picture he painted when he suggested that the funding formula was the fastest route to transformed, efficient and therefore better policing.

The Home Office has always sought to suggest that there is no correlation between a reduction in funding and the increased vulnerability of officers, which the Minister knows is an important issue to me, and the reduced service they can then offer. In the statement published with the police grant report, the Minister stated:

“The Government will provide the resources necessary for the police to do their critical work, and prioritise finishing the job of police reform by enabling the police to transform so they can tackle changing crime, deal with previously hidden crimes and protect the vulnerable.”—[Official Report, 1 February 2017; Vol. 620, c. 21WS.]

I struggle with the notion that cuts to policing facilitate reform, and that reform equates to better policing. In reality, since 2010, West Yorkshire police have lost 1,200 frontline officers and about 800 members of staff. It is undeniable that that has had an impact on their ability to do some of the basics, let alone respond to the increased complexity of crime and the social challenges that are now the responsibility of the police.

I have spoken at length about my experience of being out with officers in my constituency. While I welcome investment in technology and advances in forensics, which stand to make the police more effective than ever before, I know that in almost every aspect of policing, the number of boots on the ground really does matter. I appreciate that the Minister will stress that the allocations are protected at flat cash levels, compared with the previous financial year, but West Yorkshire police have faced cuts of £140 million since 2010, which is about 25% of their budget.
Mr Hendrick: Does my hon. Friend share my concern that the funding formula review has been shrouded in mystery, the Minister having given no details of the main indicators to be implemented in its outcome? He cannot even tell us when the review will be finished, which leaves police forces—which will be on the end of the funding, once the formula is introduced—scratching their heads over the future.

Holly Lynch: My hon. Friend is right. When the report was produced, I was a little confused about whether it referred to the formula for next year or the year after that, because we had not been given the necessary detail about what is coming up. He is also right about the uncertainty that that has fostered in police forces that are trying to respond to the challenges they face.

Efficiencies alone cannot offset the cuts. We know that the amounts that police and crime commissioners can collect through the precept vary greatly, with the poorest unable to finance the shortfall in the grant required to meet the demand, as outlined by my hon. Friend the Member for Swansea East (Carolyn Harris) and others. West Yorkshire is the fourth largest force, taking in Leeds, Bradford, Calderdale, Kirklees and Wakefield. The Leeds district alone is bigger than some forces. With our diverse communities, we have a lot to offer, but sadly that sometimes presents challenges as well, as many of us know. We encompass a number of Prevent priority areas, and our socio-economic characteristics and pockets of deprivation increase policing needs, with demand similar to that faced by the West Midlands and Greater Manchester police. We take in some of the urban areas, such as Leeds and Bradford—bigger than others in the north—but also cover some of the sweeping rural areas that straddle the Pennines.

We have already heard from some hon. Members that the formula should be based on population size, but I do not believe that the police grant recognises the pressures from complex, evolving crimes, such as cybercrime, human trafficking, the demands of preventing child sexual exploitation and missing persons inquiries.

To provide an example, the Black Health Initiative in Leeds estimates that some 2,600 women and girls in the city have undergone or are at risk of female genital mutilation. West Yorkshire police and our police and crime commissioner, Mark Burns-Williamson, are working with organisations to combat this risk, but as the Home Office knows, this is sensitive and painstaking work.

We face challenges relating to firearms and serious and organised crime in West Yorkshire. Hon. Members will be aware of the firearms incident that occurred just outside my constituency after Christmas, and nobody needs any reminder that we lost our dear friend Jo to a man in possession of a firearm in the region. Increased awareness of exploitation in all its ugly forms—from child sexual exploitation, of which there were 609 cases last year in West Yorkshire, to human trafficking, of which there were 142 recorded cases in West Yorkshire—means that policing priorities have rightly changed to reflect that, but the resources allocated from central Government have not.

During my time with the West Yorkshire police, I was able to see the difficulties of having constantly to divert crews into locating missing people, which is compromising neighbourhood policing work and eating into the number of officers available for 999 calls. In the 24 hours leading up to the shift that I did with officers, Calderdale police had safely recovered nine vulnerable missing people and were involved in looking for an additional seven the following day. As colleagues have already mentioned, the pressures caused by cuts to other services have an impact on policing at the same time as it faces its own financial pressures.

The weekly average for Calderdale is 43 missing people, with 416 a week going missing across the force. West Yorkshire police responded to more than 20,000 occurrences of missing people last year, which is staggering and completely unsustainable. We have had a safeguarding uplift to meet that demand, but those officers have come from neighbourhood policing, so the numbers are down across the vital neighbourhood policing teams that I work so closely with in my role as an MP—I am sure others do, too.

I have sought to spend time shadowing frontline services in my constituency since my election in order to understand the work that they do and the pressures they are under to inform my work here on their behalf. Again, the rhetoric in the Minister’s statements seems far away from what I have seen and from the conversations that I have had. When I visited out-of-hours mental health services, I spent all night sat with two police officers who were unable to leave someone detained under the Mental Health Act 1983. They had to listen to and then call off the call for assistance—on bonfire weekend—because they could not leave a young nurse on her own with a gentleman who did not agree that he should be detained and who was becoming increasingly aggressive.

I have been out with the Halifax Street Angels, a great initiative through which volunteers seek to ensure that people have a safe time on their night out in my constituency. That alleviates some of the pressures on the police, and conforms to the idea of the big society in action. However, they expressed concerns to me that the demands on the police are so high that they cannot always respond when the volunteers encounter fights or potentially violent individuals, and the good will and partnership working are being undermined. Such organisations start to lose confidence in the police if they cannot respond when they are needed, which then really undermines some of the great partnership work that goes on.

The Minister is well aware of my concern, already expressed by my hon. Friend the Member for Sheffield Central (Paul Blomfield), that reduced numbers mean that officers themselves are particularly vulnerable to assaults when they are out on their own as a single crew. I hope that the Minister will consider any and all measures to protect officers, including the measures outlined in my ten-minute rule Bill.

Ahead of the publication of the revised funding formula that we expect in the spring, I ask the Minister to factor in the different demands placed on forces beyond simply population and geography. We need a formula that recognises the imbalance between the amounts that different forces can harvest through the precept, and the Minister needs to adopt a formula that genuinely meets the demands on policing and allows officers to do the job that they do so well.
2.34 pm

Jonathan Edwards (Carmarthen East and Dinefwr) (PC): It is a pleasure to follow the hon. Member for Halifax (Holly Lynch), who made a thoughtful and considered speech.

I want to take the opportunity initially to raise some general points about the funding of Welsh police forces. Unlike in Scotland and Northern Ireland, policing is not yet devolved in Wales. Whereas in Scotland and Northern Ireland policing is funded via the usual Barnett allocations, Welsh police forces find themselves reliant upon a funding formula designed in Westminster for the 43 Welsh and English police forces. If policing were devolved to Wales and the usual Barnett allocations applied, Welsh police forces would benefit from an extra £25 million-worth of investment per annum in policing services in my country—if, of course, the money were ring-fenced by the Welsh Government. The Wales and England formula has not been historically kind to Welsh policing. Dyfed-Powys, my police force, has already faced cuts of £13 million over recent years. This was one of the primary reasons for the very controversial loss of the last Wales Bill lacked the ambition to equalise the area cost adjustment to take into account the unique challenges faced by rural police forces.

The area cost adjustment factor that the police use for calculating the police main grant is skewed in favour of areas in the south-east of England where the cost of living and salaries are higher. Although this may be necessary, it does not consider the higher costs incurred by rural police forces for providing services in rural areas. The Department for Environment, Food and Rural Affairs published a report in 2014 outlining how the cost of service delivery in rural areas is higher than average. The report mentions travel costs and travel downtime. Evidence shows that travel time for police forces in rural areas is 25 times longer than in metropolitan areas.

The issue concerns the size and shape of the areas that some forces are required to police, and particularly the distances they must travel to deal with public safety, welfare and transport incidents—a point made by the hon. Member for St Austell and Newquay (Steve Double). Population in a small compact police force centred on a single city will make less demands on travel time than one in a large irregular police force area with multiple population foci. The City of London police serve a resident population of fewer than 8,000 people based in 290 hectares, while Dyfed-Powys police serve a resident population of over half a million people spread across more than a million hectares of largely dispersed towns and villages.

The UK Government report also outlines the difficulty of channel shift. As heard in countless speeches from Plaid Cymru Members, digital infrastructure is a major problem in our country. Too many of our communities are without broadband. Our police forces therefore need to rely on other ways to communicate with their service users that are more time-intensive. For example, a call handler can deal with only one voice caller at any one time, but may deal with several simultaneously using webchat. Another example is the issue of holding cells. Owing to its geographical territory, Dyfed-Powys needs three holding cell units, which must be manned simultaneously on a 24-hour basis. That is obviously more expensive than having a single central unit. I could go on and on giving examples of that kind.

The area cost adjustment factor for the City of London is 1.52, but the factor for Dyfed-Powys is less than 1. I urge the Minister to review the factors that determine the area cost adjustment to take into account the unique and often more difficult circumstances faced by rural police forces.

It is hard to conceive of a simple police grant formula that can encompass such a range of circumstances as the national and international capital city grant. The specific needs of the City of London and metropolitan police forces have long been recognised, primarily through grants. Cardiff, which is also a capital city, does not receive it. What consideration has the Minister given to awarding Wales a proportion of the national and international capital city grant so that the unique challenges faced by police forces in the capital city of my country can be adequately addressed?

When it comes to the funding of police services in my country, the devolution of policing to Wales is a political and financial no-brainer. Let me end by saying, Madam Deputy Speaker, that this is probably the only time you will ever hear me say something positive about the Barnett formula.

2.41 pm

Mr Mark Hendrick (Preston) (Lab/Co-op): Lancashire has been one of the top-performing police forces in the country for many years, and in some ways it has been a
victim of its own success. Despite the improvements in its performance and efficiency, it has been on the receiving end of this Government’s cuts for a number of years. Given that success, however, I pay tribute to County Councillor Clive Grunshaw, our police and crime commissioner, and especially to Chief Constable Steve Finnigan, who is retiring this year after giving many years’ service to the people of Lancashire.

The police face financial and demand pressures as partner services are cut, and they also face the challenges posed by uncertainty about the future. The financial uncertainty caused by the return of the police funding formula review particularly affects forces such as Lancashire’s. Last time, mistakes were made in the process which suggested that Lancashire would lose about £25 million a year, on top of the £76 million-worth of savings that have been made since 2010. Even when the figures were revised, it was clear that more than £8 million a year would be taken out of its annual policing budget. That meant that it faced savings of more than £100 million a year by 2020, in comparison with 2010, which is the equivalent of more than a third of its budget.

Reform of the police funding formula is overdue, as has been pointed out by the Home Affairs Committee and by Members here today. It is vital for the new formula to represent accurately the demands on police forces. All forces need to be adequately resourced, but that must be done without disadvantaging other areas where tough choices are already being made so that necessary savings can be delivered. My constituents tell me repeatedly that they do not want resources to be taken out of policing, and have therefore supported increases in the policing precept. Further cuts will have an impact on officer numbers, as about 80% of the constabulary’s total budget consists of staffing and officer costs.

When the Chancellor announced in 2016 that police budgets would continue to be protected in cash terms, assuming that council tax was maximised, I, along with many others, welcomed that news. Last year’s cuts in grant funding were a uniform 0.6%, and this year’s provisional settlement outlined a further 1.3% cut in direct resource funding. While those cuts are considerably better than was originally expected in 2015, they still mean that Lancashire must absorb normal inflation and other Government-imposed cost pressures, such as the national insurance changes, the national living wage, and the introduction of the apprenticeship levy. As a result, it must still deliver £4 million of savings in 2017-18, with a further £14 million to be found by 2019-20.

I am also disappointed that there is to be a further reduction in police capital grant in 2017-18. Regular IT replacement cycles impose a significant cost on the force, but that investment is vital to ensure improved productivity and efficiency in future years. The reduction in grant means that the burden on scarce revenue resources is increased, as borrowing to meet those costs is an unattractive option in view of the relatively short life cycles of IT assets.

The Minister did not mention top-slicing in his opening speech. The value of top-slices will have increased significantly in 2017-18, by over £100 million. That increase is more than the assumed year-on-year increase in precept income from the 2016-17 level nationally. It could be argued that local taxpayers are, in effect, funding the growth in national programmes.

There is no information about the detailed plans for the £175 million transformation fund for 2017-18. Until that information is provided, the treasurer of my council will be unable to gauge how much of the funding might be returned to the service. In recent years, the Government have shifted towards creating funding pots for the police service to bid for, and that bidding process can be laborious and possibly fruitless at a time when resources are thinly stretched. We would also like an assurance that the proposed £525 million increase in the transformation fund in 2018-19—to provide a total fund of £700 million—will not be met by further top-slices in the grant that is distributed to police and crime commissioners. A further reduction of that magnitude in direct funding for policing would have a very detrimental effect on the ability of forces to deliver their services to the public.

The top-slice taken to fund the emergency services network programme has increased significantly, at a time when the implementation of the network is consistently being pushed further and further back. It concerns me that, according to the Public Accounts Committee’s report on the new programme, the December 2019 cut-off point may not be met. That may mean that the existing Airwave contract will be extended, at a potential cost of nearly £500 million. At a time when resources for policing are stretched to an unprecedented level, it does not seem prudent to remove funding from forces to pay for a programme that is not making progress. I would be grateful for any information or reassurances that the Minister and the Department can provide about the ability to meet the timescales in question, or about the protection of individual forces’ budgets from any overrun costs arising from the ESN or the extension of Airwave contracts.

I would also appreciate more certainty in general about the future level of top-slicing. It has increased each year, but at inconsistent levels, which makes the forecasting of future resources and their allocation extremely difficult. The Government are making financial planning and the prudent management of public funding considerably more difficult than they need to be.

Mental health services have received a great deal of media attention recently. It is widely understood in the sector that mental health is a key driver of demand for policing. When I met my local chief constable a couple of weeks ago, I was told that 80% of incoming calls to the police were not even crime-related, and many involved mental health problems. While the police have received relative protection from this round of Government austerity, the same cannot be said of many of our blue light partners. Local government has been severely affected and, despite additional resources, the pressures on health are well documented and have been made clear by other Members. As a result, the service is facing increased pressure from cuts to other sectors’ funding. I therefore ask Ministers present today, the Home Office and other Departments to ensure that investment in other relevant sectors, such as the health service, the courts and the prisons, is maintained in order to generate benefits for the police service. Cutting these other services is having an indirect effect on the operation of the police service.
I ask the Minister to speak to the Chancellor and make representations on this year’s Budget. I hope that the Government, and the Chancellor in particular, will take account of the issues I have raised, in order to improve the police service to the people of Lancashire and elsewhere throughout the country.

2.50 pm

Mr Kevan Jones (North Durham) (Lab): The Minister has come to the House today to tell us that he and the Government are protecting police budgets. That is just not true. The Minister learned many of his political skills at the knee of the right hon. Member for Brentwood and Ongar (Sir Eric Pickles), who works on the basis that if you keep saying the same thing over and over again, people will believe it. We have already heard Members from across the Chamber today exploding the myth that the Minister is trying to portray. My hon. Friend the Member for Sheffield Central (Paul Blomfield) made it clear that flat cash is not protection of our budgets, and the hon. Member for South Dorset (Richard Drax) made very clear the cuts his force is going to have to make, even with this settlement today. So it is no good the Minister coming here and just repeating that the Government are protecting police budgets.

The people who really know that that is not true are the brave men and women of our police forces up and down the country, who are doing a job to protect our safety. We take them for granted on many occasions, and we do not thank them enough. I agree with my hon. Friend the Member for Halifax (Holly Lynch), who outlined the dangers they face on a daily basis. So can we stop this kidology that somehow the budgets are being protected?

We also need to take into account the effects of the last six years of cuts on police forces up and down the country. Durham, which covers my constituency of North Durham, has lost 375 officers, 16 PCSOs and 82 police support staff. The National Audit Office recognises that it is one of the forces that has been most affected by the Government cuts to police funding. In 2010, the central Government grant was £100 million; this year, it will be £84 million. The central Government grant accounts for 75% of Durham Constabulary’s funding, with the other 25% made up from the precept. Even with what is being put forward today, the budget for Durham will be cut by another £700,000 in 2017–18. The reality on the ground is that police budgets will be cut. No matter how the Minister tries to spin the figures and to tell us that the Government are committed to protecting police funding, it is clear that they are not. We also have to add to this the compound effect of what has happened over past years. Durham has lost 25% of its frontline police officers over the last six years—Cleveland is the only force that has lost a higher percentage of officers in that period—and that is a direct result of the decisions taken by the Government to cut the police grant.

Much has been said today about the new funding formula, and much has been said by hon. Members about making up the shortfalls resulting from the cuts in central grant through precepts, but that is where areas such as Durham are at a huge disadvantage. Some 55% of properties in Durham’s council tax base are in band A, so a 1% increase in the precept raises approximately £266,000 in additional money for policing in Durham. Areas such as Surrey, where a large proportion of properties fall between bands D and H, a 1% increase will generate large sums. So this funding formula means that Durham’s ability to plug the cuts being forced on it by this Government is very limited. That is also the case in many other areas—my hon. Friend the Member for St Helens South and Whiston (Marie Rimmer) raised this issue in her contribution. Regardless of how the Government are going to spin things after today’s debate, Durham Constabulary will this year have to find another £700,000 in cuts to its police budget, and that is in addition to the £16 million that it has lost over the last six years. As many Members have said in this debate, the idea that somehow we can keep cutting without affecting frontline services is unrealistic.

Durham Constabulary has done a tremendous job in spite of the cuts inflicted on it by this Government. It is the most efficient force in the UK; it is an outstanding force. I am sorry that the Minister would not even grudgingly admit that the Labour police and crime commissioner had something to do with that, but it is down to good teamwork between the PCC and Chief Constable Mike Barton, who work closely together to drive through efficiencies and make sure that frontline policing is protected, despite the cuts.

I also want to put on record my thanks to the men and women of Durham Constabulary, because they are the ones on the frontline doing the job day in, day out. We should also pay tribute to the support staff. Frontline police officers are very important as the visible face of the police, but without the administration staff and others behind them, they cannot carry out that function. They have all done a tremendous job in spite of the cuts.

We now have the funding formula promised for 2018–19. If we do not recognise that there are places such as Durham with a high number of band A properties and tackle the precept issue, the ability of Durham and many other areas to raise any substantial amounts of money will be severely affected.

The hon. Member for St Austell and Newquay (Steve Double) talked about rural policing issues. Durham is a rural county, and those issues affect some of our former post-industrial communities, and they are on a par with some of the issues facing urban communities. In order to ensure that the distribution of central Government funding is targeted, we must take into account poverty and the need of local communities.

My hon. Friend the Member for Preston (Mr Hendrick) raised a very important point that this Government just do not think about. There is no joined-up government here, because if we take money out of one part of the system, it will often have a direct impact on another part, and policing is a great example of that. My hon. Friend also talked about mental health services. If we cut mental health services for people, they still have to go somewhere. They often end up in A&E, and the police then get called to deal with them. That is not good for those individuals, and it is not a good use of police time.

I would go further than that and look at neighbourhood policing. A model used in Durham and other places has worked very well, with joined-up services between local councils and the police. But the cuts being made will
affect the ability of those councils to continue that joint-partnership working between the local police and local authorities.

**Dr Wollaston**: I join the hon. Gentleman in commending the police forces on the work they do, particularly for those suffering from mental health problems. Does he agree that the funding formula needs to include not only that, but wider issues of vulnerability, particularly among the elderly population, which is higher in rural areas, especially those such as Devon?

**Mr Jones**: The hon. Lady makes a good point. This comes down to the point about vulnerability made by my hon. Friend the Member for Halifax (Holly Lynch). For example, the police get involved when a child goes missing, but the increasing rise in dementia and other illnesses among the elderly population is also putting pressure not only on local services but on the police. If someone goes missing from a care home or their own home, the first people to be called are the police.

We need services that are joined up locally; we cannot look at policing in isolation. There was a lot of controversy about police and crime commissioners, and there have been good and bad examples throughout the country, but I was one of those who supported their introduction. Certainly, the joint working that we have seen in Durham between the health services, the police and the local authorities is the way forward. We cannot keep taking money out of one part of the system without realising that it will have an effect on another part.

**Holly Lynch**: In relation to the point made by the hon. Member for Totnes (Dr Wollaston), I mentioned that I had been out with the out-of-hours mental health services, and that police officers had detained someone under the Mental Health Act. However, another person had also been detained and put in a cell. Because of the pressure to keep people detained under the Act out of police cells, that person had to be detained in a police car until a place of safety became available. Without tying all this together and getting the systems in place to support people with mental health difficulties, the police will have to keep picking up those people with vulnerabilities.

**Mr Jones**: My hon. Friend makes a good point. I served on the Committee for the Policing and Crime Bill, which introduced the welcome step of trying to ensure that we do not keep people with mental health issues in police cells. She also makes the good point that achieving that aim is reliant on there being places of safety for them. In some areas, that might be a hospital bed. We need to develop places of safety at local level, so that people are not left in police cars or anywhere else. Again, this is about funding. As I was saying a minute ago, we cannot look at policing in isolation, and joined-up strategies can save money. There is an issue about money being saved, but this must also be about the better provision of services.

Durham has an outstanding police force that is doing a first-class job despite the horrendous cuts that have been inflicted on it, but it cannot take any more. I would urge the Minister, if he is listening, to listen to these points about the new funding formula. Forces such as Durham, which have gone through a lot of pain and change, need to be recognised for the efficiencies and steps they have taken. The realities of areas such as mine need to be taken into consideration. This includes the large number of band A properties, which means that local authorities are unable to raise the precept adequately. If that does not happen, more pain will be added, given the cuts that have already taken place. In finishing, I would just like to say this: do not believe what the Minister is saying today. This settlement is a cut in police services to our nation, and people should recognise that.

3.3 pm

**Margaret Greenwood** (Wirral West) (Lab): The total police grant for 2017-18 for England and Wales is being cut by £96.7 million—in other words, by nearly £1 billion. This comes after swingeing cuts of 4% in 2015-16. Merseyside police force, which serves my Wirral West constituency, relies on the Government for 81% of its funding, and it has been one of the worst hit by the Government’s cuts. Our budget has been reduced by 15% since 2010, and during this time the force has been required to make savings of £91 million to balance the books. That is a huge figure, and the Merseyside police force is now facing a £21 million shortfall in the money that it needs to restore the 4,000 police officers that it needs.

I know from talking to officers just how hard they work. I know that they need a fair deal, and so do the communities that they serve. Let us consider some of the work they do to keep our communities safe. Merseyside police force takes more than 1.2 million calls every year. It receives between 500 and 700 emergency 999 calls every day, and on average it records 1,234 incidents each day. Merseyside has unique policing demands. There are 83 organised crime groups operating in the region, including a significant number with international links. Merseyside is one of the three national hubs for illegal drugs, and just under 6,000 drug offences were reported at June 2016. Gun crime resulted in 162 firearms offences in 2014-15.

As my hon. Friend the Member for St Helens South and Whiston (Marie Rimmer) so clearly set out, Merseyside has some of the most deprived boroughs in the country. This brings particular policing challenges, including the question of the value of the precept that can be raised locally. That was clearly set out by my hon. Friends the Members for Swansea East (Carolyn Harris) and for North Durham (Mr Jones). It is vital that the Home Secretary and her Minister acknowledge that Merseyside has unique policing demands, and that they recognise that by cutting the police budget over the past seven years, they have been leaving our communities vulnerable. In so doing, they are also putting pressure on police officers—men and women who do an already dangerous job in the service of their local communities.

The budget for Merseyside police is £21 million short of the money it needs, and it is vital that the Minister should take note of that and see what he can do to give us that money. On Merseyside, the police and crime commissioner and the chief constable have been forced to consider closing police stations. No decision on particular stations has been made yet, but I know that the impact of last year’s cuts and the cuts for 2017-18 are already causing anxiety among residents in Wirral West. I know that because they tell me so, as do the people who run businesses in the area.
Brandon Lewis: This has been an excellent debate, and I am grateful to all Members who have contributed over the past hour or two. We have actually secured a fair funding settlement for the police, and I note the comments about the police funding formula review work that we are going forward with. I am pleased to hear that the hon. Member for Swansea East (Carolyn Harris) will support us in getting that done, but I am slightly curious why the Labour party never did it when they were in government. Opposition Members have talked as though there was no kind of budget deficit at any point. They sometimes forget the mess—[Interruption.]

Mr Geoffrey Robinson (Coventry North West) (Lab): Will the Minister give way?

Brandon Lewis: No, I will not give way to the hon. Gentleman, who has not contributed to the debate until now.

Opposition Members forget about the economic mess that the Labour Government left for the Conservative-led Government to deal with. The reality is that the Government have kept the real-terms protection promise that we outlined in the 2015 spending review. Taking into account the Government grant, the precept and reallocations such as the police transformation fund, the 2015 spending review forecasted—let me be clear about the numbers, because Opposition Members really have not been—total spending in 2017-18 of £11.783 billion. With the precept to maximise, the settlement proposes a higher total of some £11.804 billion.

Looking at 2015-16 to 2017-18, no police force across the country that uses its precept will see any reduction whatsoever. The right hon. Member for Leigh (Andy Burnham), who said a lot from a sedentary position and intervened earlier but chose not to make a speech, talked about Greater Manchester but forgot to point out that the force will see an increase from £541 million to over £543 million. Police and crime commissioners and police forces across the country have seen their reserves increase by more than £400 million over the past few years. Putting aside what those increases may be used for, they have had fund surpluses in the past few years to build up reserves in the first place. I look forward to police forces using those reserves wisely in efficiency work in the years ahead. As Her Majesty’s inspectorate of constabulary set out, there is still considerable scope for forces to continue to improve their efficiency and to transform how they operate. It is vital that that pace and urgency of change continues and goes faster if we are to ensure that our police forces are fit to meet the challenges of the 21st century.

I thank my hon. Friends the Members for South Dorset (Richard Drax) and for St Austell and Newquay (Steve Double) for their contributions, which rightly outlined the importance of transparency. The hon. Member for Preston (Mr Hendrick) mentioned the formula review, and I can tell him that there will be a full public consultation. Police and crime commissioners, including Lancashire’s, and chief constables are contributing to the work that is under way, and I have been and am willing to meet them all. He talks about things being shrouded in mystery, but he may think that because he has not been talking to police and crime commissioners and chief constables in the way that we have.

Mr Geoffrey Robinson rose—

Brandon Lewis: I am not going to take an intervention from somebody who was not involved in the debate.

Mr Robinson rose—

Madam Deputy Speaker (Mrs Eleanor Laing): Order. The hon. Member for Coventry North West (Mr Robinson) must surely understand that those of us who have been in the Chamber these past two hours know that he did not take part in the debate and has not been in the Chamber. I hope that he will not seek to intervene again.

Brandon Lewis: It is important that the consultation work goes ahead, and we will do it properly. The police service has asked us to do it methodically and properly, not to take the rushed approach that Opposition Members have implied that they would support.

I commend the police grant report to the House. It provides stable funding for forces and extra funding for transformation, and it should leave the House absolutely clear that police in England and Wales will have the resources they need to continue to protect the public.

Question put.

The House proceeded to a Division.

Madam Deputy Speaker: I remind the House that the motion is subject to double-majority voting: of the whole House and of Members representing constituencies in England and Wales.

The House having divided: Ayes 275, Noes 179.

Votes cast by Members for constituencies in England and Wales: Ayes 269, Noes 173.

Division No. 165]   [3.11 pm

AYES

Adams, Nigel
Afrisyie, Adam
Aldous, Peter
Allan, Lucy

Ayes—[3.11 pm

Allen, Heidi
Andrew, Stuart
Ansell, Caroline
Argar, Edward
Atkins, Victoria
Bacon, Mr Richard
Baker, Mr Steve
Baldwin, Harriett
Barclay, Stephen
Baron, Mr John
Bebb, Guto
Bellingham, Sir Henry
Beresford, Sir Paul
Berry, Jake
Berry, James
Bingham, Andrew
Blackman, Bob
Blunt, Crispin
Bone, Mr Peter
Borwick, Victoria
Brady, Mr Graham
Brazier, Sir Julian
Bridgen, Andrew
Brine, Steve
Brokenshire, rh James
Bruce, Fiona
Buckland, Robert
Burns, Conor
Burrage, Mr David
Burton, Rhiannon
Cairns, rh Alun
Burt, rh Alistair
Burrowes, Mr David
Burns, Conor
Buckland, Robert

Police Grant
22 FEBRUARY 2017

Leslie, Charlotte
Letwin, rh Sir Oliver
Lewis, rh Brandon
Lewis, rh Dr Julian
Liddell-Grainger, Mr Ian
Liddington, rh Mr David
Loughton, Tim
Mackinlay, Craig
Mackintosh, David
Main, rh Mrs Anne
Malthouse, Kit
Mann, Scott
Mathias, Dr Tania
May, mr Mrs Theresa
Maynard, Paul
McCartney, Jason
McCartney, Karl
McLoughlin, rh Sir Patrick
McPartland, Stephen
Menzies, Mark
Mercer, Jenny
Merriam, Huw
Metcalfe, Stephen
Miller, rh Mrs Maria
Mills, Nigel
Mitton, rh Anne
Mitchell, rh Mr Andrew
Mordaunt, Penny
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mowat, David
Murray, Mrs Sheryll
Munnion, Dr Andrew
Neill, Neil
Newton, Sarah
Nokes, Caroline
Norman, Jesse
Nuttall, rh Mr David
Offord, Dr Matthew
Opperman, Guy
Osborne, rh Mr George
Parish, Neil
Paterson, rh Mr Owen
Pawsey, Mark
Penning, rh Mike
Penrose, John
Percy, Andrew
Perry, Claire
Philp, Chris
Pickles, rh Sir Eric
Poulter, Dr Daniel
Pow, Rebecca
Prentis, Victoria
Prisk, Mr Mark
Pritchard, Mark
Pursglove, Tom
Quin, Jeremy
Quince, Will
Raab, rh Mr Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob

Robertson, Mr Laurence
Robinson, Mary
Rosindell, Andrew
Rudd, rh Amber
Sandbach, Antoinette
Scully, Paul
Selous, Andrew
Shannon, Jim
Shapps, rh Grant
Sharma, Akok
Shebukrooke, Alec
Simpson, David
Skidmore, Chris
Smith, Henry
Smith, Julian
Soames, rh Sir Nicholas
Solloway, Amanda
Soubry, rh Anna
Spelman, rh Dame Caroline
Spencer, Mark
Stewart, Bob
Stewart, Ian
Stewart, Rory
Streeter, Mr Gary
Stride, Mel
Stuart, Graham
Sturdy, Julian
Sunak, Rishi
Swire, rh Sir Hugo
Thomas, Derek
Throup, Maggie
Timpson, Edward
Tohurston, Kelly
Tomlinson, Justin
Tomlinson, Michael
Truss, rh Elizabeth
Tugendhat, Tom
Turner, Mr Andrew
Tyrie, rh Mr Andrew
Vara, Mr Shai
Vickers, Martin
Villiers, rh Mrs Theresa
Walker, Mr Charles
Walker, Mr Robin
Wallace, Mr Ben
Warburton, David
Warman, Matt
Whately, Helen
White, Chris
Whittaker, Craig
Whittingdale, rh Mr John
Wiggin, Bill
Williams, Craig
Wilson, Mr Rob
Wilson, Sammy
Wollaston, Dr Sarah
Wragg, William
Wright, rh Jeremy
Zahawi, Nadhim

Tellers for the Ayes:
Heather Wheeler and Christopher Pincher

NOES
Barron, rh Sir Kevin
Beckett, rh Margaret
Benn, rh Hilary
Berger, Luciana
Betts, Mr Clive
Question accordingly agreed to.

Resolved.

That the Police Grant Report (England and Wales) for 2017–18 (HC 944), which was laid before this House on 1 February, be approved.
Local Government Finance

Madam Deputy Speaker (Mrs Eleanor Laing): We come now to the three motions on local government finance, which will be debated together. I must inform the House that Mr Speaker has today certified the third instrument—the Report on Referendums Relating to Council Tax Increases (Principles) (England) 2017-18—as relating exclusively to England and within devolved legislative competence. All three instruments will therefore be subject to double majority voting, of the whole House and of those representing constituencies in England.

The Secretary of State for Communities and Local Government (Sajid Javid): I beg to move,

That the Report on Local Government Finance (England) 2017-18 (HC 985), which was laid before this House on 20 February, be approved.

Madam Deputy Speaker: With this we shall discuss the following motions:

That the Report on Referendums Relating to Council Tax Increases (Principles) (England) 2017-18 (HC 983), which was laid before this House on 20 February, be approved.

That the Report on Referendums Relating to Council Tax Increases (Alternative Notional Amounts) (England) 2017-18 (HC 984), which was laid before this House on 20 February, be approved.

Sajid Javid: Local government is the frontline of our democracy. Every day, England’s almost 400 districts, counties, boroughs, unitary councils and metropolitan areas provide countless services to millions of people. They clean our streets, repair our roads and care for our most vulnerable people. They maintain our infrastructure, shape our communities, put roofs over our heads and so much more. It is our job to make sure that they are adequately funded to do just that.

A provisional financial settlement was published late last year. Since then, we have received formal representations from nearly 200 organisations and individuals. I thank everyone who took part in that process. The results of the consultation are before the House today in the shape of the final settlement. It is a settlement that provides councils with the resources required to deliver world-class public services in the year ahead, while continuing to play their part in bearing down on the deficit. Nobody knows local government better than local government itself, so this settlement answers the deficits. Nobody knows local government better than local government itself, so this settlement answers the deficits. Nobody knows local government better than local government itself, so this settlement answers the deficits. Nobody knows local government better than local government itself, so this settlement answers the deficits. Nobody knows local government better than local government itself, so this settlement answers the deficits. Nobody knows local government better than local government itself, so this settlement answers the deficits. Nobody knows local government better than local government itself, so this settlement answers the deficits. Nobody knows local government better than local government itself, so this settlement answers the deficits. Nobody knows local government better than local government itself, so this settlement answers the deficits. Nobody knows local government better than local government itself, so this settlement answers the deficits.

Mrs Louise Ellman (Liverpool, Riverside) (Lab/Co-op): I agree with the Secretary of State about drawing attention to the importance of local government. Will he explain why Liverpool, with its high deprivation and low tax base, has now lost more than 60% of its central Government funding?

Sajid Javid: The hon. Lady will know that all councils have been asked to make a contribution to deal with the large deficit that the country had in 2010. That does not mean it has not been challenging—it has been for Liverpool and other councils—but many other councils have demonstrated that there are ways to deal with that and have been able to handle the challenges well. It might reassure the hon. Lady to remind her that the Liverpool city region is part of the business rates retention pilot, which I shall address in a moment and which may help to deal with some of the challenges.

John Redwood (Wokingham) (Con): Does my right hon. Friend agree that the gap between the lowest-funded authorities, such as West Berkshire and Wokingham in my area, and the highest-funded, had become too extreme and that more needs to be done to create some fairness?

Sajid Javid: I very much agree with my right hon. Friend. I shall in a moment discuss the fair funding review, which is an attempt to do just that.

The measures can broadly be grouped into three areas, which I shall go through during the debate. Later, I would like to update the House on another important source of Government funding for local authorities: business rates.

The first request we have had from local authorities is for increased certainty about funding. For years, councils have called for the tools to improve services and deliver efficiencies over a longer horizon. That is why the 2015 spending review delivered a £200 billion flat cash settlement for local government and why we have delivered four-year funding allocations that provide the financial certainty required for councils to be bold and ambitious. They have used that funding certainty to publish long-term efficiency plans, showing their taxpayers that they can deliver great services and still live within their means.

The story does not end there, though. Last month, we introduced the Local Government Finance Bill, which will devolve 100% of business rates to local government and enshrine in law our commitment to providing funding certainty by establishing a legal framework for multi-year settlements. The revenue support grant will be abolished, so councils will become financially self-sufficient. With services financed locally, councils will be even more accountable to their electorates, rather than to Ministers in Whitehall.

Kate Green (Stretford and Urmston) (Lab): The Secretary of State says that councils are living within their means, but Trafford Council, for which I am the Member of Parliament, is having to draw on its reserves to meet the spending gap it faces as a result of the reduction in the revenue support grant, which, even in a rich authority like Trafford, is not fully compensated by the ability to retain more business rates.

Sajid Javid: The Under-Secretary of State for Communities and Local Government, my hon. Friend the Member for Brigg and Goole (Andrew Percy), who has responsibility for local growth, met Trafford Council recently. I meet many councils myself and listen to some of their challenges. Trafford Council is one of the authorities that is implementing some efficiencies, but there are always more things that can be done, some of which I shall highlight later.

Diana Johnson (Kingston upon Hull North) (Lab): Hull City Council wrote to the Secretary of State a short while ago. In his response, he offered to meet the leader of the council and its chief executive. We waited...
many weeks for that meeting to be set up, until we received a letter from the correspondence secretary saying that the Secretary of State was not able to meet. Having just said what he did about meeting local authorities, will he now agree to a meeting with Hull City Council?

Sajid Javid: I assure the hon. Lady that Ministers from my Department have had several meetings with Hull City Council, and I, too, am happy to meet the council. If I remember correctly, I received a letter in November and replied within weeks. I am more than happy to meet—in fact, I contacted Hull City Council only today to offer a meeting.

Under the new system, there will no longer be an annual finance settlement that is reviewed and imposed by Westminster each year. Instead, the Government will set the envelope and the principles for allocating funding over a period, and it will be for councils to grow their income. That could be done in a variety of ways, from attracting new businesses and building new homes to working with local partners to deliver more efficient and joined-up local services. One hundred per cent. business rates retention is being piloted from next year by Greater Manchester, Liverpool City Region, West Midlands, Cornwall, West of England and the Greater London Authority.

Mr Mark Hendrick (Preston) (Lab/Co-op): Lancashire has the third lowest tax base of any of the shire local authorities. Preston welcomes the reduction in business rates, but, effectively, what it means is that the 100% tax take will be lower as a result of the reduction in business rates. We do not mind that, but the loss of central Government funding through the rate support grant will be a huge blow to both Lancashire and Preston.

Sajid Javid: There has been a reset for Lancashire, so it should not lose anything. If the hon. Gentleman wants to provide me with any further information that he thinks we may not be aware of, I will be happy to take a look at it.

The authorities that I have just mentioned will be able to keep more of the growth in their business rates income with no impact on the rest of local government. We plan to undertake further pilots in 2018-19 in areas without the devolution deal, including two-tier council areas.

Robert Neill (Bromley and Chislehurst) (Con): I very much welcome the roll-out of these pilots right across the country; it is entirely the right approach to take. The Secretary of State’s immediate predecessor came to Bromley to meet the leader and chief executive of our council when they expressed an interest in Bromley becoming a pilot. Will he take it from me that that offer and that interest still stands, and perhaps he might like to come to Bromley to discuss it with us?

Sajid Javid: I know that my hon. Friend speaks with a great deal of experience when it comes to matters of local government. I am more than happy to meet the leader of Bromley Council, and I hope that my hon. Friend will join me in such a meeting.

We plan to undertake further pilots for the two-tier authorities, and I welcome applications from any council waiting to take part in this second trial. The nationwide roll-out of 100% business rates retention will take place across England in 2019-20. Earlier this month, my Department published a consultation seeking views on exactly how the system should look.

Vernon Coaker (Gedling) (Lab): The explanation of why Surrey was not getting a sweetheart deal was that it was getting something that was perfectly normal and available to other authorities. Will the Secretary of State tell us where Surrey is in these pilots, because we cannot work it out?

Sajid Javid: Well, there is not much to work out. That ridiculous claim was demolished on the day that it was made.

Robert Neill: If the Secretary of State looks at page 34 of the local government finance report, he will see the Surrey-Croydon business rates pool set out in the statement.

Sajid Javid: I thank my hon. Friend for that.

Lilian Greenwood (Nottingham South) (Lab): Which councils are eligible to be part of the pilot on the 100% retention of business rates and which ones are not?

Sajid Javid: All councils that are in two-tier areas.

The second key area where we have listened and responded is funding for adult social care. That issue transcends party politics. Local government may have the statutory duty to look after our most vulnerable citizens, but we all have a moral duty to help it to do so.

The spending review put in place up to £3.5 billion of additional funding for adult social care by 2019-20, but we recognise that the coming year is the most difficult in the settlement period for many councils. There are immediate challenges in the provision of care, and they must be met now before those substantial additional resources become fully available. This settlement creates a new £240 million adult social care support grant, and it allows councils to raise the adult social care precept by up to 3% next year and the year after. Together, those measures make up almost £900 million of additional funding for adult social care available over the next two years. That means that the total dedicated funding available for adult social care over the next four-year settlement period is £7.6 billion.

Mrs Ellman: Does the Secretary of State recognise that although the package he has put forward is a welcome step, it will go nowhere near addressing the major crisis in social care from which the people in Liverpool are suffering?

Sajid Javid: I recognise that there is more to do on adult social care—especially in the area of reform, to which I shall turn in a moment.

Some local authorities will be able to raise less in precept than others. That is why we have also confirmed that the improved better care fund allocations, worth £1.5 billion by 2019-20, will take into account a council’s ability to raise funding through the precept.
Mr Clive Betts (Sheffield South East) (Lab): I recognise what the Secretary of State says: the better care fund will be tailored to help authorities that raise less under the precept. However, the fund does not really kick in until the following financial year. Why have the Government not done anything to help councils with a lesser ability to raise the precept in the next financial year, 2017-18?

Sajid Javid: The hon. Gentleman may not be aware that although the better care fund picks up over time, it has already kicked in. I think it represents £105 million this year, and it rises next year and in the following years. However, he makes an important point; I listen carefully to what he says, especially given that he is Chair of the Select Committee that oversees my Department. I hope he will agree that as the better care fund comes in and builds up, it will start to make a bigger difference.

James Heappey (Wells) (Con): Will the Secretary of State confirm that all additional funds that have been and will be committed for the purposes of adult social care will be allocated according to the needs-based formula, not the existing local government formula, so that things such as sparsity of population and a deteriorating demographic will truly be taken into account?

Sajid Javid: I can confirm that the way in which the funding has been allocated overall is based on relative needs. I have mentioned, for example, the new £240 million fund that the settlement sets up for adult social care. That is all based on need as well.

My hon. Friend has been a passionate advocate of ensuring that we think of all parts of our country, including the more rural parts, that face particular challenges. I have had many constructive discussions with him and will continue to do so. He has often highlighted that we must make sure that those needs-based formulae, whether for adult social care or for funding for local authorities more generally, are updated and modern. That is something that I am attempting to do.

Mr Ronnie Campbell (Blyth Valley) (Lab): According to figures from SPARSE Rural, by 2020 the Government revenue grant will give each person in Northumberland £6.85, while those in the neighbouring metropolitan revenue grant will give each person in Northumberland £1,700—far higher than the average for Northumberland. Is he reassured to know that in his local authority of Shropshire, his local authority, Shropshire, is part of the working group that we have established to look at the specific challenges faced by more rural areas. I reassure him that his local authority, Shropshire, is part of the working group that we have established to look at the specific challenges faced by more rural areas.

Mr Owen Paterson (North Shropshire) (Con): I welcome many aspects of my right hon. Friend’s statement, but he is aware that rural authorities were unhappy at the end of the last Conservative Government. The Labour Government then brutally shifted considerable funds to the inner cities. There is now a massive discrepancy not just in council tax raised, but in money redistributed from the centre and, above all, services. I will vote with the Government tonight without any great enthusiasm for the settlement, but I would like an absolute guarantee that this review will go back to basics, looking at the needs and significant changes on the ground so that when we discuss this next year, we will have a completely different settlement that reverses the trend and brings wealth back, fairly, to rural areas.

Sajid Javid: I welcome my right hon. Friend’s support for the settlement and I very much support his issue he raised about rural communities. I have been a passionate advocate of this for a long time. I am pleased that his local authority, Shropshire, is part of the working group that we have established to look at the specific needs of issues that he mentions and that he knows a lot about. We must make sure that we get it right this time. As we conduct the fair funding review, we need to ensure that it is up to date, more transparent and brings a fairer, needs-based assessment. It is vital that the new formula delivers, so we are working closely with local government to get it right.

Mr Stewart Jackson (Peterborough) (Con): I commend the efforts, via the better care fund, to address the demographic issues, which transcend party politics. While the Secretary of State is considering the efficacy of the funding that he has mentioned, will he bring in a fiscal incentive for local authorities such as Torbay that are trying to integrate adult social care with acute hospital care, so that they have a real incentive to drive those necessary reforms and changes?

Sajid Javid: My hon. Friend leads me directly to my next point, which is about ensuring that we all recognise that more money for adult social care is not the only answer. We want every area to move towards integration of health and social care services by 2020, so that it feels much more like one service. I welcome what I believe is a consensus on both sides of the House that we will need to develop reforms to make social care more sustainable and effective for everyone in the long term, so my hon. Friend’s point—that as we work towards integration, we should look at how we can best encourage that—is an important one.

Another key area concerns the fair funding review, through which we are devising a new funding formula for local government. It is nearly a decade since the current formula was looked at thoroughly. Some parts of it date back as far as 1991, when the Prime Minister was an up and coming young councillor. It is fair to say that a few things have changed since then: the demographic make-up of many areas has altered radically; an ageing population means that demand for different services has shifted; and we are entering a world in which local government spending is funded by local resources, not central grants. We are undertaking a fair funding review to thoroughly consider how to introduce a more up-to-date, more transparent and fairer needs assessment formula. It is vital that the new formula delivers, so we are working closely with local government to get it right.

Huw Merriman (Bexhill and Battle) (Con): Will my right hon. Friend look at whether the funding review from the centre and, above all, services. I will vote with the Government tonight without any great enthusiasm for the settlement, but I would like an absolute guarantee that this review will go back to basics, looking at the needs and significant changes on the ground so that when we discuss this next year, we will have a completely different settlement that reverses the trend and brings wealth back, fairly, to rural areas.

Sajid Javid: I welcome my right hon. Friend’s support for the settlement and I very much support his issue he raised about rural communities. I have been a passionate advocate of this for a long time. I am pleased that his local authority, Shropshire, is part of the working group that we have established to look at the specific needs of issues that he mentions and that he knows a lot about. We must make sure that we get it right this time. As we conduct the fair funding review, we need to ensure that it is up to date, more transparent and brings a fairer, needs-based assessment. It is vital that the new formula delivers, so we are working closely with all of local government to try to get that right. We had hundreds of responses to the call for evidence published by my Department last year, and it is clear that people in all areas feel strongly about this, as we have just heard from my right hon. Friend.

Huw Merriman (Bexhill and Battle) (Con): Will my right hon. Friend look at whether the funding review will take into account aged-based proportions within...
the community, not least because of the debate on social care? That may be one way of diverting more money to those at the older end of the age spectrum.

Sajid Javid: I can confirm that that is exactly the kind of thing that we need to look at more closely. If my hon. Friend allows me to, I will give a bit more detail about the kinds of things that I am keen to ensure are covered by the review.

I have been privileged to hear the views of colleagues from across the House, many of whom have direct experience of service in local government. Various themes have emerged. Foremost among them is the need to ensure that the formula works for all local authorities, wherever they are. Rural councils in particular have unique needs that must be met, and councils have been clear that they want to see action sooner, rather than later. I am happy to confirm what we have previously said on the issue. We will make the changes to the fair funding review, which my hon. Friend said that this will happen in the fastest time that the parliamentary process will allow. May I invite him to be a little clearer on when he anticipates that means the review will have been completed and committed to?

Sajid Javid: Again, I thank my hon. Friend for the role he has played in making sure that this issue is looked at properly. As he will know, the commitment we have made on business rates retention, which we want to start in the financial year 2019-20, means that there will be a requirement to have the proper baseline set for all local authorities before that system can be properly brought in. I hope that that gives him some comfort on the timing that is necessary given that the two things—the fair funding review and the business rates retention plan—are very much interlinked. There will be various staging posts on the way. As always, I am more than happy to sit down with him to take him through those and discuss this further.

Steve Double (St Austell and Newquay) (Con): Much of what my right hon. Friend is saying is music to my ears as well. Does he agree that this is exactly the right time to address the issue of fair funding, because if unfairness gets baked into the system with the retention of business rates, it will basically be there for ever? It is vital that we get this right now, before the retention of business rates goes ahead.

Sajid Javid: My hon. Friend is correct. This is not special treatment for one area versus another; it is about recognising the needs of each area. In more rural areas, there are some obvious differences. For example, sparsity can mean that the delivery of certain services is more expensive, while others might be cheaper. This is about having the right data and being more transparent, and then making sure that those needs are met. That is exactly my ambition in looking at this and making sure that we get it right.

Vernon Coaker: Will the Secretary of State give way?

Sajid Javid: I will give way once more on this point and then I will have to move on.

Vernon Coaker: I thank the Secretary of State for giving way. I do not agree with much of what he has said, but it is a refreshing change to have a Secretary of State who has given way as much as he has today, because that contributes very much to the debate. Whether he is talking about 100% retention of business rates or the fair funding review, there is a key question for local authorities. Gedling Borough Council has a 62% cash reduction—it is the eighth worst affected authority in the country. This is an opportunity to make sure that it can deliver the services that the Government require it to deliver, as so many local authorities across the country are struggling to do.

Sajid Javid: I thank the hon. Gentleman for his warm words. The review is about making sure that all areas of England and all local authorities, whether rural or urban, have the right settlement for the long term. Given that the formula has not been looked at properly for years and years now—it is out of date and requires a fresh look—I hope he agrees this is exactly the approach that is required.

Local government funding has to be fair not just to the area itself, but to the people who provide the funds in the first place, including the millions of hard-working business owners who pay business rates. Growing up above the family shop, I saw the impact that an increase in rates can have on small businesses. A rise in the cost lowered the mood of the whole family. Even as a child, I knew that it was not good when I found a stack of bright red final reminders hidden away at the back of a drawer. My dad was never shy about sharing what he thought of out-of-town retail parks and how they took customers away from his shop on the high street in Bedminster. If he were alive today, I am sure that he would be the first to phone and lobby me about the business rates revaluation. In particular, I can just imagine him telling me about how the treatment of large online retailers compares with that of more traditional shops on the high street.

My background helps to explain why I have always been passionate about supporting businesses. It is why as Business Secretary I championed the £6.7 billion relief package that means that some 600,000 small
businesses will never have to pay rates again. That is a third of all businesses and the biggest cut in business rates in history.

The current rate revaluation is fiscally neutral. It is not being used to raise a single extra penny for the Treasury. In fact, to do so would be illegal. The amount that most businesses—three quarters of them, in fact—pay will go down or stay the same. As I have said, 600,000 small businesses are being lifted out of business rates altogether, permanently.

Although those three quarters of businesses will benefit or see no change, I am also acutely aware of the impact on the quarter that will see increases. If someone's rates are going up, it is no consolation to hear that others will be going down. I have long recognised the need to provide support, and that is why we have put in place a £3.6 billion package of transitional relief to help more than 140,000 smaller businesses. However, as colleagues and the media have highlighted in recent days, some individual businesses will face particular difficulties. For example, businesses that are coming off rate relief can face an alarming cliff edge. Independent retailers in some high-value areas are also struggling.

I have always listened to businesses and this situation is no exception. It is clear to me that more needs to be done to level the playing field and to make the system fairer. I am working closely with my right hon. Friend. Friend the Chancellor to determine how best to provide further support to businesses facing the steepest increases. We expect to be in a position to make an announcement in the Budget in just two weeks' time.

Mr Charles Walker (Broxbourne) (Con): As my right hon. Friend trudges around the country, visiting council leaders in various chambers, may I invite him to come to a McMullen pub in Broxbourne? He will be able to meet the chief executive of McMullen, who will explain to him that some of its pubs, which employ many young people in a variety of roles, will see their rates increase by more than 200%. That is not fair. McMullen may not be a small business, but if it has to pay higher rates at that level, it will stop employing young people in my constituency.

Sajid Javid: I would be very happy to visit that McMullen pub with my hon. Friend. He highlights the importance of pubs—not just McMullen pubs, but more generally—and it is important for the House to note, as we have done so often, that pubs are more than just businesses. They play a very important part in our local communities, which is why I would be happy to come along and learn more from my hon. Friend and the pub itself.

Mr Betts: I have some sympathy with the Secretary of State’s points about revaluation. I accept that it is fiscally neutral and that it reflects the change in property prices, but perhaps the Government did not help themselves by delaying it for two years. He has referred to the difference between business rates for high street premises and those for out-of-town shopping centres. Is he therefore considering a more fundamental review of the whole basis on which valuations are made, to try to better reflect the proper cost to businesses on the high street and in out-of-town centres?

Robert Neill rose—

Sajid Javid: I will come to the point made by the Chair of the Communities and Local Government Committee in a moment, but first I will give way to my hon. Friend the Member for Bromley and Chislehurst (Robert Neill).

Robert Neill: I hope that the Secretary of State will not think me discourteous if I disappear to chair my Select Committee in a moment. I welcome his statement and the tone in which it was made. Many of us have raised concerns about the issues that he touches on, and particularly about the fact that land values are high in areas such as mine—but that is no consolation to the independent trader on the high street. Will he undertake to meet me and other London and south-east Conservative MPs who have done some detailed work on this, to see how we can best find a constructive way forward?

Sajid Javid: My hon. Friend makes an important point about the challenges that businesses, particularly those on the high street, will face in areas such as Bromley. I would be more than happy to meet the leader of his council and other local representatives to learn more about those challenges.

Property-based business taxes have been around in one form or another for many decades—centuries, even. Nobody would argue that the current system is perfect, and it is right to ask whether the time has come for some kind of reform. The Treasury's 2015 consultation showed little appetite for replacing the whole business rate system. It remains a vital part of the local government finance settlement, and its importance will only increase with the introduction of business rate retention. However, with underlying concerns about globalisation, international tax structures and the struggle between the high street and the virtual world, there is clearly room for improvement. We will look closely at all possible steps to make the system fairer and more sustainable in the short and long term.

Kate Green: I welcome what the Secretary of State says about a review. I am sure he will be interested to know of research conducted recently by Revo with intu shopping centres, which showed that business rates were the single largest deterrent to foreign retailers establishing or expanding in the UK. Would he be willing to meet the researchers behind the report to discuss, in the context of the review, what can be done to ensure that the UK continues to be an attractive destination for foreign retailers?

Sajid Javid: I want to listen carefully to anyone—any business, individual or Member of Parliament—who has concerns to bring me about the business rate system. I have talked about some of those concerns. The hon. Lady talks about issues to do with foreign retailers and others, and I will gladly look at them. If she wants to furnish me with more information, I will be happy to look at it. I want to make sure that we deal with these challenges. I think we all agree that the tax is not perfect, but it serves an important purpose in funding public services, and we must always look at how we can improve the situation.

Mr Jackson: Notwithstanding the fact that there will always be speculative and vexatious appeals, will my right hon. Friend dispel the urban myth that the
Government are somehow getting rid of the appeals process? Will he confirm that appeals will continue to be open, fair and transparent for those who are unhappy with their business rate assessment?

**Sajid Javid**

I am happy to confirm that to my hon. Friend. Appeals are a vital part of the system. Businesses must feel that the system has integrity. If they feel for any reason that their valuation could be wrong, it is right that they should be in a position to challenge it. If anything, I want to make the process more transparent and easier for businesses that have a valid reason.

For example, the changes that we have introduced through the valuation office will allow some smaller businesses to go online to check their valuation. If they are in any doubt, they will be able to contact the valuation office directly, either online or through other forms of direct contact, and get the valuation reviewed very quickly. Contrary to the view of some out there that we want to make it harder, I am determined to make sure that businesses have a proper way to challenge the system, because it is their right to do so.

I must conclude, because I want to make sure that colleagues have enough time for debate. This local government finance settlement honours our commitment to reform; it recognises the costs of delivering adult social care and makes more funding available sooner; and it puts local councillors in the driving seat with a commitment to support them with a fairer funding formula. I commend it to the House.

4.4 pm

**Mr Gareth Thomas** (Harrow West) (Lab/Co-op): With social care in crisis, a huge number of businesses deeply worried about rising business rates bills and the council tax set to increase by 25% by 2020, this local government finance settlement may work for Ministers, but it will certainly not work for anyone else. While it is good to hear that there may be some help for the businesses most affected by the revaluation, the Prime Minister’s spokesperson briefed after today’s Prime Minister’s questions that there would be no more extra money available to help to fund this additional support to businesses. When the Minister winds up, will he confirm whether that is the case, because if it is, one group of businesses that were expecting help will be robbed to fund the relief for another group of businesses?

Many businesses will receive new bills next week, and council tax bills are almost ready to be sent out. This is the latest the settlement has been for decades, so one might have expected there to be a little better news in it compared with the original offering in December. There is no new money for local government to tackle the social care crisis, and nothing to help councils to tackle rising homelessness and the doubling of rough sleeping. It just passes the buck on to local councils, while local residents are left paying more in council tax, at the same time as public services deteriorate. No wonder this is being described as a “hugely disappointing” settlement. That is not my phrase, but the words of Lord Porter, chairman of the Local Government Association and Conservative leader of South Holland District Council.

**Gloria De Piero** (Ashfield) (Lab): Nottinghamshire County Council has lost £200 million during the past seven years. Given that 40% of the budget goes to adult social care, is it any wonder that, day after day, all of us across the House are getting the most heartbreaking stories from our constituents who are simply not getting the care that their loved ones need?

**Mr Thomas**: My hon. Friend makes a very good point, which is why it is all the more worrying that Ministers want to abolish the revenue support grant totally under the Local Government Finance Bill.

Perhaps I should not be too harsh on the Secretary of State. After all, he has had a rough week. He was accused by the former Conservative party chairman of “spinning the numbers”, and I hear that there was concern among Conservative Members that the Secretary of State was being hung out to dry by colleagues, so it was good to hear the Prime Minister’s spokesperson confirm that No. 10 still had full confidence in him. In truth, in just eight short months, the Secretary of State has been found asleep at the wheel twice—with a social care crisis entirely of the Government’s own making, about which he was warned well in advance; and now a business rates crisis, which he must have known might create a problem for many businesses, given that his party delayed the revaluation by two years, yet the seriousness of which it has apparently taken him until now to grasp.

**Anna Soubry** (Broxtowe) (Con): Does the hon. Gentleman agree that if county councils such as Nottinghamshire want to do better on social care, they can look at cutting their costs by going into a unitary authority? Conservative county councillors in Nottinghamshire agreed that that was a good idea, but Labour county councillors, no doubt thinking of their allowances, decided it was a bad idea.

**Mr Thomas**: I encourage the right hon. Lady, for whom I normally have a lot of respect, not to make such partisan and, I suspect, inaccurate points, but to look at a booklet published by the LGA Labour group that gives 100 examples of the way in which Labour councils have innovated during the past few years. She may want to encourage some Conservative councillors whom she knows to follow such examples.

The Secretary of State sent a letter to all his Conservative colleagues claiming that the concerns raised about business rates by businesses and hospitals were based, apparently, on a “relentless campaign of distortions and half-truths”. Leaving aside the question of whether it was right to release the figures just to Members of his own party, the irony is that, as was quickly exposed, the actual bills businesses will receive are likely to be 7% higher than the figures he produced. I gently suggest that the Secretary of State is in danger of getting a reputation for being sloppy in his use of figures.

Ministers have known about the business rates revaluation for a long time. Indeed, when announcing the delay, the right hon. Member for Brentwood and Ongar (Sir Eric Pickles) explained that it was to prevent “unexpected hikes” in business rates. Why did the current group of Ministers not think to analyse its consequences a little earlier? How can it possibly be fair that the overall
business rates bill for Amazon, which has avoided paying much in corporation tax despite making huge profits, has gone down while family-run businesses that have existed on local high streets for decades face huge rises in their business rates bills? To accuse, as the Secretary of State effectively did, the Federation of Small Businesses, the CBI and the British Retail Consortium of “distortions and half-truths” in their campaigning is a disgrace. He should apologise to them.

James Heappey: While the hon. Gentleman is discussing the revaluation of business rates, will he welcome the Government’s measures in recent years to provide small business rates relief, and its indefinite extension, which has been so advantageous to many of the small businesses he claims the Government will have harmed?

Mr Thomas: I certainly welcome small business rates relief. We will have to wait and see whether Ministers will raid the pot that some businesses were hoping to benefit from, in terms of that rates relief, to fund support to other businesses that will see even bigger increases than they were expecting in their business rates bills.

John Redwood: The hon. Gentleman is making a case for more funding for social care and more rates relief. How much money does he have in mind and how should that be paid for?

Mr Thomas: I am sorry that the right hon. Gentleman was not successful in his efforts to get on to the Local Government Finance Bill Committee, but if he will bear with me, I will come on to Wokingham and social care.

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr Marcus Jones): The hon. Gentleman now seems very concerned about the burden of business rates on business. Why then, during the Government’s revaluation, it was a little surprising for the Secretary of State to send out his revaluation of business rates, will he welcome the review of the support for small businesses hit hardest by the business rates revaluation. I look forward to him being able to instruct his Minister, and encourage his hon. Friends, to support the amendment we have tabled to the Local Government Finance Bill on Report, requiring a full review of business rates and their impact on local government finance before the Bill comes into effect.

Steve Double: I just wonder whether the hon. Gentleman is able to clarify something for me. He has consistently said that he supports the 100% retention of business rates for local councils. However, he seems to advocate lower business rates for businesses and more money for local councils, which does not seem to add up. Where will the money come from?

Mr Thomas: As we have gently suggested before in this Chamber, we simply do not think it is the right time to cut corporation tax for businesses like Amazon, Sports Direct or Britain’s biggest banks. It is important that we get business rates right, because from April 2019 local government will be increasingly reliant on that income stream to fund vital public services. Since the Conservative party came to power, funding from central Government has been cut by over 40% and they want to axe the revenue support grant completely. Councils will spend some £10 billion less on England’s local public services this year than they spent in 2010-11. Ministers have never denied the Local Government Association’s calculation that local authorities are facing a £5.8 billion gap by 2020 just to fund statutory services.

Today’s settlement represents a further cut in councils’ core spending power. Not a single extra penny of new money for local government has been found for the care of Britain’s oldest and most vulnerable citizens. Some £4.6 billion has been axed from social care budgets since 2010. More than 1 million English adults, people who have served our country and deserve to be treated properly and with dignity, are estimated to have unmet care needs, which is a remarkable, almost 50% increase since 2010. The crisis is having profound consequences for the NHS and forcing councils to fund vital local services to enable them to provide even the most basic service to the most vulnerable.

Last July, the Association of Directors of Adult Social Services warned of serious problems in social care, but the Secretary of State did not act. In October, the Care Quality Commission said that adult social care services were at a “tipping point”, but the Secretary of State dismissed it as an exaggeration. There were briefings that action would be forthcoming in the autumn statement, but that came and went. When the statement on local government finance came around in December, all we were presented with was money being moved from one council funding pot to another and permission to raise council tax quicker than before.

The social care precept raises vastly different sums of money in different areas and is completely unrelated to need. It shifts the burden of solving a national crisis on to hard-pressed local councils and local residents, including all those only just managing to make ends meet. Members from all parties have called on the Government to act. The Chairs of the Health, Communities and Local Government and Public Accounts Committees have called on Ministers to act, yet the crisis has just got worse. The Association of Directors of Adult Social Services and the head of the NHS have also called on Ministers to act, while Age UK says that the English social care system is facing complete collapse.
Huw Merriman: The hon. Gentleman is right to talk about the need for social care reform, although I believe that the Government are responding to that need, but would he like to take this opportunity to congratulate Conservative-run East Sussex County Council, which has put its budget alongside that of the local clinical commissioning group and is moving money out of hospitals, so that patients can come out of hospital or need not even go in at all? Is that not a good example of local reform delivering now?

Mr Thomas: I always support things that improve services to local people, but I say gently to the hon. Gentleman that I am surprised at his complacency and apparent belief that there is no social care crisis at all—that seemed to be the implication of his remarks. Many local authorities up and down the country are deeply worried about the social care situation. I suspect that if he spoke to councillors in East Sussex, he would find that they, too, are deeply worried.

Huw Merriman: I talk regularly to my councillors—I am here to represent them, as I am all my constituents—but I have an issue with the hon. Gentleman’s talk of a crisis. There are challenges in the system and a need for reform, but the talk of a crisis is scaremongering and sending out a signal that things cannot be fixed locally, whereas my county council is showing that, with hard work, imagination and application, they can be.

Mr Thomas: If the hon. Gentleman will not listen to me, perhaps he will listen to Izzi Seccombe, chair of the LGA’s health and wellbeing board and Conservative leader of Warwickshire Council. Earlier this week, she said:

“To continue, it is really looking like we are cutting into the bones of services that matter to people”.

According to the LGA’s analysis, 147 of England’s 151 social care authorities are considering or have had approved the introduction of the social care precept for next year, but it estimates that that will raise just over £540 million, which does not even cover the cost of the Government’s national living wage. It will not tackle either the growing crisis in services available to support the elderly or disabled or end the need for cuts to local services, including social care, such is the funding crisis.

Kevin Hollinrake (Thirsk and Malton) (Con): The hon. Gentleman referred to the needs within different local authorities. Does he accept that some local authorities are under greater pressure than others? For example, 13 London boroughs were able to reduce or freeze council tax in 2016-17, while many others were not. Is he advocating a system based purely on cost drivers, need and the cost of delivery, rather than regression and the baked-in formulas of previous years?

Mr Thomas: The hon. Gentleman will remember that he and I had this discussion many times during our sittings on the Local Government Finance Bill. While the hon. Gentleman seeks to champion his constituency, which is a rural area, I gently suggest that he might like to talk to Ministers about why they intend to abolish the rural delivery services grant, which was specifically introduced to help provide additional funding to rural areas such as his.

Kevin Hollinrake: The hon. Gentleman knows very well that this is happening in a context of much more money coming into the system—an extra £12.5 billion into local government by 2020. That is the relevant context, rather than what he says about withdrawing funding from local authorities.

Mr Thomas: Given the scale of the funding crisis facing local government at the moment and the abolition of other funding streams such as the £3 billion going from the public health grant, I suggest that the hon. Gentleman should be a bit more of a champion for rural areas and try to defend his own area’s funding through the rural delivery services grant.

Kevin Hollinrake: The hon. Gentleman is right to talk about the need for social care reform, although I believe that if he spoke to councillors in East Sussex, he would find that they, too, are deeply worried.

Dr Sarah Wollaston (Totnes) (Con): The hon. Gentleman mentioned Izzi Seccombe. She chairs the LGA’s health and wellbeing board and Conservative leader of Warwickshire Council. Earlier this week, she said:

“I would like to put on record the fact that my constituency covers part of Torbay, which has both a national and an international reputation for integration of health and social care. Despite that, it is now under extraordinary pressure from a number of sources, and it is very important that Ministers are aware of the strain that social care is under.”

Mr Thomas: I commend the hon. Lady, who has been a brave voice on the Government side in raising this issue.

Mr Jim Cunningham (Coventry South) (Lab): My hon. Friend was right when he said that even if local authorities are allowed to raise this money, in the longer term, by 2021, it will not cover the costs, because there will be a deficit nationally of more than £2 billion. If we take Coventry and Warwickshire, by 2021, there will be a deficit of £33 million. That shows the scope and scale of the problem.

Mr Thomas: My hon. Friend has taken a number of opportunities of late to champion his local authority in the difficulties that it faces—not only for now, but in the long term. The situation he describes in Coventry is mirrored up and down the country. It is time that Ministers grasped the seriousness of the situation.

The LGA has made clear that the continued underfunding of social care is making it impossible for many local authorities to fulfil their legal duties under the Care Act 2014, leaving open the prospect of a whole series of costly court challenges. It is true that some money, £240 million, has been switched from the new homes bonus to fund social care, but when serious analysts suggest that £1.3 billion is needed urgently now to stabilise the social care system and that the funding gap for social care is expected to reach £2.6 billion by 2020, it is difficult to find anyone, even in the Government’s own party, who thinks Ministers are on track to sort the social care challenges that our country faces.

Mr Betts: Is it not disappointing that attempts are now being made to blame local authorities for problems in social care funding that are clearly of central
Government’s making? When Simon Stevens came to the Communities and Local Government Committee, he made it absolutely clear that there would be a funding problem for social care in this country—even if every local authority performed at the level of the best.

Mr Thomas: My hon. Friend makes a very good point. The default position for Conservative Members, whenever an issue is raised about the funding gap for social care and a number of other services, is to blame local authorities. The evidence of Simon Stevens and others rightly rebuts that point.

James Heappey: Conservative Members actually blame Labour Front Benchers for so shamelessly rigging the system in favour of Labour-controlled cities during their time in government. I am sure that the shadow Minister will therefore welcome the review announced today to make sure that the future funding formula for local government is much fairer to both urban and rural areas.

Mr Thomas: I admire the hon. Gentleman’s chutzpah, if nothing else. On the subject of mates’ rates, I shall deal with Surrey County Council in a moment.

Just last month, the Secretary of State once again told the House: “In the last spending review, the Government allocated an additional £3.5 billion a year by 2020 to adult social care.”—[Official Report, 16 January 2017; Vol. 619, c. 664.]

That was based on £1.5 billion from the back-loaded better care fund and £2 billion from the social care precept, but when we look at those figures closely, we see that the £2 billion was simply rounded up from the Department’s estimate that £1.8 billion would be raised from the precept. The Government had casually added an extra £200 million. That assumption was based on every council’s raising the precept by the full amount, but we already know that not all councils will do so.

When we look even more closely at the detail, we see that it also builds in the assumption that an additional 1.45 million households will be paying council tax. Ministers seem to have disowned the ambition of the previous Housing Minister—the current Minister for Policing and the Fire Service—to build a million new homes by 2020, so I have no idea where the Government plucked that 1.45 million figure from. Perhaps the right hon. Member for Welwyn Hatfield (Grant Shapps) would be tempted to call this another case of “spinning the numbers”. The truth is that the additional funding that the Government claim to be putting into social care is far from guaranteed, and, in any event, unless they find genuinely new money, there will still be a very significant funding gap by 2020.

Now let us come to Surrey County Council and the sorry saga of the abandoned 15% council tax referendum. Shortly after the announcement, David Hodge, the council’s leader, revealed that he had already made cuts worth £450 million and explained that he would have to take an axe to services if the extra £60 million that the 15% council tax hike would have raised was not agreed.

One reason why Surrey’s announcement was so striking is that it has been able to increase spending on adult social care by over 34% since 2010-11, whereas some councils have had to decrease it by up to 32% in the same period. In fact, only two of the 152 social care-providing local authorities have been able to increase their spending on social care more than Surrey. If Surrey says that it cannot cope with demand for social care, which council can?

In the most deprived areas of the country, social care spending fell by £65 per person as councils were hit particularly hard by Government funding cuts, but rose by £28 per person in the least deprived areas. The social care precept will only further entrench that inequality. Blackpool, the most deprived unitary authority area in the country, faces a 31% reduction in spending power between 2011 and 2019, whereas Wokingham, the least deprived area, faces only a 4% fall in the same period.

Perhaps Ministers will finally take the opportunity today to enlighten us on what discussions took place between their Department and Surrey County Council, but from the outside it looks like policy making on the hoof: Ministers, embarrassed by one of their own, exposing the fallacy of their argument. They seem to have settled on opening up the business rates retention pilot scheme, but why was Surrey given special access, whereas other local authorities have not been told how they can apply until now?

John Redwood: It should be made clear that Wokingham starts £400 a head worse off than the very best-rewarded councils, which is why there has to be a differential rate.

Mr Thomas: Let me gently suggest to the right hon. Gentleman that he might like to think about the adequacy of the funding for services that are needed in that area. I suggest that, in that spirit, he might recognise the accuracy of the figures that I have just given.

Mr Jim Cunningham: Between 2010 and 2020, Coventry’s Government grants will have been cut by 50%. The Government are shifting responsibility for grants on to local authorities. Let me put it another way: Coventry will have lost £655 million, and in that respect it will be typical of local authorities throughout the country.

Mr Thomas: My hon. Friend has made a good point. That is all the more reason for continuing to hold the Government to account for their decision to axe revenue support grant in full under the Local Government Finance Bill.

What this settlement also does not address are the huge pressures that councils face as a result of rising homelessness and temporary accommodation costs, as well as rapidly increasing children’s social care costs. Rough-sleeping rates fell to historical lows under Labour; they have more than doubled since 2010. The number of social homes being built is at the lowest level on record. With more than 1 million people on social housing waiting lists, councils’ spending on housing families in temporary accommodation has gone up by 46%. Instead, Ministers are taking money away from councils through the new homes bonus. Ministers sing the praises of the new multi-year settlement as a way to give local government certainty, and then in their very first year make a late switch, leaving many councils with an unplanned gap in their budgets.

No area of England has been spared from cuts to services. The doors have shut on libraries, day centres...
and care homes. Bus services, leisure centres and youth centres have all closed or had their hours and range of services restricted. Women’s refuges have been axed, funding and contracts for local charities taken away. Advice services have gone. Investment in parks and street cleaning has been sharply reduced. All these services and others, treasured by local communities, or vital lifelines for vulnerable residents, have been cut.

This funding settlement will mean that the people of England are left with worse public services. It will deepen the divide between those parts of the country that are well-off and those that rank highest for deprivation. It is a settlement that will not remotely begin to tackle the social care crisis, and it will hit the pockets of those that are well-off and those that rank highest for deprivation.

It is a settlement that will not remotely begin to tackle the social care crisis, and it will hit the pockets of those that are well-off and those that rank highest for deprivation. It will leave those who are left with worse public services. It will move to a unitary model to reduce costs and deliver services in a more effective and efficient way.

4.31 pm

Anna Soubry: I could not agree more. My hon. Friend makes a compelling point.

Broxtowe Borough Council has done a terrific job, and I pay credit to the previous authority, run by Labour and the Lib Dems, which started the sharing of back-office functions. Obviously I take the firm view that the new Conservative-run council is even better—[Hon. Members: “Hear, hear!”] I genuinely believe that it is, notwithstanding the unfortunate position that it now finds itself in. I shall address that point in a moment; my speech will not be all roses, as you can imagine, Mr Deputy Speaker. We are here to represent all our constituents, and we are also here to represent our hard-working councillors.

Broxtowe Borough Council—now Conservative run—has continued much of the good work on sharing back-office functions, but as my hon. Friend the Member for Thirsk and Malton (Kevin Hollinrake) says, there is only so much that such councils can do. Broxtowe continues to carry out such functions, but we are now going across borders and sharing functions with Erewash and, increasingly, with Rushcliffe. I have already told the leader of our borough council, Councillor Richard Jackson, that I am slightly worried about that. He shares my view that we should move to a unitary arrangement. That is brave of him, as the leader of a borough council—he is also on the county council—but Conservatives are increasingly being brave and considering whether going unitary would be better. If they are to make that advance, however, they will have to work even more with other authorities in the county rather than crossing the border into Derbyshire. So Broxtowe Borough Council is sharing back office duties, but as my hon. Friend said, there is only so much that it can do. Let us look at planning. No disrespect to all my great planning officers, but in reality we need one unitary authority to deal with important planning matters.

I shall turn now to the difficulties that Broxtowe undoubtedly faces. Because of the settlement, Broxtowe Borough Council will lose around £380,000 in 2017-18, and a total of £1.18 million over the next three years. That equates to an increase in council tax of about 5%. We must bear in mind that one of the reasons why the Conservatives came into power in 2015 was our promise not to increase council tax. Broxtowe does not want to put up council tax but it faces a big drop in its income in the coming years. The council, and Councillor Richard Jackson, are agitated even more by the short notice that has been given of the settlement. He told me that the administration had “hardly any time to plan for the reductions that will be needed”. It has had only a few weeks in which to balance next year’s budget.

It is tough to say this, but the reality is that all our local authorities are increasingly finding themselves in financial difficulty. They have a duty to deliver good services, but the amount of money available to them— notwithstanding the good work that so many of them have done to reduce their costs—is putting a strain on
their ability to deliver the first-class services that they are determined to deliver. I make this plea on behalf of Broxtowe Borough Council. It has accepted this cut, which will be difficult—the Secretary of State was good enough to arrange a meeting with representatives of the council, and we are grateful for that—but enough is enough. Really, these must be the last such cuts to good local authorities such as Broxtowe.

I want to turn now to business rates. Having had the pleasure of working with the Secretary of State for 12 months and more, I have absolutely no doubt that he understands the needs, the pressures and indeed the joys of running a small business. He gets that—of course he does—and I am proud that we did so much in our time together to improve the lot of small businesses. However, I have big concerns about business rates. Now is not the time to go into all that, but in my view, it is a bad system. It is inherently unfair. No matter how much money a business makes—or, indeed, loses—it still has to pay its rates, and that is absolutely wrong. A business could occupy a certain space and have only a couple of people working in it, but it could be making millions of pounds in profits because it provides an online service. We all want our high streets to thrive. The shop might have all the details of the situation yet, but I know that pubs may face a quite unbearable rates rise. We do not have all the details of the situation yet, but I know that the Secretary of State will want to know them and I will not hesitate to give them to him. We know the value of pubs. They are important to our communities, but they are also important to our economy. They are great small businesses.

There are also concerns that rates will be reduced for some supermarkets while other businesses that employ maybe five to 10 people will find that their rates increase. In Broxtowe, the change will be neutral across the board—not the 0.7% change in the letter from the Secretary of State and the Chief Secretary to the Treasury—but with inequities in who will have to pay more and who will have to pay less. For example, we think that some businesses in Broxtowe’s three retail parks may pay less. There is often a battle between the retail park and the high street, and we think that some high street businesses may pay more than businesses in retail parks. Retail parks have big businesses—Ikea, Boots and Mamas & Papas, for example. I am not saying that they can necessarily afford an increase in rates, but they can probably soak it up in a way that a small independent business cannot. I will provide the Secretary of State with any details as they come out, and I know that he will take them on board.

I have no doubt that the Government absolutely understand the real strains in our social care system. I welcome, as I have previously, the four-year spending settlements being presented to us a few weeks ago. It is obvious point is that there is no change from the provisional settlement. We are talking about the same figures as the Government has put in place to allow us to raise the additional 3% through the precept. We will do that to ensure that we can raise as much money for social care as possible. However, I gravely fear that the reality is that the Government need to put more taxpayer money into the system. I spoke to the chief executive of Nottinghamshire County Council on Friday, and such is the strain, for all sorts of reasons—I do not have time to go into those reasons, and this is not the place in any event—that Nottinghamshire is unable to offer homes to unaccompanied child refugees because of the extraordinary cost required to ensure that they are kept safe. It is important that such children get the right services and placements, and so on. At the moment, Nottinghamshire does not have the resources needed to do the right thing by those unaccompanied children. As I said at the beginning, we have to bear in mind the real strains being put on our local authorities and our outstanding councillors.

Finally, I have spoken about unitary authorities, and I urge the Secretary of State to consider being even braver, to take the bull by the horns and say to councils, “Now is the time. You must become unitary.” That is the way forward for many councils in order to save money and, most importantly, improve services.

4.45 pm

Mr Clive Betts (Sheffield South East) (Lab): The obvious point is that there is no change from the provisional settlement. We are talking about the same figures as the Government presented to us a few weeks ago. It is difficult to imagine that nothing any local council has said in that time has been relevant to its financial circumstances to the extent that Ministers feel the need to respond in some way. That is the case: no change whatever to the initial proposals.

The settlement therefore represents a continuation of the cuts that began in 2010. I welcome, as I have previously, the four-year spending settlements being
given to councils. The settlements are a helpful step forward that local government has also welcomed in general. This is a cash-flat settlement over a four-year period, which therefore means a continuation of cuts because cash buys less over a four-year period not merely because of inflationary pressures, but because of the additional pressures on services from the growing number of elderly people and the extra pressures of the Care Act 2014 and the Children and Families Act 2014. Local authorities are having to absorb all those pressures within the cash-flat settlement.

The Comptroller and Auditor General, Amyas Morse, has figures showing that the spending power of local authorities, in real terms, reduced by 25% between 2010 and 2016. He has also said that there will be a further 6% reduction up to 2020. Amyas Morse says that the cuts are continuing.

Furthermore, it is very clear that local government has received bigger cuts over a longer period than any other service provided by Government—far bigger than any service provided by any other central Government Department. The reality of the situation is that no other Department has had cuts on this scale, and that cannot be challenged because those are the facts.

The Local Government Association has said that, by 2020, at the end of the spending review period, there will be a gap of £5.8 billion. That is the LGA's figure, and I know that some people will say, "Well they would say that, wouldn't they? They want extra money." Those people might be right, but there may be demands on service provision that cannot be met by the agreed funding settlement.

All I ask of the Secretary of State and the Minister is that they please think carefully when the time comes to make decisions about the scheme for 100% business rate retention and about allocating the extra £11 billion to £13 billion. The Local Government Association is clearly saying that the first call on those resources should be the existing services that cannot be funded with local government's existing money. That is a fundamental point.

I hear what Conservative Members are saying about getting the needs assessment right. One of my Select Committee colleagues, the hon. Member for Thirsk and Malton (Kevin Hollinrake), is nodding in agreement. The Committee is considering the needs assessment, and we have commissioned work on that, too, but it is no good getting the needs assessment right on the allocation of resources to individual authorities if, at the beginning of the process, we get it wrong on the overall needs of local government as a whole. That is why we need to take particular account of that demand.

My local authority in Sheffield faces challenges next year. It is saying to me that there will be another £23 million cut in revenue support grant; that it will need to make £40 million of savings to meet inflation and the extra demands that it, like any other council, has to deal with, particularly those relating to social care; and that all that will mean reductions in the standard of service provision across the board. It will try to protect social care, but that means less money for other services, such as parks and open spaces, on which the Select Committee has just published a report that shows the stresses and strains on those services.

Social care has rightly been given a lot of attention. Along with the Chairs of the Health Committee and the Public Accounts Committee, I wrote to the Prime Minister to ask for an all-party review of long-term social care funding needs. That still needs to be done; we have to reach a new settlement because the existing system clearly does not work. We have to make the best of it for the time being, but we need to reach a general agreement on something more substantial for the longer term that will stand the test of time, so that review still needs to be done.

Let us look at the immediate situation. The LGA is saying that there will be a £2.6 billion deficit in social care funding by the end of this financial settlement in 2020, and that £1.3 billion of that is here and now. Despite the Government's proposal to increase the precept by 3%, and the cut in the new homes bonus to allow for extra social care grant, the LGA is still saying there will be a £1.3 billion deficit next year. The Select Committee is currently conducting an inquiry into social care. We will be producing reports in due course, so it would be wrong of me to prejudge the outcome, but I can say that we have had evidence from the King's Fund, the Nuffield Trust and the Institute for Fiscal Studies, and all gave similar figures about the current funding gap. They may disagree by a few hundred thousand pounds, but essentially they all say there is currently a gap in the money local authorities have available for the provision of adult social care.

Kevin Hollinrake: rose—

Mr Betts: I will of course give way to a member of the Select Committee.

Kevin Hollinrake: The Chair of the Select Committee spoke earlier about a long-term solution for adult social care. He and I went to Germany to look at the care system there, and we were both impressed by how it had achieved cross-party consensus on a future solution for adult social care. Would he advocate our looking at this on a long-term, cross-party basis?

Mr Betts: Absolutely. The system in Germany may not be one that we could immediately transfer over here, but the people there said to us that 20 years ago they sat down and dealt with this on a cross-party basis and got cross-party agreement. They are now having to put up their contribution rates, but they are doing so with cross-party agreement and with general public support because they have in place a system that is standing the test of time. That is an example of how to do it. Even if we end up coming up with a slightly different solution, we should at least look at the method they used to reach that agreement so that we can put in place a system that stands the test of time. The hon. Gentleman is absolutely right on that.

The Government have given local authorities the right to increase the precept by 3% in the next financial year, and I welcome the fact that most have chosen to do that. There are problems with council tax—it is not the most progressive of taxes and we could make some reforms to improve it—but in the end, local authorities, faced with the prospect of not having enough money to pay for their elderly people, have explained to their council tax payers why an increase is necessary, and have then taken the difficult decision to do it. That is absolutely right, and they should be congratulated on that.
Nevertheless, the £543 million that the LGA estimates is going to be raised by the precept will just about cover the cost of the increase to the minimum wage, or the national living wage, as the Government call it. In other words, the money has gone straight out the door in extra pay. It is absolutely right that it goes to low-paid workers who in most cases do a superb job—they are under great stress and strain to deliver that care, so it is absolutely right that they get more pay—but the reality is that the money raised by the precept is not even going to sustain the current level of social care, given the extra demands.

Let me just mention the cut in the new homes bonus. Although I live in Sheffield, which is a unitary authority, I do reflect on the issues facing two-tier authorities. County councils, for example, are getting extra social care grant, but the money is coming from the budgets of the district councils and the cut in the new homes bonus. The new homes bonus was not officially part of the four-year settlement, but for the smaller district councils, which had factored it into their future plans, it came as a considerable financial shock to the system to have a whole element of it removed, and it was a very difficult thing to address at short notice. I have a lot of sympathy for councillors and their officials in those small district councils who are struggling as a result of this change, as it creates the very uncertainty that the Government were trying to remove with the creation of a four-year settlement, and that is something on which we should all reflect.

Let me reflect on one or two comments that have been made by Amyas Morse, the Comptroller and Auditor General. I do not know whether Members have read his article in which he talks about social care, cuts in funding, and the NHS. He refers to a lack of “joined-up thinking”. He talks about central Government making decisions. It might be appropriate for me to read the words that he uses. He says that it is easy to allocate savings “to be made by those operating outside a department’s boundary or with a different mandate, without necessarily understanding their effect.”

In other words, Government Departments are allocating savings for someone else to make without understanding their impact. It sounds horribly true when it is put like that. He talks about central Government being slow to adjust, often acting only when serious failure occurs.

It is a very interesting article, because Morse talks about local councils initially responding to those cuts with efficiency savings—I know that Government Members may not be always willing to accept this—that areas with the greatest needs have lost the most. That comes from an independent review from the Comptroller and Auditor General.

The Comptroller and Auditor General goes on to say: “Central savings may have been secured, but significant damage has been done.” Again, that is from a senior official looking at the public accounts of this country. It is a damning indictment of what has happened with regards to cuts to social care—I am talking about the impact on users and the knock-on consequences and damage to the NHS, including bed-blocking, which is a horrible term that I do not like. Basically, this is about elderly people who need to come out of their bed in hospital and receive care in the community not getting that care because it simply is not available. There are also individuals who could, with earlier prevention, have avoided going into hospital in the first place, but that earlier prevention is not there either.

Finally, all my sympathy goes to the Secretary of State on the issue of business rates. The revaluation is simply about re-allocating the total payment to different businesses. It reflects the changes in the prosperity of different parts of the United Kingdom since the last revaluation seven years ago: businesses in more prosperous areas with greater growth will find that their rates go up, while others will find that their rates go down. I understand the point that has been made: this is not a way of raising extra money but of reflecting the different changes in prosperity in different parts of the United Kingdom over the past few years.

I welcome what the Secretary of State has said about looking again at how the money raised is balanced between, say, a shop in the high street and a business on an out-of-town retail park, or between a retail business that sells directly to the public and an online business that probably has far lower rates. It will be interesting to see what the Government propose.

Although I disagree with many items in the funding settlement, I say to the Secretary of State that if the Select Committee can help to look at the issue of how business rates reform could take place to reflect more properly who should be paying what in the system, we will be more than happy to work with him.

5 pm

James Heappey (Wells) (Con): In Somerset, local government looks pretty small. In the 600 or so square miles of my constituency, there are six, gusting seven bus routes, one of which is under threat at the moment. There is one train station, and library opening hours and bin collections have been reduced. There is a limited number of small road improvement schemes and absolutely no major road improvement schemes. There have been cuts to drug advisory services and youth clubs and there is less funding to support the elderly in their homes and communities.

In return, there is a higher precept for flood protection and adult social care, and higher council taxes. I make no criticism of Somerset County Council, which froze council tax for six years when household incomes were
tightest, helping families across the county. Furthermore, it was saddled with the reckless debts of the Lib Dem administration. None of that party’s Members can be bothered to turn up for a debate today on local government finance—presumably because they are too busy in the other place turning their backs on democracy instead of standing up here for the communities that they still pretend to represent. That administration racked up debts of £350 million when it was running Somerset County Council. That means that millions of pounds every year from the council’s budget is spent on the interest of those Lib Dem debts.

All that is happening while petrol prices are rising in rural areas—they are rising everywhere, but in rural areas the impact on the cost of living is felt more quickly. For my many constituents who live off the gas grid, heating oil prices have gone up. My constituents pay the same as those who live in cities for their mobile phone and broadband contracts, yet get a fraction of the functionality and connectivity. Their house prices and rents are well above the national average yet their wages are well below it. It seems so unfair that the solution the Government have come up with for reducing local government funding, widening the gap between urban and rural, is to increase the council tax burden on those living in rural areas when their cost of living is already, in so many cases, so much higher than elsewhere.

Last year, the already unfair gap in funding between urban and rural areas would have widened had it not been for the last-minute intervention of the then Secretary of State, who put in place an interim grant so that rural and urban funding, although being cut, would be cut by the same across the board. But that interim grant did nothing to correct the trajectories of those cuts, so that this year the gap between urban and rural widens by just as much as it was always intended to do. That brings with it no reflection of the cost of rurality or of an ageing demographic, and no reflection of our limited ability to grow our economy, given the lack of connectivity and the size of the working-age population as a proportion of the population as a whole.

Somerset County Council and the district councils in our area have now set their budgets for this year. Those painful decisions have been taken, so it is really all too late for this year. However, as my hon. Friend the Member for North Dorset (Simon Hoare), who is no longer in his place, said in this debate at this time last year, we have to accept that public services in rural areas—or anywhere—are rising every year from the council’s budget is spent on the cost of living.

The south-west lags behind the rest of the country on infrastructure spending, and we are well behind on connectivity and on our skills base, yet when the growth deals were announced recently, the deal for the Somerset and Devon local enterprise partnership was particularly poor. It would be great to see the growth deals reflecting the areas where the economic development challenge is greatest so that when it comes to this entrepreneurial idea of the full retention of business rates, which I wholly support, we will start with equality of opportunity because we will have the connectivity, skills and infrastructure in place.

Kevin Hollinrake: I am sure that my hon. Friend is aware that the industrial strategy—White Paper refers to having regard to per capita spending throughout the country, rather than spending being concentrated in London and other regions that are getting the lion’s share at the moment.

James Heappey: I absolutely agree. There is something very empowering and very Conservative about giving councils the opportunity to be masters of their own financial destiny, and giving them the means by saying, “If you go out and attract business into your area, the rewards are yours to keep and spend on improved public services for your communities.” We just have to be aware of the growth deals in favour of areas where the challenge is greatest so authorities really can take things into their own hands and grow their economies as keenly as the areas that already benefit from better connectivity, infrastructure and skills.

It is sad that the Chief Secretary to the Treasury and the Chancellor have already left their seats because I was going to make one other plea in order to alleviate Somerset’s problems in the short term. The Government have encouraged local authorities to do as they wish...
through mechanisms such as the new homes bonus and the community infrastructure levy. Not too long ago, there was an aggregates levy designed so that the minerals and aggregates that were extracted in certain areas would be taxed. Some 10% of that was supposed to stay locally in order to fund local betterment and mitigation, but it has drifted off into the centre and is no longer benefitting communities that suffer from hosting those industries. Why does that matter to us in Somerset? Well, in Somerset the Chancellor raises £24.7 million a year from the aggregates levy, and the 10% that we have lost is worth £2.47 million. That is an awful lot of bus routes, youth centres, community support for the elderly, library hours, recycling centres, bin collections, and everything else. As the Government offer the community infrastructure levy to communities that might find fracking appealing, and offer the new homes bonus as an incentive for communities who might want to host more housing, will the Chancellor let us have back the 10% of the aggregates levy that was supposed to have been the incentive for hosting quarrying?

In my constituency, we are doing an awful lot to facilitate national infrastructure projects. In Cheddar valley the lorries going towards Hinkley Point are now number more than 300 a day as it has gone on to 24-hours-a-day building. The pylons that National Grid will soon need to build to connect Hinkley into the national grid will roll through my constituency very shortly. All that building work means that all those quarry lorries are having an impact on our roads, causing potholes and congestion. Yet we are getting zero in mitigation while also getting a very poor deal on local government finance.

Public services in Somerset are being squeezed right down, but the adult social care requirements will continue to grow and grow. We should not see libraries, bus services, support groups and day centres as things that can simply be cut in order to divert money towards adult social care. That is a false economy. Those bus routes, day centres, community support groups and libraries allow people to lead independent lives, staying in their own homes independent of the adult social care system. It is only when we make them so isolated and so lonely that we end up needing to spend more and more on adult social care.

Let us move as quickly as we can to carry out the review that the Secretary of State has promised. It is very welcome announcement for which I and, I am sure, many colleagues are extremely grateful. I have every confidence that that review will make a huge difference to rural areas, perhaps in terms of the money that we get, but much more importantly, in terms of our constituents’ perception that the system is not stacked against them—that they get a fair cut of the Government’s cash. I know that the Secretary of State wants to be bold in the scope and scale of the review that he embarks on, but I also urge him get it done this year so that when we have this debate next year we can offer our councils much more certainty on what full business rate retention looks like and what the advantage to them will be.

5.13 pm

Marie Rimmer (St Helens South and Whiston) (Lab): I led St Helens Council for many years and was a councillor there for 38 years, so I know a little bit about local government. The council has a fixed grant settlement for four years. It is also subject to the production of an efficiency plan that is accepted by the Department for Communities and Local Government. That would not always be a great task, because it is an efficient council—it is well run and manages its finances well. It has 10-year grant reductions of £90 million by 2020—a reduction in grant support of 75%, or £511 per person.

St Helens Council and St Helens clinical commissioning group have a very strong joint working relationship. Indeed, St Helens was awarded the first council partnership scheme and it was the first to have a public-private partnership. We have very strong working relationships, and this has enabled jointly agreed priorities for the use of the better care fund on social care and health. St Helens is the leader on integrated adult social care and health.

It was with pride that I asked a former Health Minister to visit Whiston hospital. It was the current Under-Secretary of State for Health, the hon. Member for Warrington South (David Mowat) who undertook the visit and he was amazed by what he saw there. The work it does is unbelievable. In fact, St Helens and Knowsley Teaching Hospitals NHS Trust has just won the out-of-hospital tender for providing district nursing, community matrons, treatment rooms, adult continence services and outreach and reablement teams. That will lead to even more integration, with the hospital out in the community.

The commissioning process has begun for telemedicine in care homes. There will be 30 pilot telemedicine units in care homes so that the elderly will not need to go to A&E. They will have 24/7 access to a senior nurse who will be able to help them in the care home. Many older people who turn up at A&E are from residential and care homes that do not provide nursing care. If they are taken seriously ill during the night, they have to be admitted to A&E. The pilot will cut those numbers.

A falls response car was piloted in December and it worked over the Christmas and new year period. It meant that 40% fewer elderly people who had had a fall went to A&E. Patients were able to access services more rapidly, including a handyman service, occupational therapy equipment and clinical nurse support within two hours. They were in their own homes and they stayed there. Integrated access to social care is superb—there is no doubt about it. People who are not fit to stay at home but not bad enough to go to hospital can go to a centre for few days, perhaps when their family are away.

St Helens Council, the clinical commissioning group and the hospital work really well together, but that is not the only answer. Whiston hospital is still short of beds and we still do not have enough money for social care, even though we will get just under £1 million from the cut to the new homes bonus. That is useful, but it is not the answer to everything. We continue to work together.

Local government is the most efficient part of government, and it is unfair that it has to bear the hardest burden. Despite everything that is thrown at it, it is resilient and has a committed workforce. The way in which they are abused is shameful.

Even given all the joint working and integrated care, elderly people are still languishing in Whiston hospital. Some people have to go to hospital in the end, because they are really poorly. Some are waiting to go to a
residential or care home, whose staff sometimes have to assess up to five people for one place. It is inevitable that they will choose the least complex case, because, as my hon. Friend the Member for Sheffield South East (Mr Betts) has touched on, the most complex cases require a lot more staff. Yes, we want the living wage, but the homes are not receiving money and they do not have the staff, so the most complex cases are left languishing in bed.

Some years ago, we surveyed our elderly people—anybody over the age of 55—asking them whether they wanted to spend their old age in a residential setting or stay at home. Every single one who lived in a residential home said that they wanted to stay there. They did not want to go home because they were settled, but they did not have the support they needed. We set up a successful programme to fund the residential homes to provide care. Sadly, we now have dozens of homes because we are all living much longer, with much more complex needs, so the funding problem is not going to go away. Each one of us can look forward to a much longer life, but we will have complex needs. Let us make sure that the necessary services are available.

The county works well together to provide efficient care and other services, but every single service is being cut. It was a pleasure to follow the hon. Member for Wells (James Heappey), who seemed to have been listening to what is going on in my area. We proudly built those services. All local governments are proud of the services that they have built. Those services are not there for frivolous reasons; they are there because the public want and appreciate them, but every single one of them is being looked at.

I am sorry to say that every care package will be revisited, because the funding will not be available. The director of social care in Liverpool, a neighbouring Merseyside authority, is resigning because the funds are simply not available to deliver services. Every single director in the area is saying that we are, sadly, coming to a time when all we will be doing is feeding people, getting them out of bed, washing and toileting. That is not what our elderly people deserve. They deserve dignity and care. They have given much to society, and our society should be looking after them.

I have listened carefully to the Secretary of State, and I plead with him to do his best. I think that he is listening. We need to keep people happy, because if they are happy, they will stay healthy for longer. We need to keep children happy, but youth services are going. It is a crying shame that facilities such as refuse collections, park rangers and golf courses are going. We tell people that they need to stay happy, energetic and healthy, but all the services that have been provided are going.

5.21 pm

Derek Thomas (St Ives) (Con): It is a pleasure to follow the hon. Member for St Helens South and Whiston (Marie Rimmer). I echo the praise from my right hon. Friend the Member for Broxtowe (Anna Soubry) for councillors and the amazing work that they do. I particularly want to pay credit to the parish councillors who are working so hard to cover the gaps left by Cornwall Council, in my neck of the woods, as it retreats from delivering services in our rural areas. The parish councillors are doing jobs that they never expected to be doing, but they are doing fantastically. We need to do what we can to support them.

I am really looking forward to the review of funding allocation for local government, but I want to refer particularly to the Council of the Isles of Scilly and the pressure that it is under. I am privileged, as a Member of Parliament, to represent a constituency with off islands. The Isles of Scilly had their own unitary authority long before everyone else followed suit. The islands are home to 2,200 people and are an incredible and unique environment.

The council is a stand-alone, single-tier unitary authority. Unlike other local authorities, it has no means of devolving powers to local parishes. The council’s responsibilities are extensive. I am visiting the islands this Friday and Saturday, and it is no exaggeration to say that almost everything I see, touch or use while I am there will be the council’s responsibility. It is in charge of public safety; it operates the airport on St Mary’s; it runs Park House care home, which is the only residential care home on the islands; and it maintains the islands’ swimming pool and other leisure facilities. It is the only local authority in England and Wales that also acts as a water authority, providing water to some 1,070 homes on St Mary’s and Bryher, as well as the sewerage infrastructure across St Mary’s. That is a huge undertaking, and the council is the first in England and Wales to do so. Unfortunately, the fact that it owns next to no public assets that can be used to raise council revenue makes fulfilling those responsibilities more difficult. In fact, most of the land on the islands is owned by the duchy, so house building is a particular challenge.

In the local government financial settlement, the Isles of Scilly’s proposed allocation fails to take into account fully the uniqueness of this unitary authority. The provisional new homes bonus has been reduced by £22,200. The new adult social care support grant allocation is only £12,700—a reduction of nearly £10,000. The proposed improved better care fund allocation is zero. In the light of the fact that residents on Scilly have high needs but a very low council tax base, this funding decision does not appear to be fair or to recognise the specific needs of this remote island community.

The allocation for the rural services delivery grant is still zero, despite the assurances given by civil servants in 2016—the Secretary of State will be pleased to know that this was before his time—that they would look closely at that issue. There is no more rural an area than the Isles of Scilly, yet it gets no rural services delivery grant whatever.

During my visit to Scilly this weekend, I will discuss the challenges it faces in transport, adult social care, housing and marine safety. Ever since I was elected in 2015, I have been working with the council and Ministers—they have been keen to help and support us—to ease some of the pressures, particularly the pressure on council finances. This task has been made more difficult by the fact that the current funding allocation does not reflect the specific challenges and costs faced by Scilly. Right now, there is a real risk to the social and leisure amenities on the islands, and there are fears—I have had a number of emails just this week—that the care home will no longer be able to stay open. That is partly to do with funds, but it is also to do with the
difficulties of attracting the staff needed, because of a lack of housing and an inability to build more.

Members of the Council of the Isles of Scilly are of course working hard to identify how to save money and become much leaner. Over the years, the council has worked extremely hard to become much leaner and more efficient, and it has probably become as lean as it possibly can, yet the pressure is on for it to make further savings, remain viable and ensure that it delivers a sustainable future for the islands. As such, the current funding proposals place increased pressure on a small council with huge responsibilities, threatens essential public services and leaves an undeniable need for reconsideration. As I say, a review of council funding is certainly needed for the Isles of Scilly.

I want to move on to the mainland part of my constituency and to business rates. The truth is that many businesses in Cornwall are small, and many in my constituency are being taken out of business rates altogether. That is hugely welcome, and the Government have achieved a fantastic piece of work. However, I have the rather peculiar situation that independent stores in the town of St Ives, which accounts for only about 8,000 people out my whole constituency, will have business rates increases sometimes of 62% or even of well over 100% this April. In fact, across the independent businesses in the town of St Ives, the average increase is 24%, which is particularly difficult.

I listened to the Chief Secretary to the Treasury talk about the prosperity of St Ives on Radio 4 at the weekend, but the reality is that while big businesses there certainly are prosperous—they can cope with difficult times, particularly during the winter months when there is just nobody around—independent businesses, which rely on doing their business for a few months in the summer, are required to pay business rates all year round however successful or unsuccessful they are.

Neil Parish (Tiverton and Honiton) (Con): There are definitely winners and losers from the business rates review, but many farm tourism businesses—farm cottages, riding stables and others—are being given a much greater value and their rates are going up 60%, 70% or 80%. That is just too much for those businesses, and we need the Government to help them in some way.

Derek Thomas: I welcome that intervention, and that is absolutely the case.

In total, 32 independent businesses have contacted me just from the town of St Ives alone. One business will see its business rate rise from £2,000 to £3,000 a week, but this small high street business already faces considerable charges from operating in that town. Some businesses are saying that there is no way that they will remain viable or can continue.

I want to raise something that would never have been the intention of a Conservative Government. In Penzance, all the supermarkets will see a drop in business rates of about 15%, but business rates for high street businesses are going up by 10%. I cannot believe that was ever the intention of a Conservative Government, and I very much want that unintended consequence of the review to be reversed. I think that I have said all I need to say.

James Heappey: My hon. Friend is wrapping up, but may I say that he speaks with great passion and knowledge on behalf of Cornwall, as do all his Conservative colleagues? Does he share my suspicion that the appearance of a Liberal Democrat in the Chamber reflects the significant anger in Cornwall that no Lib Dem could find the time to be for the first hour and a half of the debate?

Mr Deputy Speaker (Mr Lindsay Hoyle): Order. I do not think we will go down that path.

Derek Thomas: I welcome that intervention. My hon. Friend the Member for St Austell and Newquay (Steve Double) often refers to the fact that the Liberal Democrats talked about fairer funding for many years, but that it is only since 2015, when Cornwall elected all Conservative MPs, that we have really seen progress.

Norman Lamb (North Norfolk) (LD): The temptation was too great.

Does the hon. Gentleman share my concern that between now and 2020 predominantly rural areas, including Cornwall and rural Norfolk, will lose out and that the proportion of total spend from council tax payers in rural areas is significantly greater than that in urban areas? This is happening under a Conservative Government. Is he concerned, as I am, about the impact on rural areas?

Derek Thomas: I welcome that intervention, if only to say that has been covered in the previous two and a half hours of debate.

If we were able to achieve fairer funding for schools, police and health and fairer support for local government, and for that to be in permanent legislation, that would be a significant result that south-west MPs could celebrate. For many, many years that was unobtainable.

I will bring my speech to an end by asking the Minister to look at the situation in St Ives and Penzance, where supermarkets seem to be benefiting from the new arrangement. High street shops are the backbone of our local economy. They drive our economy across Cornwall, yet they seem to be the unintended victims.
other businesses, so I look forward to that review. I hope that it incorporates factors such as the deprivation that affect the poorest communities.

On social care, the precept in councils with some of the most deprived communities will not go towards addressing the gap in social care funding. Sadly, I have heard nothing today to convince me that the Government have got the social care crisis under control. Some Members have said it is not a crisis, but it is.

Margaret Greenwood (Wirral West) (Lab): My hon. Friend is absolutely right to raise the cuts to social care, given that 1.2 million elderly people are living without the care they need. In addition, since 2010, 450 libraries, 380 Sure Start centres and more than 600 youth centres have closed. Does he share my concern that the cuts to local authorities are undermining the very fabric of our society?

Imran Hussain: My hon. Friend is absolutely right, and I will come on to that later in relation to my own local authority, where the cuts are having a devastating impact.

The Secretary of State talked about the fair funding formula, as have many other hon. Members. I accept that, as some Members have rightly said, the needs of rural and urban areas need to be looked at. He rightly said that this was multidimensional and that the fair funding formula had to take account of all aspects. I must say, however, that the distribution of cuts so far—nine of the 10 most-deprived councils in the country have received above average cuts—has not been fair. For the formula to be fair, its administration must be directly opposite to the wholly unfair manner in which the local government cuts have been administered, given that some of the poorest councils with the highest deprivation have felt the harshest end of the cuts.

On the revenue support grant, I am a little disappointed. Pleas were made by many councils across the country. I welcome the fact that the Secretary of State has been proactive and gone out to meet councils and council leaders, but part of that is actually to listen to the serious concerns of local authorities and come back. According to figures for this year, the grant to my local authority is down by 25%—the percentage is much higher compared with 2010. We are down to the bone in Bradford Council. Tomorrow, the council will hold a budget meeting at which councillors from all sides will have to make some tough decisions. Of course, some services absolutely need protecting, but many others, including libraries, youth facilities, social care and other important services, will be up for discussion, and perhaps the level of service that should be in place will not be provided in the future.

I again urge the Secretary of State to listen to the pleas and visit the leader of Bradford Council to discuss the matter. He still has time, alongside his other reviews, to reconsider the equitable nature of the allocation and to look again at those authorities that are in serious trouble. The stark reality is that a good percentage of local authorities up and down this country might not make it as far as 2020 because the funding available for the services they provide will not be adequate. I ask him to look at that again.

Robert Neill (Bromley and Chislehurst) (Con): I start by welcoming the Secretary of State’s statement, which was constructive both in content and tone, and I am personally grateful to him for the assurance he gave me earlier following my intervention regarding his willingness to work with my London Borough of Bromley on a pilot for business rates retention. Bromley is ambitious to grow its business base and has the scope, the ability and the connections into central London, as he probably well knows, to do so. So we will be pleased to work with the Government on that.

I also support the philosophy that underpinned the statement—the continuation of the move towards four-year planning, as longer term planning for local authorities is desirable, and the completion of the move towards 100% business rates retention. When I was at DCLG, the then Secretary of State, my right hon. Friend the Member for Brentwood and Ongar (Sir Eric Pickles) and I were able to make a start on that with the Local Government Finance Act 2012, and I am delighted to see my successor, the Under-Secretary of State for Communities and Local Government, my hon. Friend the Member for Nuneaton (Mr Jones), in his place and taking through the final bit of that legislation now. It is an important devolutionary step, which I welcome. I hope it will not be the end of devolutionary steps for local government finance.

As we look at devolution deals, it is important to recognise the strong argument for more and more local authorities to become dependent on raising their own resources rather than central Government grant. Compared with many of our competitor countries, we have a narrow suite of revenue-raising powers for local government. We should perhaps think further about whether other taxes could be localised in a cost-neutral way. Obvious examples include stamp duty land tax and so on. That is further down the track, but it is important to be prepared to look seriously at that option.

I am sure that the Secretary of State will be aware of the work of the London Finance Commission—I declare my interest as a member of it—which is a cross-party commission established by the Mayor of London, following on from the previous London Finance Commission established by my right hon. Friend the Member for Uxbridge and South Ruislip (Boris Johnson) when he was Mayor of London. Sensible suggestions have been put forward to build on the devolving approach that Ministers are currently developing. That is desirable.

Given the financial constraints that the Government have inherited, the settlement itself is sensible, and I particularly welcome the way in which a number of grants will be rolled into business rate retention, which makes for a more sensible and appropriate approach. I am glad, too, that following representations made by local government, the devolution of attendance allowance funding will not happen. Authorities such as mine have a growing elderly population. In fact, Bromley has the highest population of pensioners in London—I have not quite tipped over yet, but I sometimes regard it as forward planning—and such pressures are important.

I welcome the commitment to doing more work to join up health spending and adult social care. I hope that the Secretary of State will talk repeatedly with his colleague, my right hon. Friend the Secretary of State for Health and Social Care, to discuss and join up how the local area can grow. It is important for all of us to work together to ensure that the services our residents need are provided.
for Health, about implementation. All too often, I have found, in my own area and from contacts elsewhere in local government, that it is not working on the ground as one would wish. The better care fund was a good initiative, and the principle is right, but these services are not being joined up in the way they should. Unfortunately, I have to say that that is all too often not for want of willingness on the part of local authorities of any complexion. The very “silo” and hierarchical nature of how the health service and health economy work means, I am afraid, that there is a considerable lack of willingness to engage on that side of the equation—and it takes two to tango.

Simon Hoare: Does my hon. Friend agree that, just as there is a duty to co-operate between local authorities in planning, it would be helpful if there were a duty to co-operate between our social service providers at local government level and clinical commissioning groups? That would be enormously helpful in bridging the gap.

Robert Neill: That is an immensely helpful and constructive suggestion. I honestly hope that the Minister will take that idea away and raise it with ministerial colleagues. Unfortunately, our experience is—certainly it was my experience when I was a member of the North East London Strategic Health Authority before I entered this place—that the health economy and health system always look up, towards the Department, and tend not to look out towards the community of which they are part. They do not have the culture of engagement and joint working that local authorities have developed over many years. To achieve that, we need pressure—serious political pressure—from the top that must be listened to. This should be viewed as a further part of the work that needs to be taken forward.

Jo Churchill (Bury St Edmunds) (Con): Does my hon. Friend also agree that part of the whole picture is the ability of local government to help to finance the infrastructure that will allow joined-up working between the health service and local communities? If the two sides cannot talk to each other through the connectivity of their platforms, people cannot be cared for in the way that we need to them to be.

Robert Neill: That is absolutely true. The connectivity is important, and the culture is important as well. Many of us have come across very good medical people on CCGs who, given the nature of what they signed up to do, are not keen to be managers and budget-holders, which people in local government are well used to being. In many instances, the local authority is willing to engage, but the CCG, with the best will in the world, does not have as great a capacity in terms of its infrastructure and management systems. Those could easily be hosted by the local authority, and the two bodies could work on a collaborative basis, but because of the silo, bottom-up culture in the health service, the CCG is unwilling to engage. What is needed is a political steer from the Department of Health.

Norman Lamb: I totally agree with the hon. Gentleman about the difference between the culture in the NHS and the culture in local government. Does he share my view that we should aim for unified health and care commissioning in a locality, with democratic accountability through the local authority, rather than the ridiculous silo approach that exists at present?

Robert Neill: The right hon. Gentleman is right. He and I both experienced that approach when we were Ministers in the same Government. What he has suggested is precisely the objective that we should work towards, but we need a steer from the top.

Let me make two more brief points. The first is about the fair funding review, which I also welcome, but it will need to be bold and comprehensive. When I was a local government Minister, we had to go through about 275 bits of regression analysis to establish the formula, but we had knocked it down from about 400. Such material is not comprehensible; it is extremely opaque, and it produces consequences that are often difficult to reconcile with what any of us in local government see on the ground.

May I make a plea for one particular factor to be taken into account? I understand that, inevitably, there will be a “needs versus resource” matrix, but thus far it has proved almost impossible to build into the system a proper weighting for historically efficient authorities. A local authority that has historically been efficient and run its services well at low cost receives no credit for that. If anything, such authorities tend to be penalised. Bromley, for example, is a comparatively low council tax authority, the second lowest in outer London, but it is also the lowest in terms of the cost per head—the unit costs—of its service delivery. The system has never taken account of that, and we ought to incentivise it within the system.

Kevin Hollinrake: My hon. Friend said earlier that his local authority area contained the highest percentage of the London population. Bromley’s total spending power is £795 a head, whereas Camden’s is £1,171 a head. How can that be right?

Robert Neill: The simple truth is that it cannot, although we have broken down some of the artificial barriers. The idea that there is a major distinction between costs in inner and outer London has gone. Many of the outer London boroughs now have much more in common with the inner London boroughs, socially and economically, than used to be the case.

My second point is about the business rates. I welcome what has been said about the review, and especially what has been said about transitional reliefs. I think that the Secretary of State has hit upon the key issue of businesses in high-cost areas such as mine. May I suggest that he considers putting the multiplier on to the consumer prices index rather than the retail prices index? That would be more logical. In the long term, we need to think about how we can capture businesses that do not have a large physical footfall, such as online competitors. We need to deal with the issue of out-of-town supermarkets being treated much more favourably than shops because of the way in which land values come into the equation. When it comes to transitional relief, perhaps we could move from the current sledding to something akin to the sliding scale that we apply to stamp duty land tax.

I hope that those are constructive suggestions that can be implemented in the future.

5.49 pm

Steve Double (St Austell and Newquay) (Con): I am delighted to contribute to this important debate. I welcome the presence of the single representative of the Liberal
Democrats, the right hon. Member for North Norfolk (Norman Lamb), they were late to the party today, but it is very good to have them here eventually. They tell us so often in Cornwall how important they think local government is, but that has not been reflected in today’s debate, sadly.

Local government is on the frontline of delivering services to our residents. I know that from my time as a Cornwall councillor and from the sheer weight of correspondence I get in my office about things that are actually delivered by our local council, whether it is picking up the dog mess, cutting the grass and filling the potholes, or more important issues such as adult social care. We must value local government, therefore, and see it as a central part of delivering services.

It is also clearly right that local government is going through a period of dramatic reform. We need to bring it into the modern age, drive out the inefficiencies and the waste so often found in local government, and make sure that it is fit for purpose and as well-run as possible.

Norman Lamb: I really appreciate the welcome the hon. Gentleman gave me. Does he agree with the Rural Services Network, which believes that the impact of the changes for predominantly rural councils, compared with urban councils, is “not only discriminatory, but also unsustainable for rural local authorities”?

That will have a particularly pernicious effect in counties such as Cornwall and my county of Norfolk.

Steve Double: The right hon. Gentleman might have been reading the notes of my speech, because that will be my main point.

We undoubtedly need to reform local government, and I broadly welcome the changes the Department are introducing to the way local government is financed, making it much more directly accountable for raising and spending its own finance and far less dependent on central Government. I also welcome the renewed interest in the Rural Fair Share campaign to address the imbalance that has existed for far too long between the levels of funding received by rural councils as opposed to predominantly urban councils.

Jo Churchill rose—

Steve Double: I will not take any further interventions, as time is short.

Local government spending still accounts for a large proportion of central Government spending, and it is understandable that we have had to make savings and cuts while we have been dealing with the legacy of the huge and record deficit we inherited from the previous Labour Government. We have had to find those savings across government, including local government. That is the context in which we must see the current situation.

However, I welcome the Minister’s confirmation that a fair funding formula for rural councils, based on the cost of delivery and need, will be brought forward. My concern is about the timing of bringing the review forward. I remember standing on this very spot in last year’s debate, and at the last minute the then Secretary of State provided some transitional funding to ease the huge cuts that rural councils faced, to make sure that the funding gap between rural and urban councils was not further extended.

On that basis, I supported the Government position last year, with the promise that this would be looked at. It is disappointing that we are here again 12 months later and so little progress has been made in addressing the issue. I welcome the fact that some transitional funding is still available for this year, but that will run out next year and there will be no cushion to ease the impact on the rural councils and the widening of that gap.

We must urgently bring forward this review and address this issue. As I said to the Secretary of State earlier, if we do not deal with it now, the unfairness and the lack of funding for rural councils will be baked into the system when we go to 100% retention of business rates. So it is important that the review is brought forward. We can no longer live with what we in Cornwall would call a “dreckly” approach. For the uneducated, that describes something that will happen at some undetermined point in the future. It is a bit like mañana, but not quite so urgent. It feels as though that is the approach that has been taken with the fair funding review, but we need to get on with it. We need to stop talking about it and actually deliver this for our rural councils as a matter of urgency.

I am happy to say that, based on the fact that last year’s funding agreement was a four-year agreement and the fact that the majority of councils have now set their council tax, I will support the motion and the Government’s position tonight. I will do so with a heavy heart, because I am disappointed at the lack of progress that has been made, but I take the Minister and the Secretary of State at their word when they say that these issues will be addressed. I will continue to make this case as strongly as I possibly can and to work with colleagues to ensure that the unfairness that has existed for far too long is addressed so that our rural councils will be much more fairly funded in the future.

5.55 pm

Kevin Hollinrake (Thirsk and Malton) (Con): It is an honour to follow my hon. Friend the Member for St Austell and Newquay (Steve Double). I shall keep my comments very brief, because I have been told to do so by the Whips and by Mr Deputy Speaker when he was in the Chair earlier. My comments are simple ones. I understand that the Secretary of State has a lot on his plate at the moment, but he is sitting on a golden opportunity—a once-in-a-parliamentary-generation opportunity, perhaps—to fix two fundamental problems in the system. The first relates to fairness in the rating system. The second involves fairer funding for local authorities. In relation to rates, I must refer Members to my declaration in the Register of Members’ Financial Interests, in that we have quite a lot of shops around the UK that are subject to the rating system. I believe that a fairer system would be a sales tax. It would disadvantage my network, but it would nevertheless be much fairer.

My principal comments relate to fairer funding for local authorities. I have heard many comments from Members across the House about how this issue affects rural areas in comparison with metropolitan areas. The shadow Minister, the hon. Member for Harrow West
money is going in. Spending rounds are clearly tight, money is going into the system, and it is said that a by 2020 because of the retention of business rates, and £11 billion and £13 billion will be going into the system. Whatever the Opposition may say, between clear opportunity is that more money is going into the blank canvas and a new approach to the problem. The of State is critical. I support that method, but we need a whatever the need and the cost of drivers can be only two things: need and the cost of drivers. We created the problems and we need new thinking. Einstein used when we created them.”

The Local Government Finance Public Bill Committee sat for 10 sittings, and I am sure that the Minister will share my delight in all that we gleaned from them. It was an education, but unfortunately it was the worst of educations because we learned very little. We talked a lot, we were slightly disruptive at some points, and there was a bit of chatter in the background from the naughty classmates towards the back, but little new information was shared to aid our education and understanding along this financial journey. Where is the money?

Before coming in today, I thought that I should be a bit more charitable. The Minister had quite a hard time in Committee. I found the Committee enjoyable, but I suspect he did not. I also had a perhaps uncharitable view of the Secretary of State. I felt that he did not really enjoy his position in the DCLG team. He came out in a different way today when he talked about business, because that is where his heart really is. He clearly cares about business and enterprise, and when discussing that element of the pressures of business rates he was convincing in his desire to do something about it. He was less convincing when we talked about adult social care, when we talked about the 1.2 million who do not want to do the job that he has been given: it is temporary; he is just passing through; he is waiting for the better opportunities that lie ahead. Unfortunately, there is a cost to the temporary nature of his attitude, and the Minister has to deal with that.

When we hear further details of the financial settlement, we hope that there will be new money. I suspect the new money will not be focused on adult social care in the
way we hope. It is far more likely that it will be used to offset the business rates revaluation that has sent a shockwave through the business system. Let us be honest: the business rates scheme, as it stands, is not fit for purpose. There is absolutely a need for a property-based tax, and we know how to collect it—if people do not pay, we knock on their door—but it has its limitations. We can go only so far with it, just as we can go only so far with council tax. A 25% increase on council tax to spend even more at local level to fund social care is just not sustainable.

If we do not grapple with the situation and find a different way to fund social care and health, we will continue to have this debate every month and every year. Every time we have the debate, more and more people will be let down. I believe in a decent society, and our older people deserve better than contributing all their life, working hard and making that change for the generations to come only to be let down when they need it most.

I have a number of hopes. First, I hope that the fair funding settlement and equation will be quick and delayed no more than they have to be. I hope that businesses are supported through the transitional phase in the way they should be. I hope that older people are supported, as a matter of urgency, to live longer, healthier lives in their own homes. That will require additional funding—not just the sweet talk that Surrey County Council’s leader had from the Secretary of State, but meaningful additional money where it is needed.

More than that, because I believe that every person should fulfil their potential. I hope—for the DCLG team, for this country and not least for himself—that the Secretary of State finds a job he wants quite soon.

6.6 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr Marcus Jones): I thank hon. Members for their contributions to this debate, which it is my pleasure to close. The settlement comes at an important time of reform for local government finance. It provides a sustainable path to the reforms that will be introduced by the end of this Parliament, through which 100% of business rates will be devolved to local government, giving councils control of an additional £12.5 billion to spend on local services.

The reforms are being made through the Local Government Finance Bill, which was introduced to the House last month. The Bill will enshrine in law our commitment to provide funding certainty by establishing a legal framework for multi-year settlements, which is a key feature of this settlement and something that has been called for by local government for decades. By putting the framework in place now, we can continue to work with local government over the coming months on the detail of the reforms, much of which will be set out in secondary legislation. Many local authorities welcome that approach.

Thanks to this Government’s action, 600,000 businesses are being lifted out of business rates altogether. A revaluation is overdue, and most businesses—three quarters of them, in fact—will end up paying either the same or reduced rates. Although three quarters of businesses will benefit or see no change, I am all too aware of the impact on the quarter that will see their bills rise. We are looking closely at what can be done to help the hardest hit.

Mark Pawsey (Rugby) (Con): Does the Minister agree that, if we are to have a system of taxation based on property valuation, it is important that we arrange for regular revaluation?

Mr Jones: As ever, my hon. Friend makes an important point, which is generally due to his experience of running a business. The Government have made it clear that we want to move to a system of more regular revaluation.

As my right hon. Friend the Secretary of State announced earlier, he is working closely with the Chancellor to determine how best to provide further support to businesses that are facing the steepest increases as a result of the revaluation. We expect to be in a position to make an announcement at the time of the Budget, just two weeks from now.

One hundred per cent. business rate retention is being piloted from next year. It will mean that participating authorities will be able to keep more of the growth in their business rates income, with no impact on the rest of local government. As we have said, in 2018-19 we plan to undertake further pilots in areas without devolution deals, including two-tier council areas. The nationwide roll-out of 100% business rate retention will take place throughout England in 2019-20. Earlier this month, my Department published a consultation to seek views on exactly how the system should look. I look forward to discussing the matter further with colleagues from both sides of the House in the coming weeks.

While we rightly look forward to the longer-term reform that will make local authorities financially self-sufficient and provide greater incentives for growth, the settlement we will vote on today reaffirms our commitment to funding certainty for local government. The 2015 spending review delivered a £200 billion flat cash settlement for local government, and last year we delivered four-year funding allocations, which provide the financial certainty required for councils to be bold and ambitious. The settlement is the second year of a four-year offer that was debated in this House a year ago and that has been accepted by 97% of local authorities.

The settlement before us delivers on our promise and provides councils with the resources required to deliver world-class public services in the year ahead while continuing to play their part in bearing down on the deficit. We have consulted carefully, and I am grateful to hon. Members for bringing their constituents’ views to us during the consultation.

As we have heard, adult social care, which is an issue close to all our hearts, transcends party politics. I take seriously the representations made today, and I take seriously the need to ensure greater respect, dignity and independence for people who receive care. In the spending review, we put in place up to £3.5 billion of additional funding for adult social care by 2019-20, but we recognise that the coming year is the most difficult in the settlement period for many councils.

There are immediate challenges in the provision of care that must be met now, before the substantial additional resources become available, which is why we have created a new £240 million adult social care support grant and
are allowing councils to raise the adult social care precept by 3% next year and the year after. Together, the measures make available almost £900 million of additional funding for adult social care over the next two years, so the total dedicated funding available for adult social care over the four-year settlement period is £7.6 billion.

As we look to the future, local government spending will be based on local resources, not central grant, so we are devising a new funding formula for local government that is fit for purpose. Earlier, the Secretary of State acknowledged the many representations that have been made, including by many colleagues here today, about how demographic pressures, such as the growth in the elderly population, have directly affected different areas in different ways as the cost of providing services has grown. We are undertaking a fair funding review to consider thoroughly how to introduce a more up-to-date, more transparent and fairer needs assessment formula. We have been working closely with local government to make sure that it works for both local government and local people, and we will make changes on the fastest possible parliamentary timescale.

I wish to deal with a few of the issues that were mentioned during the debate. First, the hon. Member for Harrow West (Mr Thomas) is never backwards in coming forwards. It was interesting that, although many of his arguments were reasonably inconsistent, he was consistent on not coming up with a single idea for how we might solve the complex challenges faced by this country, or by local government. I was also interested to hear the comments made by the hon. Member for Oldham West and Royton (Jim McMahon). He said, “Where is the money?” Well, it might be a good idea for him to take some advice from the right hon. Member for Birmingham, Hodge Hill (Liam Byrne); I am sure he could tell his colleague where the money went.

My right hon. Friend the Member for Broxtowe (Anna Soubry) made some very pertinent points, particularly about unitary authorities. We are certainly willing to listen to proposals, but those proposals must be driven from a local level, and be bottom up. If we are devising a new funding formula for local government that is fit for purpose. Earlier, the Secretary of State acknowledged the many representations that have been made, including by many colleagues here today, about how demographic pressures, such as the growth in the elderly population, have directly affected different areas in different ways as the cost of providing services has grown. We are undertaking a fair funding review to consider thoroughly how to introduce a more up-to-date, more transparent and fairer needs assessment formula. We have been working closely with local government to make sure that it works for both local government and local people, and we will make changes on the fastest possible parliamentary timescale.

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My right hon. Friend the Member for Broxtowe (Anna Soubry) made some very pertinent points, particularly about unitary authorities. We are certainly willing to listen to proposals, but those proposals must be driven from a local level, and be bottom up. If her area is willing to do that, we would be more than happy to listen to its views. She also mentioned local authorities’ funding challenge. We are providing a four-year settlement, so that councils, which have additional reserves and resources, can use them to bridge their funding gap, because they will know what their situation will look like in the third and fourth year of the settlement.

It was good to hear the comments of the hon. Member for Sheffield South East (Mr Betts). He welcomed the principle of the four-year settlement, to which 97% of councils have signed up. He advocated that any additional funding from 100% business rates retention should go directly to help local government to fund services that are currently provided. Although that may sound tempting, may I remind him that we have been very clear that the situation would be fiscally neutral? New responsibilities would come with the additional £12.5 billion that we expect to go to local government.

It was good to hear from my hon. Friend the Member for Wells (James Heappey), who is a strong champion for his constituency. I was pleased to hear his support for the fair funding review, but I did hear his concerns as well. A similar sentiment was expressed by my hon. Friends the Members for St Austell and Newquay (Steve Double) and for Thirsk and Malton (Kevin Hollinrake), and I take their comments on board. My hon. Friend the Member for Wells also mentioned the business rates baseline and the principle of resetting the system, which is an important part of the whole system. Finally, I know that he has spoken to the Secretary of State about the aggregate levy, and I will certainly look into the further points that he made today.

I certainly take on board the important points that my hon. Friend the Member for St Ives (Derek Thomas) made about the uniqueness of the Scilly Isles. My hon. Friend the Member for Bromley and Chislehurst (Robert Neill) has vast experience in local government and as a local government Minister. I was pleased that he welcomed the idea of not including the attendance allowance in business rates retention. He was right that more needs to be done on the integration of health and social care. He was also right to advocate that the business rates multiplier uprating should be changed from the retail prices index to the consumer prices index, which the Government fully intend to do.

In conclusion, this local government finance settlement honours our commitment to four-year funding certainty for councils that are committed to reform. It recognises the cost of delivering adult social care and makes resources available sooner, and it puts councillors in the driving seat with a commitment to support them with a fairer funding formula. It will give Government the resources they need to govern and I commend it to the House.

Question put.

The House proceeded to a Division.

Mr Speaker: I remind the House that the motion is subject to double-majority voting: the whole House and those representing constituencies in England.

The House divided: Ayes 269, Noes 158.

Votes cast by Members for constituencies in England: Ayes 253, Noes 141.

Division No. 166 [6.18 pm]

AYES

Adams, Nigel
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Amess, Sir David
Andrew, Stuart
Ansell, Caroline
Argar, Edward
Akins, Victoria
Bacon, Mr Richard
Baker, Mr Steve
Baldwin, Harriett
Barclay, Stephen
Baron, Mr John
Bebb, Guto
Bellingham, Sir Henry
Berry, Jake
Berry, James
Bingham, Andrew
Blackman, Bob
Blunt, Crispin
Bone, Mr Peter
Borwick, Victoria
Brady, Mr Graham
Braintree and Witham Valley: Ayes 269
Braintree and Witham Valley: Noes 158

Brazier, Sir Julian
Bridgen, Andrew
Brine, Steve
Brokenshire, rh James
Burns, Conor
Burrowes, Mr David
Burt, rh Alistair
Cairns, rh Alun
Campbell, Mr Gregory
Carmichael, Neil
Cartledge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, rh Jon
Churchill, Jo
Clark, rh Greg
Clifton-Brown, Geoffrey
Coffey, Dr Therése
Collins, Damian
Colville, Oliver
Costa, Alberto
Cox, Mr Geoffrey
Crabb, rh Stephen

Alistair
Aldous, Peter
Aldous, Peter
Crouch, Tracey
Davies, Byron
Davies, Chris
Davies, David T. C.
Davies, Glynn
Davies, Dr James
Davies, Mims
Davis, Mr Rh David
Dinenage, Caroline
Djanogly, Mr Jonathan
Dodds, Rh Mr Nigel
Donaldson, Rh Sir Jeffrey M.
Dorries, Nadine
Donaldson, Rh Sir Jeffrey M.
Djanogly, Mr Jonathan
Dorries, Nadine
Donaldson, Rh Sir Jeffrey M.
Djanogly, Mr Jonathan
Dorries, Nadine
Donaldson, Rh Sir Jeffrey M.
Djanogly, Mr Jonathan

Percy, Andrew
Perry, Claire
Phip, Chris
Pickles, Rh Sir Eric
Poulter, Dr Daniel
Pow, Rebecca
Prentis, Victoria
Prisk, Mr Mark
Pritchard, Mandrea
Pursglove, Tom
Quin, Jeremy
Quince, William
Raab, Mr Dominic
Redwood, Rh John
Rees-Mogg, Mr Jacob
Robertson, Rh Sir Andrew
Robinson, Mary
Rosindell, Andrew
Rudd, Rh Amber
Rutley, David
Sandbach, Antoinette
Scully, Paul
Selous, Andrew
Shannon, Jim
Shapps, Rh Grant
Sharma, Alok
Shelbrooke, Alec
Simpson, David
Skidmore, Chris
Smith, Henry
Smith, Julian
Soames, Rh Sir Nicholas
Solloway, Amanda
Soubry, Rh Anna
Spencer, Mark
Stewart, Bob
Stewart, Iain
Stewart, Rory
Streeter, Mr Gary
Stride, Mel

Abbott, Rh Ms Diane
Alexander, Heidi
Ali, Rushanara
Ashworth, Jonathan
Bailey, Mr Adrian
Barron, Rh Sir Kevin
Beckett, Rh Margaret
Benn, Rh Hilary
Betts, Rh Clive
Blackman-Woods, Dr Roberta
Blenkinsop, Tom
Blomfield, Paul
Buck, Rh Tom
Brown, Rh Mr Nicholas
Buck, Ms Karen
Burden, Richard
Burt, Dawn
Cadbury, Ruth
Campbell, Rh Mr Alan
Campbell, Rh Sir Andrew
Champion, Sarah
Coaker, Vernon
Coffey, Ann
Cooper, Julie
Cooper, Rosie
Cooper, Rh Yvette
Corbyn, Rh Jeremy
Coyle, Neil

Stuart, Graham
Sturdy, Julian
Sunak, Rishi
Swire, Rh Sir Hugo
Syms, Rh Mr Robert
Thomas, Derek
Throup, Maggie
Timpson, Edward
Tohurat, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tredinnick, David
Truss, Rh Elizabeth
Tugendhat, Tom
Turner, Mr Andrew
Tyrie, Rh Mr Andrew
Vara, Rh Shaihle
Vickers, Martin
Villiers, Rh Mrs Theresa
Walker, Rh Mr Charles
Walker, Rh Mr Robin
Warburton, David
Watson, Rh Anne
Whatley, Helen
Wheelan, Heather
White, Chris
Whittaker, Craig
Whittingdale, Rh Mr John
Wiggin, Bill
Williams, Rh Craig
Williamson, Rh Gavin
Wilson, Rh Mr Rob
Wragg, William
Wright, Rh Jeremy
Zahawi, Nadhim

Tellers for the Ayes:
Chris Heaton-Harris and
Christopher Pincher

Noes
Crausby, Sir David
Creagh, Mary
Creasy, Stella
Cruddas, Jon
Cummins, Judith
Cunningham, Alex
Cunningham, Rh Mr Jim
Dakin, Nic
Danckzuk, Simon
Davies, Philip
Dowd, Jim
Dowd, Peter
Edwards, Jonathan
Elford, Olive
Elliot, Tom
Ellman, Mrs Louise
Esterson, Bill
Evans, Chris
Farrelly, Paul
Fitzpatrick, Jim
Fletcher, Colleen
Flint, Rh Caroline
Flynn, Paul
Fovargue, Yvonne
Gapes, Mike
Gardiner, Barry
Gilhdon, Mary
Goodman, Helen
Green, Kate
GREENWOOD, Lilian
GREENWOOD, Margaret
Hamilton, Fabian
Harman, rh Ms Harriet
Harris, Carolyn
Hayes, Helen
Hendrick, Mr Mark
Hillier, Meg
Hodgson, Mrs Sharon
Hopkins, Kelvin
Howarth, rh Mr George
Huq, Dr Rupa
Hussain, Imran
Johnson, Alan
Johnson, Diana
Jones, Gerald
Jones, Helen
Jones, Susan Elan
Kane, Mike
Kendall, Liz
Kinahan, Danny
Kinnock, Stephen
Kendall, Liz
Kinahan, Danny
Kinnock, Stephen
Lamb, rh Norman
Lammy, rh Mr David
Lewell-Buck, Mrs Emma
Lewis, Clive
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
Mactaggart, rh Fiona
Madders, Justin
Mahmood, Mr Khalid
Malhotra, Seema
Marrs, Rob
Marsden, Gordon
Maskell, Rachael
Matheson, Christian
McCabe, Steve
McCarthy, Gerry
McDonagh, Siobhain
McDonald, Andy
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McInnes, Liz
McMahon, Jim
Meale, Sir Alan
Miliband, rh Edward
Morden, Jessica
Mulholland, Greg
Murray, Ian
Nandy, Lisa
Olney, Sarah
Onn, Melanie
Osamor, Kate
Owen, Albert
Pearce, Teresa
Pennycook, Matthew
Phillips, Jess
Phillipson, Bridget
Pound, Stephen
Pugh, John
Qureshi, Yasmin
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Rachel
Reynolds, Jonathan
Rimmer, Marie
Ritchie, Ms Margaret
Robinson, Mr Geoffrey
Rotheram, Steve
Ryan, rh Joan
Shah, Naz
Sheerman, Mr Barry
Sherriff, Paul
Skinner, Mr Dennis
Slaughter, Andy
Smith, Angela
Spellar, rh Mr John
Starmer, Keir
Stevens, Jo
Stringer, Graham
Thomas, Mr Gareth
Thomas-Symonds, Nick
Timms, rh Stephen
Trickett, Jon
Tulley, Anna
Turner, Karl
Twigg, Derek
Twigg, Stephen
Umunna, Mr Chuka
Vaz, Valerie
West, Catherine
Whitehead, Dr Alan
Winnick, Mr David
Wright, Mr Iain
Zeichner, Daniel

Tellers for the Noes: Thangam Debbonaire and Jeff Smith

LOCAL GOVERNMENT FINANCE (ENGLAND)
Resolved,
That the Report on Local Government Finance (England) 2017-18 (HC 985), which was laid before this House on 20 February, be approved.—(Mr Marcus Jones.)

Resolved,
That the Report on Local Government Finance (England) 2017-18 (HC 985), which was laid before this House on 20 February, be approved.—(Mr Marcus Jones.)

Business without Debate

DELEGATED LEGISLATION
Motion made, and Question put forthwith (Standing Order No. 118(6)).

LOCAL GOVERNMENT
That the draft Cambridgeshire and Peterborough Combined Authority Order 2017, which was laid before this House on 23 January, be approved.—(Steve Brine.)
Question agreed to.

That the draft Cambridgeshire and Peterborough Combined Authority Order 2017, which was laid before this House on 23 January, be approved.—(Steve Brine.)
Question agreed to.

That the draft Tees Valley Combined Authority (Functions) Order 2017, which was laid before this House on 23 January, be approved.—(Steve Brine.)
Question agreed to.

That the draft Tees Valley Combined Authority (Functions) Order 2017, which was laid before this House on 23 January, be approved.—(Steve Brine.)
Question agreed to.

That the draft Nuclear Industries Security (Amendment) Regulations 2017, which were laid before this House on 19 January, be approved.—(Steve Brine.)
Question agreed to.

EUROPEAN UNION DOCUMENTS
Motion made, and Question put forthwith (Standing Order No. 119(11)).

VALUE ADDED TAXATION
That this House takes note of European Union Document No. 7687/16, a Commission Communication on an action plan on VAT: Towards a single EU VAT area - Time to decide; and agrees with the Government that it provides a basis for a way forward on key UK priorities on VAT simplification and on VAT rates.—(Steve Brine.)
Question agreed to.
Aster Group Housing Association

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

Mr Speaker: If Members who are leaving the Chamber, quite unaccountably so, could do so quickly and quietly, realising that they are missing out on a significant parliamentary experience, I will call Mr Simon Hoare.

6.35 pm

Simon Hoare (North Dorset) (Con): Thank you, Mr Speaker. I am most grateful to you for that very kind introduction and warm up, but I am afraid that I will probably disappoint. I do not intend to detain the Under-Secretary of State for Communities and Local Government, my hon. Friend the Member for Brigg and Goole (Andrew Percy) for the 55 minutes available for this Adjournment debate. [Interruption.] Even Mr Speaker is leaving the Chamber just as I start my speech.

I will begin by stating what I think we all know to be absolutely true: housing associations in all our constituencies do the most phenomenal work, often in housing some of the most vulnerable people in our communities, and they do so in a professional and engaged way. Without housing associations and the commitment they show in our communities, the problems piling up for our local authorities and, indeed, for us as constituency MPs would be legion.

Given my background, albeit short, as the MP for North Dorset since the 2015 general election, allied with 12 years spent in local government, it was with a twinge of sadness that I felt that I had no other option but to apply for and secure this Adjournment debate on the Aster Group housing association, which operates in my constituency and others.

Aster’s corporate public relations state that it is “an ethical housing developer and landlord that exists to benefit society.” They go on to state: “Having a decent home is a basic right and has a huge impact on people’s lives—from their health, to their wellbeing.” However, that is certainly not the case for my constituent, which proves that warm words really do butter no parsnips. Words on a website are rather cheap compared with when they are tested by practical application.

Due to the sensitivity involved, about which I have already spoken to my hon. Friend the Minister, I will not name either of my constituents who are involved in this case, which is to some extent ongoing. The constituent whom I seek to represent is not a vexatious complainer. She has always had friendly and cordial relations with all the housing association tenants who have lived next to her. She is a private resident who owns her own home in a small, rather isolated community in my constituency. She is a lady who lives alone. She works and is self-supporting and self-sustaining. She has had considerable problems with tenants who have been housed by Aster in its property immediately adjacent to hers.

Antisocial behaviour, both physical and verbal, has gone on for several months. The excellent district councillor, Simon Tong of East Dorset District Council, has been involved. So frustrated did he become that he asked me to convene a multi-agency roundtable that included the housing association, the police and the district council to see whether we could identify a way through the impasse.

The impasse is that a single lady living alone has felt so intimidated in her own property—arguably, I suggest, a breach of her human rights under article 8—that she has had to move out and seek private rented accommodation. She is not a lady of huge means; rather, she is a lady of modest means. Her credit cards are maxed to the limit, and this is proving to be a real stress and strain. The corporate words on the Aster website tell us of the importance, with which I concur, of quality housing and the huge benefit that it can have for mental health and wellbeing, but completely the opposite is true for my constituent.

I have mentioned that the allegations that my constituent has made are not vexatious. They have been accepted by the housing association, and they have been endorsed and agreed to by the police. The only remedy that has been identified so far is for the housing association to seek an injunction in court and to seek eviction. The process of application for an injunction requires the neighbour to give written and potentially oral testimony to the court, with no guarantee, as is always the case in a legal process, that the application to the court will be successful.

Frankly, I do not know whether this is a one-off, unique case or whether it is mirrored elsewhere and other tenants and neighbours have similar problems. To an extent, it almost does not matter if it is unique, because it has had the most fundamental, disturbing, upsetting and devastating impact on the quality of my constituent’s life.

Michael Tomlinson (Mid Dorset and North Poole) (Con): I am grateful to my hon. Friend and neighbour for securing this important debate. I can assure him that the example that he cites is not unique. I have had similar casework, as I know others in the Chamber have. Does he not think that part of the problem is that there is no duty of care? There is no obligation on housing associations to take action. I associate myself with his remarks about the good work that housing associations do, on the whole, but without such an obligation, housing associations find it very difficult to take action in these circumstances.

Simon Hoare: My hon. Friend is right, and he brings his considerable experience as a lawyer to this debate. I say in passing that I am grateful that a colleague from Dorset—my neighbour—has intervened. Interestingly, a number of colleagues, on seeing “Aster Group Housing” on the Order Paper, have sidled up to me and said, “Yes, we have problems with it. It is the least well performing housing in my constituency.” I mentioned that to representatives from Aster yesterday afternoon, when they came to see me again in Westminster. It was met with an incredulous shrug of the shoulders and, in effect, “We couldn’t care less. We have never heard that before.” They almost said, “We think you’re making it up, Mr Hoare,” so it is interesting to hear what my hon. Friend says. He is right about the duty of care, and, if he will forgive me, I will come on to that in a moment.

As I have said, the lady I am talking about is not vexatious. In an email dated as recently as 23 December
last year. Emily Grounds, the housing association’s antisocial behaviour officer, said:  
“We are satisfied anti-social behaviour is being perpetrated” and  
“it is our responsibility”—  
“our” meaning the housing association—  
“to resolve the issues”.  
The situation has been going on since April or May of last year. In the words of Councillor Tong, who is the district council member:  
“It is clear to all of us here that Aster are playing all the delaying tactics that they can”.  
To return briefly to the injunction process, given the backdrop of the level of intimidation, such as the fact that tenants have attempted to drive my constituent off the road, hurled verbal abuse at her and damaged property within the curtilage of her own property, I suggest it is little wonder that she has been fundamentally unwilling—not to be obstructive, but only out of anxiety and fear—to play a part in the injunction process.  
The housing association has taken the view—I do not believe that it is so clear cut as to be true—that without the active participation of the private resident next door, it is unable to begin the injunction process. I do not believe that is correct, and the briefing note prepared by the Library certainly does not seem to bear it out either. It is more likely that the housing association is just unwilling and it hopes the issue will go away.

Jim Shannon (Strangford) (DUP): I am quite perturbed to hear about the case of the hon. Gentleman’s constituent. What he has outlined happens in many places across the United Kingdom, and I deal with such issues all too often in my own office. I wonder whether the system on the mainland is the same as that in Northern Ireland, where an association’s tenants have a set of rules that they must adhere to, and if they do not do so, they can be reprimanded and eventually evicted.

Simon Hoare: My hon. Friend—call him that, because I see him as an hon. Friend—is absolutely right. Further perusal of the corporate propaganda of the association makes it absolutely clear that antisocial behaviour is a breach of the tenancy. It is utterly and totally unambiguous in its assessment of what such behaviour represents, yet even now it refuses—it is either unwilling, or whatever—to take the action that I believe is actually required. Earlier this year, I wrote a letter, as I am sure we have all done, to make a request or a suggestion that I would say, in the vernacular, is a no-brainer. We could almost write ourselves the answer that we would expect to get, because the request is modest, politely and respectfully put, and the expectation is clear. The request was very simple: given the fact that my constituent is now incurring housing costs while this matter was being resolved?  
I hope that the request was not naïve—with hindsight, I think that it actually was—because I merely said that I was aware that the housing association had no legal obligation so to do, but given its stated corporate aims and objectives, there was a moral case or moral compulsion for its taking part in that process. That elicited a response that told me what I already understood—it is always nice when that happens, is it not?—which was that, regrettably, it had no legal obligation. In a letter to me, Margaret Wright, the Aster Group regional director for Somerset, Devon and Cornwall, and Wiltshire, wrote that  
“regrettably, I cannot agree with you that the association has a moral obligation to do so.”

That is in sharp contradistinction to what it states in its corporate objectives about wishing to be a good neighbour that is engaged in the community and doing good in our rural areas. This is a primo facie case not just of its not doing good, but of its tenant doing singular and significant harm and of its seeming to be unwilling or unable to intervene. That has been the most depressing thing of all: the utter and total Pilate-washing of hands of any form of moral obligation.

In closing, this case has raised two issues to my mind. I invite the Minister to reply—not necessarily from the Dispatch Box this evening—and to give further thought to this matter. I am happy to meet to discuss the matter, or to enter into communication with him.

It is now clear that for a housing association to evict a tenant it is convinced is committing antisocial behaviour—behaviour that is damaging the house itself or damaging neighbours’ private property and making their life a misery—it is overly onerous that the active engagement of the person who has brought the complaint is needed to seek redress in the courts, if Aster is correct. It surely has to be a gap in the guidance if, in a housing association-tenant relationship, there is no additional duty of care or responsibility for the behaviour of its tenants. Under Aster’s rules, if a tenant commits antisocial behaviour and is in breach of their tenancy agreements, that should be that, but it is not. If my constituent was married to a 6 foot 2, burly weightlifter-type guy who was always around—[Interruption. ] Not like me, I say in answer to my hon. Friend the Member for Mid Dorset and North Poole (Michael Tomlinson). I am more of a Jack Russell variety, rather than the more robust type of guard dog that my constituent would need. Notwithstanding that, I am a doughty champion of my constituent’s cause.

Living alone in an isolated area, my constituent sought the advice of the police. I cannot thank enough Tom Clements and others in the constabulary who have engaged closely with this situation. The police budget, as we know, is always difficult and strained—this is in a sparsely populated area—but they have bent over backwards to do what they can. They have made themselves available to me and I want to put on record this evening my enormous gratitude to them. However, they had to confirm to my constituent that, given the location of the property, they could not guarantee her safety and security if the injunction was granted and the eviction was made, and—the natural corollary of that—if the injunction was not granted and the tenants remained.

We even suggested to the housing association, which is always seeking to add to its stock, whether it might be interested in buying the property at the market rate—not with any huge uplift or overage. That rather commonplace suggestion was also dismissed out of hand.

It may well be that Ministers need to consider the rules and regulations on the eviction of housing association tenants, the vast majority of whom—let me put it on
record, so it is not in any way misconstrued—are decent folk, law abiding and helpful members of their community.

The second point I invite the Minister to consider is the duty of a social landlord where their properties are adjacent to private residents. It could easily lead to the devaluation of the property, although that is not the point, of course. A housing association has the ability to place a troubled family or someone with a history of antisocial behaviour. It has placed the tenant there. If antisocial behaviour occurs, it has to have a greater duty of care, and certainly a greater duty of responsibility, to residents. As the principles of the housing White Paper evolve post-consultation, they might provide a hook on which to hang something to gain traction in dealing with this problem. As things stand, however, all I have been able to do, on behalf of one of my district councils, a distressed resident, the police and myself, is put on record our anxiety and upset in respect of a private resident who until the arrival of these tenants had been enjoying her life and the property for which she had worked so hard.

Jim Shannon: I had hoped that the hon. Gentleman might mention that were his constituent to seek to sell her property she would have to notify any potential buyer of the problems she has had, which right away sets her at a financial disadvantage and makes it very difficult for her to do what she wants to do, which is to get out and get ahead.

Simon Hoare: I am grateful to my hon. Friend. Because I had not thought about that point, but he is absolutely right. If there has been a neighbour dispute, the questionnaire that a seller has to complete for conveyancing purposes does not include a “get out of jail free” card—the question is not, “Was it a tenant?” or “Is the property rented in the private or social sector?”; it is, “Have you had a neighbour dispute?” So he raises an important point.

In conclusion, against all the backdrop, the corporate brouhaha of a website and all stated policies, a lady who is trying to make her way and feel safe in her own home has been forced out of it, through fear, anxiety and intimidation. I say, more in sorrow than in anger—although it is quite hard to contain the anger—that the Aster Group has been fundamentally lacking in proactive engagement and sympathy on this issue. It needs to know, and my constituent needs to be assured, that I will not rest until we get the justice she has so far been denied.

6.57 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Andrew Percy): I begin with an apology on behalf of the Housing Minister, who is unable to respond to this debate, but I am here and happy to respond, having myself dealt with several cases very similar to that raised by my hon. Friend the Member for North Dorset (Simon Hoare).

I congratulate my hon. Friend on securing the debate and on doing what he has already, in his relatively short time in the House, gained a reputation for doing—standing up for North Dorset and his constituents. It is telling that other Members are here on the Front and Buck Benches, particularly those from areas of the country where the Aster housing association is active. I hope very much that it is listening to this debate. If it is not, it had better read his words tomorrow.

Antisocial behaviour and nuisance can take many forms and if left unchecked can have a huge impact on people’s lives, as we heard from my hon. Friend in relation to this particular case. While individuals should be held to account, in cases of antisocial behaviour by social housing tenants, social landlords have a responsibility and a duty—a moral duty, as he said—to work with partners, including the police and the local authority, to resolve matters.

I will say more about the responsibility of social landlords later, but we should not fail to recognise that fundamentally the responsibility for this behaviour lies with the individual. Having spent 10 years in local government and seven years in this place, I cannot get my head around why some people choose to make life so difficult and so awful for other people in their neighbourhood. I have seen people’s lives destroyed in the same way by neighbours who simply cannot behave in a decent and respectful neighbourly manner. It is appalling, and my heart goes out to the constituent in this case, who has had her home and life changed in the way that my hon. Friend so eloquently outlined.

Leaving aside the responsibility of the individual, social landlords absolutely have a responsibility and a duty, too. They must demonstrate to tenants and residents how easily they can report antisocial behaviour, and they must also provide active support to victims and witnesses.

As a Government, we recognise the frustration of victims of antisocial behaviour about how complex and slow processes to evict antisocial tenants in social housing can be. I used to find it incredibly frustrating as a local councillor, as my hon. Friend was, when we would go through this routine of—

7 pm

Motion lapsed (Standing Order No. 9(3)).

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

Andrew Percy: I have seen that the process can be cyclical; we think we are getting to the point of action being taken when all of a sudden the process resets again and tenants who have been engaged in antisocial behaviour appear to get away scot-free. That is why we introduced faster and more effective powers through the Anti-social Behaviour, Crime and Policing Act 2014. Let me deal with that before moving on to the particular case.

Those powers make it easier for social landlords to take swift and decisive action against their most antisocial tenants, although this relies, of course, on the active engagement of the landlord in the first place. The powers are there to protect the activities of citizens, the majority of whom are law abiding, including people living in social housing, private residences or whatever the tenure of the property. The powers are also to protect victims and communities from unacceptable behaviour.

Social landlords are able, as my hon. Friend said, to take out civil injunctions against social tenants engaging in antisocial behaviour to prohibit them from behaving in a particular way, and this carries significant sanctions.
if breached. Of course, social landlords must make proportionate and reasonable judgments before applying for a civil injunction, but if they think this is the most appropriate course of action, it offers fast and effective protection for victims and communities and sets a clear standard of behaviour for perpetrators.

When other interventions have been tried and failed, the absolute ground for possession introduced through the 2014 Act makes it easier for landlords to evict persistently antisocial tenants, as I believe applies in this case, where housing-related antisocial behaviour has already been proven by a court. Landlords can choose to use the absolute ground for possession where at least one of five conditions is met. These are that the tenant, a member of the tenant’s household, or a person visiting the property has been convicted of a serious offence; that the tenant has been found by a court to have breached a civil injunction, to which I shall return; that the tenant has been convicted for breaching a criminal behaviour order; that the tenant has been convicted for breaching a noise abatement notice or order; or that the tenant’s property has been closed for more than 48 hours under a closure order for antisocial behaviour.

The Government have published statutory guidance to frontline professionals on the use of these powers. We are also keeping the use of the powers under review, and some of the specific issues raised by my hon. Friend—such as Aster has discussed and some of the specific issues raised by my hon. Friend—will cover some of those issues, and I will feed any comments back to my hon. Friend. When two tenants have made it absolutely clear to existing and prospective customers that antisocial behaviour is unacceptable and that if it arises, it may lead to action being taken against them. Clear, in view of that published policy, Aster must not delay in taking action against tenants who are engaging in this sort of behaviour.

I pay tribute to my hon. Friend and to the local councillor whom he mentioned for the work that they have done. As he knows, Aster has worked with the affected people, the police, councillors and, indeed, my hon. Friend himself to try to resolve the matter, but I take on board his comments about what he considers to be the ineffectiveness of that joint action. I understand—and my hon. Friend mentioned—that Aster has discussed the options with the family to ensure that they can return to their home as swiftly as possible, although I know that, given the fears of intimidation and threats that my hon. Friend described, they may not consider that to be desirable.

I am sure we all agree that everyone needs to feel safe and protected at home and in the community. The social housing regulator, in dealing with antisocial behaviour, must require housing associations to publish a policy explaining how they intend to tackle such behaviour in areas where they own properties. The regulator also deals with the complaints of tenants who feel that matters cannot be resolved directly with their housing associations. The regulator has enforcement powers. They may not apply in this case, given that the next-door neighbour is not a tenant, but we expect housing associations, as independent organisations with a social purpose, to act in the best interests of not only all existing and future tenants, but all the residents in areas where they are active.

Michael Tomlinson: The Minister is rightly setting out the current position, and he has just hit on the exact problem. When housing association tenants live alongside private rented tenants, there is almost a sense that they have less of an obligation. It is much easier for housing associations when all their tenants live side by side. Will the Minister acknowledge that, and look into what more can be done?

Andrew Percy: I think the review that we are undertaking will cover some of those issues, and I will feed any comments back to my hon. Friend. When two tenants living next door to each other are involved in a dispute, it tends to be much easier for the social landlord to mediate actively. Of course, the individuals concerned are responsible for their behaviour, and we must not let them off the hook, but social landlords have a responsibility for everyone in the communities in which they have properties, especially when one of their tenants is a source of antisocial behaviour. It should not really matter whether the neighbour affected is a private owner-occupier, a private renter, or another social tenant. However, I take on board what my hon. Friend has said. I also want to raise awareness of the community trigger, introduced in the 2014 Act specifically to deal with the feeling expressed by many people that their
concerns about antisocial behaviour are not responded to appropriately. That power gives victims and communities the right to require agencies to deal with persistent antisocial behaviour that has previously been ignored and brings together partner agencies such as the police, councils and social landlords to investigate complaints. That was a positive change.

Everybody has a right to live in a safe and secure environment, as my hon. Friend the Member for North Dorset said. That applies to his constituent who has been the victim of this behaviour and also the other residents in that area. The people who engage in this behaviour make people's lives hell. They cause misery to those affected. They affect people's health, both physical and mental, and it is completely unacceptable. All the agencies responsible have a role to play in making sure that those who engage in this behaviour are dealt with firmly and appropriately, always putting the needs of the victim at the heart of their response, and that response must be prompt and proportionate.

I thank my hon. Friend for calling this debate and hope Aster housing is watching it. If so, it will have heard his impassioned plea on behalf of his constituents. I will write to Aster to clarify the issue of hearsay evidence and other professionals acting on behalf of witnesses who feel intimidated, and I will encourage it to look closely again at this case to see what else it can do to deal with this persistent antisocial behaviour.

My hon. Friend has proven himself to be a champion for his constituents, not only this evening, but throughout his time so far in this place.

Question put and agreed to.

7.12 pm

House adjourned.
House of Commons

Thursday 23 February 2017

The House met at half-past Nine o’clock

PRAYERS

[MRSPEAKER in the Chair]

Oral Answers to Questions

TRANSPORT

The Secretary of State was asked—

High Speed 2

1. Mrs Cheryl Gillan (Chesham and Amersham) (Con): What steps are being taken to prepare for the construction phase of High Speed 2 phase 1.

The Secretary of State for Transport (Chris Grayling): HS2 Ltd let the early works contract for activities such as demolitions, site clearances and species translocations in November 2016, with work commencing after Royal Assent—you will be aware, Mr Speaker, that earlier this week the Bill passed its last stages prior to Royal Assent. The main works civil contracts to construct the main physical works for the railway, including tunnels, viaducts and embankments, are due to be let later this year. The initial works on the project will begin shortly after Royal Assent. I have been very clear that through HS2 Ltd and my Department to do everything we can to ensure that the impact of construction on those affected is mitigated wherever possible.

Mrs Gillan: It is ironic that I should have drawn the first Transport question on the day the Bill for phase 1 of HS2 gets Royal Assent. Although some people are crowing and backslapping each other about it, let us remember that it is tragic for many people. The impact is disproportionately felt by my local authorities, such as Buckinghamshire County Council, and our parish councils, such as Great Missenden. Will my right hon. Friend reassure me, my constituents and my excellent councils that the Department for Transport will reimburse parish, county and district councils for any reasonable expenses incurred as a result of the construction of this dreadful project, HS2?

Chris Grayling: I am well aware that a project of such national importance is constructed, it inevitably has an effect on some of those who live on the route. I reiterate that we will do everything we can to ensure that the process is as reasonable and fair as possible for those affected. With regard to local authorities, I give my right hon. Friend that assurance and repeat the assurances made in the debate on Monday by the Under-Secretary of State for Transport, my hon. Friend the Member for Harrogate and Knaresborough (Andrew Jones). HS2 is putting service-level agreements in place with every single local authority along the line of route to set out the additional funding that we will make available for the new railway line’s construction process.

Mrs Louise Ellman (Liverpool, Riverside) (Lab/Co-op): I welcome Royal Assent being given to this much needed investment, but how will the Secretary of State ensure that the promises made about jobs and training opportunities during the construction of High Speed 2 actually materialise?

Chris Grayling: I take this very seriously. We have been very clear when letting contracts—most recently in the information that we put into the market about rolling stock—that we expect this project to leave a lasting skills footprint not just in the areas of construction but around the United Kingdom. A number of events have been held for potential suppliers to the project around the UK, and we have been very clear with all firms, both UK and international, that want to bid to be part of it that we expect them to leave that footprint. It is an essential part of the project.

Mr Dennis Skinner (Bolsover) (Lab): Is the Secretary of State aware that because of the decision to have a station at Sheffield, we will have two HS2 lines running through Derbyshire: a fast track and a slow track? Many villages throughout Bolsover will be affected as a result. There is one in particular, Newton, where more than 30 houses are due to be demolished. Will he meet a group of residents from that village to try to sort this matter out?

Chris Grayling: I am aware of the issue the hon. Gentleman refers to. I give him the same assurance that I just gave to my right hon. Friend the Member for Chesham and Amersham (Mrs Gillan); we will do our best to minimise impacts. The Minister alongside me, my hon. Friend the Member for Harrogate and Knaresborough, will answer these questions in more detail in the Adjournment debate tonight. Either he or I will also meet residents to discuss the issue.

Dr Rupa Huq (Ealing Central and Acton) (Lab): Some of the homes on the route that are worst affected are in East Acton, which faces 10 years of construction disruption, 24/7. Their gardens have been compulsorily purchased and the main access route is to be blocked. HS2’s QC called my residents “tedious” for pointing out that they do not qualify for compensation under the rural support scheme and that unlike Camden they have not been granted exceptional status. I am encouraged to hear that the Secretary of State is putting emphasis on mitigation, because all my constituents have been offered express purchase. Will he urgently meet them and the London Borough of Ealing? These people just want to preserve their suburban way of life and not be ridden roughshod over.

Chris Grayling: It is important that I remind the hon. Lady and reiterate what I said. The matters relating to her constituency—the routes through London and the route on phase 1—have been exhaustively examined, not simply by my Department but by Committees of
Diesel Cars

2. Mr Barry Sheerman (Huddersfield) (Lab/Co-op): What steps his Department is taking to reduce the number of diesel cars.

Mr Hayes: Let us be clear; we have made real progress to date. In 2016, the UK was the largest market for ultra-low emission vehicles in the EU and a global leader in this development.

I am sure that the right hon. Gentleman, in the spirit of bipartisan generosity that characterises all he does in the House, will welcome the announcement in the autumn statement setting out a further £290 million of funding for ultra-low emission vehicles. He says that he wants action, but what more action does he want than the policy, the legislation and the resources—we are taking action. Perhaps the right hon. Gentleman is feeling grumpy because it is Thursday morning, but he really ought to welcome that.

Charlie Elphicke (Dover) (Con): I point out to the Minister that figures from the London Assembly Environment Committee from 2015 set out why it is wrong to try to demonise diesel cars and their drivers. Diesel cars account for just over 10% of all emissions in London: the same amount, nearly, as Transport for London’s buses; the same amount, nearly, as ageing trains; the same amount, nearly, as ground-based aviation services. The issue is not simply diesels.

Mr Hayes: As this short discussion on low-emission vehicles and emissions began, I thought, as you Mr Speaker, must have done, of Proust, who said, as you will remember: “The only real voyage of discovery consists not in seeking new landscapes, but in having new eyes”.

Using those eyes to see to the future is necessary if we are to be ambitious and have vision about where we can go with low-emission vehicles, particularly electric vehicles. We are making progress and we will continue to make more. The plan that I described, which we will draw up this spring, will set out exactly what that progress looks like.

Stewart Malcolm McDonald (Glasgow South) (SNP): On diesel vehicle manufacturers, the Minister knows of my particular interest in Volkswagen. Will he confirm from the Dispatch Box the extraordinary and contradictory evidence that the Select Committee on Transport received on Monday from Volkswagen’s managing director, Paul Willis, and that Mr Willis has not given the Minister’s Department everything it asked for?

Mr Hayes: The hon. Gentleman was at the sitting of that Committee, on which he serves, where he will have heard the extraordinary statements made by Mr Willis, which I described at the time as “little short of ridiculous.” I have met Mr Willis and Volkswagen on numerous occasions and asked them for four things: a quicker retrofit to the vehicles affected; compensation for customers who are affected; a warranty for those retrofits; and the money the taxpayer has had to spend as a result of what Volkswagen did to be repaid in full. None of those things has yet been done to my satisfaction, which is why I have written again to Mr Willis, setting out exactly our Government demands—not Government demands, but demands on behalf of the people.

Danny Kinahan (South Antrim) (UUP): The public are perplexed about where we are going with diesel cars. Will the Minister be sure to remember that many people bought a diesel car because they knew it would be
cheaper to run, even though it was a more expensive car? They cannot afford to make the coming changes. Does the Minister recognise that?

**Mr Hayes:** It is certainly true that we need to make the transition to low-emission vehicles affordable. We are not in the business, as a Government who champion the cause of ordinary, hard-working people, of penalising people to the point at which they cannot go about their lives or access employment and other opportunities in a way in which the whole House would expect, so it is absolutely right that we take a measured view. Having said that, we have to make more progress, and being measured does not mean being complacent. As I set out earlier, we will make that progress, and we will change minds and behaviour through what we do.

**Richard Burden** (Birmingham, Northfield) (Lab): Following the Transport Committee hearing earlier in the week, am I right in thinking that Volkswagen situation now denies any wrongdoing in the UK but still feels obliged to fix 472,000 vehicles, with another half a million remaining to be looked at? The company says it has provided the Government with all the information requested, but the Minister denies that, and it is refusing to publish the report it commissioned from its lawyers, Jones Day. The Minister told the House in November that there would be a “steely fist” in his “velvet glove” if Volkswagen did not meet its obligations, so will he tell the House what that steely fist will actually mean and what he will actually do when he meets VW again next month?

**Mr Hayes:** First, to establish the detail of what Volkswagen has and has not done, and what the Government have asked it to do, it might be best if I let the hon. Gentleman and the House have a copy of the letter I have just written to Mr Willis, which sets out how and where Volkswagen has not done what the Government have asked. Secondly, as I said a moment ago, I am determined to use every avenue to pursue the interests of the consumer. The Secretary of State and I will travel to Berlin to meet German counterparts to have discussions because much of the evidence lies there, where the tests were done. Yesterday I met the legal representatives of the consumers who are moving a private prosecution against Volkswagen. I will leave no avenue unexplored and no stone unturned. My steely fist is now a galvanised steely fist.

**Transport Modal Integration**

3. **Mike Kane** (Wythenshawe and Sale East) (Lab): What assessment he has made of the level of transport modal integration in the north of England.

4. **Mr Steve Baker** (Wycombe) (Con): When HS2 Ltd plans to produce a route management improvement and safety plan for the A4010.

**Mike Kane:** The Institute for Public Policy Research North report this week revealed that London gets £1,500 more transport spend per head than the north. For the cost of one Crossrail project we could connect the four major cities of the powerhouse and the four existing runways, utilising the spare capacity, adding £100 billion to the economy and creating 850,000 new jobs. Does the Minister agree with the report?

**Andrew Jones:** I am aware of the report, and we await the recommendations from Transport for the North on northern powerhouse rail, but the point about the report is that it offers a snapshot of where we are at the moment. It reflects where individual projects are in development and delivery. The situation will look extremely different in a few years.

**Dame Rosie Winterton** (Doncaster Central) (Lab): Is the Minister aware that a 21% cut, on top of existing cuts, to the mode shift revenue support grant will have a devastating effect on the rail freight sector in the north of England and could lead overall to up to 190,000 extra lorry journeys every year? Surely this is taking things in absolutely the wrong direction. Will he undertake to reverse the cuts?

**Andrew Jones:** I hear the right hon. Lady’s comments. Our policy is to get more freight on to the railways. One of the points of HS2 is to free up capacity on the existing network for more freight. I will relay her points about the mode shift revenue support grant to the rail Minister.

**Mr Clive Betts** (Sheffield South East) (Lab): The Government have said that one of the benefits of HS2 will be how well it links into, and integrates with, other forms of transport. Why, then, in the alternatives for HS2’s route through Sheffield and south Yorkshire is there no reference to how HS2 connects to HS3?

**Andrew Jones:** Northern powerhouse rail is being developed with the platform of HS2 being delivered—we are looking potentially to use parts of the HS2 network for northern powerhouse rail—but the final decisions on the routes through south Yorkshire have not been made. This is a live consultation, running until 9 March, and I ask that the hon. Gentleman participate in it.

**HS2: A4010 Plan**

4. **Mr Steve Baker** (Wycombe) (Con): When HS2 Ltd anticipates that draft route management improvement and safety plans, including that for Buckinghamshire covering the A4010, will be available for discussion and consultation with highway authorities in March.

**Mr Baker:** That is great news. I am glad that the people of Wycombe, Aylesbury and Buckingham will have an opportunity to scrutinise this essential emergency route. Will my hon. Friend take steps to enhance the safety of the route?
Andrew Jones: My hon. Friend makes an important point. Safety is critical as we go into the delivery phase of HS2. As a result of the petitioning process, the Secretary of State has committed to contributing £480,000 for permanent safety measures along the A4010 and A4129 in Buckinghamshire. The Government have also created a £30 million road safety fund for HS2, the details of which we will be announcing very shortly.

Harmful Emissions: Road Transport

5. Clive Lewis (Norwich South) (Lab): What steps he is taking to reduce harmful emissions from road transport.

The Minister of State, Department for Transport (Mr John Hayes): As you would expect, Mr Speaker, I am working closely with my colleagues in the Department for Environment, Food and Rural Affairs on the vital issue of air pollution, and as I said earlier, we intend to consult on a new air quality plan later this spring.

Clive Lewis: Given that 40,000 people die prematurely every year from air pollution and that the Government have lost two High Court cases over their lack of action, will the Minister now use his large, galvanised fist to push through clean air zones in cities such as Norwich to protect people’s health?

Mr Hayes: Yes, I think the hon. Gentleman is right. Clean air zones play a vital role in that work. Sometimes all I need is the air that I breathe. Certainly, we all need and deserve clean air. He will know that Norwich is one of the cities that has already implemented a bus low-emission zone and that the Campaign for Better Transport has welcomed the themes to be addressed by the clean air zones, including the plans for local growth, air quality and health. It has said that these are “sound principles to underpin transport and planning”.

He is right, however, that we need to do more on clean air zones, and we will consult on that. I am in weekly discussions with my colleagues in DEFRA accordingly. The key thing—if I might add this, Mr Speaker, at your discretion—is that it is really important that we not only have good, consistent national standards, but respect the local particularities of different places and cities, so the role of local government will be vital. These zones will not be vanilla flavoured. They will reflect local circumstances, but they must all work to high national standards.

Mr Speaker: We are all, I am sure, greatly educated in consequence, but at a cost in time.

Philip Davies (Shipley) (Con): One of the reasons for harmful road emissions in my constituency is the queues of traffic from Baildon through to Shipley, so when can we have a Shipley eastern bypass, which would be good for the local economy, alleviate congestion, and deal with these harmful emissions?

Mr Hayes: My hon. Friend’s perspicacity means that he has managed to weave a point about local roads into a question about air quality. On that basis, I think the best thing for me to do is to agree to meet him to discuss its particularities in greater detail.

Mr Speaker: Order. That is very wide of the substance of the question, so I think that a single sentence of eloquence from the Minister of State will probably suffice on this occasion.

Mr Hayes: Buses are good, walking is good, cycling is good—that was how I got to school.

Mr John Spellar (Warley) (Lab): The Minister promised new eyes, so will he use them to recognise that there are some 10 million diesel car drivers in the UK. Rather than joining in their demonisation by a hysterical media, will he hold a full and proper inquiry into the pros and cons of diesel, including for buses, trucks and trains, and thereby adopt a proportionate approach to what remedies might be necessary?

Mr Hayes: I think that the right hon. Gentleman will recognise from my immensely measured remarks earlier that I am not prepared to demonise anyone. I am certainly not prepared to put at risk the wellbeing of people who need to travel to work and school, and to access other opportunities—public services and so forth. Of course we need to be balanced in our approach to this.

Night Flights: London Airports

6. Tom Tugendhat (Tonbridge and Malling) (Con): What his policy is on reducing the number of night flights at London airports.

Mr Hayes: It will not come as any surprise to the hon. Lady to know that when I am in Nottingham I travel on the bus from my mother-in-law’s home to the city, so I can speak with some authority about bus journeys in Nottingham. She is right that bus travel is a key part of this, which is why we have made an extra £150 million available specifically for cleaner buses. She is right, too, that we need to encourage that as part of our low-emission zones.

Ben Howlett (Bath) (Con): Encouraging parents to leave their cars at home and get their children on to local public transport can have a major impact on air quality. Has my right hon. Friend done any analysis of how much free bus travel for children will cost? The Labour metro mayor candidate has promised free bus travel for all children across the west of England, even though the devolution deal is £30 million a year. Is this another underfunded Labour promise?

Mr Hayes: It is not his Government failing to support one of the most effective ways to tackle air pollution?
The Secretary of State for Transport (Chris Grayling): I fully recognise the effect on local communities of aircraft noise during the night, particularly the health effects associated with sleep disturbance. As my hon. Friend will be aware, we are consulting on future night flight restrictions at Heathrow, Gatwick and Stansted, including options that will reduce the amount of noise that airports are allowed to make while ensuring that we maintain the benefits to the economy of night flights on some key routes.

Tom Tugendhat: I hugely welcome the work on this that the Secretary of State is doing, but may I urge him to agree that the major European airports that have brought in quiet periods from 2200 hours onwards offer a very suitable example for airports such as Gatwick that are blighting the lives of many people in towns such as Edenbridge and Penshurst?

Chris Grayling: I am well aware of the pressures on my hon. Friend’s constituency and neighbouring ones due to night flights and the way in which routes currently operate around Gatwick. As he will know, part of our consultation is about exactly how we use airspace, as well as how we limit the use of night hours for aircraft. I encourage him to take part in that consultation. I do believe, however, that new technology can help us to make a significant difference.

Jim Shannon (Strangford) (DUP): Will the Secretary of State outline his plans to ensure that air links are strengthened for routes from Northern Ireland to the UK mainland, and that any reduction in flights, wherever they may be, will not adversely affect those links or any enhanced provision for Northern Ireland?

Chris Grayling: That is clearly a very important issue. I am pleased that yesterday my Department announced the very important decision to continue support for the flight from Derry to Stansted. We decided that it was important to make the resource available for that to continue, and I hope that people in Northern Ireland will welcome that.

Sir Alan Haselhurst (Saffron Walden) (Con): Will my right hon. Friend, while acknowledging the growing importance of the package freight business, try to do more to ensure that prominent companies in that business replace what are often very ageing aircraft with more modern equipment, because such aircraft aggravate the noise factors in rural areas?

Chris Grayling: I absolutely agree with my right hon. Friend. I want airports to provide clear incentives to the airlines that use them to make sure that, if they use the night hours, they do so with a new generation of quiet aircraft, which can make a real difference to local people.

Mr Gregory Campbell (East Londonderry) (DUP): May I thank the Secretary of State and his Department for the public service obligation announcement about the Londonderry to London route? Will he also pass on our thanks to Lord Ahmad for the meeting that I suggested should take place in the House several weeks ago, which helped to resolve the matter? We now look forward to the effective marketing of that route so that it can be successful beyond the two-year period that the PSO covers.

Chris Grayling: I am very happy to pass on those thanks to Lord Ahmad, who has done a great job as aviation Minister. I am glad that we have reached a resolution. I hope that the route will build up sufficiently such that it will become permanently commercial and will not need public support.

John Howell (Henley) (Con): For most people, night flights include those that arrive in the very early hours of the morning. Such flights affect my constituents in Henley, particularly when planes land in an easterly wind. To what extent will the Secretary of State take their views into consideration?

Chris Grayling: I am very sensitive to issues affecting not just people who live near the immediate approaches to airports, but those who live further away, such as my hon. Friend’s constituents. That is why I believe that the better use of air space, particularly with state-of-the-art technology rather than the methods of 40 or 50 years ago, will enable us to provide much more respite for individual communities that are currently affected by aircraft noise.

Exiting the EU: Inbound Passengers

7. Patrick Grady (Glasgow North) (SNP): What assessment has he made of the potential effect of the UK leaving the EU on inbound passengers at airports and ports across the UK.

8. Peter Grant (Glenrothes) (SNP): What assessment has he made of the potential effect of the UK leaving the EU on inbound passengers at airports and ports across the UK.

9. Chris Law (Dundee West) (SNP): What assessment has he made of the potential effect of the UK leaving the EU on inbound passengers at airports and ports across the UK.

The Secretary of State for Transport (Chris Grayling): The Government are considering potential impacts on the border as part of our preparations for negotiating our departure from the EU. It is too soon to say what arrangements will be needed, but we are very conscious of the interest of the transport industry in future arrangements. We remain committed to putting passengers at the heart of our transport policy.

Patrick Grady: Does taking back control of our borders mean that the 23 million inbound passengers from the EU who pass through our airports each year will be subject to full border checks? Is the Secretary of State aware of research by the Tourism Industry Council that shows that that would require the resources of UK Border Force to be increased by 200%? Will he assure us that those costs will not be met from the £350 million he promised for the NHS each week?

Chris Grayling: It is already the case that when an EU citizen arrives in this country, they have to show their passport. I do not envisage that changing in the future.
Peter Grant: The reality is that since 2011 this Government have cut the UK Border Force budget by 15%, despite it having to cope with an 11% increase in passenger numbers over the same period. That is already having an impact on passengers. What discussions has the Secretary of State had with the Home Secretary to make sure that neither passengers nor border security are prejudiced or compromised after Brexit?

Chris Grayling: The hon. Gentleman will know that in recent years we have significantly increased automation at airports, with e-gates for passports, which provides a good way of balancing the need for effective border controls and the ability to live within our means.

Chris Law: Under service level agreements between the Government and UK airports, passengers from the European economic area are expected to queue for no longer than 25 minutes while those from outside that area are expected to queue for no longer for 45 minutes. Does the Secretary of State believe that those service level agreements will need to be revised post-Brexit?

Chris Grayling: I reiterate what the Prime Minister said recently: our desire post-Brexit is not to have long queues at our borders, but to have sensible arrangements that allow people to travel to do business, and controls on migration to the United Kingdom, which I think people voted for last year.

Mr David Nuttall (Bury North) (Con): Does my right hon. Friend agree that when the UK leaves the EU, we will be free to open dedicated entry lanes at our airports for UK citizens and citizens of our overseas territories, thereby speeding up entry to the UK?

Chris Grayling: As my hon. Friend knows, it will be for this House and this Government to decide how best to manage our borders post-Brexit. I am sure that he would wish to ensure that, where appropriate, there is the smoothest possible passage through our borders for people we wish to welcome to our country.

Nigel Huddleston (Mid Worcestershire) (Con): At a sitting of the Culture, Media and Sport Committee this week, several witnesses expressed concern about the time that would be required to undertake a considerable physical reconfiguration of airports. Is the Secretary of State having conversations with the airports about the industry carefully. As I have said, people who arrive in the United Kingdom. There is a warm welcome for people from all around the world who come to the UK as tourists, as visitors or to do business, and there will continue to be so.

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): To reduce delays at UK airports, EU nationals who arrive in the UK are processed faster due to what is called a “soft border” approach, using special lanes and scanning. Will the Secretary of State confirm that the Government intend to continue those measures after the UK has left the EU?

Chris Grayling: We will decide the detailed arrangements as the months go by but, as I have said, it is not our intention to create queues at our borders. It will remain the case that people have to show their passports when they arrive in the United Kingdom. There is a warm welcome for people from all around the world who come to the UK as tourists, as visitors or to do business, and there will continue to be so.

Drew Hendry: Currently EU nationals can use the expensive but effective e-passport gates. Will the Secretary of State confirm that those machines will effectively become redundant? If so, do the Government intend to offer them second hand to our European neighbours at bargain prices to recoup some of the cost?

Chris Grayling: Actually, I expect more use of technology in countries around the world to move people through passport lanes. I expect such a change to accelerate, rather than decelerate.

Road Tolls

8. Christian Matheson (City of Chester) (Lab): Whether he plans to review his Department’s policy on road tolls.

The Minister of State, Department for Transport (Mr John Hayes): The Government have no plans to roll out tolling on existing roads. Successive Governments have taken the view that tolls are occasionally justified when
private finance enables some of the most expensive road infrastructure, such as significant river crossings, to proceed. It is right that the user pays, rather than the taxpayer, because the user benefits.

Christian Matheson: My constituents who work in Liverpool will need a pay rise of £1,000 a year just to stand still when the Mersey crossing tolls are introduced. Will the Minister consider a scheme whereby those who can demonstrate that they were in permanent employment on the other side of the water on the day the tolls were announced would have either some kind of tapered introduction or a discount to reflect the additional costs?

Mr Hayes: As I said, it is not unusual for Governments to use tolls to finance large estuary crossings. I would rather be straightforward with the hon. Gentleman about this matter because he is a diligent, popular and well-respected Member of this House and, more importantly, he is one of my friends. I cannot do what he wants and I would rather say that now. We did consider whether we could widen or add to the discount scheme, but we could not make that cost-effective, so I would rather be absolutely frank with him and just say that.

19. [908860] Margaret Ferrier (Rutherglen and Hamilton West) (SNP): Last week marked nine years since the Scottish National party scrapped the last of the transport tolls in Scotland. Since then, the average commuter travelling on the Forth and Tay bridges has saved around £2,000. In the same period, the average toll-paying commuter in England and Wales will have paid just under £4,000. If the Government are serious about helping what they call “just about managing” families, why will not the Secretary of State reassess his transport toll policy?

Mr Hayes: My goodness, what barefaced cheek from the SNP. It did indeed cancel the tolls, and the crossing closed because the SNP did not have enough money—[Interruption.] There was not enough money to make it work.

Cycling and Walking

12. Margaret Greenwood (Wirral West) (Lab): When he plans to publish the Government’s cycling and walking investment strategy.

The Parliamentary Under-Secretary of State for Transport (Andrew Jones): We will publish the strategy shortly, but I am not able to specify a precise date yet.

Margaret Greenwood: The Wirral Way in my constituency is a beautiful path that is popular with cyclists and walkers for the expansive views it gives over the Dee estuary, and, of course, the fresh air it affords and the internationally renowned bird life. The Government have committed more than £15 billion over five years for their roads investment strategy, but just £316 million for their draft cycling and walking investment strategy. What more will the Government do to increase cycling and walking in the United Kingdom?

Andrew Jones: We will publish our strategy shortly, but let me correct the hon. Lady. We are spending approximately 2% of the Department’s total budget in this Parliament on cycling, which amounts to just under £1 billion out of a total budget of around £50 billion. We want to make cycling and walking the default choice for shorter journeys, and I recognise all the hon. Lady’s points about the very pleasant area that she represents.

Daniel Zeichner (Cambridge) (Lab): That was an extraordinary answer from the Minister because at Transport questions six weeks ago, the Secretary of State told us that we would not have long to wait for CWIS, but it is almost a year since the consultation was launched. The Department seems to have a problem with lateness: the Bus Services Bill—late; CWIS—late; taxi regulation—who knows?; and private parking measures—more than a year late. Will the Secretary of State tell us how many people in the Department are working on CWIS and give us a firm date—or is it just the Department being late?

Andrew Jones: That question did not quite capture the hon. Gentleman’s customary generosity at the Dispatch Box. It is clearly a load of nonsense. The Government are investing more in transport than any other Government in British history. Publication of the strategy is slightly delayed because so many people have responded to the consultation, which we will go through very shortly. The strategy is near publication and I will let the hon. Gentleman know exactly when we will publish it shortly.

Rail Services: Disabled Access

13. Nick Thomas-Symonds (Torfaen) (Lab): What steps he is taking to ensure that disabled passengers have equality of access to rail services.

The Parliamentary Under-Secretary of State for Transport (Paul Maynard): This is an issue worth waiting for, as I am sure the House will agree.

We are committed to improving the accessibility of the rail network. Currently 70% of train fleets’ operating passenger services meet modern accessibility standards, with the remaining vehicles due to be either upgraded or replaced by 1 January 2020.

Nick Thomas-Symonds: Has the Minister had a chance to read the Muscular Dystrophy UK Trailblazers’ “End of the Line” report, in which young disabled people identify problems with accessibility to train stations, to which the Minister referred, and the advance booking system? Will the Government commit to looking at both issues with a view to finding a solution?

Paul Maynard: Probably the most rewarding period of my time as a Member of Parliament has been spent chairing the Muscular Dystrophy UK Trailblazers all-party group and challenging and cross-examining the industry, so I am well aware of the report. It is worth pointing out that Passenger Assist bookings are increasing by 7% year on year. The challenge for the industry is to ensure that passengers who wish to just turn up and go get the same service as those who book through Passenger Assist. More than that, the industry should ensure that when Passenger Assist does not work properly, people have adequate recourse to an ombudsman’s system to get redress. That is not currently the case.
Jeremy Quin: Can the Minister confirm that the number and availability of on-board supervisors at Southern Rail is increasing? As a result, can we expect to see an improvement in services for disabled passengers?

Paul Maynard: I am certainly keeping a very careful eye on Govia Thameslink Railway both in terms of official passenger assist bookings and the unofficial turn-up-and-go service. I am very keen to see the outcome of the mystery shopping exercises being conducted by the Office of Rail and Road. I want to ensure that all passengers who travel on GTR get the service they need from the on-board supervisors.

Pat Glass: You will recall, Mr Speaker, that six weeks ago I asked a question at Transport questions about the experience of disabled passengers. I have subsequently been contacted by lots of people who have told me their stories—awful stories that shame us all. I want to ask the Minister about the Disability Discrimination Act 2005, of which this House can be rightly proud. Does the Act apply to train operating companies? I think we would all expect the answer to be yes. If so, what are the Government doing to make sure that train operating companies allow disabled passengers to travel? I have been told that in the past disabled passengers were able to turn up at the station and travel in the guard’s van like a parcel. However unacceptable that is, we are taking that away. Do the Government accept that by encouraging train operating companies to take guards off trains, they are contributing to a breach of the Disability Discrimination Act?

Paul Maynard: I would be very concerned at any suggestion that it is appropriate, in any way shape or form, for passengers with a disability to travel in the guard’s van. Indeed, most of our rolling stock these days does not have a guard’s van to travel in. Like the hon. Lady, I have received a number of worrying complaints. I have met the Office of Rail and Road, which scrutinises the licence conditions under which all train operating companies operate. It is conducting a very careful evaluation of the thresholds for triggering licence conditions, which is why it is doing a mystery shopping exercise. Over and above that, I want to ensure that where individual passengers have an inadequate level of service, they too have a route to go down to seek redress from train operating companies.

Roger Mullin: The collapse in the value of the pound has led to steep rises in fuel costs for motorists. Will the Secretary of State impress on the Chancellor the need to avoid any rise in fuel duty in the forthcoming Budget?

Chris Grayling: I am very proud that the Government, having inherited a fuel duty escalator from the Labour party, have been very good at keeping fuel duty down over the years. The hon. Gentleman will be aware that one current pressure is the rise in the oil price. I am certain that he will be confident that the Chancellor will keep this matter constantly under review, as the Government have demonstrated how important it is to be thoughtful about motorists when it comes to costs.

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Daniel Zeichner (Cambridge) (Lab): The theme continues. Last month, two taxi drivers in Southend who had been stripped of their licences by the council were found to be working in the town once again, having simply gone to another authority to obtain licences. The Conservative councillor responsible for such matters has been quoted as saying that the loophole has left the council “impotent to protect the public.”

Does the Minister think it reasonable for the council to be left “impotent”? When will the Government actually take some action?

Andrew Jones: In fact, we are strengthening the law in this area. The Government tabled an amendment to the Bill that became the Policing and Crime Act 2017 to allow the issuing of statutory guidance to licensing authorities. That is obviously work in progress. This is a critical issue which is taken seriously by the Department and also by the Home Office, and action is clearly being taken.

Roads: East Anglia

18. Sir Henry Bellingham (North West Norfolk) (Con): What steps his Department is taking to improve the road system in east Anglia. [908858]

The Minister of State, Department for Transport (Mr John Hayes): My hon. Friend is well aware of the investment that we have made in the A47, which affects his constituency and indeed mine, to some degree. I know that he has been a consistent and effective campaigner for improvements to the road, and I look forward to continuing to work with him to complete those improvements.

Sir Henry Bellingham: Given that nearly 30 years ago, back in 1988, the then Transport Secretary promised to dual the entire length of the A47, will the Minister give serious priority to the six schemes that are currently planned, and ensure that they start as soon as possible?

Mr Hayes: There is indeed a series of schemes for improvements along the road, particularly in the parts where it could be dualled, and, as my hon. Friend will know, Highways England is looking into the matter. However, I think that I should meet my hon. Friend on the road, with representatives of Highways England and my officials, to look at the specificity of this, because I owe him and the House that at least.

Mr Speaker: I am sure that the image will be graphically captured for posterity.

Topical Questions

T1. [908863] Kevin Hollinrake (Thirsk and Malton) (Con): If he will make a statement on his departmental responsibilities.

The Secretary of State for Transport (Chris Grayling): As you know, Mr Speaker, we are a Government who make big decisions and are ambitious for the future of our country. This is an important week for my Department in terms of legislation. We will shortly see the Bus Services Bill back in the House of Commons to bring improvements to bus services throughout the country; earlier in the week we introduced the Vehicle Technology and Aviation Bill, which will ensure that we are at the head of the game when it comes to the new generation of vehicle technology; we have published, in draft, the Spaceflight Bill, which will also take us forward in an important area of new technology; and, as we heard earlier, this is the week in which we see the completion of the progress of the High Speed Rail (London - West Midlands) Bill.

Kevin Hollinrake: The current Highways England scheme for improvements to the A64, which is a key road in my constituency, involves spending £135 million on a roundabout when what we need is a dual carriageway between York and Malton. Will the Minister agree to meet me and members of the A64 Growth Partnership to discuss how we can secure the best scheme for local residents and the best value for the taxpayer?

Chris Grayling: We are well aware of the importance of the A64 to my hon. Friend’s constituency and, indeed, to the economy of Yorkshire. I should be happy to meet my hon. Friend, as will my hon. Friend the roads Minister. We will ensure that progress in the road’s development continues as we move towards the start of the next investment period.

Andy McDonald (Middlesbrough) (Lab): A report by the Office of Rail and Road on Highways England revealed that the road investment strategy is in chaos. The agency is £1 billion over budget, the cost of 31 projects has more than doubled, and there is little evidence that 60 major schemes can be delivered on time. The strategy is beginning to look more like a fantasy wish list than a deliverable plan to improve England’s road network. Will the Minister take this opportunity to try to reassure the House that it is not the comedy of errors that it appears to be, and will he guarantee to deliver it on time and on budget?

Chris Grayling: Let us be clear about the road investment programme. It is a £13 billion programme that is currently delivering improvements around the country, and is on track. It is absolutely not the disaster that the hon. Gentleman says it is. Let me also remind him—Conservative Members will remember—how ineffective 13 years of Labour government were in dealing with infrastructure challenges. We will not be taking any lessons from Labour Members.

Andy McDonald: It is about time the Government took responsibility. Labour has been warning consistently that this Government have been over promising and under delivering on investment in England’s road network. We were promised the biggest upgrade in a generation, but the ORR is now warning of the deterioration of England’s roads. The number of people killed and seriously injured on our roads is already rising, so can the Minister explain how he will guarantee road user safety and mitigate the increased safety risk caused by his Government’s failure to manage investment in England’s roads?

Chris Grayling: The Labour party neglected our roads for 13 years. The hon. Gentleman needs to travel around the country today and see the schemes that they did not do, that we are doing: dualling the A1; building the link road between the M56 and the M6; smart motorways; starting the progress, finally, on the A303 and developing...
the tunnel there; as well as smaller schemes around the country. Last week I was in Staffordshire, seeing an important improvement to the A50. None of that happened when the Labour party was in power. It is, frankly, bare-faced cheek to tell them saying what they are saying now. I also remind the hon. Gentleman that in the autumn statement we provided an additional £75 million to improve Britain’s most dangerous roads.

T5. [908867] Tom Tugendhat (Tonbridge and Malling) (Con): I was hoping to ask some questions about spaceflight, but, sadly, when others are able to focus on the stars, some of us are stuck in the gutter just outside East Croydon waiting for Southern rail to get us in. Can the Secretary of State tell us a little bit about not just how Tim Peake is getting to the space station, which is obviously wonderful, but how some of us can, perhaps, get into London Bridge on time?

Chris Grayling: My hon. Friend is identifying the fact that the problems on the Southern rail network are not simply about the trains; they are also about the track and infrastructure. That is why we are now spending £380 million, in addition to the money I announced last September, on things like points replacement, track replacement, and replacing the small things on the infrastructure that go wrong regularly and cause frustrating delays for commuters. We are now moving ahead with that quickly, and it is very important in making sure that my hon. Friend spends less time on a train outside East Croydon and more time in this House asking about space.

T2. [908864] Patricia Gibson (North Ayrshire and Arran) (SNP): The Minister has told us today that he is pursuing the interests of consumers, but can he explain why we still have no timescale for UK drivers of Volkswagen cars to have them fixed and compensation paid, as has happened for US consumers, and will he tell us who in the UK Government will be taking responsibility as they face legal action from the EU Commission for proper dealing with the scandal?

The Minister of State, Department for Transport (Mr John Hayes): Having been a little unkind to the Scottish National party earlier, let me be rather more generous now: the hon. Lady is right, and this is a matter for the National party earlier, let me be rather more generous. Hayes:

Sir Alan Haselhurst (Saffron Walden) (Con): As most of East Anglia has a two-track railway at best, does my right hon. Friend accept that it is very difficult to reconcile the ambitions of the Mayor to have increased frequency services to inner London train stations while there is a growing need for faster services to Norwich, Chelmsford, Stansted airport and Cambridge, without providing extra track capacity at key points?

The Parliamentary Under-Secretary of State for Transport (Paul Maynard): My right hon. Friend is certainly right to observe that on any crowded part of the network—be it in the south-east or elsewhere—we have to make choices over the stations that are served. He rightly points out that that choice will involve outer stations in the south-east versus inner London stations. I can certainly assure him that this ministerial team is more than aware of those challenges, and I am sure my officials can benefit from his wisdom on this part of the network and look forward to his meeting with them.

T3. [908865] Mr Barry Sheerman (Huddersfield) (Lab/Co-op): Today marks another step towards the national folly that is High Speed 2. May I beg the Secretary of State, even at this late stage? Here is a project that is totally out of control in terms of expenditure—zooming past £60 billion—with the chief executive having resigned. Will the Secretary of State change his mind, and invest this money in fast network rail in the north of England and the NHS?

Chris Grayling: Of course, it is not an either/or. We are currently spending money on the Ordsall Chord in Manchester, which will provide a dramatic improvement to services in the Manchester area and enable more services across the Pennines. We also have the most ambitious improvement plan that the northern rail network has seen in modern times. So I am very proud of what we are doing transport-wise in the north of England. I would simply say that if we are going to meet the capacity challenges of the future, we are going to need to build a new railway line, and if we are going to build something new, why would we not build something state-of-the-art? That, I am afraid, is the view of the overwhelming majority of Members of this House?

Martin Vickers (Cleethorpes) (Con): The Minister of State will recall our meeting in December with representatives of Vivergo Fuels, where jobs are under threat. The renewable transport fuel obligation consultation has now closed. Will he enlighten us as to when he is going to make a decision and lift those threats of redundancy?

Mr John Hayes: My hon. Friend is right to suggest that we are looking closely at these matters following the consultation. He will know that I held a meeting with all those concerned recently. We will consider the representations that we have received and make a decision as soon as possible.

T4. [908866] Roger Mullin (Kirkcaldy and Cowdenbeath) (SNP): In the light of this morning’s release from the Government, what guarantee can the Minister give us that any savings resulting from reducing pay-outs to innocent victims of motor traffic accidents will be passed on to drivers?

The Parliamentary Under-Secretary of State for Transport (Andrew Jones): We are working hard to ensure that the benefits of technology and improvements in road safety are passed on to drivers through motor insurance premiums. We are working particularly with younger drivers, and a research programme on this is under way. I will write to the hon. Gentleman with details of the work we are undertaking.

Mr David Nuttall (Bury North) (Con): I am sure the whole House will be disappointed that my hon. Friend the Member for Tonbridge and Malling (Tom Tugendhat)
was unable to ask about space flight, so will my right hon. Friend please set out what steps he is taking to ensure that the UK becomes the world leader in commercial space flight?

Mr John Hayes: Ah, the final frontier! And who better to take us there than Britons? Our journey to the stars will be informed, and we will become the premier site for satellite launches and lead the way in commercial space flights, as we set out in our document earlier this week. Mr Speaker, I see you as Captain Kirk and me as Mr Spock. Other parts will be played by members of the cast.

Mr Speaker: We will leave that open to the imagination, but I think it is safe to say that the right hon. Gentleman will always shine brightly on the outer edges of the galaxy.

Nick Smith (Blaenau Gwent) (Lab): At the last Transport questions, and again today, the Minister of State, the right hon. Member for South Holland and The Deepings (Mr Hayes) has been bullish about Volkswagen executives facing criminal charges for the diesel emissions scandal in the UK. How is that going?

Mr Hayes: It is important that we work with the Germans on this. The tests were done in Germany, and they have much of the evidence that we need to proceed with all that we are doing to force Volkswagen to do the right thing. It is also important that we work with and support the private prosecution that is being brought by consumers. I am doing both, and I will bring the results of all that work back to the House in due course. The hon. Gentleman can be sure that I am absolutely determined to defend the interests of people against this soulless corporate behaviour.

Nusrat Ghani (Wealden) (Con): The A27 Reference Group has long campaigned for investment, and my constituency of Wealden—and especially my town of Hailsham—are in desperate need of modern roads. Will the Minister agree to meet me and representatives of the A27 Reference Group to discuss how we can secure extra funding for the A27?

Mr Hayes: I can hardly wait. Coffee, tea, supper—whatever my hon. Friend wishes. I will be happy to meet her and her friends to consider these matters.

T7. [908870] Lilian Greenwood (Nottingham South) (Lab): Seeing the first Aventra train undergoing trials on the existing Crossrail network east of Liverpool Street earlier this month was a proud moment for the workers at Bombardier, and indeed for the whole east midlands rail supply chain. Given Bombardier’s success with sales of Aventra to the East Anglia franchise, does the Minister share my hope that we will see this train being deployed more widely across Britain?

Chris Grayling: Yes, but I actually have a slightly different ambition. I have an ambition to see that train deployed in other countries as well. I have already told the Japanese Transport Minister that, although he has good trains on the suburban network in Tokyo, our Bombardier trains from Derby are better and that he should buy some for his network.

Tim Loughton (East Worthing and Shoreham) (Con): Back on planet Earth, the recent ASLEF ballot was obviously disappointing, and the guarantee of a second person on the train clearly remains a bone of contention. Will the Secretary of State consider making it a performance indicator measure when, in exceptional circumstances, a train leaves without that second person?

Chris Grayling: I am happy to look carefully at that option. It is not my policy or the Government’s policy to remove people from trains. Ways of working will change, but we will need more people, not fewer, delivering services to customers on our railways as demand grows.

Philip Davies (Shipley) (Con): Is the Secretary of State in a position to confirm that Bradford will be one of the stations on the northern powerhouse rail?

Paul Maynard: I imagine that there is a strong case for that. We are waiting to see what Transport for the North has to say about northern powerhouse rail, but I will be surprised if Bradford does not feature in those plans.

Nic Dakin (Scunthorpe) (Lab): I support the hon. Member for Cleethorpes (Martin Vickers) in raising the issue of Vivergo Fuels and the danger that the 2% crop cap may pose to an important local business. Will the Minister meet MPs of all parties from the region to consider the matter before determining what to do?

Mr John Hayes: I have had meetings about that. I know how closely the hon. Gentleman has worked with colleagues from across the House to promote the interests of his constituents and others. I will happily have more meetings. It is a challenging matter, but we must get it right. The hon. Gentleman is right that we do not want unintended consequences, so I will of course be delighted to meet.

James Berry (Kingston and Surbiton) (Con): Will my right hon. Friend update the House on the proposals for Crossrail 2? If there are to be any delays, will he tell us what can be done about overcrowding on our trains, such as the one I was on this morning, in the meantime?

Chris Grayling: I am waiting for Transport for London to deliver the business case for Crossrail 2. I am expecting that in the next few weeks, but we are taking action on
capacity in the meantime. I will be at Waterloo station this afternoon to see one of the new generation of trains that will be operating in the coming months on the routes that serve both our constituencies. The works taking place at Waterloo this summer will allow 10-coach trains, rather than eight-coach trains, to serve our suburban networks. That is good news for passengers.

Ruth Cadbury (Brentford and Isleworth) (Lab): The Department for Transport is currently consulting on the airports national policy statement. Why are residents in Chiswick, Brentford, and Osterley not being told in that consultation that the approach path to runway three will be over their heads? Will he meet my constituents to explain the noise impact that the runway will have?

Chris Grayling: The important thing to understand about the consultation, and about airspace management in particular, is that more precise technology will enable us to provide a much more varied management of airspace in a way that minimises impacts on communities. Much more precise flightpaths are one of several measures that we can take to minimise those impacts. We have been pretty clear in the consultation. We are consulting all the areas that will be affected by the airport’s expansion, and we are expressing a desire for views and opinions from across the House and across the affected areas.

Margaret Ferrier (Rutherglen and Hamilton West) (SNP): On a point of order, Mr Speaker.

Mr Speaker: Points of order ordinarily come later, but if it flows from Question Time and is brief and not disputatious, we will hear it briefly.

Margaret Ferrier: Thank you, Mr Speaker. I seek your guidance. In response to my earlier question, the Minister suggested that ending toll charges in Scotland had led to bridges in Scotland being closed. When the Forth road bridge was damaged it was repaired ahead of schedule. The Queensferry crossing is being completed on time and significantly under budget without the need for tolls. Perhaps the Minister of State would like to take this opportunity to correct his earlier comments.

Mr Speaker: I very much doubt that the Minister wishes to do so. The hon. Lady, who is well informed and I imagine has a very good vocabulary, has just feigned ignorance of the word “disputatious.” I said that her point of order should not be disputatious, but it was disputatious. I think we will leave it there. I am not knowledgeable upon the matters to which she has referred and, more importantly, I have absolutely no responsibility for them myself, which is a great source of relief.
Mr Speaker: Before we come to the urgent question, I have to notify the House, in accordance with the Royal Assent Act 1967, that the Queen has signified her Royal Assent to the following Acts:

- Commonwealth Development Corporation Act 2017
- Cultural Property (Armed Conflicts) Act 2017

The Secretary of State for Transport (Chris Grayling):
On a point of order, Mr Speaker. I wonder whether you might indulge me. As you have now confirmed Royal Assent for the HS2 Act, I thank everyone in the House who was involved in its passage. It has been a long and arduous process, particularly for those who served on the Committees in both Houses. I thank them for their work.

Mr Speaker: The Secretary of State’s courtesy will be warmly appreciated on both sides of the House, and I thank him for what he has just said.

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Yvette Cooper: To ask the Home Secretary to make a statement on the case of Jamal al-Harith.

The Minister for Security (Mr Ben Wallace):
I make it clear at the outset that the United Kingdom takes the security of its people, interests and allies very seriously, and we will not hesitate to take action in accordance with our inherent right of self-defence. The Government strongly discourage British nationals from travelling to conflict zones and work hard to dissuade and prevent people from travelling to areas of conflict.

It is, however, the long-standing policy of successive Governments not to comment on intelligence matters. The monitoring of individuals is an intelligence matter, and the Government do not and cannot comment on individual cases. Neither can the Government comment on whether particular individuals have received compensation payments.

In November 2010, the then Lord Chancellor and Secretary of State for Justice, my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke), informed the House of Commons that the Government had secured a mediated settlement of the civil damages claims brought by detainees held at Guantanamo Bay in the early 2000s. The details of that settlement were subject to a legally binding confidentiality agreement, and we are therefore unable to confirm whether any specific individual received such a settlement.

More broadly, the Government’s priority is to dissuade people from travelling to areas of conflict in the first place, and our strategy works to identify and support individuals at risk of radicalisation. More than 150 attempted journeys were disrupted in 2015. Since Channel, the Government’s process to identify and provide support to individuals at risk of being drawn into terrorism, was rolled out in 2012, there have been more than 4,000 interventions to prevent radicalisation, but we have been clear that we will seek to prosecute those who travel abroad to commit criminal or terrorist attacks. Our brave men and women of the intelligence services and law enforcement agencies work every day to make sure that the risk to our citizens is minimised.

Yvette Cooper: It has been reported that Jamal al-Harith died in a suicide attack in Mosul, and in doing so killed several others on behalf of a barbaric extremist regime. If the reports are correct, he was a deeply dangerous man involved in the worst kind of extremism and terrorism that I am sure is widely condemned on both sides of the House.

We know that Jamal al-Harith was released from Guantanamo Bay in 2004, and it is reported that he received a payment from the Government after concerns that defending his case would lead to the revelation of intelligence and the compromising of national security.

The former independent reviewer of terrorism legislation has provided information about the case, as has the former Home Secretary, Lord Blunkett. Everyone understands that some information cannot be revealed for intelligence reasons. However, the Minister has provided far too little information about such a serious case.
Can he confirm whether Mr al-Harith was made any payment? Notwithstanding the subsequent welcome legislation to tighten the law, which had cross-party support, does he agree that people across the country will feel sickened at the idea of large payments being made to someone who may have been involved in serious terrorist activity?

We know that Mr al-Harith was subject to monitoring after 2004. Was he subject to monitoring between 2010, when the compensation payments are reported to have been made, and his reportedly leaving the country in 2014? Was he considered for a control order or a terrorism prevention and investigation measure? Can the Minister confirm that no one is currently subject to a TPIM? It is reported that al-Harith left to join ISIL in 2014. Was he being monitored at that time? Was he on any border watch lists at the time? We ask that question because, legitimately, we want to know whether this occurred because of a lack of intelligence about his case or whether there was some failure in the border watch list system, in which case there are legitimate questions for this House to pursue.

What happened to the payment allegedly made to Mr al-Harith? Do the Government know whether any of that money was subsequently used to fund terrorist or extremist activity? Was any monitoring in place in respect of any of these compensation cases? Has any attempt been made since Mr al-Harith left for Syria and Iraq to recover any of the payments that have been made? Is any of that payment left now? Can the Minister at least say whether the Government are now reviewing this case and will at least provide a report to the Intelligence and Security Committee, which will be able to listen to all the questions relating to intelligence so that we can understand whether such a serious case has been properly pursued, and that every possible action has been taken on behalf of both our national security and the British taxpayer?

Mr Wallace: I thank the right hon. Lady for her questions. Like her, and like my constituents, we will be outraged and disappointed by the sums of money that have been paid. As for the sums that have been paid, and that are reported to have been paid, I cannot comment on individual cases. Unlike former Home Secretaries, the Government are bound by their legal obligations—we cannot break those legal commitments—but I can say that some of the vulnerability that led us to have to pay those damages occurred when the right hon. Lady was a member of the Labour Government and when those individuals brought claims against us.

It is important that we recognise that that is why some of these claims had to be paid out and why, in response to those outrageous sums of money that have been reported, this Government and the coalition Government brought forward the consolidated guidance—David Cameron brought that forward—to make sure that our intelligence services act within the law and get the full support of the law in order to do their job. That is also why we brought forward the Justice and Security Act 2013 to introduce closed material proceedings so that in future claims brought by such people, held in Guantanamo Bay in 2004, can be challenged in court without revealing sensitive intelligence information and we can, thus, defend many of those claims. It is also why that Act brought in stronger powers for the Intelligence and Security Committee, in order that it can investigate such incidents and give confidence to this House that such events are properly investigated, with lessons learned if they need to be and allegations put to rest if they are found to be false. That happened as a result of these types of payments; that action was taken under the coalition Government of David Cameron to make sure that we minimise the risk of this ever happening again.

Victoria Prentis (Banbury) (Con): As you are aware, Mr Speaker, before I came to this place I worked as a Government lawyer. Although I did not work on this specific case, colleagues in the department in which I worked were involved in it.

Kevin Brennan (Cardiff West) (Lab): That is called hearsay evidence.

Victoria Prentis: No, it is not.

In this country, we have a proud tradition of law: law that supports not only people who are attractive to the general public, but those with whom the general public would not have sympathy. The question I wish to put to the Minister is this: to what extent has he worked and have this Government worked to enable the rule of law to be upheld and to enable the “secret courts” Act to come into effect so that we can study these cases properly?

Mr Wallace: I am grateful to my hon. Friend for her question. First, as I said earlier, by introducing consolidated guidance to guide our intelligence services when they operate abroad; by introducing the 2013 Act, which allows for closed material proceedings; and by beeping up the ISC, we have put in place a much more robust and defendable structure so that we are not the victim of people coming along and trying to sue us for actions we may or may not have taken. That is the most important part of it. It is also important to point out to the House that we will act in accordance with our inherent right of self-defence. We will always put first the defence of our citizens and our nation, and we will make sure that we do that to the best of our ability.

Ms Diane Abbott (Hackney North and Stoke Newington) (Lab): Terrorism is the scourge of modern democracies. It has meant that the frontline of international conflict has moved from the battlefield to our homes and high streets. There will therefore be natural public concern about the case of Jamal al-Harith, who was allegedly paid £1 million in compensation by the UK Government following his incarceration in Guantanamo. There will also be natural public concern that the Minister has chosen to hide behind the notion of sensitive intelligence in order to fail to answer even the simplest factual questions about this case. I repeat: was there any payment? We do not need to know exactly how much, but was there any payment? Is there any truth in the idea that we may or may not have taken. That is the most important part of it. It is also important to point out to the House that we will act in accordance with our inherent right of self-defence. We will always put first the defence of our citizens and our nation, and we will make sure that we do that to the best of our ability.
Committee, which we believe would be the appropriate, and secret, method of dealing with these very important issues?

Mr Wallace: I can perhaps answer the last point. Of course, the Intelligence and Security Committee now has the power, because of the 2013 Act, to properly investigate these issues. Members of that Committee will be listening to this debate and will have read the media reports, and it is entirely for them to choose what they wish to investigate. If they do choose to investigate, we will of course comply, as we are obliged to and as we would wish to. It is very important that we do that.

The right hon. Lady asks me to disclose intelligence operations concerning an individual. I cannot do that; it has never been the practice of this Government, the previous Government or the Government before that. We are not hiding behind that phrase; we are having to oblige ourselves in line with the legally binding confidentiality agreement made between Her Majesty’s Government and the parties involved. I am sure the right hon. Lady is not trying to encourage me to break the law and reveal details of the compensation.

Dr Andrew Murrison (South West Wiltshire) (Con): It is reported that around £20 million has been paid to 16 former Guantanamo Bay detainees. This morning, Lord Blunkett suggested that that sum should be formally reviewed because the public will be dismayed. They will be particularly concerned if any of that money has gone to fund terrorism. Will the Minister undertake to review the £20 million, or thereabouts, that is reported to have been paid to these individuals?

Mr Wallace: My hon. Friend raises an important point about the destination of, or what happens to, any money paid to individuals. One reason why only this Tuesday we took through the House the Criminal Finances Bill, which covers terrorist financing, is to give us even more powers to track money destined for terrorism and deal with it. It is incredibly important that we do that. The comments of the former Home Secretary Mr Blunkett are of course a matter for him. No doubt he may be questioned by the Intelligence and Security Committee about the role that he and his colleagues played at the time in making sure that British citizens’ interests were protected when they were in Guantanamo Bay, which may have led to these claims being made in the first place.

Angela Crawley (Lanark and Hamilton East) (SNP): I associate myself with the comments made by the right hon. Member for Normanston, Pontefract and Castleford (Yvette Cooper). The Scottish National party is of course committed to protecting the people of Scotland and keeping our communities safe, while recognising that that commitment needs to be balanced with the protection of civil liberties. We recognise that the ways in which people are becoming radicalised are constantly evolving, so we must remain vigilant and refresh our approach in doing so. Police forces throughout Scotland have been extremely vigilant, and for many years have been working closely with the Scottish Muslim community to prevent violent extremism and radicalism.

It has been suggested that Jamal al-Harith was able to travel to Mosul because of the Home Office, when it was under the current Prime Minister, weakened the surveillance of terror suspects because of issues of resource. What will the Government do to meet their duty of care and vigilance in monitoring those who have been vulnerable to radicalisation and to address any resource issues so that they can do that effectively?

Mr Wallace: May I say how impressed I have been, in my time as Security Minister, with the Scottish police and their work across the United Kingdom to protect UK citizens and people living in Scotland from the threat of terrorism? I have been to visit them, and their work on Prevent and on fulfilling the Contest strategy agreed between the UK and Scottish Governments is the reason that we are seeing people in many areas prevented from travelling and dissuaded from radicalisation. I am grateful to the Scottish Government for their role in ensuring that people in Scotland are safer. Of course, everything we do is within the rule of law and the rights of the country to take action in self-defence. I urge hon. Members to look at the Government memorandum to the Joint Committee on Human Rights, in which we restated our view on when we are legally able to take action against individuals.

The hon. Lady mentioned funding. We have increased funding for Prevent year on year, to ensure that we focus on dissuading people as much as on putting money into pursuing people, tracking them down and trying to stop them.

Sir Julian Brazier (Canterbury) (Con): I was a strong supporter of the Justice and Security Act 2013, which was bitterly opposed by elements in this House—some of whom were on our Benches, I am sorry to say—but it was quite a modest step in the right direction. Does my hon. Friend accept that public confidence in the system is at the absolute heart of the concept of the rule of law and that the current framework of human rights, as it affects areas such as our ability to monitor suspects, is unsatisfactory? That is one more reason to review human rights law in this country.

Mr Wallace: I hear the points that my hon. Friend makes, but I remind him that this House took the Investigatory Powers Act 2016 through collectively. The Government conceded a huge number of amendments, tabled by all sides, and we worked across parties to deliver the Act. We believe that it is a robust and successful piece of legislation that complies with human rights obligations, but also ensures that our people are kept safe and gives law enforcement agencies and intelligence services the powers they need in the 21st century to face the threats posed to us today.

Mr Alistair Carmichael (Orkney and Shetland) (LD): The root cause of the problem is the operation of the detention camp at Guantanamo. The Government supported President Obama’s aspiration to see it closed or its numbers reduced. The current President said when he was campaigning that he would “load it up with some bad dudes”. Do the Government now support President Obama’s position or President Trump’s?

Mr Wallace: Before the Government comment on the actions of the United States, we should see what those actions are. From my personal experience as a young officer doing counter-terrorism in Northern Ireland,
I can say that torture and degrading people do not work. They do not get the results that anyone wants; in fact, they usually extend conflict. People should know that the use of torture should not be tolerated. On Tuesday, I was therefore delighted to introduce a new power in the Criminal Finances Bill to allow the Government and law enforcement agencies to freeze the assets of people guilty of human rights abuse anywhere in the world.

Tom Tugendhat (Tonbridge and Malling) (Con): I am grateful to you, Mr Speaker, for calling me to ask a question on this important subject. I declare an interest: when these incidents were happening, I was an Army officer serving in Her Majesty’s Intelligence Corps. Although I was not aware of the particular incidents that arose in this case, I am aware of the situations that could have given rise to it. I have to say that I welcomed the decision of the then Home Secretary, David Blunkett. It is difficult to know when and how to make evidence public that could endanger the lives of fellow citizens. The then Home Secretary took a difficult decision, which might have resulted in a payment that—let us be honest—none of us is comfortable with. However, if that payment saved the lives of others by not revealing sources, it was the right decision not only politically but morally, and we should defend him. I ask the Minister to talk not about that decision but about the changes that have happened which mean that instead of making those payments, we can now have a proper trial—admittedly in a closed court—to review the evidence and see what the real decision should be.

Mr Wallace: My hon. Friend is right. At the heart of some of this was our inability to test allegations in an open court, and that is why we passed the Justice and Security Act 2013, which brought in the closed material proceedings. Hand in hand with that was the reassurance of a beefed-up Intelligence and Security Committee, to make sure that there was no abuse or any other issue. We should not forget that many in the House opposed the 2013 Act, which could have left us facing even more claims and pay-outs.

Mr David Winnick (Walsall North) (Lab): Understandably, there is much justified concern about public money being given to those engaging in terrorism, and obviously we all deplore that. However, those of us who campaigned against British nationals being held in Guantanamo Bay are not going to offer any apology whatever. We were right to so campaign. If people are suspected of terrorist offences and there is evidence, they should be tried. In many respects, Guantanamo gave ammunition to terrorists and potential terrorists, and that should not be forgotten for one moment.

Mr Wallace: I have not come to the House to ask the hon. Gentleman to apologise for campaigning against Guantanamo Bay. My and the Government’s view is that the best place for these things to happen is in a court of law, with evidence presented. I sat on the Opposition Benches listening to a Labour Government constantly try to cut corners in terrorism legislation, trying to mix intelligence with evidence; the hon. Gentleman and I were probably in the same Division Lobby on the 90 days issue. It is my long-held experience that these things should be done in a court of law, through the rule of law, and with appropriate evidence. I have not come here to ask him to apologise; I pretty much agree with what he said.

Philip Davies (Shipley) (Con): I hope that those who celebrated the release from Guantanamo Bay of Jamal al-Harith will reflect on what he has done since his release.

Following on from the question asked by my hon. Friend the Member for South West Wiltshire (Dr Murrison), will the Minister say whether the Government are exploring any options to recover the compensation paid to the people from Guantanamo Bay? Taxpayers have been ripped off and terrorists have prospered from appalling activities. The public are rightly disgusted, and they want to know what the Government are trying to do to rectify the situation.

Mr Wallace: My hon. Friend makes a valid point. I will go from here and make sure that any legally binding agreements are correctly monitored and that, where there is a breach, we recover any moneys we can.

Anna Turley (Redcar) (Redcar) (Lab/Co-op): The British public will be completely bewildered by the lack of information from the Minister today. They will be appalled: this is not simply an issue of the individual case, but a policy issue that we need to reflect on in the House. The debate is already raging out there among the British public and the media, along with an awful lot of misinformation.

There are questions that the Minister needs to answer about monitoring. Is he confident that we are monitoring our suspects? How are people able to leave the country, given that there are checks at the border? Crucially, how are we monitoring people through our money laundering laws, to notice any changes in behaviour? The Government must come clean on those policy issues. The Minister said that the Government are discouraging people from travelling to Syria, but it looks to the British public, that there is a breach, we recover any moneys we can.

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Mr Wallace: My hon. Friend makes an interesting point that Guantanamo Bay goes back way before the coalition Government got into power. It is interesting that it took until 2010 or 2011 when we started making plans for the Justice and Security Act 2013 to do that. The question about what was done before is a matter for a former Government.

Alex Salmond (Gordon) (SNP): May I dissociate myself from these disgraceful attacks from the Tory Benches on the Daily Mail for campaigning to release British subjects from Guantanamo Bay? Lord Carlile was a Government adviser, and he has stated that Jamal al-Harith and others were paid compensation to prevent the release of security information through the courts into the public domain. It is a bit late for the Minister now to rest on confidentiality, so perhaps he will tell us the date of the confidentiality clause he cited, or is that too confidential?

Mr Wallace: First, I do not think that anyone has heard from this Dispatch Box an attack on the Daily Mail, although I know the right hon. Gentleman would like to put up a straw man to make some allegations. As I said previously, we made a legally binding confidentiality agreement in November 2010. The key words there are “legally binding”, not “confidentiality”. As I am sure he will understand, that puts an obligation on this Government and not, by the sound of things, on former Home Secretaries or reviewers of terrorism. Even a Scottish National party Government would be legally obliged to stick to the confidentiality agreement, and he knows it.

Mr David Nuttall (Bury North) (Con): Does my hon. Friend agree that, as there were 16 applications for closed material procedures in the first two years after the Justice and Security Act 2013 was passed, millions of pounds of British taxpayers’ money may have been saved simply because the security services are now free to present the evidence they have?

Mr Wallace: Hopefully the closed material procedures are doing exactly what we wanted: seeing off vexatious claims, testing the evidence and ensuring that, where the allegations are unfounded, the UK Government are not vulnerable to paying out money or compensation.

Mr Kevan Jones (North Durham) (Lab): The Minister has admitted that his Government have made these payments. I accept his point about confidentiality, but I ask him a simple question. What was the decision-making process in agreeing these payments? Which Ministers agreed to them? Did the current Prime Minister agree to those payments when she was Home Secretary, or is that covered by the confidentiality agreement?

Mr Wallace: I think the best thing would be for me to write to the hon. Gentleman. I was the Parliamentary Private Secretary to my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke) in the Ministry of Justice at the time. If I were to say that my memory of the time is that the Ministry of Justice or the Government signed the payments off, I may be misleading the House inadvertently. The best thing is for me to write an accurate response to the hon. Gentleman, but he will know, as a former Minister, that we all take responsibility and that the whole Government stand by their legally binding commitment.

Charlie Elphicke (Dover) (Con): Does my hon. Friend agree that the best way to deal with tragic cases such as this one and the many other cases of this nature is to prevent radicalisation in the first place? Once radicalisation has happened, we need to support our intelligence services and our border officials at ports such as Dover, and work internationally with other countries to ensure that we can deal with the consequences.

Mr Wallace: My hon. Friend makes an important point that the whole way in which we can tackle this threat is by working together both internally in the United Kingdom at our borders between all the agencies—SO15, the intelligence services, the home police, Border Force and everything else—and with our international partners. We do that more and more to ensure that when people threaten to come to this country or to leave and do harm elsewhere, we interdict them, deter them and deal with them to the best of our ability.

Sammy Wilson (East Antrim) (DUP): It is a pity that we have not heard any regret at all from the Labour party, which lobbied intensely to have this dangerous terrorist released in 2004. Given the fact that this man was on the loose, can the Minister explain why and how our security was so slack that he was able to leave the country and to use the funds available to him to finance terrorism and kill people?

Mr Wallace: The hon. Gentleman knows, from his own personal experience, the efforts that go into countering terrorism—the resource, the man hours, the risks taken. As a Northern Ireland Member, he will also know that it is an “easier said than done” job. It is very hard to deal with all the threats every day, and people have to make judgments. It is important to understand that we can rarely advertise our successes, whereas unfortunately, in some cases, people choose to focus on other areas that come to light. It is important to remember that people make judgment calls in good faith to keep people safe, and it is not an easy thing to do. I have the highest regard for our intelligence services and police, who have to make life-and-death decisions every day without any reward, recognition or benefit.

James Berry (Kingston and Surbiton) (Con): Does my hon. Friend agree that this case shows the moral, legal and security dilemmas thrown up when someone is suspected of terrorism or of intending to commit an act of terror but there is not sufficient evidence to convict them, even in closed session? There were loud protests in favour of closing Guantanamo Bay, and now an outcry when a former detainee goes on to commit an act of terror.

Mr Wallace: There is always a balance to be struck in how we live in our society. Britain is open for business and open for trade, and that implies an element of open
borders. We have to allow some to-ing and fro-ing for us to prosper. This is also about a balance between the rights of individuals and the rights of the state to interfere in people's lives. It is a very tricky balance, and a live balance, that is struck every day, and we do it within the rule of law. We are grateful, as are any Government, when we get the House's support for measures such as the Justice and Security Act 2013 that improve the accountability of our law enforcement and intelligence agencies. That is the challenge, and it will not change no matter who is sitting on the Treasury Bench. It is a balance we must always try to strike and do better with.

Diana Johnson (Kingston upon Hull North) (Lab): The Minister did not answer the question that my right hon. Friend the Member for Normanton, Pontefract and Castleford (Yvette Cooper) posed: is anybody currently on a TPIM? Given we know that UK citizens have travelled to fight for Daesh and then returned to this country, I would be surprised if there were not some people on TPIMs to protect people in this country.

Mr Wallace: The hon. Lady will know that there is a bulletin of TPIM numbers every year. If my memory serves me correctly, the latest number was nine, or perhaps six. [Interruption.] It is six—there we are. That number will obviously be refreshed, however, and when the new one is published, hon. Members will be able to see the latest number. I can assure her, however, that TPIMs are just one of the tools in the toolbox we use to monitor or deter people from taking dangerous action. We use them when we need to, and will continue to do so.

Mr Khalid Mahmood (Birmingham, Perry Barr) (Lab): I thank my right hon. Friend the Member for Normanton, Pontefract and Castleford (Yvette Cooper) for dragging the Home Office to the House, although it is obviously totally unprepared and has no understanding of the issue or concern about what has happened. The former Home Secretary, now the Prime Minister, cut our border staff by 15% and allowed this individual to go through the gates unhindered. Despite the TPIMs, no one had sight of this individual. It is no good hiding behind the security services. Why have the Government not dealt with this issue using those measures?

Mr Wallace: The hon. Gentleman might like to reflect on some of his comments. It was this Government who brought in exit checks, which did not exist under the Labour Government, so people could leave the country come what may. People do not just travel through e-gates unmonitored—of course they are monitored—so his allegation is wrong. And no one was dragged to the gates unmonitored—of course they are monitored—so to make sure that we do everything to keep people who pose a threat under control. So far, we have not abandoned them or failed to use them when the need presents itself.

Stephen Timms (East Ham) (Lab): Can the Minister assure us that he knows the current status and whereabouts of the other three people released from Guantanamo Bay alongside Mr al-Harith in 2004?

Mr Wallace: I cannot comment on our operations, or on knowledge or surveillance, but I can assure the right hon. Gentleman that, as I have said, the powerful Intelligence and Security Committee can ask all these detailed questions and investigate unilaterally these issues to make sure that, if it needs the answers, it can get them and reassure the House on whether or not enough is being done.

Kevin Brennan (Cardiff West) (Lab): I welcome the Minister's commitment to my hon. Friend the Member for North Durham (Mr Jones) to write to him and tell him which Minister took the decision about the compensation. The Minister mentioned the introduction of exit checks. Presumably, this individual was subject to an exit check when he left the country. Can the Minister give an account, from the Government's point of view, of what happened in this case after that individual left the country?

Mr Wallace: As I said at the very beginning, I cannot comment on the individual case or the intelligence behind it. However, as I have said, the Intelligence and Security Committee is perfectly able to look into it. The point about which Minister took the decision is a bit of a red herring. The United Kingdom Government were obliged to make certain agreements because of the vulnerability they found themselves in as a result of 2004 and the allegations made when a number of Members on your Benches were members of the Government.

Mr Speaker: Not on my Benches. In fact, I do not have a Bench but a very comfortable Chair.

Chris Bryant (Rhondda) (Lab): Basically, the Prime Minister, when she was Home Secretary, and/or the Justice Secretary, agreed £1 million or thereabouts for a man who went on to commit a significant terrorist act that killed many people. Why the Minister thinks that he can hide behind legal confidentiality and security so as not even to assuage any of the basic concerns that all our voters will have is a mystery to me. The man is dead, for a start, and secondly the Bill of Rights says that no proceeding in Parliament shall be impeached or questioned coalition Government's disastrous decision to scrap Labour's control orders and his ability to monitor people like this?

Mr Wallace: The right hon. Gentleman forgets the position of Labour's control orders before the courts. Funnily enough, as I pointed out earlier, his Government did not seem to have quite the right regard for the Human Rights Act 1998 or the rule of law that they should and were constantly seeing their measures struck down. We do believe that TPIMs are a good policy—one of the tools in the toolbox to enable us to monitor these people. We will use them wherever we can and whenever we need to do so, to make sure that we do everything to keep people who pose a threat under control. So far, we have not abandoned them or failed to use them when the need presents itself.
by any court of law or any other place. The Minister can tell us everything he wants today, if only he had the courage to do so.

Mr Wallace: They always save the best for last, Mr Speaker. The hon. Gentleman uses the word himself: it is the word “legally” that is important and seems to have missed his attention. This is a legally binding confidentiality clause between parties. If he wants to investigate more, I refer him to the Intelligence and Security Committee, which has all the powers given by this Government and the coalition Government to make sure that it gets to the bottom of the issues.

Business of the House

11.18 am

Valerie Vaz (Walsall South) (Lab): Could the Leader of the House please give us the forthcoming business?

The Leader of the House of Commons (Mr David Lidington): The business for next week is as follows: Monday 27 February—Estimates day (2nd allotted day). There will be a debate on future flood prevention, followed by a debate on health and social care.

Tuesday 28 February—Estimates day (3rd allotted day). There will be a debate on the Government’s productivity plan, followed by a debate on intergenerational fairness. Further details will be given in the Official Report.


At 7 pm the House will be asked to approve all outstanding estimates.

Wednesday 1 March—Proceedings on the Supply and Appropriation (Anticipation and Adjustments) Bill, followed by Second Reading of the Bus Services Bill [Lords].

Thursday 2 March—Debate on a motion relating to International Women’s Day, followed by a general debate on Welsh affairs. The subjects for these debates were determined by the Backbench Business Committee.

Friday 3 March—The House will not be sitting.

The provisional business for the week commencing 6 March will include:

Monday 6 March—Second Reading of the Vehicle Technology and Aviation Bill.

I should also like to inform the House that the business in Westminster Hall for 2, 6 and 9 March will be:

Thursday 2 March—Debate on the ninth report of the Work and Pensions Committee on support for the bereaved.
MONDAY 6 MARCH—Debate on an e-petition relating to high heels and workplace dress codes.

THURSDAY 9 MARCH—Debate on the second report of the Scottish Affairs Committee on demography of Scotland and the implications for devolution.

In addition, I should like to inform the House that, following discussion through the usual channels, the 10 minutes allocated for oral parliamentary questions to the Leader of the House that have previously taken place on a six-weekly rota will now be used as additional time for questions to the Secretary of State for Culture, Media and Sport. A new questions rota is now available from the Vote Office. Members should be reassured that I shall continue to appear at the Dispatch Box every Thursday morning at business questions, and they will be able to use that opportunity to ask any questions that they might otherwise have asked at orals.

Valerie Vaz: I thank the Leader of the House for confirming that he will still be here for business questions, even though he is such a talented former Minister for Europe that I think his talents should be deployed elsewhere.

I am still going to ask for the date of the recess. The Deputy Leader of the House is very keen to know when he will be able to go on holiday, because he will need to respond to the pre-summer recess Adjournment debate and he needs to order a new tie.

Following a point of order by my hon. Friend the Member for City of Chester (Christian Matheson), the Leader of the House kindly mentioned the year of the relevant legislation. I have asked the Library about it and it is called the Data Protection (Processing of Sensitive Personal Data) (Elected Representatives) Order 2002, which enables the processing and disclosure of sensitive data to elected representatives. The Library was very helpful and I am sure that if hon. Members want a copy, it will provide one.

This is a photo-opportunity Prime Minister and Government—all photos and no substance or any thought for the British people. Not content with being the first to visit the United States, when she should have been networking in Europe, the Prime Minister then photo-bombed the House of Lords, in the company of the Leader of the House—no wonder we cannot get the recess date. Instead of photo-bombing, the Prime Minister needs to focus on what is going on in her own Cabinet. She may have got up off the sofa to sit at the Cabinet table, but she needs to hold a discussion with her Cabinet members, because they are completely out of control.

The Prime Minister needs to think about our young people, because they are our future. Just before the Christmas recess, the Government snuck out a statement on removing the cap on tuition fees, so students will face a tuition fee rise in perpetuity. A Labour Government, by the way, would have reduced fees and kept the cap. Yesterday the Prime Minister talked about children and their aspirations, but this generation is saddled with debts of £44,000 each before they even start out in life.

There are two statutory instruments that are a tax on aspiration, so could the Leader of the House please schedule a debate—similar to that which we had in 2010—on this disgraceful increase in tuition fees by statutory instrument? We want to debate and scrutinise those SIs and vote on them.

The Prime Minister mentioned the Great Get Together, which has been organised to remember our colleague Jo Cox. The Prime Minister said that we should recognise the things that unite us, but at the same time the Government are presiding over the decimation of the staff at the Equality and Human Rights Commission. People have been handed redundancy notices via email and the Government are cutting the very organisation that can help people and communities to trust each other. It is there to help eradicate racism, misogyny and anti-Semitism—there has been a rise in hate crime—just as all of us try to do, including you, Mr Speaker. Could we have a debate on early-day motion 944, tabled by the Member for Glasgow South West (Chris Stephens)?

[That this House notes with great concern the decision of the Equality and Human Rights Commission (EHRC) to sack 10 staff members on 9 February 2017 via email and with only one day’s notice; further notes that seven of those who were sacked are of black and minority ethnic (BME) origin, six are disabled and all are trade union members; is further concerned that staff were denied the opportunity to seek employment within the Civil Service due to the implementation of Payment In Lieu of Notice; believes that this in particular discriminates against BME, disabled and female staff who may struggle to find further employment; notes that staff have taken part in several days of strike action in recent months against compulsory redundancies and budget cuts within the Commission; understands that the EHRC was established to help eliminate discrimination, reduce inequality and protect human rights in the UK; and calls on the Government to intervene and reinstate all sacked staff members and to properly fund and staff the EHRC to ensure that discrimination and inequality within the UK is eradicated.]

The Government are not interested in education. Many Members of all parties, including the hon. Member for High Peak (Andrew Bingham), who raised the issue yesterday after meeting headteachers, and my right hon. Friend the Member for Leigh (Andy Burnham), who raised concerns about the aspirations of boys, are concerned at the new funding formula cuts to our schools. The Prime Minister said that the Government were looking at a new formula—she said, “It is a consultation”. Will the Leader of the House guarantee that there will be a statement immediately following the consultation? When will the consultation come to an end?

The Government are not interested in businesses. What a lesson in disorganisation and chaos we have had on business rates. For every £1 generated by local businesses on the high street, 70p goes back to the local economy. Most businesses on the high street pay more in business rates than in corporation tax. The Secretary of State for Business, Energy and Industrial Strategy says that he will look into the short-term and long-term effects of business rates. He should have done that before he introduced the policy. A loophole that was missed by the Treasury will allow online multinationals to see a full in their business rates while a small independent bookshop sees a rise. Will the Leader of the House ensure that there is a full impact assessment of the proposals before they are enacted?

Which other disorganised and chaotic Government would get away with the Secretary of State for Health saying, as he did on the BBC last week, that performance...
in the some parts of the NHS is “completely unacceptable” and then doing absolutely nothing about it? Yesterday, the Prime Minister mentioned Mid Staffs, but she forgot to mention that Sir Robert Francis, who led the inquiry, said earlier this month that the NHS was facing an “existential crisis”, with a “disconnect” between what the Government were saying and people’s experiences on the ground. May we have a statement on the Government’s plan of action to restore the NHS and listen to clinicians and staff? A 10-point plan would do.

When the City of London warns that the loss of banking jobs to the EU threatens financial stability, the Government need to listen and to be transparent with the British people about those warnings.

My hon. Friend the Member for Cambridge (Daniel Zeichner) and I heard yesterday that, for people working in the Museum of Archaeology and Anthropology in Cambridge, once their contracts are over, that will be it—their funding will come to an end and there will be no more jobs.

Education is a mess; health is a mess; businesses are under threat; a judge says that the Government are making slow progress on allowing civil partnerships for heterosexual couples; and research funding is ending. Who are this Government serving?

Someone who has served this House well is my hon. Friend the Member for Bolsover (Mr Skinner), although he is not in his seat at the minute. He had a birthday during the recess and is now 85. I am sure the whole House will join me in belatedly wishing him a happy birthday and in looking forward to the documentary on his life: “Nature of The Beast”.

Mr Lidington: I am afraid that I cannot yet give the hon. Lady a date for the summer recess. In my experience, my hon. Friend the Deputy Leader of the House can barely be torn away from his desk, so assiduous is he in his commitment to his work in government and on behalf of his constituents. I will try to give the hon. Lady and the whole House notice of the summer recess dates as soon as I can.

I completely agree with the hon. Lady on the significance of the 2002 order. I recall that it was brought in at a distressing time. Members from all parts of the House were, as now, finding a number of public authorities reluctant to disclose information that they were seeking on behalf of constituents who had approached them. I intend to write to all Members to draw their attention formally to the order.

I am rather disappointed by what the hon. Lady said about the House of Lords. It is important that Ministers respect the constitutional role of the House of Lords. In my experience, both in government and in opposition, Members of the other place like the fact that Ministers and, occasionally, Opposition spokesmen go and listen to what they have to say. That is exactly what my right hon. Friend the Prime Minister and I were doing earlier in the week.

We could have a long debate, which you would not want me to move into, Mr Speaker, about the opportunities for young people in our society. I simply say to the hon. Lady that it is under this Government that we are seeing a rise in the number of schools that are rated good or outstanding, which is giving our young men and women the best start in life. Employment in the United Kingdom is at a record high, and enabling young people to have a decent education and then a job gives them the best start of all. The housing White Paper then spells out how, through generating additional housing supply, we will help young men and women get a foot on the housing ladder, which so many cannot currently afford to do.

The hon. Lady asked about tuition fees. The maximum fee cap will not increase in real terms for anyone who goes to university.

The hon. Lady and others have asked me in previous Thursday sessions about the measures that the Equality and Human Rights Commission has taken. It is publicly funded, but at arm’s length from ministerial direction. Like every other part of the public sector, it has to take responsible decisions about how to set priorities for the finite taxpayers’ resources that it has been allocated.

I will write to the hon. Lady and put a note in the Library about the exact date when the consultation on the new funding formula for schools is due to end. From memory, it is later in March, but I will confirm that in writing.

Let us not forget that business rates are based on the rental value of business properties, and rental values change over time. I was not quite sure whether the hon. Lady was saying that the Opposition would rather that the valuation were based on rental values that are now seven years out of date. The Government have brought forward the revaluation that needed to be done, but as the Secretary of State for Business, Energy and Industrial Strategy said yesterday, he is working with the Chancellor of the Exchequer to see whether we can find further ways to ensure that some relief is given to individual businesses that might be particularly adversely affected by the revaluations.

We could also debate the national health service for a long time. I simply remind the hon. Lady yet again that the NHS is getting record funding under this Conservative Government. The numbers of doctors and nurses and, critically, of our fellow citizens who are being treated by immensely professional and hard-working staff, are increasing.

Far from being disunited, the Government are pursuing a determined course to try to address some of the deep-seated social and economic challenges that our nation has faced for many years in a way that benefits people in all parts of our United Kingdom and all parts of society. If the hon. Lady is looking for chaos, she should look behind her and particularly around the table when the shadow Cabinet meets weekly. I suspect that she has to look at the name plates to remind herself who is entitled to be at those meetings.

Sir David Amess (Southend West) (Con): Notwithstanding the debate in Westminster Hall next Thursday, will my right hon. Friend find time for a debate on funeral poverty? Although I applaud the work of the hon. Member for Swansea East (Carolyn Harris) and my hon. Friend the Member for Rugby (Mark Pawsey), and the legislative proposal of the hon. Member for Airdrie and Shotts (Neil Gray), I am still convinced, having recently met people from the sector, that the Government could do more to help people in financial difficulties at a distressing time.
Mr Lidington: My hon. Friend makes an important point. As he will know, the current arrangements mean that people in need can have their costs reimbursed. That can cover necessary costs for burial and cremation and up to £700 for other expenses. My understanding is that, in the last year for which we have figures—2015-16—29,000 awards were made of more than £1,400 on average. However, the Government are exploring various options for simplification and making access to the schemes that we have easier. I am sure that any thoughts and proposals that my hon. Friend has will be gratefully received by the Ministers responsible.

Pete Wishart (Perth and North Perthshire) (SNP): I thank the Leader of the House for announcing the business for next week.

I suppose the Leader of the House can safely put away the abolition of the Lords Bill. All we really needed was a selfie of him and the Prime Minister visiting the Chamber this week. After threatening to lead the great Brexit rebellion, the brave tribunes in ermine led the nation all the way to the top of the Woolsock hill and all the way back down again—while leaving the taxi meter running. Am I the only Member of this House disturbed by the former Lord Speaker’s allegations? This is taxpayers’ money. Does the Leader of the House not agree that at least some sort of investigation is warranted into what is going on down there with their expenses?

Will the Leader of the House assure us today that the Government have no intention of debating early-day motion 943 in Government time?

That this House has no confidence in Mr Speaker.

Mr Lidington: On the hon. Gentleman’s first point about the House of Lords, I do not know any detail beyond the reports of the television programme, but it is clearly right that evidence about specific allegations needs to be investigated by the appropriate authorities in that House, just as should be the case in this House. However, there has also to be due process. One has to proceed on the basis of evidence, not just allegation.

The hon. Gentleman will have noticed that I have not announced any plans to debate early-day motion 943.

On estimates, this is a long-running campaign pursued by the hon. Gentleman and his colleagues. The Government are awaiting the Procedure Committee report on estimates procedure and I will want to reflect carefully on it when I see it. The Government will respond to whatever recommendations the Committee may wish to make.

I am very happy to endorse the hon. Gentleman’s salutation to the economic and cultural impact of our arts sectors and creative industries, and the enjoyment so many people derive from them. It is important to remember that the arts and creative industries are major generators of wealth and employment, as well as bringing first-class entertainment to people. I rather suspect that when the hon. Gentleman went to the awards last night he was hoping against hope that perhaps next year there might be a guest slot for MP4, so we could see him and his colleagues in all their entertaining glory.

Mr Ian Liddell-Grainger (Bridgwater and West Somerset) (Con): My right hon. Friend will agree that corruption in local government is totally unacceptable. May we have an urgent debate on this subject? The Serious Fraud Office is investigating a multimillion pound council tax scam by Taunton Deane Borough Council and its officers. The leader of the council is also under fire for failing to declare a conflict of interest and his links with well known local building firms are a bit more than dodgy. I also understand that a club has been set up to extract funds from favoured companies. It is called the monument club, but is known locally as the monumental rip-off club. There is a very nasty smell coming out of Taunton Deane and this place needs to air it urgently.

Mr Lidington: My hon. Friend has made some serious allegations. He has told the House that the Serious Fraud Office is involved. As he knows, the Serious Fraud Office is completely, and rightly, independent of political direction from Ministers. Any evidence must be placed before the appropriate authorities, and then it is for them to decide what further to do.

Several hon. Members rose—

Mr Speaker: Order. As usual, I would like to accommodate the very large number of Members who are seeking to ask a business question, but I should point out that both the debates that are to follow—the Opposition day debate in the name of the Democratic Unionist party, and the debate under the auspices of the Backbench Business Committee—are well subscribed. I therefore hope that the House will help me, and Members will help each other, with pithy questions and answers—led, in this important matter, by no less a figure in the House than Dame Rosie Winterton.

Dame Rosie Winterton (Doncaster Central) (Lab): I absolutely agree with what was said by the hon. Member for Perth and North Perthshire (Pete Wishart) about early-day motion 943, and I welcome what the Leader of the House said in response.

The Leader of the House did not mention when the next debate on Brexit would take place. May I urge him to ensure, when he does allow that debate, that it...
focuses on the impact of Brexit on the English regions, so that the Secretary of State for Exiting the European Union has an opportunity to tell us what analysis he has conducted of how it will affect areas such as Yorkshire and the Humber, and what plans he has to convene the meeting in York about which he has spoken but which does not seem yet to have materialised?

**Mr Lidington:** I can assure the right hon. Lady that there will be plenty of opportunities for the House to debate all aspects of our exit from the European Union, but I shall discuss with my colleagues the particular bid that she has made.

**Bob Blackman** (Harrow East) (Con): In the absence of the hon. Member for Gateshead (Ian Mearns)—we wish him well and a speedy recovery—let me, on behalf of the Backbench Business Committee, thank my right hon. Friend for securing this afternoon’s debates with protected time. Next week we shall debate international Women’s Day and Welsh affairs. May I ask for protected time to be considered for those two debates, the subjects of which have traditionally been allotted a whole day of debate in the House?

We have a full waiting list of debates. If every Thursday from now until Prorogation were allocated to us, we could fill them straight away, even before further requests are made. Moreover, we have had to shoehorn debates into 90-minute slots in Westminster Hall to meet the demand from Back Benchers. May I gently remind my right hon. Friend that the House rose very early on 2 March. I understand his point about the form, and was hoping to be able to return to the House 2 March. I understand his point about the form, and was hoping to be able to return to the House.

The Backbench Business Committee has sanctioned two requests for Budget-related debates which we would like to schedule before my right hon. Friend the Chancellor presents his Budget. If timings could be made available for those, we would appreciate it.

Last night I hosted an event to mark the centenary of the Rotary Foundation. The foundation provides a prime example of how polio can be eradicated, but it can also be eradicated through the use of international development funds. May we have a statement from the Secretary of State for International Development about development funds. May we have a statement from the Secretary of State for International Development about development funds.

**Mr Lidington:** The Speaker’s Committee for the Independent Parliamentary Standards Authority will be one of the highlights of next week for me, as well as for other Members. We need to defer judgment on the new scheme until we have seen its detail. Very strong representations have been made by colleagues right across the House to IPSA on different aspects of the current scheme, and on the way in which advice is offered to Members. Let us see how it responds. I do not think it would be sensible to go back to the days when Members themselves tried to set the rules on expenses or salaries; we are better with a system where that is done independently.

**Mr David Nuttall** (Bury North) (Con): May we please have a debate on the ease of registering to use Government websites? If someone does not have a passport, driving licence or credit record, it can be very difficult indeed, if not impossible.

**Mr Lidington:** I cannot offer an immediate debate. The great majority of people do have digital access and expect to engage with both public and private services in that way, and we are right across government to try to make it easier for them to do so. We know that not everyone, particularly the most vulnerable in society, has the official credentials which are often demanded of them by Governments, which is why we have set up the new scheme—gov.uk verify—for letting people prove their identity more easily online. I hope that may provide part of the answer to the problem my hon. Friend has identified, but we clearly need to continue to focus on the matter.

**Ann Clwyd** (Cynon Valley) (Lab): The all-party group on human rights held a screening last night of the Ross Kemp documentary, “Libya’s Migrant Hell”. Will the Government make a statement on how we are helping those people in Libya, because we saw the most dreadful scenes of women being raped and beaten, and of the holding camps, where there is not enough food? We have some responsibility, and I would like a statement.

**Mr Lidington:** The right hon. Lady has a long history of championing the cause of refugees and others in dire need around the world. She knows that the Department
for International Development and the Foreign Office are seeking to support the very fragile Libyan Government in trying to establish control over their own territory and to ensure that decent standards in the treatment of refugees—and, for that matter, Libyan citizens—are maintained. We will do what we can, and I will make sure that DFID Ministers are alerted later today to the right hon. Lady’s concerns, but the reality in Libya is that we need order and governance on the ground to be able to start work to improve standards, as both she and I would like.

Julian Knight (Solihull) (Con): Andy Street, our party candidate for west midlands mayor, has pledged, if elected, a special fund to bring 1,600 hectares of brownfield land into use. May we have a debate on the need to focus on brownfield land first, before we tamper with the green belt, particularly around my constituency of Solihull?

Mr Lidington: I am delighted to hear about the creative thinking that Andy Street is characteristically bringing to questions of housing and planning in the west midlands, and I very much hope he will have the opportunity to put those proposals into effect as the elected mayor. As my hon. Friend will know, the housing White Paper states, in terms, that local authorities should bring forward brownfield land for development, and the Government are eager to explore ways of ensuring that obstacles such as the risk of land contamination are addressed so that we can get that development done.

Alex Salmond (Gordon) (SNP): Does the Leader of the House, or indeed any other member of the Government, know roughly what the two-year process of Brexit negotiations will actually yield? If so, will he arrange a statement to tell the rest of us?

Mr Lidington: We know that the exit negotiations have to be conducted under the process set out in article 50 of the treaty. The other 27 Governments and the European institutions have made it clear that they are not prepared to engage in negotiations until article 50 has been triggered, so the straight answer to the right hon. Gentleman is that we do not yet know the details, but the Prime Minister and the entire Government are committed to seeking a deal that delivers on all the principles that were set out in the Government’s White Paper.

Andrew Selous (South West Bedfordshire) (Con): May we have an early debate, followed by legislation, to ensure that obstacles such as the risk of land contamination are addressed so that we can get that development done.

Mr Lidington: I am grateful to my hon. Friend for raising this issue today. Developers should be building homes for people to live in, not creating income opportunities from ground rents or charging fees to alter properties or selling on freeholds to investors or financial institutions. Other than in a very few exceptional circumstances, I do not see why new houses should not be built and sold with the freehold interest at the point of sale. My hon. Friend the Housing Minister has said that he intends to stamp out the “unfair, unjust and unacceptable abuse of the leasehold system”—[Official Report, 20 December 2016; Vol. 618, c. 1354.]

and our housing White Paper highlights the Government’s commitment to consult on a range of measures to tackle all unfair and unreasonable abuses.

Danny Kinahan (South Antrim) (UUP): Two weeks ago, I raised the matter of a colleague having made a freedom of information request in relation to the renewable heat initiative and being fobbed off with the response that there was too much information involved. He resubmitted his request, only to get another excuse. We have an election in Northern Ireland that is based on the renewable heat initiative, so will the Leader of the House confirm that Her Majesty’s Government have not been in discussions with anyone in the Executive and that they know nothing about the renewable heat initiative?

Mr Lidington: I certainly do not know anything about the renewable heat initiative, other than what I have read in the press. All Government Departments in the UK have a set of rules that govern how we respond to FOI requests. A definition is used in calculating disproportionate cost that applies right across the Government. In my experience, refining a request to make it more precise can often enable it to pass the test of not incurring disproportionate cost. If the hon. Gentleman would like to have a word with me, perhaps outside the Chamber later today, I will see whether there is anything I can do to assist him further.

Tom Tugendhat (Tonbridge and Malling) (Con): Will the Leader of the House encourage the Government to give some time to talk about not only the economic value of our high streets but the culture that they bring? Business rates are being widely discussed at the moment, but it would be wrong to focus solely on the economic output of our high streets and not on the nature of the society that they create. Without their high streets, the towns that I represent—including Edenbridge, West Malling and Tonbridge—would simply be dormitories for London and lose the very essence that keep our county and our country so great.

Mr Lidington: My hon. Friend makes a good point. In a world where everyday lives and the nature of businesses are being transformed rapidly by digital technology and social change, it is important to find ways to enable our high streets to continue to thrive both economically and culturally, as my hon. Friend says, while adapting to the new challenges of this century. High streets that remain fossilised tend to fail. There are good examples from around the country of where local high street business communities have successfully adapted, and I hope that we can find mechanisms to disseminate that good practice.

Diana Johnson (Kingston upon Hull North) (Lab): The Minister for the Northern Powerhouse has a big job of work to do, and I imagine that he was dismayed...
by this week’s Treasury figures showing that transport infrastructure investment in 2016-17 is £190 per head in Yorkshire and the Humber but £1,943 per head in London. May we have a debate on how the north of England is used by the north of England powerhouse actually means for areas such as Hull, where people pay taxes and fares on the railways but do not seem to get a good deal?

**Mr Lidington:** As I would expect, the hon. Lady champions the cause of Hull, but the Government are investing £13 billion to improve transport across the north of England, to improve journeys for local people, and to help industry. That is possibly only because we are pursuing economic policies that generate the wealth that enables us to provide that support. I can list a number of projects, including £1 billion to upgrade rail infrastructure, the work with the rail franchises in the north, and the £2.9 billion of road improvements across the north. The position is getting better, but continuing that spending relies upon a strong, productive economy.

**Philip Davies (Shipley) (Con):** Can the Leader of the House give us the anticipated timetable for the Prisons and Courts Bill? In the meantime, may we have a debate about assaults on prison officers? As we all know, the number of assaults has gone up, but the number of extra days added to the prison sentences of those who commit the offences has gone down since 2010 from an average of 20, which was pretty low anyway, to just 16. We should prevent people who have been convicted in prison of assaulting a prison officer from being released halfway through their sentences. May we have a debate to try to influence the Government’s Bill?

**Mr Lidington:** When my hon. Friend gets the chance to study the Prisons and Courts Bill, he will find that it contains a number of measures that will be welcomed by prisons governors and prison officers. They are designed to help prison staff to run establishments in a way that is safe for staff and for prisoners alike, and to ensure good discipline, order, and productive work and educational opportunities. I cannot give him the timescale for the debates on the Bill, but there will be questions to the Secretary of State for Justice on 7 March and he may have the opportunity to pursue some of these matters then.

**Ian Paisley (North Antrim) (DUP):** The revelations from the former Lord Speaker about the peer and the taxi call that House into complete and total disrepute. The peer acted as though this place was basically a smash-and-grab cash machine. For the Leader of the House to shrug that off and say, like Manuel, “I know nothing about the horse,” is not good enough. Has a question been put to the former Lord Speaker to reveal the name of the peer? If not, will an investigation take place into who that peer was? Will the former Lord Speaker be questioned over her allegations?

**Mr Lidington:** Like this House, the House of Lords is self-governing when it comes to the conduct of its Members. We currently have reports of allegations without people being named, but where there is evidence that there has been malpractice, it should be investigated. If the evidence is proven, appropriate disciplinary action should be taken.

**James Berry (Kingston and Surbiton) (Con):** Thank you, Mr Speaker, for allowing me a hat trick of questions this morning. In my speech on the Christmas Adjournment last year, I raised the need for social media companies to take responsibility for addressing hate speech and extremism on their platforms, rather than leaving it to the police to do their dirty work at the taxpayer’s expense. As there has been no real improvement from social media companies, may we have a debate on how to make them face up to their responsibilities?

**Mr Lidington:** I cannot offer an immediate debate in Government time, but it strikes me that this would be an extremely appropriate subject for debate under the auspices of the Backbench Business Committee or in Westminster Hall. My hon. Friend makes a powerful point, and most of us in this place are pretty sickened by the racist, vicious, misogynistic and anti-Semitic material that is sent to our constituents and, frankly, is often used to intimidate Members of this House, too. It is a practice that needs to stop, and I hope that the internet companies will live up to their corporate responsibilities.

**Julie Cooper (Burnley) (Lab):** Is the Leader of the House aware that the mechanism to introduce an elected mayor is open to abuse? In my constituency of Burnley an outsider has peddled a petition that makes unfounded claims that an elected mayor would mean lower council tax and an end to landlord licensing. The misleading petition has placed a duty on Burnley Borough Council to hold a costly referendum. Will the Leader of the House allocate time so that those processes, and the abuse of them, can be investigated?

**Mr Lidington:** I am certainly aware—the Tower Hamlets case is a conspicuous demonstration—of the possibility of abuse in a mayoral election. I cannot offer an immediate debate in Government time. It is of course important that, where there are allegations of fraud or other types of malpractice, they are independently and rigorously investigated and people are brought to justice.

**Chris Davies (Brecon and Radnorshire) (Con):** I commend the Leader of the House for announcing that this House will have the opportunity to vote on allowing Welsh to be spoken in the grandest of all Committees, the Welsh Grand Committee. Does he agree that that is another example of a Conservative Government championing the Welsh language, as we have since introducing the Welsh Language Act 1993? May we therefore have a debate in this House on that momentous decision?

**Mr Lidington:** I am grateful to my hon. Friend for his words. If I attempted to address the House in Welsh, I would probably undo all the good will that we may have obtained through yesterday’s announcement. I am pleased by his welcome, and indeed by the welcome from Welsh Members on both sides of the Chamber. The announcement is a demonstration of the Government’s respect for the Welsh language and its centrality to the sense of national and cultural identity in Wales, and that respect will continue.

**Ms Tasmina Ahmed-Sheikh (Ochil and South Perthshire) (SNP):** Yesterday, Perth and Kinross Council passed a budget that guarantees local services will invest in jobs, education and social care, which is a great deal for local
taxpayers. Contrarily, however, council tax in England and Wales is, on average, £300 to £400 higher than in Scotland. May we therefore have a debate in Government time on why England is the highest council taxed part of the United Kingdom?

Mr Lidington: One would have to look at the variations in council tax levels and in central Government grants to local authorities in different parts of the kingdom. The point about devolution is that it gives Scottish authorities a choice on how to raise money. The Scottish Government have chosen to impose additional taxes centrally on constituents right across Scotland, making people in Scotland the most highly taxed anywhere in the United Kingdom.

Kevin Brennan (Cardiff West) (Lab): May we have a debate on the case of Juhel Miah, the Welsh maths teacher who was removed from a plane, in front of his pupils, on his way to the United States? As a former teacher, I find that absolutely shocking. Is there not a contrast between the way in which we are rolling out the red carpet for President Trump, whatever our views on that, and his treating our school teachers like criminals?

Mr Lidington: It is perfectly fair for the hon. Gentleman to raise that case, which is disturbing because it is contrary to the declared policy of the United States Government on British citizens. My understanding is that the decision was taken at a more local level in that particular case, but I will draw his concern to the Foreign Secretary’s attention.

Jim Shannon (Strangford) (DUP): On 22 April 2013, in the outskirts of Aleppo, Metropolitan Mor Gregorios Yohanna Ibrahim and Metropolitan Paul Yazigi were abducted by an unidentified group of men. Amid all the ensuing confusion and accusations, and despite the efforts of many involved in this case, there has been no resolution to it—there has been a deafening wall of silence. Almost four years have elapsed since the abduction. All reports indicate that the two gentlemen are still alive, but every effort to free them has met with a wall of silence. Will the Leader of the House arrange a statement from the Foreign and Commonwealth Office on this important, urgent case?

Mr Lidington: I will make sure that FCO Ministers are aware of this, but the reality, as the hon. Gentleman knows, is that we have no British embassy in Syria at the moment, and the situation in and around Aleppo remains dire in humanitarian terms. We all hope and pray that the metropolitans are alive and will be released in due course.

Simon Danczuk (Rochdale) (Ind): Rochdale Boroughwide Housing has mismanaged College Bank flats for years and now, instead of dealing with that, proposes to demolish those iconic tower blocks. Such action will do nothing to tackle the housing crisis, so surely it warrants a statement from the Minister for Housing and Planning or a debate.

Mr Lidington: There will be questions to that Minister and other Communities and Local Government Ministers next Monday—27 February—which might give the hon. Gentleman an opportunity to raise that matter, but I fear that it is primarily one for the local authority rather than the Department.

Kirsten Oswald (East Renfrewshire) (SNP): The Leader of the House will have seen headlines about armed drones operating from RAF Waddington with a kill list targeting UK citizens, without the leave of this House. If the reports are right, what has happened to the commitment to coming to the House at the earliest opportunity if lethal force is used in self-defence? May we have an urgent debate on the number of UK citizens targeted, the legal and evidential basis for that, and whether the kill list extends beyond areas where military action has been authorised by this House?

Mr Lidington: My right hon. Friend the Defence Secretary has been clear about this. Of course the House did vote in favour of permitting the Government to extend the military operations being carried out in Iraq on to Syrian territory as part of a campaign to check and then defeat—and, we hope, eradicate—Daesh. He has been clear that we and the coalition against Daesh will pursue people who are a threat to our security and to the safety of British citizens, wherever those people may come from. We act, as always in our military operations, within the law, but the message to anybody tempted to go to join Daesh must be that they do so at great risk to themselves.

Ms Margaret Ritchie (South Down) (SDLP): May I draw the attention of the Leader of the House to my early-day motion 938?

[That this House calls on the Government to introduce a cap on the total charges any bank can place on overdrawn personal current accounts; further calls on the Competition and Markets Authority to note the 2016 decision not to introduce a mandatory cap on overdraft charges; notes the high levels of interest that can arise as a result of daily charges accruing over time; and expresses deep concern over the disproportionate impact these charges have on low-paid households and on those relying on insecure sources of employment.] May we have a statement from the Treasury or a debate on this matter, because it is important that the Government consider a cap on the total charges that any bank may place on overdrawn personal current accounts? As a constituency MP, my experience has been that these charges place an undue burden on many people who find themselves in uncertain employment.

Mr Lidington: I encourage the hon. Lady to attend Treasury questions next Tuesday—28 February—when she can put that point directly to the Chancellor a short time before the Budget.

Kirsty Blackman (Aberdeen North) (SNP): In January, the Chartered Institute of Taxation, the Institute for Fiscal Studies and the Institute for Government published “Better Budgets: Making tax policy better”, which contains recommendations about ways in which Parliament and Government can improve how they make tax policy. Will the Leader of the House commit to looking at that report and getting back to me about what actions he intends to take to realise those recommendations?
Mr Lidington: It would, of course, primarily be for Treasury Ministers to consider their response to the recommendations in that report, but I shall ask them to write to the hon. Lady to explain their response to it in the way she suggests.

Brendan O’Hara (Argyll and Bute) (SNP): On Saturday, I will be in Campbeltown to meet the management and workers of CSWind, a manufacturer of wind turbines that is in the process of laying off employees because, as a company spokesman says, the UK Government’s “energy policy has resulted in a slow-down of development of onshore wind projects.”

Is that an intended or unintended consequence of the change in Government policy? May we have an urgent statement about the catastrophic consequences of the Government’s energy policy for the already fragile economy of my Argyll and Bute constituency?

Mr Lidington: Despite the hon. Gentleman’s strictures, the facts are that the United Kingdom is the world’s leading player in the offshore wind market and we are now on track comfortably to exceed our ambition of delivering 30% of the UK’s electricity from renewables by 2020-21. Instead of carping, he should be standing up and applauding what the Government have done.

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): Small businesses are vital to our economy, so I congratulate Cake Stuff and DNDP couriers, the winners of my small business constituency awards this year. DNDP is an inclusive business that employs people with disabilities. May we have an debate on providing entrepreneurship support for disabled people so that we can harness and realise everyone’s potential?

Mr Lidington: First, I unreservedly congratulate the businesses in the hon. Lady’s constituency on what they have achieved and on winning those awards. She draws attention to an important point: we need to ensure that people with disabilities have access to employment opportunities. Of course the United Kingdom now has more people with disabilities in employment than ever before, but there is a great deal still to be done. Yes, that requires action by the Government, but it also requires action by innovative, forward-looking businesses that can see the advantages of inclusion.

Alison Thewliss (Glasgow Central) (SNP): May we have a debate on UK visa policy and its negative contribution to the UK economy? In 2014, two of my constituents, Dhruv Trivedi and Vandana Pillai, who originate from Mumbai in India, were brought over as part of the UK Trade & Investment Sirius programme under tier 1 graduate entrepreneur visas. They set up their own business and became part of Entrepreneurial Spark and Scottish EDGE, and they have raised significant funding for their company. However, all that has recently been put at risk by the UK visa and immigration system. They have had their tier 1 entrepreneur visas rejected on a technicality—putting at risk all they have worked for; the investment they have secured, and the Government’s commitment to them by bringing them here in the first place. They currently have no valid leave to remain. May we have a debate on this important subject? It makes no sense to bring people over here to be part of the economy and to contribute, but then to kick them out.

Mr Lidington: If the application was rejected on a technicality—clearly I do not know any of the details of the case—I would hope it would be possible to find a remedy via the Home Office system. In any visa system there has to be a balance between getting the brightest and the best in the world to come here to take job opportunities and study, which we all want to see, and at the same time ensuring that we have proportionate and effective immigration controls.

Angela Crawley (Lanark and Hamilton East) (SNP): The Leader of the House will be aware of his Government’s policy of taxing victims of domestic abuse for using the Child Maintenance Service. Women’s groups, charities and members of the public have said that the tax puts single parents and children at risk. Some 30% of CMS users are victims of domestic violence, and tens of thousands of women are losing money because they cannot engage safely with their ex-partner. This national scandal must be addressed by the House, so may we have a debate in Government time, on the Floor of the House, about this injustice?

Mr Lidington: As the hon. Lady will know, the Government have demonstrated their commitment to trying to help people who are victims of domestic violence. The Prime Minister takes a very close and strong personal interest in this issue and, as she has said within the past week, the Government are committed to looking again at the whole range of laws that apply to domestic violence to consider what changes should be made. If the hon. Lady would like to provide me with some details of the particular problem she raises today, I will certainly draw it to the attention of the appropriate Ministers.

Sammy Wilson (East Antrim) (DUP): The Leader of the House will be aware that there will be Assembly elections in Northern Ireland next week. It has been revealed this week that the even-more-holier-than-thou sister party of the Liberal Democrats, the Alliance party, has been seeking to manipulate phone-in programmes by encouraging its members to give fake names and addresses and claim to be members of other political parties—a tactic that it says has worked at previous elections. So far, the BBC has provided very little coverage of this story, which is yet another example of the biased way it has conducted itself during the election campaign. May we have a debate in the House on the political bias of this publicly funded body and how it has breached its charter?

Mr Lidington: The hon. Gentleman has made his point powerfully. The BBC in Northern Ireland, as in everywhere else in the United Kingdom, is under an obligation, particularly during any kind of election campaign, to demonstrate that it is impartial with regard to rival political parties, but it must be for the BBC, not Government Ministers, to take responsibility for editorial decisions.

Steven Paterson (Stirling) (SNP): Last week I was part of a delegation that visited Cyprus, where we met the President, Members of Parliament and many of
there are literally starving to death in South Sudan?

Mr Lidington: I know from my previous ministerial experience that the Government are utterly committed to doing whatever we can to help to bring about a reconciliation between the different communities in Cyprus and to support them in reaching a settlement that will not only reunite the island, but endure for the long term. A reunited Cyprus could provide such opportunities to Turkish and Greek Cypriots alike. It is good that, in President Anastasiades and Mr Akinci, we have two leaders who are genuinely committed to seeking that peace and reconciliation.

Gavin Newlands (Paisley and Renfrewshire North) (SNP): The Scottish Huntington’s Association is based in my constituency. It is concerned that no legislation exists to prevent insurance companies from discriminating against people with genetic conditions such as Huntington’s disease. Those who might carry a gene cannot access insurance at an affordable rate or, in some cases, have no access whatever. May we have a debate on this deeply worrying discrimination?

Patrick Grady (Glenrothes) (SNP): Have the Government any plans to copy the excellent initiative of the Scottish Cabinet to hold regular meetings—not only Cabinet meetings, but public meetings—in places other than the capital? If so, may I recommend the kingdom of Fife as an early destination? That would not only give the Leader of the House and his colleagues the chance to visit a particularly beautiful part of these islands, but allow him to point out to his colleagues in the Department for Transport that the Forth bridge is open.

Mr Lidington: The answer to the hon. Gentleman’s first question is yes. The Cabinet met in the north-west of England quite recently. I would be very attracted by the idea of a Cabinet visit to the kingdom of Fife, and I will ensure that No. 10 is aware of his wish to welcome us.

Mr Lidington: Nobody in any part of the House would wish to underplay the gravity of the crisis in South Sudan. The declaration of famine was shocking but, frankly, not unexpected. It derives from the prolonged political crisis and civil war in that country, and the situation has been steadily worsening since the conflict began back in 2013. The Government have provided more than £500 million of humanitarian, health and education support over the past three years, and that support has helped to prevent famine in previous years. That was on top of the £100 million that we have given to help refugees who have fled South Sudan. As I understand it, the £100 million for 2017-18 is on top of the £500 million that has already been spent over the past three years. Clearly, DFID Ministers always keep under review allocations within their budget, particularly with regard to the need for urgent humanitarian relief. We also need to ensure that the money that we spend is going to help those who are in genuine need and will be effective in bringing about the results that we want to see.

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): Her Majesty’s Revenue and Customs has lost a court case in which it wrongly sued one of my constituents, Mr Munro, for £250,000. That action cost Mr Munro £125,000 and he has no effective recourse to HMRC. May we have a statement from the relevant Minister on how to rectify that type of injustice?

Mr Lidington: I would say two things. First, the hon. Gentleman probably knows, HMRC operates independently from ministerial direction when it handles the cases of individual taxpayers. That is for a good reason: we would not want Ministers to have the power to intervene in cases that related to individuals’ tax affairs. Secondly, the hon. Gentleman says that the case went to the courts and that his constituent was successful. I would normally expect the court to consider the question of costs, but if there has been the injustice that he describes, and if he lets me know the details and why the court apparently did not address it, I will refer the matter to the Minister with overall responsibility for HMRC.

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Patrick Grady (Glasgow North) (SNP): May we have a debate on the definition of new money? On Wednesday, the Department for International Development issued a press release announcing £100 million of “new support” for South Sudan in the wake of the famine declaration. It turns out that that is not new money, but more than £500 million of humanitarian, health and education support over the past three years, and that support has helped to prevent famine in previous years. That was on top of the £100 million that we have given to help refugees who have fled South Sudan. As I understand it, the £100 million for 2017-18 is on top of the £500 million that has already been spent over the past three years. Clearly, DFID Ministers always keep under review allocations within their budget, particularly with regard to the need for urgent humanitarian relief. We also need to ensure that the money that we spend is going to help those who are in genuine need and will be effective in bringing about the results that we want to see.

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Point of Order

12.22 pm

Philip Davies (Shipley) (Con): On a point of order, Mr Speaker. On 18 January, I asked the Ministry of Justice, in a written question:

“how many and what proportion of sentences for each category of offence are suspended sentences.”

On 16 February, the prisons Minister, my hon. Friend the Member for East Surrey (Mr Gyimah), replied:

“The information requested can be found on GOV.UK”. Clearly it took a month for the Ministry of Justice to find the information on gov.uk before it could give that answer to me. It did not indicate where on gov.uk the information could be found.

This is not the first time that such a thing has happened. It is becoming an increasingly regular occurrence with the Ministry of Justice. It seems clear to me that it is doing it deliberately to try to ensure that the information never comes to light. I will refer the matter to the Procedure Committee, but I wonder whether you, Mr Speaker, can do anything to ensure that Departments, particularly the Ministry of Justice, give us open and transparent answers rather than using this rather dishonourable tactic.

Mr Speaker: I am grateful to the hon. Gentleman for that point of order. My response is consistent with what I have said previously on the matter. First, responses should be timely, and he suffered an untimely response—he had to wait rather longer than he should have. Secondly, responses to Members’ parliamentary questions should be substantive, and he did not receive a substantive reply. Thirdly, it is one thing for a Minister answering a written question to refer to a website on which further and more detailed information might be available that would be of interest to the Member concerned, but it is quite another matter simply and blandly to refer to a website, without guidance or direction and saying nothing about where on it the Member should look, and to imagine that that is a satisfactory substitute for a straight answer to a straight question—it is not.

I know that the Leader of the House and the Deputy Leader of the House take very seriously their responsibility to ensure that Ministers provide timely responses that are substantive and do not use that ruse or device. They have heard the hon. Gentleman’s point of order and my response. I thank the hon. Gentleman for raising the matter.

BILL PRESENTED

PRISONS AND COURTS BILL

Presentation and First Reading (Standing Order No. 57)

Secretary Elizabeth Truss, supported by the Prime Minister, the Chancellor of the Exchequer, Secretary Amber Rudd, Secretary Justine Greening, Secretary Jeremy Hunt, Secretary David Mundell, the Attorney General, Sir Oliver Heald and Ben Gummer, presented a Bill to make provision about prisons; make provision about practice and procedure in courts and tribunals, organisation of courts and tribunals, functions of the judiciary and of courts and tribunals and their staff, appointment and deployment of the judiciary, and functions of the Judicial Appointments Commission; and make provision about whiplash claims.

Bill read the First time; to be read a Second time tomorrow, and to be printed (Bill 145) with explanatory notes (Bill 145-EN).
Opposition Day

UN-ALLOCATED HALF DAY

Armed Forces: Historical Cases

12.25 pm

Sir Jeffrey M. Donaldson (Lagan Valley) (DUP): I beg to move,

That this House acknowledges the service and sacrifice of the armed forces and police during Operation Banner in Northern Ireland as well as in other theatres of conflict in Iraq, Kosovo and Afghanistan; welcomes the recent decision to close down the Iraq Historical Allegations Team; and calls on the Government to take steps to ensure that current and future processes for investigating and prosecuting legacy cases, whether in Northern Ireland or elsewhere, are balanced and fair.

On behalf of my right hon. and hon. Friends, I am delighted to move this motion in the name of the Democratic Unionist party. Let me say at the outset that our party holds veterans of our armed forces and those who have served in the police, not only in Northern Ireland but across the United Kingdom, in the highest esteem. We have always sought to use our parliamentary time to raise issues that are of concern to those people; I am glad to do so again today. I welcome the opportunity for this debate, and I thank all Members present, including the Ministers from the Northern Ireland Office and the Ministry of Defence.

Although policing and justice issues are now devolved to the Northern Ireland Executive, the legacy of our troubled past remains a matter for this Parliament and the UK Government to deal with. Our motion refers to other theatres of conflict, including Iraq, Kosovo and Afghanistan, and I pay tribute to all those who served in each of those operations, especially to those who died in the service of our country. I know that other right hon. and hon. Members will wish to refer to those people. I hope the House will forgive me if I concentrate mainly, and with good reason, on the situation in Northern Ireland.

I remind hon. Members that Operation Banner was the longest-running military operation in the history of the Army. During the period known as the troubles in Northern Ireland, there were more than 3,500 deaths, of which more than 2,000—some 60%—were murders carried out by republican paramilitary terrorists, mainly from the Provisional IRA, while more than 1,000—some 30%—were carried out by loyalist paramilitaries. British and Irish state forces were responsible for 10% of the deaths, almost all of which occurred as a result of entirely lawful actions, when soldiers and police officers acted to safeguard life and property and uphold the rule of law. In fact, a member of the security forces in Northern Ireland was three times more likely to be killed than a member of the IRA. If we contrast that with what Iraq, for example, where terrorist insurgents were three times more likely to be killed than members of the armed forces, it sets the Northern Ireland situation in context.

Let me restate for the record that paramilitary terrorists were responsible for some 90% of the deaths in Northern Ireland—on both sides of the border, that is—whereas 10% of the deaths are attributable to state forces. Those deaths include more than 3,000 unsolved murders arising from our troubled past. What a terrible legacy that is—one of pain, loss and a deep sense of injustice on the part of the victims and their families.

Let me be clear that there can be no moral or legal equivalence between our police or armed forces and those who were members of illegal, criminal terrorist organisations. Let us contrast how the two have been treated. It is a well accepted principle that in a democracy no one should be above the law, yet—as will become clear from my remarks—there appears to be one rule for those who serve our country and another for those whose objective is to destroy it. Unfortunately, the legacy issues were not adequately addressed, never mind resolved, in the deeply flawed Belfast agreement of Good Friday 1998. Instead, in that agreement the Government of the day agreed to release early from prison those prisoners sentenced for offences linked to the troubles in Northern Ireland and who were members of a terrorist organisation on ceasefire and supporting the peace process.

In effect, the terrorists, who were found guilty of crimes including murder, were released from prison after serving only two years in jail. They included, for example, the notorious Shankill bomber, Sean Kelly, from the constituency of my right hon. Friend the Member for Belfast North (Mr Dodds). Kelly was sentenced to nine life terms in prison for the murder of nine innocent civilians on the Shankill Road. He served just seven years in jail—less than one year for each life he destroyed.

In addition, in September 2000, beyond the terms of the agreement, the then Secretary of State, now Lord Mandelson, announced that the Government would no longer seek the extradition of those Provisional IRA prisoners who had escaped from prison, including several who had escaped from the Maze prison in my constituency in 1983. They included convicted terrorists such as Dermot Finucane, brother of the late Pat Finucane and former head of the Provisional IRA southern command, and Kevin Barry Artt, who had been convicted of the murder of the deputy governor of Maze prison, Albert Miles, who was shot in front of his wife. What an appalling atrocity! They also included Liam Averill, convicted of the sectarian murder of two Protestants, who escaped from the Maze prison dressed as a woman in 1997. Their extradition was not sought by the Government of the day. In addition, perhaps up to 30 Provisional IRA terrorists have been granted the royal prerogative of mercy and allowed to go free.

In 2001, the then Labour Government sought to extend the concession further so that an amnesty would be introduced for all members of terrorist organisations on ceasefire. In a letter dated 4 May 2001, the then Secretary of State, Dr John Reid, wrote to the Prime Minister, Tony Blair:

“In the Hillsborough statement of 8 March we accepted publicly for the first time that it would be a natural development of the Early Release Scheme to discontinue the prosecution of pre-Good Friday Agreement offences allegedly committed by supporters of organisations now on ceasefire.”

In the same letter, Dr Reid made it clear that the legislation to provide for that amnesty

“should exclude members of the security forces from the amnesty arrangements, though we should not underestimate the difficulty of holding this line in Parliament in the face of an inevitable press campaign.”

You bet, Dr Reid! We opposed it vigorously and stopped it in its tracks. I am confident that this Government...
would never consider such a concession to those who have committed murder on the streets of Northern Ireland and Great Britain.

Note that an amnesty was offered—an amnesty was put on the table for terrorist organisations while members of our security forces were to be excluded, just as they were excluded and ignored in the agreement of 1998. Dr Reid was certainly right about the opposition that he would face to such a reprehensible scheme.

But things did not stop there. A secret deal was then done between the Northern Ireland Office and Sinn Féin, to the benefit of Provisional IRA terrorists who were still on the run—fugitives from justice. They were wanted for questioning about serious terrorism-related offences, including murder. Letters of comfort were issued by the Northern Ireland Office to each of those terrorists, sometimes delivered by the postman Gary Kelly from North Belfast, informing them that there were no warrants in existence and that they were not wanted in Northern Ireland for arrest, questioning or charge by the police. The issuing of those letters by the Northern Ireland Office resulted in the disgraceful situation of an alleged IRA member, John Downey, being able to escape conviction in the courts in London for the murder of four soldiers in the Hyde Park bombings of 1982. I could go on, but it is important that we focus now on the sacrifice of the security forces—of those who served our country.

According to the Sutton Index of deaths during the troubles in Northern Ireland, 520 members of the regular Army, Royal Navy, Royal Air Force and reserves, and veterans, were murdered by terrorists during Operation Banner. In addition, 243 members of the Ulster Defence Regiment and Royal Irish Regiment, and veterans, were murdered by terrorists. Some 325 members of the Royal Ulster Constabulary and other constabularies, and retired police officers, were murdered by terrorists. Twenty-six prison officers and former prison officers were murdered by terrorists. That amounts to 1,100 men and women in the service of the Crown who were murdered by terrorists, and countless others seriously injured and left to bear the mental and physical scars of this reign of terror.

**Tom Tugendhat** (Tonbridge and Malling) (Con): I am grateful to the right hon. Gentleman for giving way; he is speaking powerfully about the victims of terror. One of the victims who is not counted is my uncle, who now sits in the other place. He was attacked brutally by IRA men while representing our country in Brussels. I understand why the right hon. Gentleman mentions the statistics, but they hide so many scars. Victims are hidden because they are not listed, yet they bear those scars today, even if they were unharmed physically.

**Sir Jeffrey M. Donaldson**: The hon. Gentleman is absolutely right. As I said, countless others were seriously injured and left to bear the mental and physical scars of this reign of terror.

It is evident that little effort has been made to bring to justice those responsible for the heinous crimes committed by the terrorist organisations responsible for 90% of the deaths during the Northern Ireland troubles. Yet enormous resources—hundreds of millions of pounds of taxpayers’ money and countless hours of valuable police time—have been devoted to bawing the security forces to vigorously pursuing investigations against veterans of the armed forces and retired police officers.

The Chief Constable did establish the Historical Enquiries Team that sought to re-examine the unsolved murders in Northern Ireland, but it could review only the previous police investigations and lacked full police powers to renew the investigation of these killings. It was eventually wound up, and the Police Service of Northern Ireland established a new Legacy Investigation Branch as a temporary measure until wider agreement could be secured on the legacy issues.

Today, the PSNI Legacy Investigation Branch devotes a wholly disproportionate level of its resources to the investigation of killings linked to the security forces and hopelessly inadequate resources to the thousands of unsolved terrorist murders. Recently, two retired veterans of the Parachute Regiment, aged 67 and 65, were charged with murder in connection with the shooting of IRA commander Joe McCann in Belfast in 1972. That follows the decision to prosecute a 75-year-old veteran of the Life Guards who has been charged with the attempted murder of a man in County Tyrone in 1974.

While the families of thousands of innocent victims, including the police officers, soldiers and prison officers involved in more than a thousand murder cases, wait in vain for some action to be taken to investigate those crimes, the police are devoting resources to investigating the small number of killings linked to the state.

**Sir Gerald Howarth** (Aldershot) (Con): I am extremely grateful to the right hon. Gentleman for giving way; I apologise for not having been here at the start and for not being able to stay for the whole debate. I salute him and his colleagues in the Democratic Unionist party for securing this hugely important debate.

The right hon. Gentleman has just mentioned the disproportionate number of investigations of former soldiers and police officers. Is he aware that the Director of Public Prosecutions for Northern Ireland has issued what is effectively a fatwa to news organisations across the United Kingdom? If they have the temerity to make any criticism of Mr McGrory, they will be served with legal proceedings. Does that not illustrate the attempt being made by some in Northern Ireland to ensure that they get a soldier in the dock for something that happened 45 years ago? It is completely immoral.

**Sir Jeffrey M. Donaldson**: It is important that we all recognise and respect that we do have freedom of the press in Northern Ireland. The facts, some of which I have outlined, speak for themselves. Many in Northern Ireland wonder why the justice system is so focused on what the state did, and devotes so little of its energy and time at what the terrorists did.

**Dr Andrew Murray** (South West Wiltshire) (Con): I am following the right hon. Gentleman’s remarks closely, as ever. Does he agree that the end result of all this is that Sinn Féin is winning the war, by which I mean that it is managing to shift public opinion so that, somehow, the troubles become an issue to do with the actions of the British state and not to do with the murderous barbarism of terrorism during that period? Would he also say that it is having some measure of success in that endeavour?

**Sir Jeffrey M. Donaldson**: The hon. Gentleman is absolutely right. Although the IRA did not win the war in Northern Ireland, Sinn Féin is trying to win the
propaganda war and rewrite the history of the troubles. Let me absolutely clear that, for our part, it will not be allowed to rewrite the history of the troubles in Northern Ireland.

As I have said, it is evident that the current resources devoted to legacy investigations are heavily skewed towards investigating what the police and the Army did, and that not enough is being done to address what the terrorists did, despite the fact that they were responsible for more than 90% of the deaths in Northern Ireland and other parts of the UK. It is wrong that the full powers and finances of the state are devoted to prosecuting the men and women who stood on the frontline in the most difficult of circumstances to defend the entire community and uphold the rule of law.

Mr Gregory Campbell (East Londonderry) (DUP): My right hon. Friend is delivering a powerful speech. A number of veterans groups have been organising events over the past few weeks to highlight the problems that we are highlighting today. One group attempted to organise a peaceful demonstration and the peaceful laying of a wreath in Londonderry only a couple of weeks ago, but it was forced to cancel as a result of threats from dissident organisations. Does my right hon. Friend agree that that compounds the problems that he is highlighting today in Parliament?

Sir Jeffrey M. Donaldson: There are some in Northern Ireland who talk much about respect, equality and discrimination; yet the same people were silent when it came to the violent threats made against some veterans who simply wanted to exercise their civil liberty to march to the Cenotaph in Londonderry and lay a wreath in remembrance of their comrades—some respect and equality there. Some people in Northern Ireland politics speak with forked tongue.

When we add to all these things the fact that legacy inquests and investigations by the Office of the Police Ombudsman for Northern Ireland are laying bare the modus operandi of the counter-terrorism operations by the Army and the police that brought the terrorists in Northern Ireland to their knees and helped to secure the relative degree of peace that we enjoy today, we should all be concerned. Our national security and the security of every UK citizen is put at risk when we allow the operations of the security forces to be exposed in this way through the legal system. We must bear in mind that there is a continuing threat. A police officer was targeted by Republican terrorists in County Londonderry yesterday, and another was shot while in the constituency of my right hon. Friend the Member for Belfast North. That terrorist threat remains, yet we are exposing how the security forces counter that violent extremism and terrorism. We can be sure that putting soldiers and police officers in the dock while the terrorists walk free is an expediency that will cost us dear in years to come if we do not do something about it now.

Mrs Anne-Marie Trevelyan (Berwick-upon-Tweed) (Con): The right hon. Gentleman is highlighting a critical issue that I hear about from young and older armed forces personnel and from those who consider joining. The pressure and risks of serving our nation and the long-term impact that that could have on personnel and their families decades down the line is preventing people from signing up and encouraging others to leave earlier than they otherwise would.

Sir Jeffrey M. Donaldson: I thank the hon. Lady for her timely intervention. She is absolutely right that this is not only affecting the morale of those who serve at present but acting as a huge disincentive for recruitment to our armed forces. Who wants to put themselves in the frontline in such circumstances, whereby these young men and women will be betrayed a few years down the road because of so-called human rights lawyers? It simply is not right, as is being realised—rather belatedly—with the welcome decision to close down the Iraq Historic Allegations Team. Consider the damage to the morale of our armed forces and the consequences this has had, with a marked downturn in recruitment and retention. While so-called human rights lawyers get rich with the lure of returns such cases can bring—mainly from the public purse—the men and women defending our country on the frontline find it hard to avoid a sense of betrayal. I have heard that from many of them. All right-thinking people should rail against this.

The Stormont House agreement reached between the Government and political parties in Northern Ireland made it clear that there would be no amnesty for terrorist-related crimes, and it proposed a new set of institutions to deal with our troubled past. Let me be clear that this party stands by the Stormont House agreement. We stand by our commitment not to accept an amnesty for the terrorists. We endorse the institutions proposed under the agreement, including a new historical investigations unit that would have full police powers, and would take over the work of the PSNI’s legacy investigation branch and the responsibility for reinvestigating the unsolved murders linked to the troubles in Northern Ireland. We welcome and support that. The sooner we can get that new institution up and running, the better for everyone, especially the innocent victims. However, the Stormont House agreement has not yet been implemented due to an impasse that has arisen between the Government and Sinn Féin over national security.

It is a ridiculous state of affairs that the political party linked to the largest terrorist organisation that is responsible for the most murders during the troubles has a veto over the implementation of a policy that would give the innocent victims access to proper investigation and the prospect of justice. In a democracy, this is surely not right. It cannot be right that Sinn Féin is being handed a veto over a proper investigative process into the murders of the people who were killed by the Provisional IRA. It is a nonsense. Sinn Féin talks about respect and equality. Well, then, let us have some respect and equality for the innocent victims of the IRA, and let us see the Stormont House agreement taken forward and Sinn Féin’s veto swept aside.

Tom Elliott (Fermanagh and South Tyrone) (UUP): I apologise that I will not be here for the end of the debate, as I have to attend a constituency event this evening in memory of the Enniskillen bomb victims. Does the right hon. Gentleman accept that there is a need to build into the proposed historical investigations unit a process that allows an investigation into the cases that have already run through the Historical Enquiries Team, otherwise those people will be left with nothing other than a review, and not a new investigation?
Sir Jeffrey M. Donaldson: I thank the hon. Gentleman for his support for the institutions proposed under the Stormont House agreement. At present, in fairness to the victims and families who have waited a long time, the proposal is that the historical investigations unit would pick up where the historical inquiries team left off in chronological order. It would be wrong to go back to the beginning and start again, leaving the people who have already waited many years having to wait even longer. Nevertheless, if there is new evidence or there are new evidence-gathering techniques with the potential to lead to a prosecution in the cases already reviewed by the HET, of course we believe that the HIU should examine them. We have no objection in principle to that happening. We believe that all innocent victims in Northern Ireland should have access to justice and be treated equitably and fairly.

It is important that the Government now proceed with the Stormont House agreement and get on with publishing the draft legislation to give innocent victims and others the opportunity to comment on the proposals, so that at last we can begin the process of implementing what has been agreed and the focus will no longer be solely on what the state did. That will shift the focus and address the issues already raised in the House about the attempt to rewrite history, because the IRA and the other terrorist organisations will be put under the spotlight. What they did will be examined and brought to the fore.

It is wrong that our retired veterans of the military and the police have to spend their latter days looking over their shoulders, still waiting for the knock at the door, while the terrorists who skulked in the shadows and destroyed countless lives on the streets are left without a care in the world about the prospect of being pursued for their crimes. That simply is not right. The terrorists must be pursued and held accountable for their crimes. We will therefore vigorously oppose any attempt to grant an amnesty to any terrorist organisation.

The time has come for the Government finally to do something to protect the men and women who served our country. They were not provided for in the 1998 agreement, while the terrorists were. Special provision was made for the terrorists in 1998, in the form of the early release scheme, and other concessions have been made since, as I outlined earlier, but nothing has been done for those who served the Crown. That is wrong and needs to be addressed.

The Government must therefore give urgent consideration to introducing a statute of limitations for soldiers and police officers who face the prospect of prosecution in cases that—this is very important—have previously been the subject of full police investigations. Let me clear about that: we are talking about cases that—this is very important—have previously been the subject of rigorous police investigations relating to killings and deaths that occurred before 1998. The Government need to look at this. It is wrong that our veterans are sitting at home wondering whether a third or fourth investigation will take place into their case simply because some hot, fast-thinking “make a quick buck” human rights lawyer in Belfast thinks it is a good idea to reopen their case. That is what is going on.

We believe therefore that this matter has to be addressed. We can no longer ignore it. Certainly, we on these Benches have not been ignoring it. We believe not only that a statute of limitations should apply to Northern Ireland and Operation Banner but that consideration should be given to other military deployments, including in Iraq, Kosovo and Afghanistan. This is not an amnesty, as each case will have previously been the subject of a thorough investigation; rather it is an appropriate and necessary measure to protect the men and women of our armed forces from the kind of witch hunt years after their retirement that has left many feeling that their service to their country is neither respected nor valued.

Tom Tugendhat: I thank the right hon. Gentleman for his generosity in giving way. I hope that he will forgive me for mentioning that I published a paper with Policy Exchange, entitled “The Fog of Law”, in 2013 that addressed many of these issues, of which he is touching on the essence. We are talking here about human rights. What really do they mean? Surely, they are the rights of people to live in peace and dignity, not the rights of some to persecute those who have tried to protect others.

Sir Jeffrey M. Donaldson: I thank the hon. Gentleman for his valid intervention. He is absolutely right, and we appreciate the work he has done in this field and his commitment to his former comrades.

Tom Elliott: Just to clarify, would the right hon. Gentleman’s proposed statute of limitations cover police officers in Northern Ireland as well? I should have said at the start that I welcome this debate and thank him for bringing it to the House.

Sir Jeffrey M. Donaldson: I thank the hon. Gentleman for his comments. The answer is yes they certainly would be, because the police are not covered by the provisions in the 1998 agreement or the concessions made to the terrorists—and neither should they be. We see no moral or legal equivalence between the armed forces and the police and illegal criminal terrorist organisations. We do not want them to be treated the same. We believe that our police officers, soldiers and veterans should be treated fairly, but they are not being treated fairly.

I repeat what I said in a recent debate in Westminster Hall, when I referred to terrorist atrocities committed in Northern Ireland and across this United Kingdom. They include the Kingsmill massacre, McGurk’s bar, the Grand hotel in Brighton, where the Provisional IRA attacked our very democracy, Newry police station, the Enniskillen war memorial, the Lisburn fun run, the Ballygawley bus bomb, Shankill road, Greysteel, Loughinisland, Canary Wharf, Omagh and many others that I will not list but that were equally atrocious. No one can ever sanitise this horror and inhumanity. No rewriting of history will allow the exoneration of the evil men and women who went out to commit these atrocities in cold blood. These were acts of terrorism, and they can never be regarded as anything but.

I support the efforts to bring a real and lasting peace to my country. My comrades and colleagues here, some of whom served in our armed forces and some of whom have seen constituents cut down in cold blood, want to see a meaningful, lasting peace in Northern Ireland. We want that for the next generation, as well as for our own, but as a former soldier of the Ulster Defence
[Sir Jeffrey M. Donaldson]

Regiment, proud to have served in that regiment, the largest regiment of the British Army, which fought alongside other military units, alongside the Royal Ulster Constabulary, with great courage and at a huge cost, during the longest-running military operation in the history of the British Army, Operation Banner, I believe we owe it to those men and women to protect them.

Sammy Wilson (East Antrim) (DUP): Is my right hon. Friend disturbed by the comments attributed to Justice Weir, who is looking at some of these legacy cases, in which he talked about the UDR as having been set up simply to prevent its members from doing worse things in society?

Sir Jeffrey M. Donaldson: I am a former member of the UDR. My father served for over 25 years in that regiment. My brother also served in it. Comrades I patrolled alongside were cut down in cold blood by the Provisional IRA. I feel deeply insulted by the suggestion from a Justice of the High Court of Northern Ireland that somehow the raison d’être of the UDR was to keep people out of trouble. My only motivation was to stop trouble, to bring to book those engaged in trouble and to protect the community, including Mr Justice Weir and all those who were the targets of terrorism.

My party is not prepared to stand back and see our former comrades vilified. We are not prepared to stand back and see the security forces and the police hounded for serving their country. Standing in the gap between democracy and tyranny, they defended us; now, we must defend them.

Dr Murrison: Does my right hon. Friend agree that that support should extend to the provision of the costs of engaging a solicitor to advise those who have been sent letters by the Ministry of Defence inviting them to unburden themselves about the events of 30 or 40 years ago in order to assist the police with their inquiries? I am sure that he would not want those individuals inadvertently to incriminate themselves or those they were operating with all those years ago. If he is correctly suggesting that we should be properly supporting our veterans who served in Op Banner, then that must surely extend to finding the cost of engaging solicitors to advise those individuals properly and appropriately.

James Brokenshire: The Government have always acknowledged their ongoing duty of care to our former soldiers. Our policy is that where veterans face allegations concerning actions they took in the course of their duties, taxpayer-funded legal support, including counsel where appropriate, will be provided for as long as it is needed. In addition, I am advised that the Ministry of Defence can assist veterans with welfare support, either directly or in partnership with other agencies such as Combat Stress, depending on the veteran’s individual needs and circumstances.

Dr Murrison: Will my right hon. Friend give way?

James Brokenshire: I will.

Dr Murrison: I am grateful, because this is very important. My right hon. Friend says, in effect, ‘if allegations have been made’. These letters, as I understand it, contain no allegations but will be disturbing nevertheless to the predominantly elderly gentlemen who receive them, who will need proper advice on whether to unburden themselves in the way that is suggested or whether to ignore the letters. I think that that advice can come only from a solicitor. My question is whether the MOD will provide the costs of the provision of that legal advice.

James Brokenshire: I will certainly take my hon. Friend’s point away and discuss it with colleagues from the Ministry of Defence to seek clarity for him and for those who may be in receipt of those letters.

I must also be clear to the House that we will never accept any kind of moral equivalence between those who sought to uphold the rule of law and terrorists who sought to destroy it. For us, politically motivated violence in Northern Ireland was never justified, whether it was sought to destroy it. For us, politically motivated violence in Northern Ireland was never justified, whether it was carried out by republicans or loyalists. We will not accept any attempts to place the state at the heart of every atrocity or somehow to displace the responsibility for actions from where it may lie. I want to underline that we will not accept attempts to denigrate the contribution of the security forces and to give any kind of legitimacy to violence.

Ian Paisley (North Antrim) (DUP): I agree wholeheartedly with the point that the Secretary of State is making. Yesterday at the Dispatch Box, the Prime Minister outlined what can only be described as the new gold standard for investigations. She made four commitments. She said that the system will reflect the fact that 90% of all killings were carried out by terrorists. She said that it would be “wrong to treat terrorists more favourably than soldiers or police officers.”
She said that the investigative bodies have a “duty to be fair, balanced and proportionate.”—[Official Report, 22 February 2017, Vol. 621, c. 1014-1015]

She said that no disproportionate investigations will take place. How will the Government give effect to that gold standard, which we welcome?

James Brokenshire: The points that the hon. Gentleman raises are very much embodied in the Stormont House agreement and the legacy bodies and institutions referenced by the right hon. Member for Lagan Valley (Sir Jeffrey M. Donaldson). If I may, I will come on to those issues in greater detail later.

Being the best in the world means operating to the very highest of standards. We expect nothing less, and I know that our armed forces would not have it any other way. As the noble Lord Stirrup put it in a recent debate in the other place:

“The need to act lawfully is not a side consideration for the Armed Forces; it is an integral part of the ethos and training.”—[Official Report, House of Lords, 24 November 2016; Vol. 776, c. 2076.]

We believe in the rule of law, and the police and armed forces are charged with upholding the law. They cannot operate above it or outside it. Where there is evidence of criminality, it should be investigated without fear or favour. In our view, however, what characterised the criminality, it should be investigated without fear or favour in that context, but I acknowledge that people may have strong feelings in that regard, but it would be wrong to personalise the matter in this way. It is important, in terms of upholding the rule of law, that we should also uphold the independence of the police and of prosecutors. It is important to frame the matter in that context, but I acknowledge that people may have strongly held views.

James Brokenshire: My hon. Friend makes that point about the upholding of the rule of law. I will come back to what we judge are the right next steps in terms of balance, proportionality, and giving effect to new arrangements to deal with the legacy issues embodied in the Stormont House agreement.

As my right hon. Friend the Prime Minister made clear in the House yesterday, it is appalling when people try to make a business out of trying to drag our brave troops through the courts. In that context, the motion welcomes the Government’s decision to wind up the Iraq Historic Allegations Team following the solicitors disciplinary tribunal hearing and the consequent decision to strike off Phil Shiner. This called into question the credibility of a large number of IHAT’s remaining case load, which will now revert to the Royal Navy police. To be clear, the Government have a legal obligation to ensure that criminal allegations against the armed forces are investigated, but we remain determined to ensure that our legal system is not abused, as it clearly was by Mr Shiner, falsely to impugn the reputation of our armed forces. We should all support the decisive action taken by my right hon. Friend the Defence Secretary in that case.

Tom Tugendhat: My right hon. Friend, who is himself a solicitor, is making an essential point about the rule of law as it must be practised by honourable members of the legal profession. He is highlighting the important role that the Solicitors Disciplinary Tribunal played in finding this man guilty of deception of the most abject kind. Will the comment on how the shadow Attorney General can possibly continue to defend that extraordinary individual and yet claim that she will represent Her Majesty’s Government should the Labour party ever be elected?

James Brokenshire: It is important to underline that the Solicitors Disciplinary Tribunal’s hearing resulted in a decision to strike off Phil Shiner, and the credibility of a large number of IHAT’s remaining case load has now been firmly called into question. It is important that we respect, recognise and uphold that determination by the Solicitors Disciplinary Tribunal.

Ian Paisley: The Secretary of State is touching on the very important point of transparency and fairness in all of these investigations. The public prosecutor in Northern Ireland was formerly the solicitor for Sinn Féin. He handed in the names of the on-the-run people on behalf of Sinn Féin, and the Government dealt with that matter. Of course, that was brought to the attention of the Northern Ireland Affairs Committee when it investigated the on-the-run case. Does the Secretary of State agree that, given the perceived conflict of interest that the Director of Public Prosecutions for Northern Ireland has in his knowledge of senior republicans and their involvement in very serious and organised crimes, he should resign from involvement in all further parts of this matter?

James Brokenshire: I am afraid that I do not agree with the hon. Gentleman. The Public Prosecution Service of Northern Ireland has pursued prosecutions against a number of individuals for serious terrorist crimes during the troubles, and it continues to do so, as well as pursuing other cases. It is wrong to suggest that the PPS is in some way only applying itself to one side. I know that there are strong feelings in that regard, but it would be wrong to personalise the matter in this way. It is important, in terms of upholding the rule of law, that we should also uphold the independence of the police and of prosecutors. It is important to frame the matter in that context, but I acknowledge that people may have strongly held views.

Sir Gerald Howarth: Will my right hon. Friend convey a message to this individual and say that sending out letters to organs of the press in this country, saying that any criticism of him will be met by legal action, is completely unacceptable? He is publicly accountable and publicly paid, and if we want to criticise him, we will do so and he will not resort to law to try to shut down newspapers that report our criticism.

James Brokenshire: There is always the right of complete free speech in this House and, clearly, the right, which we uphold as a democracy, of the freedom of the press. However, we need to be careful in our comments when we seek to personalise matters. We know the consequences of that from the past. I acknowledge that there are strongly held views, but I underline the independence of the prosecution service and of the police. That is something that we should absolutely treasure, while of course holding people to account and being able to comment publicly. The freedom of our rule of law is important, but equally the press and this place have the freedom to debate matters robustly and vigorously.
Several hon. Members rose—

James Brokenshire: I know that many Members want to contribute to the debate. I will take further interventions, but I want to make progress.

Sir Gerald Howarth: May I just ask something about that point?

James Brokenshire: I will make some progress. As right hon. and hon. Members are well aware, addressing the legacy of the past has been one of the most difficult issues since the Belfast agreement nearly 19 years ago. What is clear today, as this debate highlights, is that the current structures in place are simply not delivering for anyone, including victims and survivors on all sides who suffered most during the troubles. The rawness of the continuing pain and emotion of families and survivors is stark, and yet the need to make progress is absolutely clear.

The legacy of the past continues to cast a shadow over our society in Northern Ireland. It retains the ability to destabilise politics and it has the capacity to be used by those who wish to fuel division and promote terrorism to achieve their objectives. Of course, people are always going to retain their own views of the past, which will be shaped by their own experiences of it. I acknowledge that the Government’s view of the troubles will not be shared by everyone, or vice versa; but we should strive to reach consensus on the structures needed to address it, and in a way that helps move Northern Ireland forward.

The inquest system was not designed to deal with highly complex, often linked cases involving large amounts of highly sensitive material. The office of police ombudsman is highly complex, often linked cases involving large amounts of highly sensitive material. The office of police ombudsman highly complex, often linked cases involving large amounts of highly sensitive material. The office of police ombudsman highly complex, often linked cases involving large amounts of highly sensitive material. The office of police ombudsman.

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The Police Service of Northern Ireland has to devote substantial resources to dealing with legacy cases when I know that it would prefer some of them to be spent on policing the present. Taken as a whole, I recognise concerns that the current mechanisms focus disproportionately on cases involving, or allegedly involving, the state, leaving many victims of terrorism feeling ignored as a result.

None of that is to criticise any individuals, not least the police and prosecuting authorities, all of whom uphold the law independently of Government. I support them in their difficult work. The right hon. Member for Lagan Valley mentioned earlier the shocking case of a police officer, who was about to go to work and serve their community, discovering that a device had been planted underneath their car. The consequences of that could be absolutely horrific. That underlines the bravery, determination and sheer public service that PSNI officers and others show day in, day out to uphold the rule of law and keep our communities safe, and the shallowness and evil of terrorism that seeks to undermine that. I know that the House will absolutely underline that strong message of support to them and the work that they do.

My comments are a recognition, which is widely accepted, that we need new and better structures for addressing the issues. The status quo is not sustainable. The Government have a duty to seek better outcomes for victims and survivors, and we need legally robust mechanisms that enable us to comply with our international obligations to investigate criminal allegations.

The Stormont House agreement was arrived at in December 2014, following 11 weeks of intensive cross-party talks with the UK Government, the five largest parties in the Northern Ireland Assembly and the Irish Government on matters falling within their responsibility. The agreement contained the most far reaching set of proposals yet for addressing the legacy of Northern Ireland’s troubled past, including the historical investigations unit, the independent commission for information retrieval, the implementation and reconciliation group, and an oral history archive.

A number of different options were discussed during those talks. Amnesties were quickly dismissed by all the participants and are not the policy of this Government. We believe that the so-called legacy bodies set out in the Stormont House agreement continue to provide the most effective way to make progress on this hugely sensitive but hugely important issue.

Delivering the Stormont House agreement, including the legacy bodies and reforming legacy inquests, was a key Northern Ireland manifesto pledge for the Conservative Government at the last election, and we remain committed to that. In doing so, however, I am also committed to the need to ensure that former soldiers and police officers are not unfairly treated or disproportionately investigated. That is why any legislation we introduce will explicitly set out that all of those bodies, including the historical investigations unit, will be under legal obligations to operate in ways that are fair, balanced and, crucially, proportionate.

Sir Gerald Howarth: The House will be greatly reassured by the concern of the Secretary of State and the Government about the lack of proportionality on the part of the authorities in Northern Ireland, but can he not understand that the disparity between the two is overwhelming? One side were a bunch of terrorists hiding in the shadows, dressed not in military uniform; the other side were trying to enforce the Queen’s peace in Northern Ireland. All the incidents involving the latter are meticulously recorded. One cannot go to the National Archives in Kew and find the IRA’s records of the people it brutally murdered.

James Brokenshire: I absolutely recognise the sense of justice, and the sense of the need for justice, on all sides, which underpinned what my hon. Friend said. Yes, there are meticulous records. There are meticulous records of the investigations of terrorists, which should be looked at properly. That is part and parcel of what I am saying about the establishment of the historical investigations unit. The terrorists were responsible for 90% of all deaths in the troubles, and any investigative processes have to reflect that.

Sir Julian Brazier (Canterbury) (Con): Does my right hon. Friend, who is being most tolerant in taking interventions, accept that if 10% of the people who were killed were killed by the security forces—bearing in mind that the other 90% of killings were all murders—even if as many as one in 10 of the killings by the security forces were murder, which is exceptionally unlikely, the proportionate rate would be one in 100, not one in 10?

James Brokenshire: That is exactly why the Stormont House agreement had at its heart the messages that I have already delivered of fairness, balance and proportionality.
The case load of the historical investigations unit will contain some of the most notorious atrocities that resulted in the deaths of our armed forces, such as those at Warrenpoint in 1979 and Ballygawley in 1988. The HIU will look at cases in chronological order, meaning that each case will be investigated in the order in which it occurred, so that there is no prioritisation of some cases over others.

Any legislation that establishes the HIU will include specific tests that must be met in order that a previously completed case is reopened for investigation. Specifically, that will mean that new and credible evidence that was not previously available to the authorities will be needed before the HIU reopens any closed case. We are also looking at ways to ensure that when prosecutions do take place, terrorists are not treated more favourably than former soldiers and police officers. The bodies will be time-limited to five years to ensure that the process is not open-ended, thereby helping Northern Ireland to move forward.

Turning the Stormont House agreement into detailed legislation has been and continues to be a long and necessarily complex process, but a great deal of progress has been made in building the consensus that is necessary to bring legislation before the House. I believe that with hard work on all sides, the outstanding areas of disagreement are entirely bridgeable.

In September, I signalled my intention to move the process to a more public phase. I had hoped that that would have taken place by now, but a continuing lack of consensus and then the political situation at Stormont have delayed it. However, I remain committed to giving the public a say on the proposed bodies and to building confidence in them from across the community. I want to take that forward as soon as possible after the Northern Ireland Assembly election a week today, so that we can make progress quickly.

Any approach to the past must be fair, balanced and proportionate; it must have victims and survivors at its heart; and it must be consistent with our obligations to those who served and, in so many cases, sacrificed so much to bring about the relative peace and stability that Northern Ireland enjoys today.

1.24 pm

Stephen Pound (Ealing North) (Lab): I congratulate the Secretary of State on an impassioned presentation. I think he spoke for all of us in this House and outside; his words were right, powerful, important and proportionate.

Today we may be speaking of the past, but the issues we are discussing have not gone away and there are still problems today. Yesterday’s incident in Ardanlee, which has been referred to, with a bomb exploding in the Culmore area, reminds us that what we do today has relevance. We are not just looking backwards. We are looking at the current situation, and we have to look forward to the implementation of Stormont House to ensure that there are no more incidents like that. The right hon. Member for Lagan Valley (Sir Jeffrey M. Donaldson) was right to enunciate that terrifying litany of horror and place it on the record. We must never ever begin to approach that scale of terror and horror again. All of us, surely, are united in that. Yesterday, Debbie Watters said that the police officer had a “very lucky escape”. That was the reality of it. Today people are still wearing the uniform and putting their lives on the line, and we have a bounden duty to support them.

That is why the Opposition welcome the DUP’s motion. Its wording is very sensible. How could we argue with the call that all “processes for investigating and prosecuting legacy cases...are balanced and fair”?

We do not oppose that; we support it. We think it is absolutely right. Far be it from me to criticise the wording of the DUP motion, but I think it was significant when the Secretary of State added the word “proportional”.

It is important that we raise these matters on the Floor of the House. There is still a tendency in some parts to believe that what happens in Northern Ireland goes on in the wings, rather than centre stage. There are still some people who think that Northern Ireland is settled, over and finished—that it is a small part of the United Kingdom and a long way geographically, politically and economically from us here in Westminster. I give credit to all right hon. and hon. Members who bring Northern Irish business to the Floor of the House—it must be done. We have an absolute duty to consider these matters at every opportunity. On many occasions, I have heard speeches in the House on this subject that would stand the test of any of the great parliamentary speeches we have ever heard—the issue is that crucial.

Today is an odd day in that the eyes of the political establishment may be on other places, such as Copeland or Stoke. People might even be thinking of 2 March. It is almost irresistible to draw the House’s attention to the extreme irony of today’s Times of London newspaper, which describes the renewable heat incentive as wasting £450 million in Great Britain—

Ian Paisley: A year.

Stephen Pound: A year, as the hon. Gentleman rightly says.

Far be it from me to further impugn the reputation of Chris Huhne, but the temptation is there, and it cannot be denied that he was the Minister who came up with the idea. I have to say that those of us here have our own share of responsibility for not making more of an issue of it at the time. I think we can begin to understand why it was so attractive in Stormont at that time. I also see from today’s Times that Mr Huhne is now the European chairman of “a US supplier of wood pellets.”

I leave those words hanging in the air, slowly smouldering in the Drax power station, as tons and tons of Canadian forest are chipped up, pelleted and brought over here.

Mr Gregory Campbell: Does the hon. Gentleman agree that the revelation in today’s Times, outlandish as it might seem, has not led to a crisis of government here and has not led to in-depth investigation teams at the BBC trying to establish guilt before any investigation has taken place? For whatever reason, some broadcasters seem to have double standards when dealing with the waste of public money.

Stephen Pound: Oh, Madam Deputy Speaker, how tempting it would be to follow the hon. Gentleman down the primrose path towards which he leads the
innocent parliamentarian, but I have known him for
longer than both he and I have been in this House and
am able, on this occasion, to resist his blandishments.

Danny Kinahan (South Antrim) (UUP) rose—

Stephen Pound: On the subject of resistance, I will
give way to the hon. Gentleman.

Danny Kinahan: Will the hon. Gentleman note that
when the same scheme came to Northern Ireland,
120 words, which was the cap, were taken out of it, and
that is the whole reason why Stormont is now falling
apart?

Stephen Pound: I crave the House’s indulgence and
hapologise for diverting us from an extremely important
issue. Given that we are talking about Northern Ireland
and 2 March is crucial, and that there is clearly a causal
link, it was reasonable to mention the subject. It is
equally reasonable to move on.

The Opposition will not oppose the motion. We will
obviously support the wording, with which we agree,
but let us try to get some facts right. An enormous
amount of statistical evidence has been thrown about.
Yesterday, the Prime Minister made comments at the
Dispatch Box about the various percentages, proportions
and numbers. This morning, the Police Service of Northern
Ireland said that it is currently investigating 1,118 cases,
of which 530 are attributed to republican paramilitaries,
271 to loyalist paramilitaries, 354 to security forces and
33 to unknown perpetrators. That gives a security forces
percentage of 32%. However, in many ways that is
not the issue. One of the key points is not just that
55 detectives in four teams are working on the matter,
but that, if we try to break such things down and say
that one side is more responsible than another—we can
make such points and, as politicians, we have the duty
duty and the responsibility to do so—we must bear in mind
that the past has to be looked at objectively and with
utter clarity. We have to investigate every aspect of it.

The hon. Member for Canterbury (Sir Julian Brazier)
said that a tiny percentage of murders may have been
committed by people in uniform—that was his analysis—
horrifying though that sounds. If that is the case, with
the higher duty that people who wear the Queen’s
uniform have, each one must be investigated. That is
key: everybody and everything must be investigated.
There can be no concealed errors and no untouched
dark corners. We have to look into every part of the
past 30 years.

Ian Paisley: The shadow Minister will accept that one
of the only cases in Northern Ireland of a miscarriage
of justice, which resulted in people who had been charged
with murder being released and exonerated, involved
three former Ulster Defence Regiment soldiers—it is
known as the Armagh Four or the UDR Four. That
case alone removed from the books some 25% of the
allegations against the UDR. That, too, should be
reflected.

Stephen Pound: I bow to the hon. Gentleman. He
knows far more about the subject than me. He lived
through it in a way that I cannot even claim to have
approximated. However, that is not necessarily the issue.

We are not considering whether removing a group of
people from a particular list equals a particular statistical
anomaly. That is not what we are on about.

Today, we are talking about, first, a fair and proportionate
investigation into every aspect of the troubles and,
secondly, how best to progress matters to implement the
Stormont House agreement. Thirdly, and perhaps most
importantly, we are discussing how to build on a peace
process that has as an essential component—

Sir Gerald Howarth rose—

Ms Margaret Ritchie (South Down) (SDLP) rose—

Stephen Pound: I appreciate that it is not me who is
popular, but the words that hon. Members have to say,
which need to be heard by the House. Can we please try
to concentrate on building on the peace process? That is
why the Opposition endorse and support the words in the
DUP motion.

Sir Gerald Howarth: The hon. Gentleman is right
that there needs to be fairness. However, does he understand
that there is a widespread and growing feeling in the
House that the investigations in Northern Ireland are
not fair and that they are disproportionate? My right
hon. Friend the Secretary of State said that we have a
free press in this country, but the law firm of Campbell
and Caher is sending out letters to newspapers in this
country saying that if they report anything that it
perceives as criticism of the impartiality of the authorities
in Northern Ireland, legal proceedings will ensue. Therefore,
what I am saying in the House is not reported in
newspapers in my constituency because of fear of
prosecution. Does the hon. Gentleman agree that if
fairness is to be seen to be done in Northern Ireland,
criticism of the conduct of the investigations must be
tolerated?

Stephen Pound: The hon. Gentleman has already
ventilated those points. He has made them again and, as
ever, his voice will be not denied but heard. However, we
are here today not to kick the legal profession, although
that is also tempting, but, hopefully, to move on. On the
issue of the individual who has been named, that was
then. Today we are talking about something far more
important: moving forward.

Ms Ritchie: Does my hon. Friend agree that the most
pressing issue is not only the need for temperate language,
but that, on the far side of the election, we will have
political institutions up and running and there will be
parallel negotiations to reach a conclusion on this matter?
The one thing that victims want is closure. Too many
people are in pain in Northern Ireland. Young people
want to move on to deal with health, education and the
economy, because those are the pressing issues that face
us daily.

Stephen Pound: Not for the first time, the hon. Lady
speaks an enormous amount of good sense. Her comments
should be our watchword for the rest of the debate.

There cannot be progress to the future without completely
settling the issues of the past. There has to be closure,
investigation and the disinfectant of sunlight, to coin a
phrase. We have to move on, certain in the knowledge
that we have done everything to investigate the past.

[Stephen Pound]
There are many hon. Members from whom I want to hear. I close by saying that the Opposition have great respect for those who serve and have served in our armed forces, and who take pride in the work that they have done. On the very few occasions when there might be a possibility of action outside the law, those claims must be investigated fully. It is crucial to say that those who wear the uniform would want such cases to be investigated. No one wants an exemption for members of the armed forces.

A great deal of sense has been spoken today, and doubtless there will be more. Let us try to get through 2 March. I greatly hope that the new Assembly will be up and running and that the Stormont House agreement will be implemented. I hope that we will have debates about the great and glorious future of Northern Ireland in which we will talk about a prosperous economy and people who have pride in that extraordinary part of the world. I hope that we will look not backwards but forward to a glorious, sunlit future. Every single person in Northern Ireland deserves the right to peace and prosperity. They have earned it, and I hope that the House will give them a fair wind and our support.

1.37 pm

Sir Henry Bellingham (North West Norfolk) (Con): I congratulate the Democratic Unionist party on the motion, and particularly the right hon. Member for Lagan Valley (Sir Jeffrey M. Donaldson) on an impressive speech to open the debate. I thank the Secretary of State for his comments and, as always, it is a pleasure to follow the hon. Member for Ealing North (Stephen Pound). His emphasis on the peace process and the future was welcome.

The right hon. Member for Lagan Valley mentioned the figures involved, so I will not repeat them. He also made the point that there can be no legal or moral equivalence between what the terrorists did and what happened to the military, who were deployed in support of the police, acted under the rule of law and were subject to tight military controls and codes, including the yellow card. They were mainly young men and some women who never asked to go to Northern Ireland but were deployed there and showed incredible professionalism, and huge restraint when they were under great stress and provocation. At all times, they held their nerve, and, consequently, the reputation of the British military was enhanced around the world.

Every incident that involved killing or injury by the military was fully investigated at the time. There were regimental investigations and investigations by the military police, and in almost every case there were investigations by the Royal Ulster Constabulary and the civilian authorities.

I do not think that the armed forces of any other country in the world would have shown the restraint and professionalism that our armed forces showed. When mistakes were made, they were called to order. In the case of the killing of the two civil rights campaigners Michael Naan and Andrew Murray, three sergeants and one officer from the Argyll and Sutherland Highlanders were charged. Two sergeants, Sergeant John Byrne and Sergeant Stanley Hathaway, were charged with murder and sentenced to life imprisonment. A third sergeant, Iain Chestnut, was charged with manslaughter and sentenced to four years. The officer in charge of the platoon, Captain Andrew Snowball, who was not actually present at the farmhouse where the killings of the two civil rights campaigners took place, covered up what happened. He was subsequently charged and given a suspended sentence. He resigned his commission. The case shows that where the military stepped out of line it was investigated, and if charges were appropriate, charges were brought.

Ian Paisley: I thank the hon. Gentleman for making this point. It is absolutely essential that the record of this House reflects the fact that under Operation Banner the Royal Ulster Constabulary and Her Majesty’s Crown forces in Northern Ireland acted with the highest human rights-compliant record in any dispute anywhere in the world. That is without any challenge whatever. Some 30,000 officers carrying personal weapons and a minimal amount of illegal discharge from those weapons—that is a miracle given the provocation, with murders daily in our Province.

Sir Henry Bellingham: I agree entirely with the hon. Gentleman. I shall now remove a couple of paragraphs from my speech, because he has said what I was going to say.

Let us fast-forward to the current situation. The right hon. Member for Lagan Valley outlined the flawed process, in particular the arrest of veteran soldiers as part of the DPP’s vendetta against them. I referred to the case of Dennis Hutchings in a debate I secured on 13 December 2016. He was deployed to Northern Ireland with his regiment, the Life Guards. They were in an area, Dungannon and Armagh, where levels of disturbance were particularly high. All patrols were told to take special care. The regiment had suffered a number of shooting incidents, although none had been fatal. On 4 June, a patrol was ambushed by a group of young men who were in the process of transferring weapons to a car in the village of Eglish. The patrol fired on fire was exchanged. A number of people were arrested and a quantity of arms recovered.

On the following day, Corporal Dennis Hutchings, who was mentioned in dispatches for his exemplary bravery and leadership, led a patrol back into the area. The aim was to try to locate further arms caches near the village. The patrol chanced on John Pat Cunningham, who was challenged to give himself up. He behaved in a way that was suspicious. The patrol believed they were threatened and opened fire. We know there was a tragic outcome, because John Pat Cunningham was killed. This was investigated fully by the Life Guards, the military police, the RUC and the DPP. All four members were completely exonerated.

What happened next beggars belief. In 2011, Dennis Hutchings was called in by the PSNI Historical Enquiries Team and fully investigated. A comprehensive investigation, with which he co-operated fully, took place. He was told at the end of the investigation that no further action would be taken and that he could get on with his life, look after his grandchildren and great-grandchildren, and enjoy his retirement.

In 2015, there was a dawn raid on the corporal major’s house. He had been in very poor health, but he was arrested, taken to Northern Ireland for four days’ questioning and charged with attempted murder. He of
course vehemently denied the charges. After 42 years, there were no witnesses left. The other three members of the patrol have died and the forensic evidence has disappeared. How can he get a fair trial now? He cannot receive a fair trial in these circumstances. The first thing I learned at law school was that any criminal case depends critically on credible and corroborated evidence.

Danny Kinahan: I congratulate the hon. Gentleman on all he is doing for Corporal Major Hutchings and on being very clear about his case. Does he agree that it is greatly concerning when we are told there are new ways of looking at evidence? Rather than trying to find new evidence, people are trying to find new ways to research it. Does he not think that that is wrong?

Sir Henry Bellingham: I absolutely agree with the hon. Gentleman and I will come on to that in a moment.

The key point about the Hutchings case is that it was fully investigated at the time. It was looked at by every available authority and organisation, and closed down at the time. Reopening cases now is revisionism. It is an attempt to rewrite history. It is trying to look at what happened then through the lens of 2017, when we have a whole new emphasis on human rights and different standards. It is perverse, wrong and completely unacceptable.

Tom Tugendhat: My hon. Friend makes a very good point, which complements entirely the theme made by the hon. Member for South Down (Ms Ritchie). She is absolutely right that we have to move on, but in moving on we have to allow those who have served to move on. In a case like this, where it is so obvious and so clear that justice has not only been done but been seen to be done multiple times, surely the moving on can be done actively.

Sir Henry Bellingham: Let us look at what happened to the IRA and the paramilitaries. Their sole aim was to murder, maim and kill, and to disrupt communities. They did not investigate their own crimes and murders. They celebrated the killings they took part in. They did not investigate their own crimes and murders. Their sole aim was to disrupt communities. Their sole aim was to murder, maim and kill, and to disrupt communities.

What about the Free Scottish privates who were abducted from a pub in 1971? They were off duty and unarmed; they were abducted and tortured, and no one has ever been convicted.

Sammy Wilson: Will the hon. Gentleman give way?

Sir Henry Bellingham: I will not give way, because I am going to draw my remarks to a conclusion.

We have to try to find a way to move forward. The only way to move forward is for the Secretary of State—I welcome some of his remarks and I welcome too what the Minister said—to make it absolutely and categorically clear that these military cases, all of which have been investigated, will now be closed, subject to the arrival or discovery of brand-new compelling evidence. Anything less than that would be a betrayal of the military covenant. The hon. Member for Ealing North gave the figure of 370 veterans under investigation, and anything less would be seen as a betrayal of those veterans and an appalling scar on Her Majesty’s Government. We have a way forward, and I urge Ministers to take it.
I am deeply conscious of the pressure of time and the fact that so many Members wish to speak, so I shall be very brief. My hon. Friend the Member for North West Norfolk (Sir Henry Bellingham) presented such a strong case in making points that I wished to make that I shall briefly echo two or three of his points before dealing with the other aspect of the motion.

Corporal Major Dennis Hutchings, when he served in the Life Guards, was by chance in the same squadron as a close friend of mine, an officer commanding one of the other troops. My friend says that Dennis Hutchings was one of the best senior NCOs with whom he had ever served, and he is absolutely astounded at the way in which this man has been treated. A constituent of mine, who has written to me in the last fortnight, is being investigated in connection with events that occurred in 1976, 41 years ago.

I listened carefully to what was said by my right hon. Friend the Secretary of State for Northern Ireland. I have huge respect for him and I understand the considerations that he has to balance here, but I ask him to understand that while there is no Conservative Member who does not believe in the rule of law—we all believe in it—integral to the rule of law is confidence in the criminal justice system. The problem with trying to pursue soldiers in the same way as we pursue former terrorists is that, in most cases, there is no prospect of finding new evidence after all these years. Key witnesses have died.

The point about parity is not just the fact that it is morally repugnant to compare killings by the security forces, unless there is real evidence that they were criminal, to killings by terrorist organisations, but, as several other Members have pointed out, the practical fact that the other organisations we were up against—the paramilitaries on both sides—did not keep records, so there is not the same scope for pursuing them.

I firmly believe—my hon. Friend the Member for North West Norfolk made this case so strongly that I shall not waste the House’s time by repeating it at length—that the only way to resolve this situation is to establish a transparent mechanism that will ensure that no case can be pursued to the point of charge without clear proof that new evidence has been uncovered. Unless that new evidence has been uncovered, it should not be possible to raise fresh cases after all these years.

Bob Stewart (Beckenham) (Con): My hon. and gallant Friend is making a great speech, and I thank him for letting me intervene. I am increasingly worried, because 38 years ago I gave my word to two men under my command who had been involved in a fatal shooting that if they went to court having been charged with manslaughter and were found not guilty, they would never hear anything again. I gave my word, and it looks as though my word may not be worth a fig if this continues.

Sir Julian Brazier: I am grateful to my hon. and gallant Friend. Many Conservative Members share the view that a transparent procedure to show that fresh evidence has emerged should be required for any case of this kind to be pursued.

Let me now say something about the other aspect of the motion and about some of those other operations. The difference between the operation in Northern Ireland...
and the other three operations to which the motion refers is that we were in Northern Ireland as aid to the civil power. In Iraq, Kosovo and Afghanistan, at many points there was very little civil power; in fact, at some points there was none at all.

My right hon. Friend the Northern Ireland Secretary stressed, just after mentioning IHAT, the importance of upholding the law. We have to be clear, however, what we mean by the law when dealing with these other operations. The fact is that when a force has just captured a city, as we had in Basra, there is no civil law, as was the case then. In conflicts throughout the 20th century, it was always accepted that only one law matters on the battlefield: humanitarian law, grounded in the Geneva convention. In the past 15 or 20 years, there has been a creeping process whereby a second form of law—human rights law—has started to be introduced into the picture. When I served on the Select Committee on Defence, a number of organisations, including the International Committee of the Red Cross, deprecated that. They made it clear that humanitarian law, which is tried and tested for protecting the interests of the vulnerable, should be the law that applies.

On IHAT, I ask the House to think about two questions. First, why did no other country—all countries in the west claim to uphold the rule of law—choose to set up a body like IHAT? Secondly, what exactly did we expect our soldiers to do in the very dangerous circumstances that applied in a number of the cases, which are likely to survive the IHAT process and go forward, in those months after we captured Basra, when, effectively, there was no police force and no rule of law? We had large numbers of dangerous people around, and we were dealing with rioting, looting and so forth. Some colleagues might have read the recent account of how the Americans dealt with one looting problem: they shot two or three of the looters and a potential riot was supressed. There was never any question of any follow up for that.

We have to realise that in such circumstances, while we can have humanitarian law in the background and rules of engagement and so on, a young officer with a very small number of soldiers in a dangerous situation and seeing vulnerable people threatened might have to make split-second decisions that would not stand up in a court of law in any context anywhere within the United Kingdom. Trying to retrospectively establish such rules, with human rights law being substituted somehow or other into the picture for the old, very clear and simple principles of humanitarian law, has exposed members of our armed forces in a way that many of us find unacceptable.

I want to end by making two points. First, while I was delighted by the way my right hon. Friend the Secretary of State for Northern Ireland stressed the importance of Mr Shiner being struck off as a lawyer, it seems to me to be extraordinary that there has been no criminal prosecution. When we look at what the Solicitors Regulation Authority—which I have hitherto regarded as the most toothless of all professional bodies, from my own constituency casework—has found against him and realise what that implies for our armed forces, it is extraordinary that he has not been charged, and I very much hope that he will be.

My final point is about the operations that our armed forces are involved in today. The Government made a pledge that if we were involved in further combat operations, we would derogate from the Human Rights Act, and we are now engaged in two operations. We are increasing the number of soldiers in Afghanistan, where the mission has turned from a purely support mission back towards increasingly being a combat one. At the same time, we are very heavily involved in the bitter fighting in Iraq and we have airmen regularly bombing areas. We have the most accurate bombs and the most failsafe systems—civilians sheltering in an area being bombed by the RAF are safer than those sheltering in areas where any other air force might be operating—but the RAF’s activities in the attacks on Mosul and so forth could nevertheless threaten civilians. We do not talk about it in this Chamber, but some members of the special forces are also involved. What protection is in place? Why have we not derogated from the Human Rights Act for those two theatres?

I want others to have the opportunity to speak, so I will end by saying that I wholly support my hon. Friend the Member for North West Norfolk and those Members on the Opposition Benches who are calling for an end to the pursuit of veterans unless serious new evidence emerges in Northern Ireland, and I believe we owe more to the troops engaged in operations elsewhere today.
respond to current feelings—they have been highlighted at length thus far—in the process will reflect our commitment to fairness and justice right across the United Kingdom, and there is a very real view and perception that those who defend our communities from attack are being investigated disproportionately and with greater zeal than those who brought terror to our land.

The facts bear that out; it is not just a perception. It has been amply demonstrated in the contributions thus far that there is substance to that perception. Many of our armed forces veterans have heard a knock on the door early in the morning and been hauled in by police for interrogation about events that took place many years ago. We have heard examples from Conservative Members of exactly that having happened—houses being invaded and searched, and reputations tarnished. We on the DUP Benches are not prepared to stand back and see those who have bravely served the people of Northern Ireland and the people of this country generally in their darkest hour be hounded and unfairly vilified.

We believe that investigations into historical cases must be balanced and proportionate. It is wrong that our former members of the security forces are subject to a different set of rules from those who sought to do them and us harm. My right hon. Friend the Member for Lagan Valley has set out how the provisions of the Belfast agreement gave special dispensation and special measures for paramilitaries and those who have been imprisoned but did nothing for our security forces. That is wrong.

Operation Banner was the longest military deployment in British history. More than 250,000 men and women served in the armed forces and in the Royal Ulster Constabulary during that time. It is right to emphasise the fact that more than 7,000 awards for bravery were made, and that more than 1,100 security service personnel were murdered in the course of their duties, with countless others bearing mental and physical scars from those days. Without their dedication to making people safe, we are in a much better place as a result of the work and commitment of all the people who served in the security forces, the Army and the police in Northern Ireland down all those years were ever found guilty of, or even questioned about, breaches of law, while 100% of the terrorists were most definitely guilty of such breaches.

Mr Gregory Campbell: On proportionality, does my right hon. Friend agree that significantly fewer than 1% of all the people who served in the security forces, the Army and the police in Northern Ireland down all those years were ever found guilty of, or even questioned about, breaches of law, while 100% of the terrorists were most definitely guilty of such breaches?

Mr Dodds: My hon. Friend makes an important point that bears emphasis in the House and further afield. It is important that these issues are made clear to people who might, as time passes and we no longer hear direct reports from Northern Ireland, begin to think that a different narrative had occurred there. That is why it is so important that the institutions that were proposed under the Stormont House agreement—my right hon. Friend the Member for Lagan Valley mentioned the historical investigations unit—are set up so that we can have a balanced, fair and proportionate approach to all this.

We need to highlight the fact that 3,000 murders remain unsolved in Northern Ireland and that acts of terrorism were carried out by people such as Sean Kelly, the Shankill bomber, and Michael Caraher, who was part of the south Armagh sniper team that murdered Lance Bombardier Stephen Restorick in 1997—one of the last members of the armed forces to die in that period. Michael Caraher received a sentence totalling 105 years, yet he walked free having served just over three years. My right hon. Friend has rightly detailed the efforts made by the then Labour Government, under John Reid and then Peter Mandelson, to go to extraordinary lengths to provide concessions to IRA terrorists with no regard whatever to any kind of proportionality or to doing anything for the security forces. Secret deals were done on-the-runs, for example. Such concessions had a major debilitating impact on those who were facing down terrorism in Northern Ireland, and our duty now is to convince people that that will not happen again. I share my right hon. Friend’s view that this Government will not repeat those mistakes and that there will be no amnesty and no secret deals to allow terrorists off the hook.

In conclusion, it is important that we get the Stormont House agreement institutions up and running as quickly as possible, that we begin to get back some kind of fair and proportionate system for investigating legacy cases and that we do not—

Mr Francois: I thank the right hon. Gentleman for giving way, and I apologise for interrupting his peroration. I congratulate him and his colleagues on bringing this important matter before the House this afternoon. Many references have been made to IHAT, and as parliamentarians we all need to learn the difficult lessons from what has happened in that regard. We also have to appreciate the effect that it has had on the armed forces
and on our veterans. Surely, after all we have been through with IHAT and given the lessons that we must learn, the last thing we should sanction is a politically motivated witch hunt in Northern Ireland against our own brave servicemen.

**Mr Dodds:** I am delighted that the right hon. Gentleman was able to make that powerful point. I agree with him entirely. The stakes are high, and there is a responsibility on us in this House to ensure that we build a society that values fairness, elevates justice, treats our veterans properly and upholds the proud traditions of our military and our commitment to democracy. We must go forward on that basis.

**Several hon. Members rose—**

**Madam Deputy Speaker (Mrs Eleanor Laing):** Order. Hon. Members have been very good in sticking to a self-imposed time limit, and I hope that I shall not have to impose a formal limit. If everyone who is about to speak takes no more than seven minutes, all colleagues will have a chance to make their voice heard. I am sure that I can rely on Mr David Simpson to do that.

2.16 pm

**David Simpson** (Upper Bann) (DUP): It is good to follow my right hon. Friend the Member for Belfast North (Mr Dodds). I fully acknowledge the service and sacrifice of our armed forces and police throughout the world as they are placed in areas of conflict to protect the lives of innocent people. I often remember them and the sacrifice that they make, but I also remember their families.

I wish to focus on Northern Ireland, which has enjoyed relative peace for some 20 years. It has not been perfect, but before that we saw decades of brutal violence and the murder of 1,879 innocent civilians and 1,117 members of the security forces. First and foremost, we must agree that not everyone in Northern Ireland is a victim. Some would seek to claim that every person in the country is a victim, but that is an insidious concept for two reasons. First, it diminishes the genuine pain and suffering of those who were directly affected by the actions of terrorists during the troubles; and, secondly, it elevates those who engage in criminal acts to equal status with those whose suffering they caused in the first place.

The British Army was deployed to Northern Ireland under Operation Banner in 1969. Its role was to support the then Royal Ulster Constabulary by providing protection to police officers carrying out normal policing duties in areas of terrorist threat, by patrolling around military and police bases to deter terrorist attacks and by supporting the police against terrorists’ operations. The scale of the terror campaign within our Province was escalating, and at its peak in the 1970s the British Army was deploying around 21,000 soldiers. One of the most memorable days was 21 July 1972, when the IRA murdered nine people and injured 130 by planting and detonating 27 bombs throughout the city of Belfast.

As a result of the magnitude of this campaign, Operation Banner is still the longest continuous deployment in British military history and its legacy remains strongly in the hearts and minds of many, not least of those who came to protect us. Without the commitment of our security personnel, I have no doubt that the reign of terror in Northern Ireland would have led to the deaths of many more innocent people.

I want to quote from the first paragraph of the armed forces covenant:

“The first duty of Government is the defence of the realm. Our Armed Forces fulfill that responsibility on behalf of the Government, sacrificing some civilian freedoms, facing danger and, sometimes, suffering serious injury or death as a result of their duty.”

Let me say again that 1,117 members of our security forces made the ultimate sacrifice while serving on behalf of the Government to protect the innocent lives of the wider community in Northern Ireland between 1969 and 2010. That figure does not account for the many thousands of security personnel who were left badly injured and are still struggling today as a direct result of terrorism. My point is that the British Army was deployed to support the police’s role as protectors of the people of Northern Ireland and to uphold the rule of law and order. At times, that involved direct contact with illegal groupings, such as the Provisional IRA, which was the main opposition to British deployment. Tough and ultimately life-changing decisions were made by our security forces while they served this country and Her Majesty’s Government, and I am sure that there are Members present who know exactly what that level of combat feels like. Her Majesty’s Government invests millions of pounds to deliver specific training, involving high-intensity battles, a significant part of which equips each officer with the skill to make level-headed and justifiable decisions under severe threats to life. We put our trust in them to do their job, and we must continue to trust the judgments they made in specific and unique circumstances in Northern Ireland.

I commend the hon. Member for North West Norfolk (Sir Henry Bellingham) for his work and commitment to ensure that retired or active service personnel are not unduly questioned over their actions and the decisions that they took at the height of prolonged, vicious terror campaigns. As has been said, terrorist organisations accounted for 90% of the lives lost during the troubles in Northern Ireland. Our focus should be on bringing the perpetrators before the courts, not our security force personnel, and on delivering justice for the real victims in Northern Ireland.

2.22 pm

**Sammy Wilson** (East Antrim) (DUP): This is an important debate. I will not go over all the statistics given by previous speakers, but we in Northern Ireland owe a great debt of gratitude to those who held the ring for 40 years in the face of a sustained terrorist campaign. It is wrong that as a result of republican attempts to rewrite the history of the troubles those people are now being subjected to a witch-hunt and being made the scapegoats for what happened during those 40 years. I warn the House that if Members think that what we have seen to date has been unfair, one can be absolutely sure that Sinn Féin will ramp up the pressure after the Northern Ireland election to ensure that more soldiers and policemen are dragged into the dock. The classified documents of the police and the Ministry of Defence will be open for scrutiny by smart lawyers in the courts—all of which is an attempt to rewrite history. The election is not about a failed heating scheme, as suggested by the
shadow Minister; it is all about Sinn Féin thinking it has an opportunity to rerun the last election, to come out stronger and to put pressure on a Government who will be dead keen to get it back into government. Their price will be the sacrifice of policemen and soldiers in the courts through an unfair system.

Members are right to be concerned about what we have heard today. The system is already unfair because the cases have been disproportionately skewed towards those in the security forces. As has been asked already, why are those in the legal and justice system in Northern Ireland shouting so loudly, and trying to silence the press, about what has happened if they do not believe that if the decisions were looked at closely they would be seen to be disproportionate? From the Attorney General for Northern Ireland to the Director of Public Prosecutions for Northern Ireland and right up to the Chief Constable of the PSNI, we have heard denials that the cases have been disproportionate. Yet the figures are clear: 30% of the cases being investigated at present involve the security forces, but only 10% of the people killed in Northern Ireland during the troubles were killed by security force action. The hon. Member for Canterbury (Sir Julian Brazier) made the point well that all the terrorist cases involved murders. As for the deaths caused by the security forces, few could be claimed to have been unlawful or even to look unlawful.

**Stephen Pound:** For the benefit of the House, I want to make it absolutely clear that I was not in any way implying that the Assembly elections on 2 March are solely the result of the RHI issue. They are indicative of a wider feeling of distrust, which in many ways is being addressed by this debate today.

**Sammy Wilson:** I thank the hon. Gentleman.

The system is unfair in its approach. Let us look at how terrorists have been treated. They have been given letters that excuse them from ever having to be in court. When Gerry Adams was questioned about his covering letters that excuse them from ever having to be in court. His house was to nominate which police station he wanted to go to and up of his paedophile brother, he was given the opportunity to have a wide feeling of distrust, which in many ways is being addressed by this debate today.

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Finally, the system is unfair due to the inadequacy and imbalance of information. I do not accept the Secretary of State’s explanation that there will be detailed records of what the Army did. The only solution is to have a statute of limitations. Terrorists have had special conditions attached to them since the Good Friday agreement, and fairness should be attached to those who served in the security forces. People should not be dragged before the courts for things that happened 40 years ago, of which they have little recollection and for which even state records are difficult to turn up. I hope that this issue will not be forgotten and that we will sustain pressure on the Government to ensure fairness for those who served our country so well.

2.29 pm

**Ms Margaret Ritchie** (South Down) (SDLP): I acknowledge with deep regret the attempted murder of a police officer in Derry yesterday, in the constituency of my hon. Friend the Member for Foyle (Mark Durkan). I apologise for my hon. Friend's non-attendance today, and for the non-attendance of my hon. Friend the Member for Belfast South (Dr McDonnell); they are both in Dublin at the Good Friday agreement committee. In fact, the Exiting the European Union Committee is meeting various Oireachtas committees in Dublin today on the issue of Brexit.

It is important that I, on behalf of the Social Democratic and Labour party, say that we always renounced violence from wherever it came, because violence was always wrong during all the period of the troubles, as it is wrong now. There was never any justification for that level of terrorism, violence and murder, because all it did was leave pain, destruction and mayhem— it took us so many years backwards— but there was an opportunity through the Good Friday agreement, which is perhaps where I disagree with Democratic Unionist party Members. We have come together, with respect for political difference, on power sharing and working together on the issues that matter to the people.

I hope that, on the far side of this election, there is an opportunity to restore the political institutions and that there will be parallel negotiations to deal with the outstanding issues that seem to drag us down and to give people excuses, both in Sinn Féin and the DUP, not to allow the institutions to be fully functional. I say to all of them that the people on the doorsteps over the past few weeks say, “We want political institutions. We want faith in those institutions. We want them working, and we want them delivering for us.”

Health waiting lists are spiralling out of control; education, budgets have not been agreed for schools on a rolling three-year programme; and we need investment in our economy, our jobs and our tourism. Young people want to see hope, they want to see a future and they want to see a reason for remaining in Northern Ireland.

The SDLP agrees that the processes on investigations, prosecutions and legacy cases must be balanced and fair. The way in which we deal with the past in Northern Ireland must be shaped and guided by terms set by victims and survivors, with truth and accountability to the fore.

All the parties in Northern Ireland agree that amnesty should not be the basis for dealing with the past—that was the subject of the Haass negotiations and the subsequent Stormont House agreement. There are a number of ongoing inquiries, but they are in the form of inquests, as opposed to the pursuit of possible prosecutions.
Prosecutions, like inquests, bring closure and justice to families, as with the ongoing case of Loughinisland, which the right hon. Member for Lagan Valley (Sir Jeffrey M. Donaldson) mentioned. The people involved were my neighbours and friends, and some of them were indirectly related to me. They still await justice. The Police Ombudsman’s report has been published, and it refers to a significant element of collusion by the then Royal Ulster Constabulary. Those issues need to be addressed, and there needs to be closure for the families, because truth and accountability are particularly important.

I also think of the families of Whitecross—the Reavey brothers—and of Kingsmill, where many men were killed. All those people, right across the community, deserve justice. Many soldiers and many policemen were also killed, and I think of what happened to the Ulster Defence Regiment men on the Ballydugan Road in Downpatrick back in 1990—I remember well seeing the smoke rising from a large crater in the ground on that Monday morning, with some six men dead. I remember my predecessor going to the scene and, as with Loughinisland, what he saw should never be repeated.

I firmly believe that no one in this House, or outside it, should be above the rule of law, and we must remember that. The rule of law must prevail, which means that the Government have to be careful. I say to the Secretary of State and his ministerial colleagues, both in the Cabinet and on the Front Bench, that we must support the judicial system and ensure that it is respected.

The shadow Minister, the hon. Member for Ealing North (Stephen Pound), has mentioned the PSNI’s statistics, which I have seen, and I would caution that the assistant chief constable, Mark Hamilton, who has direct responsibility for the matter, said on 2 February: “I do understand that there is a public perception that there is a disproportionate focus on military cases but they form part of what we are doing... I have a full team”—the four teams—“who are doing reviews against a list of cases, at the minute, none of those are military. I’ve a full team working on the On The Runs review and that doesn’t relate to the military at all.”

That is a cautionary word. We must take everything proportionately, and we must ensure that there is fairness and balance in everything.

Ultimately, we must ensure, as the Secretary of State said at oral questions, that the election campaign is conducted in a manner that allows for the speediest return to partnership government. I question—I say this also to the DUP—holding this debate during an election period. Does that impinge upon the purdah period? I see other elements, with Sinn Féin Ministers making announcements. I was once a Minister during an election period, so I know that making such announcements was not possible in previous years.

Sir Jeffrey M. Donaldson: The timing of this debate was agreed with the Government Chief Whip long before there was any sense of an election in Northern Ireland, and long before the election date was set. As Members of Parliament, we should not be impeded in carrying out our duty to represent the people who elected us to come here because there is a need to return to a devolved Assembly, any more than the hon. Lady’s colleagues, who are in Dublin today to take part in political activity in another jurisdiction, should be impeded.

Ms Ritchie: I note what the right hon. Gentleman says, but I will conclude because I realise that other Members want to speak. We respect and uphold the inquest system. We make no apologies for that, and we defend the current system when the Government make any attempt to move against it for their own convenience. I felt that the Prime Minister was particularly partisan yesterday, especially in an election period when we need to be even, balanced and fair.

I look forward to the other side of the election, when we have the political institutions up and running and when we have the parallel negotiations. We need no interregnum. Work needs to continue, and we need to be seen to be delivering for people with a sound Government.

Jim Shannon (Strangford) (DUP): As a former part-time Ulster Defence Regiment soldier, it is a pleasure to speak on this issue. I was proud to wear the uniform in days gone by, and I am prouder still of the friendships I made with those who put their life on the line for security and freedom. My constituency of Strangford has an exemplary history of service personnel in the Prison Service, the RUC, the PSNI and all the armed forces. I speak daily to the widows, children and family of those who were murdered while serving Queen and country. My right hon. Friend the Member for Lagan Valley (Sir Jeffrey M. Donaldson) set the scene so well; this debate resounds not only with those intimately affected by relationships with ex-service personnel or current service personnel but should do so for every man and woman in this Chamber, and further afield, who has had their right to life protected by people they will never meet but to whom they owe an eternal debt of gratitude.

Bob Stewart: On behalf of so many other Members, I pay huge tribute, which is not often said, to the politicians of Northern Ireland who have been under huge threat. They have been under just as much threat as members of the Royal Ulster Constabulary or the armed forces, and every day they continue to do their duty to look after their constituents. We pay tribute to you.

Jim Shannon: As always, the hon. Gentleman has a salient point to make in the Chamber. We thank him for the gallant service he gave in Northern Ireland. As a soldier, he made a magnificent contribution to the peace process we have in Northern Ireland, and we thank him for that.

Some people may not know this, but I am sometimes known to be a bit of a fiery person—I believe it to be the Scots blood I have in my veins—and of late it has taken great restraint for me to sit back and view the attempts by many in a so-called “shared society” to rewrite the history of the troubles of our Province. By doing so, they are blackening the name of men and women who deserve nothing other than praise. Most recently, we have seen the complete disregard that Gerry Kelly has shown for the family of local Strangford man James Ferris, who was stabbed while on duty during the night of the Maze break-out and subsequently died from his injuries. This disregard was vile and it should be roundly condemned by all right-thinking people; there is nothing romantic about the Maze prison break-out.
and the death of a prison officer. That this should be glorified by offering a so-called “prize” of a “Valentine’s gift” shows an appalling level of disrespect, insensitivity, offence and lack of remorse. The suggestion that a tale of how prison officers were shot, stabbed and beaten should be acceptable as a Valentine’s gift is vile to say the least. The bizarre world of Sinn Féin representation attempting to rewrite facts never fails to astound and wound the good people of the Province, especially those thousands who have been traumatised by IRA terrorism. I wish to remind people in this Chamber today of the real story there, which is that of a man who served Queen and country and had his life ripped away by unrepentant terrorists. We remember that sacrifice as well.

The latest declassified files have been opened, and am I the only one—I know I am not—who is sick, sore and tired of seeing personal opinions turn into attacks upon past serving soldiers, in this case the members of the UDR? As my hon. Friend the Member for East Antrim (Sammy Wilson) mentioned, a scurrilous opinion about the UDR in 1989 has been recently recorded as fact, which is insulting in the extreme. I served in the UDR in 1974-75 and 1976-77, and every one of those part-time UDR soldiers whom I had the honour of serving with were wonderful people; male and female alike, they joined to stop terrorism, from whatever source it came.

Let me remind hon. Members of a few truths that are backed up by the facts. The facts are that the UDR full-time and part-time soldiers worked long hours, under massive threat, checking under cars and living in the eye of the storm daily, along with their entire families. The facts are that 197 soldiers were killed, the majority when off duty, and a further 60 were killed after they had left the UDR. These are some of the facts of the case and people cannot deny them. I, along with many in this Chamber today, and indeed with most upstanding moral people of the day, was horrified to learn that 1,000 former soldiers, many of whom are in their 60s and 70s, were to be investigated, in respect of 238 fatal incidents. We are talking about men who gave up their family life and their freedom, who witnessed horrors, who were subjected to horrific life-changing scenes, and who held dying comrades in their arms and searched the rubble for missing limbs of their team. Having dealt with all of that, while wearing the Queen’s colours, they are to be subjected to investigations.

I understand very well the concept of closure and wanting justice. I want justice for my cousin Kenneth Smyth, who was murdered by the IRA on 10 December 1971, and for the four UDR men killed at Ballydugan, three of whom I knew personally, yet no multi-million-pound investigation is available for that. So I resent the idea that seems to be promoted at present that one life is worth more than another—it is not, and it never will be. The grief of a mother does not change with the colour of her hair, the area she lives in or the church she attends—it never can do, and why should it? As the Member of Parliament for Strangford, I call on this Government to turn around and do the only thing they can do, which is to ensure that our people are given the credit and fairness that they deserve.

The investigation revealed that bogus claims were made in a concerted attempt to defraud the Ministry of Defence and destroy the reputation of our armed forces, and this can never be allowed to happen. Intimidation of individual soldiers and the impact on their families must be assessed, and support and apologies at least must be given to them all. There must also be an assurance that the disregard shown to soldiers and their families throughout this farce of a procedure will never be allowed to happen again. Action should have been taken more swiftly than this; credible claims should have been differentiated more quickly from the bogus ones, and “innocent until proven guilty” should always have been the fall-back position. With the greatest of respect, this failure by the MOD must be addressed at this moment in time. It has taken the investigations by the Defence Committee and the hon. Member for Plymouth, Moor View (Johnny Mercer) to make a difference, and I congratulate all those involved in that scrutiny. Because of that, I hope that the lessons will be learned by all of us: never should claims without evidence be progressed; never should service personnel be left out on a limb; and never should we leave a man behind as we have seen done here, facing a republican agenda that revolves around attempting to portray murder as freedom fighting and terrorism as the end of oppression.

**Edward Argar** (Charnwood) (Con): I think the whole House is incredibly moved by the hon. Gentleman’s words. From what he is saying, so movingly and eloquently, I believe he would agree that as a House, regardless of party, we owe a huge debt to all these people. I am sure he would join me in saying that, and I wish to join him in sharing his views, which he is expressing so eloquently and movingly to this House.

**Jim Shannon** (Ulster Unionist): I thank the hon. Gentleman for his intervention, which probably came just at the right time.

Democratic Unionist party Members and others today wish to set the record straight for future generations: the atrocities during the troubles, from whichever “side” they arose, were nothing more than evil murder. There is no glory found in taking the lives of 10 men in a van who were on their way to work. There is no honour in leaving wives without husbands, mothers without sons and children without a father. There is no rallying cry around bombs which took the lives of men, women and children within the wombs of women out shopping. There is no victory in the indiscriminate slaughter of people who were worshiping in their church on a Sunday morning. The glory is in the legacy of men and women who gave their all for freedom and democracy; the honour belongs to those who have lived their lives with the sorrow of great loss and yet chose not to retaliate. The rallying cry is for those who quietly ask that the memory of their loved one is not tarnished or dehumanised by lies or media spin. The victory belongs to the right-thinking people of Northern Ireland, who, despite having no reason to trust, love or forgive, have chosen to support the rule of law and justice, and now are waiting for us to give them the support they deserve in these dark hours. I finish with this point: we remember the truth, we stand to honour those who are fallen and we promise to protect their legacy.

2.46 pm

**Danny Kinahan** (South Antrim) (UUP): What a moving speech we just heard from the hon. Member for Strangford (Jim Shannon)—well done to him indeed. I congratulate the right hon. Member for Lagan Valley (Sir Jeffrey M.
Donaldson) on his powerful speech, which set the tone for today. I am really pleased that this debate is happening. I had hoped that we would have one ourselves, but we were not allowed to do so until after the election, so these proceedings are very timely, and I congratulate everyone involved.

The whole point of this lies in looking for fairness and balance in how justice is served, but what I really want to get across is that this is not just a Northern Ireland problem; these were our troops, from the whole of the United Kingdom, and this is a problem that this House must embrace all the way through. We cannot just say that it relies on the legacy being sorted out at Stormont, although we have a huge part to play there and all of us want to see that happen. This is a call for unity, with everyone pulling together so that we come up with a solution. If a Stormont Government are not in place after this election, the duty will fall on this House and all of us to find the right way forward. Let us ensure that we do that.

I have always wanted to say a huge thank you to all those who served in Northern Ireland—not just the soldiers and the security forces, but the community workers and the political staff. There is a mass of people who have done and are doing so much work, and they are the people we should praise. In my party, Doug Beattie, Steve Aiken and Andy Allen are ex-servicemen who show what we have all been through. Andy Allen lost his legs and his eyesight in Afghanistan. He is one of the greatest heroes we have, and he was, and will be again in the future, one of our Assembly Members. He has really gritted his teeth and found a way forward. We must all be proud of that.

I was pleased to hear mention of the Defence Committee report that was put together by the hon. Member for Plymouth, Moor View (Johnny Mercer). It contains terrific recommendations, and it was extremely sad to see how the Government dealt with it and took it from under him. The report has some wonderful recommendations about how we should approach future investigations. If I have any complaint, it is that it talks only about the future; it should consider present and future investigations. It is extremely good that IHA T has been closed down, but we need to look at the recommendations in the report and follow them because there are good ideas there that the House should take on board.

Last weekend, I met a senior officer in the services who told me that he came home the other day to find that two plainclothes detectives had been knocking at his door, asking about the past. Naturally his wife was concerned, and his children were very concerned, as were the neighbours. That is just one example of what is going on at the moment, and that is why we are having this debate. Let us make the most of not only the report, but the chance we have to work together. We really have to find a way through this.

There are good mechanisms in place. The historical investigations unit is a good idea, but we must make sure it does not result in our looking at cases twice. It would be better to give the powers to the police and to carry on with what we are doing now, while making sure they have the powers and resources required to conclude on all matters.

We have to take on board the fact there is a continual tarnishing and blackening of the security forces in Northern Ireland in the papers every week, and we do nothing about it from our side. If one follows what Sinn Féin has been doing—this fits in nicely with the tarnishing I mentioned—one can see that it intends continually to do down our armed services. It calls them imperial and indisciplined, but we know that the 250,000 who served in Northern Ireland were, in most cases, most professional. We have to support them and to make sure that things are fair.

My interest started with the case of Corporal Major Hutchings, so I am pleased that the whole House has pulled together to make sure that we look at this issue. I welcome the Prime Minister’s comments about being fair, balanced and proportionate, but we have to act now. We cannot just keep waiting; we have to keep going.

Bob Stewart: It was a political decision in one case to allow someone’s sentence to be reduced from 105 years to only three years, so surely a political decision could be made to sort out this problem.

Danny Kinahan: The hon. Gentleman is right that it is a political decision, and we have the chance to make it. We must be sure that we do not just give amnesties to the terrorists; we need to find a way forward that involves equivalence. We must find a way that resolves it all. That is possible if we all sit down together.

We need truth and justice for the victims—that must be underneath everything—but there is one thing that has bothered me all the way through and I have found uncomfortable. We are in an election period, and we are being told that we should blame it all on the Belfast agreement, some of the architects of which are in this Chamber—indeed, one of them is the right hon. Member for Lagan Valley, who moved the motion. We should be working together, not attacking each other. It bothers me to hear that Jonathan Powell said in his book that certain members of the party that sits here with me tried to get Tony Blair to write to Dr Ian Paisley, who was our First Minister at the time, to say that they would accept the on-the-runs but blame it all on David Trimble. I hope that is wrong, but I put that out there, because election points were being made today. Nevertheless, to return to my main point, let us all work together.

Mr Dodds: Will the hon. Gentleman give way?

Danny Kinahan: No; I have finished.

2.53 pm

Kirsten Oswald (East Renfrewshire) (SNP): I thank all hon. Members who secured the debate. I will focus on issues that relate to the Iraq Historic Allegations Team, since other Members have fully and eloquently addressed the situation in Northern Ireland. I was not a Member of the House during the Iraq war or when HAT was established in 2010, so I have looked at it afresh. There are three questions: how we got to the point of establishing it; what went wrong with the process; and the terrorists; we need to find a way forward that involves equivalence. We must find a way that resolves it all. That is possible if we all sit down together.

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In a debate on a related topic last year, a Conservative Member told one of my hon. Friends:

“The danger of the argument he is making is that the Scottish National party is turning soldiers from cannon fodder into courtroom fodder.”—[Official Report, 27 January 2016; Vol. 605, c. 200WH.]
When he reflected on that statement, he might have regretted its implication, because members of our armed forces should never be regarded as cannon fodder. Too often, it appears that the last thing to concern the Ministry of Defence is the impact of its decisions on members of our armed forces.

Many hon. Members here today are conscious, as I am, that we ask our armed forces to undertake challenging and dangerous operations. We might not always agree with Government foreign policy or defence strategy, but one of the implications of joining the armed forces is, in part, to pass to others responsibility for deciding who is and who is not an adversary. In return, the people who do the job with the commitment and professionalism that they are renowned for are right to expect the fullest protection we can give them. They have a right to expect the laws that they are required to obey to be clear. The techniques that they are taught to use, the training that they are given and the rules of engagement under which they operate must be in compliance with those laws and kept up to date. When we look at the background to the IHAT process, it seems that the MOD failed in that aspect of its duty of care.

In this place, we can endlessly debate the territorial extension of the European convention on human rights versus the application of international humanitarian law, but in the real world that current and past members of the armed forces are in, those are not things to consider at their leisure if they find that a serious allegation is made against them for something that happened many years ago. IHAT was set up in a desperate effort to address that failure, but it was not the right answer and it was not delivered in the right way.

In my constituency, I have been involved with a case in which IHAT dealt very badly with a veteran. It wasted huge resources sending officers from the south of England to the west of Scotland, and that journey was entirely wasted because they had done no homework. There was a real lack of clarity about their status, and they breached confidentiality by asking members of the community for the veteran’s whereabouts. That was completely unacceptable. He was not hiding and he had not done anything wrong. There is no justification for behaving like some kind of military Sherlock Holmes. There was also an utter failure to provide an opportunity for appropriate pastoral care.

I ask hon. Members to reflect on why it was necessary to put in place such specific resources for the Iraq conflict. Is this just another toxic legacy from that conflict that will disappear over time? It is interesting that one of the significant changes in IHAT was the shift in resources from the Royal Military Police to naval police because of the perceived conflict of interest if the RMP was carrying out inquiries into its own former cases. Perhaps the increasingly complex international framework means that resources of the kind put in place for IHAT need to be planned for to ensure that the process is undertaken with a great deal more professionalism and concern for the wellbeing of current and former service personnel.

That brings me to how we go forward from here. In the Defence Committee report to which other hon. Members have referred, there is a clear acceptance that the IHAT process has been flawed and that the problems that it caused were, in many cases, foreseeable and avoidable. The first principle that the report recommends for consideration is the importance of support for current and former service personnel. That goes to the heart of the issue and of our responsibilities, because no one wants innocent members of the armed forces to be unfairly accused of wrongdoing. They do a difficult and dangerous job and for the most part they do it extremely well.

Justice cannot be served unless processes are managed in a transparent, structured and expeditious way. It is important that the MOD accepts that if poor or illegal practices are taught to service personnel and implemented by them, it needs to step up and accept responsibility, rather than letting individuals take the blame. If cases have been disposed of, it must be assumed that they can be reopened only if compelling new evidence is brought forward. Similarly, cases should be opened after 10 years only in exceptional situations.

The decision to outsource so much of the IHAT operation was particularly unhelpful, but the blanket closure of IHAT and derogation from the ECHR cannot be seen as our primary responses. The desire to distinguish between serious and spurious claims is laudable, but no indication has been given of how the difference can be determined without judicial process. Service personnel deserve to know which judicial process that will be and that the choice has been well considered.

Action is needed to provide an alternative and to avoid the MOD being allowed to continue with processes that are not independent or transparent. If our solution is simply to derogate from the ECHR because we are not prepared to put in place the right framework to deliver, we are sending the wrong message on human rights and potentially causing problems for our troops on overseas operations. There is a danger of confusion and uncertainty for them about what they can and cannot do in that context.

I was disappointed to read the Attorney General’s evidence to the Defence Committee, in which he confessed to having no knowledge of the position taken on these matters by other countries that operate within the ECHR. Given the history and the fact that he was attending as a witness, that showed an extraordinary lack of preparedness from the Government’s legal team.

The Government must not pass responsibility for the interpretation of international humanitarian law to troops on the frontline. Differences of interpretation could put our forces and others around them at risk. The Secretary of State for Defence’s justification that “military advice is that there is a risk of seriously undermining the operational effectiveness of the Armed Forces” just does not stack up. This might be unpalatable to him and the Government but, looking forward, the truth is that simply means that the MOD is compromising the defence of human rights and its responsibility to our armed forces as a cost-cutting measure. Whatever the solution is, that is no solution at all.

3 pm

Steven Paterson (Stirling) (SNP): I thank everyone who has taken part in today’s debate; there have been a number of powerful speeches and a lot of good points have been made.

Given that my time is very limited, I shall simply cut to some observations that I wanted to raise about the Iraq Historic Allegations Team issue. None of us wants
members or former members of our armed forces to be treated unfairly when accusations of wrongdoing are made. The huge backlog of cases at IHAT meant that serving and former service personnel faced extended periods of uncertainty over the accusations that had been made, and we should not be comfortable with that. We must have adequate resources for the investigation of allegations and a system that quickly identifies allegations with no substance or supporting evidence, and throws those cases out. That did not happen initially with IHAT.

As I said in last year’s Westminster Hall debate on IHAT, I would favour exploring whether a criminal charge akin to wasting police time, or even perverting the course of justice, would be appropriate when frivolous or vexatious allegations have been made against service personnel that serve only to bog down investigators, cost taxpayers money and—perhaps most importantly—heap unfair suffering on service personnel who find themselves being investigated on spurious grounds. The possibility of pursuing the prosecution of time wasters would serve to deter the investigation of unfounded cases and root out those few cases that need to be answered and properly investigated.

I also want to comment on the Government’s decision to derogate from articles 2 and 5 of the European convention on human rights as a response to the situation that arose with IHAT and more widely, as has been discussed today. I am concerned that that decision blurs rather than defines the high standards that we rightly expect and overwhelmingly see delivered by our armed forces, and sends entirely the wrong message to the rest of the world about our commitment to human rights.

To be clear, I believe that our service personnel should be held to the high standards of behaviour that we expect, but they should also be fully supported by the Ministry of Defence when allegations are made. That certainly means being offered proper legal representation and support. Allegations must be taken seriously, but equally serious must be the consequences of bringing vexatious cases, which many of us suspect may have been brought previously.

Finally, I turn to the argument put forward by the right hon. Member for New Forest East (Dr Lewis) yesterday at Prime Minister’s questions, which was also mentioned by the right hon. Member for Lagan Valley (Sir Jeffrey M. Donaldson): the possible application of a statute of limitation to the bringing of such cases. We should seriously consider that idea because it might have some merit. There may be pros and cons, but it is certainly worth considering. I hope we can take it forward as a proposal and investigate it properly.

We all support the idea of justice being done, but that also includes fairness to our armed forces personnel, who are entitled to due process in answering allegations made within a reasonable timeframe. There will, of course, be exceptions, so we have to consider the issue carefully.

Our armed forces have our support and gratitude for the difficult work they do on our behalf in defending us and our values. That means that they must live by the same values that they defend with such distinction. We must make sure that we look after them and treat them with the fairness under the law to which they are entitled.

3.3 pm

Gavin Robinson (Belfast East) (DUP): It is a privilege to follow the hon. Members for East Renfrewshire (Kirsten Oswald) and for Stirling (Steven Paterson). As we get close to the conclusion of the debate, they have helpfully widened its scope to include the entirety of the content of our motion. Although in my party we have a particular and strong view, given our history and experience in Northern Ireland, there is a wider context and a wider challenge for the Government, which our motion also seeks to address. I am grateful for their comments.

I was mildly apprehensive that, in speaking towards the conclusion of the debate, I would find myself repeating points that had already been made. Now that I have been bestowed with the responsibility of summing up the debate, my responsibilities happily align with my apprehensions, so I am keen to help to summarise this incredibly important debate. Given the seriousness not only of this singular issue but of the wide range of complex political dilemmas that we face in Northern Ireland, it is rare that we have such an opportunity to have such a wholesome and full debate. On behalf of our party, I hope it is in order for me to thank all Members who have participated, whether through substantive speeches or interventions. Some have been erudite, some have been pithy and some have been pointed, but all have contributed to the substance and importance of the debate. For that, I am grateful.

My right hon. Friend the Member for Lagan Valley (Sir Jeffrey M. Donaldson) commenced the debate superbly following his contribution sought to emulate the aspiration to have balance in how we deal with legacy cases, very few touched on the core of the problem.

I am grateful for the Secretary of State’s contribution. I know that he and the responding Minister will not be able to give a wholesome commitment, but they should keep alive in their minds the fact that to leave the resolution to this problem solely with the Stormont House agreement and the legacy resolutions in Northern Ireland would be to continue to allow a veto by those associated with the greater perpetrators of crime and terror in Northern Ireland, and that would be a shame.

If we are to look purposely at balance, it is important that the Government consider carefully and clearly how they will address the imbalance and inequity of the provisions of the Good Friday agreement, whereby terrorists and paramilitaries get two years and a “get out of jail free” card. That was clearly available in public discourse, considered, legislated for and endorsed in a referendum, but it is wrong. It is unbalanced and imperfect, and iniquitous to those who struggle for the memory of loved ones in our Province of Northern Ireland. I hope that the Department is working to address that conundrum, and, similarly—we have been through this in great detail—the on-the-runs scheme of consecutive Governments—not only the Labour Government, although that is where it found its genesis.

The Labour Government created a system whereby they encouraged amnesty for terrorists, whereby those for whom extradition orders were never pursued, and people were allowed to travel back into the United Kingdom without even the fear or prospect of arrest, inquiry or investigation, never mind prosecution.
Even the Director of Public Prosecutions for Northern Ireland, Barra McGrory, who is much malign in all of this, helpfully contributed to the inquiry of the Select Committee on Northern Ireland Affairs into on-the-runs, and highlighted how odd a position this was for investigating authorities. For as long as there is an imbalance in favour of those who perpetrated crime and terrorism in Northern Ireland, we will continue to raise this issue.

It is important to say that of the enormous number of contributions made, there are four Members of Parliament who could have been here, yet are not. The Members for West Tyrone (Mr Doherty), for Belfast West (Paul Maskey), for Newry and Armagh (Mickey Brady) and for Mid Ulster (Francie Molloy) all have a view on how we should deal with the soldiers and servicemen of this country: get them in the dock and put them in jail. Yet they are not here making those representations; they enjoy the veto that they have had up until now, but I hope that that will change.

The issues that we have dealt with this afternoon draw on emotion, as we saw from the hon. Member for South Down (Ms Ritchie), who reflected on her personal experience in Northern Ireland. Our experiences cross political divides. The horror faced by our community and the individuals sitting around me is real and it does not discriminate across the political boundary.

When my hon. Friend—and he is a friend—the Member for Strangford (Jim Shannon) delved into the emotion around the historical difficulties faced in Northern Ireland, I do not think that the importance of this issue was lost on anyone in the Chamber. No matter how personally or deeply affected we might have been in the past, this issue is real today. That is why we hope that today’s motion, in the name of my right hon. Friend the Member for Lagan Valley, can attain the unanimous agreement of the House. The Government should bring forward measures to ensure balance. The hon. Member for South Antrim (Danny Kinahan) said that the duty fell on us all. Friend the Member for Lagan Valley, can attain the unanimous agreement of the House. The Government should bring forward measures to ensure balance. The hon. Member for South Antrim (Danny Kinahan) said that the duty fell on us all. Friend the Member for Lagan Valley, can attain the unanimous agreement of the House. 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3.11 pm

The Parliamentary Under-Secretary of State for Northern Ireland (Mr Doherty) for West Tyrone (Mr Doherty) by thanking speakers on both sides of the House. The hon. Member for East (Gavin Robinson) was generous in welcoming all the contributions and differing views from across the House. I would like to offer the same welcome to people who speak with much passion on this issue. Having attended Westminster Hall debates and meetings in the Tea Rooms, and having received dozens of letters from MPs and constituents on this matter, I know that this is a really important issue. I have spoken to the right hon. Member for Lagan Valley (Sir Jeffrey M. Donaldson) about this before, and I know that the passion with which he spoke today was reflected in the Westminster Hall debate he led so powerfully a few weeks ago.

This is an incredibly important subject that generates great strength of feeling, and I shall try to address some of the issues raised. Before that, however, it is important to put on the record again the Government’s deep and abiding admiration for the men and women of our armed forces and police who have served not only in Northern Ireland but in many other arenas, as the motion notes. As my right hon. Friend the Secretary of State made clear in his opening remarks, without their sacrifice and willingness to put their lives at risk to protect the people of Northern Ireland from terrorists willing to kill, bomb and maim and to maintain the rule of law, the peace process would not have succeeded. They have made a huge effort.

The vast majority of the more than 250,000 men and women who served in the Royal Ulster Constabulary and the armed forces in Northern Ireland during the troubles carried out their duties with exemplary professionalism, but the rule of law applies to all and must be allowed to take its course, independent of Government and political interference. Nevertheless, I acknowledge the concern among many veterans about how past events are being investigated in Northern Ireland. The justice system there is a devolved matter and the responsibility of the Northern Ireland Executive and Assembly, but the Government are concerned that the current systems for investigating the past do not reflect the fact that 90% of deaths in the troubles were caused by terrorists and overall disproportionately focus on the actions of soldiers and the police.

Reform is needed, and it must be in the interests of all, including the victims and survivors who suffered the most. That is why this Government support the full and faithful implementation of the Stormont House agreement to bring in a new, balanced, proportionate and fair approach in dealing with Northern Ireland’s past. This will include a new historical investigations unit to take over from the Police Service of Northern Ireland and the police ombudsman investigations into outstanding troubles-related deaths. This will include investigations into the murders of nearly 200 soldiers, including those who were killed in the Ballygawley bus bombing and the awful events at Warrenpoint.

I now turn to some of the many thoughtful comments made by Members of the House. Where I cannot give full details, I would like to write to some of them, because there were some challenging questions and thoughtful contributions. The hon. Member for Ealing North (Stephen Pound) gave an excellent performance, as always. Having spent some time in the House with him, I know of his huge passion for Northern Ireland and his very considered and thoughtful contributions. He has been forthright in offering me thoughts and exchanging his great knowledge on Northern Ireland, not just in the time that I have been in this post but over recent years. I really do appreciate his thoughts.

The hon. Gentleman made a particularly appropriate comment in saying that progress in the future requires a settlement of the past. It set much of the tone of the debate, on the back of the speech by the right hon. Member for Lagan Valley. The hon. Member for South
[Kris Hopkins]

Down (Ms Ritchie) spoke right at the beginning about the temperate language that was required. That was also important in setting the tone. An event in an election period has an opportunity to be unworthy of this House, but today’s debate has been very measured and temperate. I think we all value her contribution.

My hon. Friend the Member for North West Norfolk (Sir Henry Bellingham) has been biding my ear on this issue for many months because he is so passionate about it. I know that the leadership he has offered to colleagues on the Government Benches and on the Labour Benches is respected and welcomed. One of his points, which was reiterated in many other speeches, was that the restraint of our armed forces should be recognised. We often focus on mistakes and errors, but those 250,000 people, over 30 years, were very restrained and made a massive contribution to bringing and maintaining peace, and to maintaining law and order in a place that had quite often resorted to chaos. The hon. Member for North Antrim (Ian Paisley) mentioned the 30,000 police officers who were also very professional in their approach. I have the great privilege of working with many police officers today who maintain that professionalism.

The hon. Member for Edinburgh North and Leith (Deidre Brock) talked about police officers’ dedication to duty. She mentioned the cowardly attack on the police officer yesterday. We all condemn that in this House.

My hon. Friend the Member for Canterbury (Sir Julian Brazier) mentioned the need for balance in addressing the issues. In particular, he said that only fresh evidence should be submitted. I want to reassure him about the historical investigations unit. The legislation will include specific tests that must be met in order that previously completed cases can be reopened for investigation. Specifically, new and credible evidence that was not previously available to the authorities will be needed before the HIU will open and close cases. I know that that reassurance is also important to many other Members.

Sammy Wilson: Does the Minister accept that a new element will also be introduced to the cases, whereby there will not have to be new evidence but simply a claim that there are new ways of looking at the evidence? That is one of the weaknesses in the case he is making.

Kris Hopkins: The case I am making is that the present system is not appropriate. It is disproportionate. We need a new system, which was agreed under the Stormont agreement. As I have said, if we get to the point where we can implement the Stormont House agreement with an Assembly that is working and functional, we will have an opportunity to address the points raised by my hon. Friend the Member for Canterbury, which we all believe is appropriate.

The right hon. Member for Belfast North (Mr Dodds) paid tribute to the armed forces, as many others have done, and commented on the cowardly acts of those who sought to murder a police officer yesterday. He also noted that more than 7,000 individuals were awarded bravery medals for their contribution to Operation Banner. I agree with his specific point about the claim that misconduct was rife. We will not allow history to be rewritten and for a different narrative to take its place. Lots of brave people served and sought to bring peace and maintain law and order. Misconduct was not rife in the British forces. There were good people trying very hard to maintain law and order.

The hon. Member for Upper Bann (David Simpson) said that there has been peace for nearly 20 years and that 90% of those who died did so at the hands of terrorists. I have already referred to the hon. Member for South Down, who said that it was possible for the Assembly to have a positive future on the far side of the election. She talked about young people wanting hope. We all want to make sure that we can get to the other side and make it work.

The hon. Member for Strangford (Jim Shannon) made an extremely emotional speech. He said that he was sick, sore and tired of those who attack the Ulster Defence Regiment. Having worked with the UDR when I was out there, I know that they were very brave. When I returned home to Yorkshire, they continued, like many Royal Ulster Constabulary officers, to go home under threat. I recognise the passion with which the hon. Gentleman supports them. He released his emotions. We recognise that he is a good guy.

The hon. Member for South Antrim (Danny Kinahan) talked about fairness and balance and called for unity. We all have an obligation to make sure that we get to the other side of the election and have a functioning and working Assembly.

Finally, I reiterate this Government’s commitment to making progress on this issue. Following next week’s Northern Ireland elections, we will all have a massive obligation. The hon. Member for Belfast East said that that should apply not just to people in Northern Ireland, but to all of us. We all—The Secretary of State, I and others with an interest—want to make this work. I assure Members that we will do everything we can to make it a success.

Question put and agreed to.

Resolved.

That this House acknowledges the service and sacrifice of the armed forces and police during Operation Banner in Northern Ireland as well as in other theatres of conflict in Iraq, Kosovo and Afghanistan; welcomes the recent decision to close down the Iraq Historical Allegations Team; and calls on the Government to take steps to ensure that current and future processes for investigating and prosecuting legacy cases, whether in Northern Ireland or elsewhere, are balanced and fair.
thought that they were coming to Britain—children from Syria, Somalia and Darfur who have told journalists that they may as well clamber on to lorries to get to safety now, as they have given up on our country keeping its promises.

**Stephen Timms** (East Ham) (Lab): We were led to expect that there would be at least 3,000 children. My hon. Friend will recall the statement by the then Minister for Immigration, now the Secretary of State for Northern Ireland, on 21 April:

“We will commit to resettling several hundred individuals in the first year with a view to resettling up to 3,000 individuals over the lifetime of this Parliament, the majority of whom will be children.”—[Official Report, 21 April 2016; Vol. 608, c. 19WS.]

Is it clear to her why that clear commitment has been broken?

**Alison McGovern**: My right hon. Friend makes a very good point, and one that I will direct to the Minister. It is his responsibility to answer that question today.

The Government made two arguments to justify their decision. I will talk about pull factors later, but first, let me deal with local authority capacity. It is not true that there is no space left for Dubs children in local authority care. The Home Office cannot make that claim because it has not even asked about Dubs spaces in future. Let us consider Lewisham. It said that it can take 23 children, but it has received just one. How many places did local authorities offer for Dubs children? Does the Home Office know? If not, how can Ministers say that there are no places left? Will the Minister publish the figures?

Will he tell us how many children each local authority has taken, so that civil society groups and Members of Parliament can work with them to try to get more spaces? The House deserves answers. There is much more to be done with local authorities to resettle children under the Dubs scheme. We cannot and should not give up.

**Tom Brake** (Carshalton and Wallington) (LD): Would the hon. Lady, like me and I am sure other Members, like to know from the Government how many people have been allowed to come under the equivalent of the Canada sponsorship scheme? As I understand it, so far two people have been accommodated under that scheme.

**Alison McGovern**: I thank the right hon. Gentleman for his question, which, again, the Minister must answer today.

It is deeply depressing to start a debate that was supposed to focus on how to build on the Dubs amendment by having to fight the same fight over again. The debate is about how we can do more for the many unaccompanied child refugees stuck in Greece and Italy. The Minister will talk about the fantastic support that this country offers refugee camps in the middle east and north Africa, how much we spend and how we do not want people, least of all children, to board those boats and make that crossing. However, we must move beyond those generalities. We are talking about desperate individuals, and hundreds of children do board those boats and end up in Greece and Italy.
When they arrive, they remain vulnerable to the same traffickers who put them on the boats in the first place. They are exploited physically and often sexually. They are made to see and endure things that no child should ever have to. Unaccompanied children are the most at risk, and as the conflict continues unabated in Syria and parts of Africa, more children arrive in Europe without an adult to look after them.

Charlie Elphicke (Dover) (Con): The hon. Lady is making a passionate case for her view. I represent Dover, and across the channel we had the Calais jungle, which was the biggest migrant magnet, where people were condemned to live in squalor. They were there in the hope of getting into Britain. The problem is that taking people in from Europe simply increases the pull of the migrant magnet. We know that because we are on the frontline.

Alison McGovern: As a Member of Parliament who also represents a port area of our country, I pay tribute to all those who work to keep our ports and our borders safe. I will come to the hon. Gentleman’s argument about a pull factor in a moment.

Brendan O’Hara (Argyll and Bute) (SNP): Some of us were lucky enough last night to attend a screening of Ross Kemp’s documentary, “Libya’s Migrant Hell”, an outstanding, if harrowing, account of what is going on in Libya. It should be compulsory viewing for all hon. Members. Given that Amnesty calculates that one in four of the people who make that journey are children, does the hon. Lady agree that it is incumbent on us to show far more compassion and protect that most vulnerable group?

Alison McGovern: The hon. Gentleman makes a very good point, with which many hon. Members will agree. To put it simply, the risk to children does not end when they reach dry land. The boat may be behind them, but the danger is not. The refugee camps, especially in Greece, are overflowing, with children being left outside, cold and alone. In Greece, only about half of all unaccompanied child refugees are in official shelters. The rest are stuck in squats waiting for their applications to be processed. Even if they do find shelter, they are very vulnerable indeed. This simply cannot go on. We have a duty to help these children and we must not turn them away.

Mr Jim Cunningham (Coventry South) (Lab): Some of these children have relatives in this country. I would be very interested to know how the Minister is going to respond to this: how many of those children’s applications are still outstanding?

Alison McGovern: My hon. Friend asks a crucial question. If, by the end of the debate, the Minister has not answered that question, I think many of us will be up on our feet demanding answers.

We made great progress, working with the French authorities, on resettling children under Dubs and, as alluded to by my hon. Friend, under the Dublin III regulation where children have family members living in this country. I welcome the progress made on that front, but we are still asking Greece and Italy, two countries that are not equipped to deal with the refugee flows by themselves, to accommodate the vast majority of them. According to UNICEF, more than 30,000 unaccompanied children arrived in those two countries last year alone. That is difficult, to say the least, for those countries, problematic for Europe and, most of all, bad for the children themselves.

We know that, despite our best efforts, children are still making the journey alone. We know they are arriving in Greece and Italy, which are not able to deal with them all. We know that many have family here and that it is in their best interests to be transferred to the UK under the Dublin agreement. So why are we not doing more to help? Some 30,000 children arrived in Greece and Italy last year, but just eight of them transferred to the UK. One member of Home Office staff in Greece and one in Italy are charged with assessing and processing children whose best interests lie in a transfer to the UK.

Ms Karen Buck (Westminster North) (Lab): I congratulate my hon. Friend on making a very powerful speech. Many Members, particularly those of us with city constituencies, will have had extensive experience of working with former unaccompanied children who are resident in this country. We know that the length of insecurity and uncertainty that prevails before they can make a successful application often leaves permanent scars and damage, particularly to their mental health. Is it not absolutely essential that we cut through that and provide certainty for as many children as we can as quickly as possible?

Alison McGovern: My hon. Friend speaks from great experience and I hope the Minister listened to what she said. If the Minister is really prepared to consider this matter, he should watch the documentary made by Liverpool footballer Dejan Lovren about his experience as a refugee and the uncertainty that he lived through. He has been brave in speaking openly about his life. I encourage the Minister to take heed of his words. It is no wonder that it has taken the best part of a year for many children’s applications to be processed, leaving them in the kind of limbo my hon. Friend mentions.

Let me be clear with the Minister. There are agencies working in Greece and Italy with the capacity to make referrals, but they will not raise the hopes of children when the process itself is so dire. The Government must commit today to streamlining the system, so that agencies and children have confidence in it and can start to make referrals quickly. We know that this can be done because it was done in France when hundreds of applications were processed in a matter of weeks. This situation is just not acceptable and we must do more.

I want to address an argument we hear constantly from the Government when we talk about resettling refugees—a line we have heard repeatedly from the Home Secretary, especially when talking about the Dubs amendment. She says it encourages people traffickers and that it acts as an incentive for perilous journeys. We have heard again today that it is a draw for migrants. The Government must drop this feeble line of argument once and for all.

People are not getting on those boats because of pull factors; they are doing so because they are fleeing war, poverty, famine and exploitation in their own countries. Even refugee camps in Greece or Italy, dangerous though
they are, are safer than the hell they are running away from. We know this and the Government know this. If they do not, they should try to understand the reality. They should look at a picture of the ruins of Homs or Aleppo and tell me again about pull factors. They should see the desperation on the faces of starving people in Yemen or Somalia and explain to me again how Dubs was an incentive. They should speak to a child escaping forced servitude as a soldier in Eritrea, and repeat again to me that our immigration system is a draw. It is not; it was not; and we should not pretend otherwise. Have the Government any hard evidence to support that claim, and, if so, will the Minister produce it?

If the Government really believe the pull factors nonsense, there is just one obvious change that they could make. Under the current system, children in camps in the region can only apply to be transferred under Dublin III if they have a parent living in the United Kingdom with whom they can be reunited, but for children already in Europe, the rule can apply to extended families, grandparents, siblings or aunts and uncles. However, many of these children are orphans.

James Cleverly (Braintree) (Con): I genuinely thank the hon. Lady for giving way, but does she not recognise that the idea that pull factors do not exist just because push factors do exist is an inappropriate construct? There can be both push factors and pull factors; they are not mutually exclusive.

Alison McGovern: If the hon. Gentleman is suggesting that safety is a pull factor, I agree with him. If he is suggesting that not starving is a pull factor, I agree with him. If he is suggesting that escaping the bombs dropping on a child’s head is a pull factor, I entirely agree with him.

This debate will continue. I think it right for us to have the debate out in the open, and Members who disagree with me will have a chance to make their case, too.

Charlie Elphicke: Will the hon. Lady give way?

Alison McGovern: I will not, because I need to end my speech now.

As I was saying, many of these children are orphans who have no parents with whom they can be reunited. However, the Government are effectively saying that a child in a refugee camp in north Africa who has a grandparent in the UK is not eligible, but if that child got on a boat and went to Italy, he or she would be. That is madness. Will the Minister agree to think again and allow children in the region to apply under Dublin III to be reunited with their extended families in the UK?

As the Minister has heard from Members on both sides of the House, there are many points that he must address in his speech. In respect of Dublin III, will he commit himself to improving the system in Greece and Italy? Will he send more staff, speed up the processing of applications and work with the agencies in those countries to identify eligible children? Will he commit himself to allowing Dublin transfers from the region to extended families in the UK? In respect of Dubs, will he show us the figures on local authority capacity? Will he at least agree to monitor capacity and increase the numbers where possible? Will he, once and for all, drop the pretence that the main factor that is dragging children on to those boats is our immigration system, rather than war, poverty and famine?

I started by saying that this was not a party-political issue, and I stand by that. This is about British values, which we all share, and our desire to honour those values. Across Europe and the world, people are questioning whether we mean what we say when we talk about Britain as a welcoming, open, tolerant and decent country. It is up to us to show that we are who we say we are, that we will live up to the legacy of our past and that we will not turn away from the suffering and desperation of children on our own doorsteps who need our help.

Several hon. Members rose—

Mr Deputy Speaker (Mr Lindsay Hoyle): Order. May I suggest to all Members that they speak for up to nine minutes? If everyone can do that, everyone will have an equal amount of time.

3.43 pm

The Minister for Immigration (Mr Robert Goodwill): I thank the Members who tabled the motion, and I am grateful to you, Mr Deputy Speaker, for agreeing to allow me, exceptionally, to speak early in the proceedings. I thought it would be helpful if I set out the Government’s position on this important matter at the outset. I hope that, by doing so, I can better inform the debate that will follow, and correct much of what has already been said in the debate and, indeed, in the media.

Britain has a proud record of helping the most vulnerable children who are fleeing conflict and danger. I want to underline this Government’s commitment to supporting, protecting and caring for the most vulnerable asylum-seeking and refugee children affected by the migration crisis. Let me start by making one thing clear: the Government are absolutely and fully committed to helping and supporting the most vulnerable children. In the past year, we have given refuge or other forms of leave to more than 8,000 children, and in the first two weeks of this month alone we have resettled more than 300 refugees in the UK, about half of whom are children. Indeed, just today 80 Syrian refugees arrived in Ulster as part of the Syrian vulnerable person scheme. The Government have certainly not, as some have suggested, closed their doors.

The Government strategy is to resettle the most vulnerable refugees directly from the regions. That is how we stop traffickers and smugglers exploiting vulnerable people and children affected by conflict. By the end of this Parliament, we will have resettled 20,000 Syrian nationals through our Syrian vulnerable person resettlement scheme, one of the biggest resettlement schemes this country has ever undertaken, and a further 3,000 of the most vulnerable children and their families from the middle-east and north Africa region under the vulnerable children’s resettlement scheme. Today, I am pleased to update the House that over 5,400 individuals—slightly more than the figure that was mentioned by the right hon. Member for Carshalton and Wallington (Tom Brake)—have been resettled under the Syrian vulnerable person scheme since its expansion in October 2015.

Tom Brake: I was referring to the Canadian sponsorship scheme. A similar scheme for community groups was supposed to have been set up in the UK, under which, I understand, the royal total of two people have been able to come.
Mr Goodwill: I met Canadian representatives when visiting refugee camps in Jordan. We have measures in place, as part of the scheme for the 20,000, to enable community groups to take people to come here. Under the Dublin proposals, if grandparents can show that they can care for children, those children can come here from another EU country. Those children must, of course, claim asylum in the first safe country they reach.

Crucially, our resettlement schemes help to ensure that children do not become unaccompanied. They allow children to be resettled with their family members before they become unaccompanied, and before attempting perilous journeys to Europe.

Wendy Morton (Aldridge-Brownhills) (Con): I am grateful to my hon. Friend for offering clarity. I want to be absolutely clear. Will he confirm that the Government are continuing to accept children into this country?

Mr Goodwill: Yes, as I said, last year about 8,000 children came to this country, and, indeed, there are 4,500 unaccompanied children in local authority care at this moment.

We have pledged over £2.3 billion in aid in response to the events in Syria and the region—our largest ever humanitarian response to a single crisis—and we are one of the few EU countries to meet our commitment to spending 0.7% of gross national income on overseas aid. We have also committed over £100 million of humanitarian support to help alleviate the Mediterranean migration crisis in Europe and north Africa. I am proud of the part we are playing in this matter.

Catherine West (Hornsey and Wood Green) (Lab): I thank the Minister for holding a surgery for MPs recently to clarify points within his brief, but does he believe that his statement on 7 February was in line with the will of this House on the Dubs amendment?

Mr Goodwill: I will come on to that, and, indeed, it is important that one reads the Dubs amendment and looks at amendments rejected by this House in that regard.

Within Europe, in 2016 we transferred over 900 unaccompanied asylum-seeking children to the UK from other European countries, including more than 750 from France as part of the UK’s support for the Calais camp clearance. According to the latest EU resettlement and relocation report, since July 2015 the UK has resettled more people towards the EU’s overall resettlement target than any other EU member state. In 2016, we transferred almost as many unaccompanied children from within Europe to the UK as the entire EU relocation.

More broadly, with UK support, UNICEF aims to provide shelter, food, essential supplies and medical assistance for 27,000 children and babies. UK aid to the International Committee of the Red Cross supported activities including family reunification, and we also funded the secondment of child protection specialists to work with UNICEF in Croatia, Macedonia, and Serbia. In Greece, we have so far spent £28 million to support migrants and refugees through key partners such as the UNHCR, the International Organisation for Migration and the Red Cross. This support has reached more than 250,000 people.

Charlie Elphicke: I thank my hon. Friend for setting out the facts. Does he agree that we must be careful to avoid unintended consequences? The sentiments and intentions of those on the Opposition Benches are very sincere and good, but the road to the hell of the Calais jungle is paved with those kinds of intentions and that kind of pull-factor? We cannot have that squalor again.

Mr Goodwill: We must certainly be aware that pull factors can be created when statements are made that might encourage people to enlist people traffickers.

Stella Creasy (Walthamstow) (Lab/Co-op): Does the Minister recognise that the smugglers’ best sales technique is to say that there is no alternative safe, legal route for children to get to safety in the United Kingdom?

Mr Goodwill: The whole point of the Government’s approach is to help people in the region, so as to prevent them from making those perilous journeys. In the majority of cases, these are not orphaned children but children whose parents are sending them on a hazardous journey. We have only to look at the mortality in the Mediterranean, where pull factors are encouraging children to make those journeys. Sadly, many of them end up in a watery grave.

Our £10 million refugee children fund for Europe prioritises unaccompanied and separated children. It provides immediate support and specialist care, alongside legal advice and family reunification where possible. In Calais, we responded to a humanitarian need to deliver a complex and urgent operation in tandem with a sovereign member state.

Mr Jim Cunningham: Will the Minister give way?

Mr Goodwill: I want to make some progress, if I may.

We continue to work closely with the French to address the situation in Dunkirk, but the UK and French Governments are clear that migrants in northern France who want to claim asylum, including children, should do so in France and not risk their lives by attempting to enter the UK illegally. The French Government have made clear their commitment to provide migrants, including children, who have claimed asylum in France with appropriate accommodation and support. Under the Dublin regulation, those asylum-seeking children with close family members—not just parents—in the UK can be transferred here for assessment of their claim.

We are fully committed to the timely and efficient operation of the Dublin regulation, and we support the principle of family reunification. We have engaged with partners on this issue and we will continue to do so over the coming weeks and months, to ensure that children with close family in the UK can be transferred here for assessment of their asylum claim quickly and safely. We are also working closely with EU member states to deliver this, and we have secondees in France, Greece and Italy who are supporting work on the Dublin regulation and on section 67.

Mr Jim Cunningham rose—

Alison McGovern rose—

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP) rose—
Mr Goodwill: I should like to make a bit of progress on section 67, which has been raised in the debate.

I am pleased to update the House today by announcing that the Home Secretary will be writing to her counterparts in France, Greece and Italy to ask for referrals of eligible children to the specified number of 350. The basis on which these transfers will be made will be published in due course. The Government have always been clear that we do not want to incentivise perilous journeys to Europe, particularly by the most vulnerable children. It is not and has never been the case, as has been suggested, that the Government would accept 3,000 children from Europe under section 67 of the Immigration Act 2016—

Several hon. Members rose—

Mr Goodwill: I want to make this point, because this has been misrepresented on many occasions.

It has been suggested that the Government would accept 3,000 children from Europe under section 67 of the Immigration Act, or that this would be an ongoing obligation. In fact, Parliament voted against such an amendment. The legislation makes it clear that the Government have the obligation to specify the number of children to be relocated, and to relocate that number of children to the UK. That is exactly what we are doing. There has been some suggestion that my predecessor confirmed that 3,000 children would come and be resettled here. He was actually referring to the vulnerable children’s resettlement scheme, and we are committed to bringing 3,000 children and their families under that scheme by the end of the Parliament.

Several hon. Members rose—

Mr Goodwill: I need to make some progress, because Mr Deputy Speaker has asked me to be brief.

We consulted extensively with local authorities over several months to arrive at the number of additional children they could take under section 67. My predecessor wrote to all local authorities, as I have done, and we held a national launch event and more than 10 regional events in every part of England, as well as one in Scotland and one in Wales. More than 400 local authority representatives attended the regional events. In order to help local authorities to care for the more than 4,000 unaccompanied asylum-seeking and refugee children already in their care, we have launched the national transfer scheme and significantly increased funding for unaccompanied asylum-seeking children by between 20% and 28%. I should also make it clear that the 0.07% for local authority capacity is not a target; it is an indication of when it would be inappropriate to transfer further unaccompanied asylum-seeking children to that local authority.

Margaret Ferrier (Rutherglen and Hamilton West) (SNP): Several local authorities, including Glasgow City Council, have said that they were not consulted on their capacity to house refugees and that they remain ready, able and willing to offer shelter to more unaccompanied children. Will the Minister clarify whether his Department regularly re-consults local authorities to maintain an up-to-date overview of the capacity to take such children?

Mr Goodwill: I regularly engage with local authorities. If there are places in Scotland, please make them available for the national transfer scheme, because some local authorities in the south of England—in Kent and Croydon in particular—are over capacity. We need those places.

Several hon. Members rose—

Mr Goodwill: I will give way to the hon. Lady behind me.

Nicky Morgan (Loughborough) (Con): “My right hon. Friend”, I hope. May I take the Minister back to his point about the number of Home Office staff in France, Greece and Italy? I think he was saying that he wanted staff to help with the scheme, but he mentioned in a meeting that I had with him that only one staff member was out there. If there were more staff, there would be more confidence that the right children were being referred under the scheme.

Mr Goodwill: We have 115 staff in Greece helping the Greek authorities in several areas, not least the successful operation of the EU-Turkey agreement that is preventing children from making perilous journeys.

Several hon. Members rose—

Mr Goodwill: I will give way to the hon. Member for Coventry South (Mr Cunningham), who has been very persistent.

Mr Jim Cunningham (Coventry South) (Lab): I thank the Minister for giving way. Going back to a point that I made to my hon. Friend the Member for Wirral South (Alison McGovern), can the Minister tell me how many children with relatives in this country have outstanding applications to come here?

Mr Goodwill: I can certainly let the hon. Gentleman have that number, but the Dublin process has been accelerated following the clearance of the Calais camp and the majority of the 750 children whom we brought across from Calais came under the Dublin process. When children think they have a claim under the Dublin procedure, they need to claim asylum in the country that they are in so that they can be fed into the Dublin process. It is important that they claim asylum first.

Mr David Burrowes (Enfield, Southgate) (Con): At the request of the Prime Minister, the Independent Anti-slavery Commissioner visited Greece and Italy last year and reported back with recommendations. He said that the Dublin process was simply not working for children. It is taking too long and there is a lack of clear information about how the process works and of specific updates to children on their particular case. Whether there are 115 experts or the 75 that were previously requested, the system is not working, and we must ensure that it works well for children and their relatives. Will there be a response to that call-out from the Independent Anti-slavery Commissioner?

Mr Goodwill: It is important that the Dublin process works effectively and that it takes into account the safeguarding of children. Checks must be made to ensure not only that the family connection is genuine, but that children will be cared for. Things have not worked out for several children admitted under the Dublin protocol, which is why the specified number that was set with local authorities has left some slack in the system. There are 50 places for failed Dublin relocations, and we expect that number to be a minimum.
Mr Peter Bone (Wellingborough) (Con): The Minister makes a crucial point. So many children who have come here, whether by claiming asylum or as a refugee, are put with alleged family members who are actually part of the trafficking system. That is a crucial point, and I am glad that the Government recognise it.

Mr Goodwill: That is precisely—

Jess Phillips (Birmingham, Yardley) (Lab): Will the Minister give way on that exact point?

Mr Goodwill: May I answer my hon. Friend’s point before I perhaps take another intervention? That is precisely why checks must be made and why we have given resources to local authorities to ensure that they can check that the children’s welfare is being cared for.

Jess Phillips: After giving such detailed analysis to the House, will the Minister provide the exact same detailed analysis in response to the point of the hon. Member for Wellingborough (Mr Bone) about how many people have been convicted in the UK for trafficking in, say, the past year? Will he also place in the Library the evidence that has led him to emphasise the pull factors? Have all the people coming in been surveyed? I want to know what the evidence is.

Mr Goodwill: We certainly take the prosecution and detection of people-trafficking crime seriously, and we are working particularly closely with our French colleagues. I was in Holland and Belgium last week to meet my opposite numbers, and we have joint operations at the ports to ensure that people-trafficking gangs can be arrested and prosecuted. I will give the hon. Lady the actual numbers, but there has been a number of successful prosecutions.

Several hon. Members rose—

Mr Goodwill: We will continue to be at the forefront of international efforts to address the migration crisis. The UK can be proud of its overall contribution to date, and it can be proud that we will continue to deliver on the programmes I have described.

4.3 pm

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): I congratulate my hon. Friend the Member for Wirral South (Alison McGovern), the hon. Member for South Cambridgeshire (Heidi Allen) and others on securing this important and timely debate.

I welcome the Government’s work to support refugees by investing in camps in the region and setting up the Syrian vulnerable persons relocation scheme. I also welcome the work with the French last autumn to clear the Calais camp and get the children to safety. There has been a lot of important work, including by the Minister and the Home Secretary, and we should welcome that. I also pay tribute to their work with the French authorities in the autumn that got a lot of kids out of deeply dangerous circumstances in Calais and Dunkirk, where they were at huge risk of smuggling and trafficking, and into centres. The work brought many vulnerable children to this country and safety. This was Britain doing our bit to help some of the most vulnerable and at-risk children.

We have examples of teenage girls from Eritrea who have been abused, who have been raped and who have been through terrible ordeals but are now safe in school in Britain. We have examples of 12-year-olds from Eritrea who have been through terrible ordeals but are now safe in school in Britain. We have examples of 12-year-olds from Syria who have been through terrible ordeals but are now safe in school in Britain. We have examples of 12-year-olds from Afghanistan who are now safe with foster parents, instead of living in terrible, damp, dark, cold conditions in tents in northern France. We have teenagers now reunited with family in the UK, rather than living in such unsafe conditions.

Mr Goodwill: I can give the hon. Lady the exact figures in a letter, but we have 115 people there.

Our work in Calais shows that there were only a handful of children from Syria. I note that the motion talks specifically about children from Syria, and indeed the hon. Member for Wirral South (Alison McGovern) talked about children fleeing Aleppo and other horrible situations in Syria. Would she therefore be surprised to know that, of the 750 children who came from Calais during the clearance, fewer than 10 came from Syria? That is why I believe we are doing the right thing by going to the refugee camps and working with the United Nations High Commissioner for Refugees to roll out similar schemes to the ones that the Australians, the Canadians and the Americans were delivering to enable those children in the most need to come to the UK.

If our aim as a country is to help those most in need who are fleeing conflict and persecution, the Government’s strategy is the right one. I welcome last week’s statement by Filippo Grandi, the United Nations High Commissioner for Refugees, in which he said that, in relation to resettlement, the UK is doing “very remarkable things.” The UK has a proud history of providing protection to those who need it, and we will continue to play our part in protecting the most vulnerable children affected by the migration crisis. The Government have taken significant steps to improve an already comprehensive approach to supporting asylum-seeking and refugee children. We will continue to be at the forefront of international efforts to address the migration crisis. The UK can be proud of its overall contribution to date, and it can be proud that we will continue to deliver on the programmes I have described.

For example, there must be a reason why around two thirds of asylum seekers in the EU last year chose Germany and Sweden, and it is important to note that they did so after passing through many safe countries en route. Whether it is push factors or pull factors that motivate children to come to Europe, it must surely always be in the child’s best interest to enable them to come before they need to make dangerous journeys to Europe and before they become unaccompanied. The Government’s priority is to focus on the most vulnerable children who are fleeing conflict and persecution in the region.

Alison McGovern: The Minister is laying out the Government’s priorities. Will he be clear about what he said about capacity in Greece? He said that we have 115 staff in Greece. How many of them are working on transfers to the UK?
It is because such effort—that partnership between Britain and France—was working that many of us were so shocked by the Government’s announcement on 8 February that they were not only closing the Dubs scheme, but ending the fast-track Dublin scheme, which had made so much difference to the lives of so many children and teenagers.

Catherine West: My right hon. Friend is making an excellent contribution. Does she agree that when we heard that news it felt as though it was going against the will of this House and against those of us who had debated, voted and in good faith believed that the Government were going to do something under the Dubs amendment?

Yvette Cooper: My hon. Friend is right about that, because this was a cross-party debate and cross-party work, with all of us supporting the Dubs amendment, just as it was cross-party pressure that got the Government to set up the 20,000 Syrian refugee scheme in the first place. There has been strong support from people in all parts of the House, and it was not for helping for only six months. That is the real problem with what the Government have done: it took them several months to get the Dubs scheme going in the first place, it has been running for only about six months and they have decided to pull the plug. I believe that is not in the spirit of the Dubs amendment that was agreed and passed last summer.

Chi Onwurah (Newcastle upon Tyne Central) (Lab): I thank my right hon. Friend for the speech she is making and the Backbench Business Committee for agreeing to this debate. Does she agree that the shock we feel in this House at the abandonment of the Dubs amendment is echoed in our constituencies? Many of my constituents have written to me specifically about the plight of children. In a world that is closing the doors on so many different peoples’ migration, the plight of these children has really inspired our constituents around the country.

Yvette Cooper: My hon. Friend is right to say that many people across the country are deeply disappointed by this action, because the scheme was working. It was saving lives and people’s futures. Charities told the Home Affairs Committee that they estimated that there had been a drop in the number of children and teenagers trying to get here illegally during the period in the autumn when a lot of this support was put in. We were therefore reducing the number of dangerous illegal journeys by providing the safe legal routes and undertaking the managed work with other countries. That is crucial in terms of clearing the camp in Calais to prevent the trafficking, the modern slavery and the dangerous illegal journeys.

Ministers have given four reasons for closing the Dubs scheme. The first is that it encourages traffickers. The second is that the French want us to close it. The third is that local authorities have no more capacity. The fourth is that the Government have delivered on the Dubs amendment. Let me take each in turn.

First, the Home Affairs Committee heard evidence yesterday from UNICEF, Citizens UK, Save the Children, the International Rescue Committee and one of the Children’s Commissioners. Those agencies are all doing important work with child refugees in Greece and Italy and along the French coast. All were categoric that the ending of the Dubs scheme will increase, not reduce, the trafficking risk, and that by taking away the safe and legal routes it will increase the number of children and young people who end up in the arms of traffickers and smugglers’ gangs, not reduce it.

The hon. Member for South Cambridgeshire (Heidi Allen) and I visited Dunkirk and Calais on Monday. In Dunkirk, we met 13 and 14-year-olds who had been in the Calais camps. They had gone to the French centre and into safe accommodation, but for all kinds of complicated reasons their claims had been turned down and they had lost hope and got lost in the system. They are now back in Dunkirk in a really dangerous situation. I really am at a loss to know how the camp is allowed to continue as it is, because it is clearly being run by a smuggling gang—there is no doubt about what is happening in that Dunkirk camp. Two teenage boys we met were sleeping in a hut with 80 adult men. It was deeply unsafe, and when we asked them they said that they felt unsafe. They had gone back there because they had lost hope in any chance of the legal system getting them to safety.

Pauline Latham (Mid Derbyshire) (Con): My feeling is that that is terrible—it is really bad—but why are the French not doing anything about it? Why should it be us? Why are the French not dealing with that situation? They should be, because it is in France, which is not an unsafe country. Lots of people live there quite safely, so why are we worried about us doing something about it when in that situation it should be the French?

Yvette Cooper: Of course the French should be dealing with the trafficking that is taking place in Dunkirk, and there should be enforcement. Frankly, though, other countries need to do something as well, because we can be in no doubt that the gang that is operating there, taking families across from Dunkirk to Britain, will have a lot of operations in Britain as well. There ought to be co-ordinated police action against that trafficking gang, because that is absolutely important.

The joint action between Britain and France to get the children into French centres was working in the autumn. Some of the children were then going into the asylum system and safety in France, and rightly so; some of the others—perhaps the most vulnerable or those with family in Britain—were getting sanctuary in Britain. The two teenagers we spoke to both said that they have family in Britain. They had been turned down, but given no reason—there was no piece of paper and nothing in the system—for why they had been turned down. As a result, they had turned up in Dunkirk and in Calais again. We will see more and more children arriving in Calais and Dunkirk and going back, at risk, pushed by the fact that the safe legal route has been taken away.

Heidi Allen (South Cambridgeshire) (Con): I rise to respond to my hon. Friend the Member for Mid Derbyshire (Pauline Latham). I was with the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper) in Dunkirk on Monday, and I came away thoroughly depressed and really angry with the French authorities for letting this happen again. It took me a few days to digest what I had seen, and I came away feeling that it was not right and that they should be doing more, but the point is that they are not. If we do not work further downstream, in Greece and Italy, the children will continue
to come and they will come back to Calais. Dunkirk is like groundhog day—it is Calais II. When they come back in volumes, as they will, it will then become our problem.

Yvette Cooper: The hon. Lady is right. We need to prevent young people from ending up in Calais and Dunkirk in the first place. That means working through the Dublin and Dubs schemes, whether in France or, better still, in Greece and Italy, to prevent them from travelling in the first place. We need all countries to work together to share responsibility for these deeply vulnerable young people.

Charlie Elphicke: Will the right hon. Lady give way?

Yvette Cooper: I am going to make some progress because I am conscious of the time.

Secondly, the Minister said that the French have urged us to stop the Dubs scheme, but according to what President Hollande has said, the evidence is that the reverse is true. I am worried that the co-operation we had in the autumn appears to have broken down.

Thirdly, it has been said that local authorities do not have capacity, but that was not what the Select Committee heard in evidence yesterday. The Local Government Association said that it had not been consulted specifically on Dubs; it had been consulted on the national transfer scheme. We should have more detailed consultation on Dubs. We heard from local councils that they wanted to offer more places but those places had not been taken up, and that if local authorities all met the 0.07% target that the Government have said is appropriate, there would be 3,000 more places on top of those already taken by those children who have arrived spontaneously.

Charlie Elphicke rose—

Yvette Cooper: I am going to make some progress, because Mr Deputy Speaker wants to move on.

Fourthly, the Government have said that we have met the spirit of the Dubs amendment, but that is simply not the case. Not only have we not met the spirit of Dubs, but the Government are failing again on the Dublin agreement. The expedited system that was temporarily in place in France was working. Ministers have said that they will learn lessons from that, but they do not seem to be doing so.

The Minister said in his answer to the right hon. Member for Loughborough (Nicky Morgan) that there were somehow 115 people in Greece, but we were told by the charities yesterday that there was only one person working on child transfers in Greece, one in Italy and one in France. That is not enough even to review the Dublin cases that were turned down and that the Home Office said it would review. I do not see how it can review those cases if none of those children has paperwork, has been given any formal response about why their case has been turned down, or has a process through which to apply to have it reviewed. The Government have done some good things. I ask them not to rip them up now.

This is what one of the child refugees who we helped said:

“Many of us have been traded like cattle between groups of smugglers...many of us know someone who died.”

Another said:

“Assaulting women, sexually abusing children—the smugglers are really not nice people.”

We created some safe legal routes that prevented the traffickers and the illegal, dangerous routes. They were working. That approach did not solve the whole problem—it addressed only a limited part of the refugee crisis—but it was about Britain doing its bit. It was about Britain being better than this. We in this House were all proud of it. I really urge the Minister to reopen the Dubs scheme, reinstate a proper, effective Dublin process and let Britain do its bit to help refugees again, just as we did for Alf Dubs, generations ago.

4.15 pm

Mr Geoffrey Cox (Torridge and West Devon) (Con): Some 30,000 unaccompanied children entered Greece and Italy last year. Are we simply to leave them there, while this great country, which for hundreds of years has had a tradition of offering asylum to those fleeing persecution, stands back and washes its hands of their fate? I do not believe that it is in the interests of this country, of its international reputation or of its moral sense of self-worth and dignity for us simply to stand back and say, “That is not our problem—it is yours.” I completely accept that great work has been done in the region to assist those who are in such a plight, but I do not believe that we as a nation can afford the damage to our reputation that is currently happening throughout Europe, because we are being seen to fail and fall down in the obligations—modest as they are—that we have undertaken, in international law and otherwise, to assist with the plight of unaccompanied children in Europe.

As I understand it, the Dublin regulation requires us, as a matter of law, to deal in the first instance with any application for asylum that is made by a child who has family receiving international protection in this country. That is an obligation under international law. It is incumbent on us, incumbent on this House and incumbent on the Government to ensure that that obligation is not simply paid lip service to, but is made practical and effective. That can be done only if we reach out to those tens of thousands of people in Greece and Italy and if we look actively to find those who are entitled to be here under international law and whom the Government, on behalf of this House and the nation, have promised to deal with because it is our obligation.

I fear for the reputation of this country when it assumes an obligation and does not provide the means to realise it.

Fiona Mactaggart (Slough) (Lab): The hon. and learned Gentleman is making an immensely powerful speech. Does he agree that it is not just our legal, but our moral obligation to give refuge to refugees? That is one of our best defences against the tyrants, the bullies and the terrorists who oppose the values that Britain stands for.

Mr Cox: I agree with the right hon. Lady, but let us leave aside arguments of conscience and compassion. Let us concentrate on our legal obligations. I say that to the hon. Lady not because I disavow or seek to reduce the importance of the moral arguments, but because moral arguments do not always appear in the same light to everybody.
The arguments about the push and pull factors that are sometimes used surround the problem with what I understand are difficult equations and judgments about the practicalities and complexities of whether we should take children or not. But sometimes we can surround a problem with a web of complication. Sometimes, I would prefer to be a fly than a spider, and the plight of the child is one example. The plight of a child transcends the complexities of push and pull factors.

Nobody is suggesting for a moment that we should take every single one of the 30,000 children a year who enter Greece and Italy. All that the Dubs amendment meant was that we should take a modest few. Those of us on this side of the House who voted for that amendment believed that we would take a modest few, but we did not believe that it would be only 350.

Let me return to the question of our obligations. It is not in the interests of our reputation as a country to be seen to be a nation parsimonious and mean-spirited in the fulfilment of an obligation. We should have in Greece and Italy now not only the valiant single lady, Miss Malalhyde, who seems to be doing tremendous work—dozens of Home Office officials should be actively searching for the children whom it is our legal obligation to find and process.

Mr Burrowes: The dispiriting and depressing issue is that back on 21 April, the then Minister for Immigration explained that

“The teams we send to Greece will include experts in supporting vulnerable groups, such as unaccompanied children and those trained to tackle people trafficking. This will help ensure that vulnerable people, including children, are identified and can access asylum procedures as quickly as possible.”

Now we hear from the Red Cross that it is taking 10 months to process a child’s case. It is our legal and practical responsibility to have ensured that those 75 experts were about protecting the vulnerable, not getting rid of them through to Turkey.

Mr Cox: I completely agree with my hon. Friend. It is our duty to process the children and to deal with those who have connections and family in this country.

Mr Bone: Will my hon. and learned Friend give way?

Mr Cox: No, I must make progress, given the time.

It is our duty to find those children, and I do not accept for a moment that a single person is sufficient to make our obligation effective.

I agree with my hon. Friend the Member for Enfield, Southgate (Mr Burrowes) that we should be doing much more in Greece and Italy—not, I repeat, to take many tens of thousands of children, but simply to interpret our legal duty according to the spirit and manner in which this country ought to be interpreting it: making it real, practical and effective. It is the crudest of charades to acknowledge an obligation and not to carry it out with a full heart and a full sense of responsibility.

I say to the Minister from his side of the House: let him not think that all of us on the Government side—and I do not believe, properly interpreted, many of us—would feel that we should stand aside and do nothing for those children who arrive in Greece and Italy. I do not believe that is our party’s approach to this problem.

I ask the Minister to do more for those children in Greece and Italy and make practical and effective our obligations under international law—whether under Dubs or Dublin. We need to be seen to do more. The plight of a child, wherever they are—in Europe or the middle east—is much more important morally and legally than the kinds of arguments sometimes deployed about pull and push factors:

“Suffer the little children, and forbid them not, to come unto me.”—[Applause.]

Mr Deputy Speaker (Mr Lindsay Hoyle): Order. Many Members want to get in. I cannot have everybody clapping, otherwise we will not get to the end—there are too many good speeches.

Mr Virendra Sharma (Ealing, Southall) (Lab): I congratulate those hon. Members who managed to secure this most appropriate debate. It is a pleasure to follow such passionate speeches, including that made by the hon. and learned Member for Torridge and West Devon (Mr Cox).

We reveal who we truly are in the face of adversity. As we are now facing the worst refugee crisis since world war two, it is time to show to ourselves and to the world who we are as a nation. Are we going to show that the UK is shameless, heartless and faithless, and that our previous commitments mean nothing to us? Three of my constituents—Kiranjot, who is 10 years old, and Yahye and Hussein, aged nine—who attend Havelock Primary School, came to Parliament yesterday with a letter for the Prime Minister about the Dubs children, saying

“let refugees in so they aren’t in danger.”

These children appealed to the simple decency of humanity that this Government appear to have forgotten. If they can see how we should act, why cannot the Government?

I call on the Government to reconsider their decision to close the Dubs scheme at 350 children and at least return to their original commitment of 3,000 children. The announcement that the Dubs scheme would be limited to the transfer of only 350 children is a breach of faith regarding this Government’s commitment to match the scale of the current children’s crisis in Europe.

Although the Government have been laudably generous in their bilateral financial contributions to the humanitarian crisis in Syria, they should not forget the crisis in Europe. Some 95,000 unaccompanied and incredibly vulnerable children are estimated to be stranded across Europe. Such a betrayal of our commitment will undermine our relationship with other European countries. Such a small-minded and selfish action undermines the Government’s promises that the UK will continue to be part of a European and global community that seeks international solutions to international problems, and in which every country must play a role.

What conversations has the Home Office had with the French, Italian and Greek Governments? How have they reacted to the Government’s decision to take such a small number of children? We have a commitment to our shared humanity, to the ideals of human rights, and to do all in our power to help those who are faced with abuse and extreme deprivation. We cannot turn our backs on those in need, claiming that it is not our
responsibility. We cannot bow to our selfish instincts, arguing that we do not have enough to help. We cannot surrender to fear by declaring that it is too difficult.

Rabbi Janet Darley, spokeswoman for the Safe Passage campaign, has pointed out that the Government’s claim that local councils are too stretched to accommodate more refugees is based on threadbare figures that are nine months out of date. The Government claim that the 217 councils in the UK responsible for children cannot even handle two each. This is drastically understimating the capabilities and dedication of those selfless men and women who devote their lives to public service. My own council, Ealing, along with the council leaders of Hammersmith and Fulham, Gedling and Camden, are just a few of those who have already called on the Government to re-consult council leaders to assess their decisions. More funding should be made available to these councils, if and where it is requested, in order to continue Britain’s proud tradition of providing shelter to those most in need.

It is crucial that we do not think about this problem as simply numbers on a page. While 3,000 might not look that different from 350 when written down, we must remember that each number is a child facing the squalor and dangers of overcrowded makeshift camps across Europe. Each number is a child facing the dangers of child prostitution rings, exploitation by human traffickers, and the threat of rape, abuse, starvation and disease.

It is deeply concerning that the Home Secretary talks about a “pull factor” that supposedly incentivises children to undertake the dangerous journey to Europe and provides business for human traffickers. There is no evidence for this argument in the investigative work carried out by numerous charities and non-governmental organisations, including UNICEF, Help Refugees, Save the Children, and Citizen’s UK’s Safe Passage. In fact, it is when safe and legal routes to the UK are blocked that human traffickers are encouraged.

When such routes are blocked, the refugees do not stop attempting to make it into the UK. Instead, children are left with the awful choice between risking their lives by attempting to jump aboard lorries, as did the 14-year-old Afghani boy killed last year, and relying upon human traffickers. By restricting safe and legal routes, the Government encourage human traffickers. Reports by Save the Children show the horrors of this situation, with children as young as 13 forced into prostitution to earn their passage.

In preparation for this debate, I spoke to someone who was brought over on the Kindertransport in the late 1930s. He impressed upon me the importance of thinking about the worth and potential of every human life, and the fact that every life wasted is a huge loss to society that values human life, we need to reopen the Dubs amendment and commit to rescuing more refugees stranded in Italy and Greece.

4.33 pm

Pauline Latham (Mid Derbyshire) (Con): We have heard some very passionate speeches and, I am sure, heartfelt views, but we ought to get back to reality and exactly what is happening. I think that some Members just did not listen to what the Minister said or to the statistics he gave about the numbers of people being brought into this country.

I have not been to Dunkirk or Calais, or to Greece or Italy, to see the refugees there, but I have been to Jordan and Turkey, where I have seen the camps in which children and adults are living. Nobody in their right mind wants to be in a refugee camp. It is not somewhere any of us want to go, but it could be us at some point. We might need to do that—I hope not—but any country in the world could find itself in that situation.

Given the desperate situation that the Syrian people are in, they are in a pretty safe place in those refugee camps. They are being fed, they are being given a health service, and their children are being given an education. Many people do not realise this, but the Jordanian Government have said that any child on Jordanian soil, of whatever nationality—they have Palestinian refugees as well as others—will receive the same education that their own children are receiving. This is not the case for the trafficked children who have been taken across the continent to come to Britain. As they have been trafficked, they are out of education and do not have a health service. They should have been settled in the refugee camps because people are getting a pretty good deal there. Interestingly, the Azraq camp is not full—there is plenty of space there—so it is not as though there is nowhere for people to go.

Heidi Allen: I mean this with no disrespect to my hon. Friend—I completely understand her point—but the problem is that Europe reacted too late, so these families and children had already made the journey to Greece and Italy and are trapped there. If we do not contribute, who will take responsibility for them?

Pauline Latham: My hon. Friend makes an interesting point, but does she not recognise that France, Italy and Greece are safe countries? They are not Nazi Germany, where Lord Dubs came from. He escaped from being murdered. These children and families are not under threat of murder—they are in safe countries whose Governments should be respecting and dealing with them under all sorts of international rules.

Going back to the Syrian refugee camps in Jordan, every building at the Azraq camp has been provided by IKEA. Nobody gives it credit for supporting so many of these refugees. In the desert, all the solar panels that are heating and lighting the buildings have been given to the region by IKEA to help these young people. We are providing a lot of the education and health services.
Fiona Mactaggart rose—

Pauline Latham: I will not give way again because I do not have long to speak.

We have provided the bore hole to provide safe water for the people there. They are safe. We should be saying to them, “Stay there.” Most of them do not want to come here. Why would they want to when they can speak their own language and do not need to learn English?

Why are all these people being pulled to Calais, Dunkirk and other places? They came recently. They were cleared in France, as we have heard. There was an agreement last year whereby those refugees were sorted out legitimately. More have come since then—many more—so one cannot say that there is no pull factor.

Kirsten Oswald (East Renfrewshire) (SNP): Will the hon. Lady give way?

Pauline Latham: I am sorry, but I will not give way again because I do not have long.

I believe that we should be supporting those camps. Britain has done its bit—£2.3 billion is not insignificant. We should be proud of the money we have put in there and proud of the fact that we have protected those people. There is a rule of law in those camps—it is not perfect, but it is not perfect here either. We need to provide as much as we can to keep the people in the region, because most Syrians want to go home once it is safe to do so. If they come here, they will not be able to go home as easily. I understand the sentiments of what people say, but I think that we should stop being so sentimental and look at what is the best thing to do for these families and children, which is to keep them in the region—and that is what this Government are doing.

4.39 pm

Chris Law (Dundee West) (SNP): I was shocked to hear the comments made by the hon. Member for Mid Derbyshire (Pauline Latham) about sentimentality, so I will start by asking the House a very simple question: what must it be like to be a child refugee? To deal with sentimentality, let us try to imagine that. Can any of us actually imagine the mental and physical trauma experienced by someone escaping their home country under fear of persecution?

Their departure from their home is involuntary and abrupt. Resettlement involves danger such as crossing deserts, mountains and seas. It can involve being confronted with additional conflict along the journey and going without basic resources such as food, water and shelter. Escaping by sea brings additional hardships, such as extreme weather, the loss of other passengers, witnessing loved ones drown or freeze to death, and fear. When children reach their final destination, the risks continue and in many cases worsen. Alone and afraid, vulnerable children are at the greatest risk of trafficking, neglect, sexual exploitation and physical abuse.

I have heard Members say today that some refugee camps have lots of space and that they are adequate. However, in the informal refugee camps that we know about in Greece and Italy, 90% of people do not have an adequate place to sleep, such as a tent, and there is little in the way of washing facilities. Many children in Greece find themselves in detention centres, where they are made to live and sleep in crowded, dirty, rat-infested cells, often without mattresses, and deprived of basic sanitation, hygiene and privacy. It has been reported that some boys are even turning to prostitution to keep themselves alive. If I am sentimental for bringing that up, I am very proud to be so, because those are the basic facts of what is going on in some of the worst refugee centres.

Pauline Latham: If we are talking about Greece and it being rat infested with no mattresses, whose fault is that? That is Greece’s fault. It should be helping those children.

Chris Law: The simple fact of the matter is that the world is a small place and we all belong in it as one human race. We have to recognise that we need to support partners abroad, as well as look at opportunities to provide support here at home.

Mr Goodwill: We have spent £28 million in Greece to support migrants and refugees through partners such as the UNHCR, the International Organisation for Migration and the Red Cross. That support has reached 250,000 people in Greece.

Chris Law: I thank the Minister for raising that point. That £28 million is to be saluted—it is very important—but it is not what we are discussing today. We are discussing the issue of refugees coming to this country.

According to UNICEF, more than 30,000 unaccompanied children fleeing war and persecution arrived by sea in Greece and Italy last year. Only eight of those children were transferred to the UK, where they had family links. Our country is quite simply failing to play our part in caring for those children.

It was only last year that we were told by the previous Prime Minister, David Cameron, that “a specified number” of vulnerable refugee children would be given a home here under the Dubs amendment to immigration legislation. Lords Dubs, as we know, was himself rescued from Nazi persecution and brought to the UK in 1939 by Sir Nicholas Winton.

Patrick Grady (Glasgow North) (SNP): I thank my hon. Friend for giving way: he is being very generous compared with the hon. Member for Mid Derbyshire (Pauline Latham), who spoke immediately before him. Does he agree that the Government’s refusal to live up to what people expected them to do when they accepted the Dubs amendment is a betrayal not only of the thousands of children who will not be able to come here, but of the many hundreds of thousands of our constituents who wrote to us, campaigned and signed petitions? They expected the Government to live up to the commitment for which they all campaigned.

Chris Law: My hon. Friend makes a powerful point and I agree with him completely. In fact, I received emails leading up to today’s debate that made exactly the same point.

It now emerges that we will take only 350 children, including the 200 who have already come over from Calais. We have been told by the Minister that the door is still open, but, to be frank, the impression is that it
has been slammed shut. The UK Government have stooped to a new low, targeting the most vulnerable of the vulnerable, namely unaccompanied children. 

Even the timing of ditching the Dubs scheme was appalling. The Home Secretary cynically ditched it on the eve of the most recent parliamentary recess. Lord Dubs condemned the move, saying that the bad news was buried “while most eyes were focused on the Brexit debacle”. In her statement, the Home Secretary claimed that the scheme created a “pull factor” for unaccompanied children to make perilous journeys to the UK and, therefore, increased the risk that they would fall into the hands of traffickers. That has been touched on several times today. She said: “we do not want to incentivise perilous journeys to Europe”. —[Official Report, 9 February 2017; Vol. 621, c. 637.]

Why would she say that? Why on earth would anyone think that we only have pull factors, when I have already described so many of the push factors? The real message that my constituents and constituents across the country are getting from this is, “Not in my back yard.” There is no evidence that there is a pull factor. In fact, relocation services that provide safe and legal routes to the UK for those seeking asylum disrupt the people traffickers, who seek to profit from smuggling desperate people across borders.

I urge the Minister not only to allow the Dubs scheme to continue, so that the UK receives at least 3,000 unaccompanied child refugees, but to increase the total number of refugees he intends to settle under the Syrian vulnerable persons resettlement programme. I remind the House that Scotland is not full up. The Scottish Government have always said they are willing to take their fair share of refugees and have called on the UK Government time and again to increase their efforts to respond to this humanitarian crisis. That is a cross-party stance that has wide public support.

Brendan O’Hara: My hon. Friend clearly shares my sense that the people of this country believe that we can do more and that we absolutely should be doing more to help these desperate unaccompanied children. Will he join me in pointing to the example of my local council, Argyll and Bute, which with the help of the Argyll community housing association has resettled dozens of Syrian refugees and their families on the Isle of Bute very successfully? It, among many others, stands ready to do more.

Chris Law: I agree with my hon. Friend. Another thing about Scotland is that, as was said by one of our famous writers, Mcllvanney, it is a “mongrel nation”—a nation made up of people from all over the world. We are now part of that process.

That touches on my next point, which is that 200 public figures have even signed an open letter to the Prime Minister, branding the decision on the Dubs scheme “truly shameful”. Human rights charities have been united in their condemnation of it.

The blame for the decision to reduce access for unaccompanied refugee children seems to have been shifted by the Government on to councils, which have either refused to take part in resettlement schemes or argued that they do not have the money. The real reason is that the Government did not consult councils properly about the scheme in the first place. In London alone, at least eight councillors have signed an open letter urging Theresa May to reconsider the decision to take this lifeline away from thousands of child refugees. Councils across the country are ready to step up. I heard the point the Minister made and I will urge my council to come forward if there is space to do so, as I am sure will everybody else here.

Mr Goodwill rose—

Mr Speaker: Order. We can take the intervention, but I say gently to the Minister that he spoke early, which is not the norm in these debates and is ordinarily to be deprecated. This may be an exception. He spoke at considerable length, which was possibly to the benefit of the House, but should not now constantly intervene. This is a debate for Back-Bench Members and that must be understood.

Chris Law: While Theresa May has closed the doors of the UK to unaccompanied refugee children, she is still determined to fling them open them to Donald Trump. Let us ponder on that for a moment. It is estimated that the potential visit to the UK by President Trump will cost over £10 million—the most expensive state visit in history. If there is concern about local authority funding, here is part of the solution: cancel the exorbitant, wasteful, unwanted and undeserved presidential state visit and not only will there be funds for local authorities, but it will send out the most powerful message to everyone that refugees are welcome in our country, regardless of where and what their background is.

This is a choice. Which side of history does the Prime Minister wish to be on? Does she want to warmly welcome refugees to our country, or does she, like Trump, want to turn her back on those fleeing war and persecution. Let us not forget that in his first week as President, he pursued a ban on all Syrian refugees entering the US and a halt on arrivals from a string of predominantly Muslim countries.

Who do unaccompanied children in Greece and Italy now turn to? The mental and physical health of these children is deteriorating. They are despondent and broken. This Government’s decision will create a vacuum that it will be filled by exploitation and people smugglers—the only option that many of these children now have.

Those children are treated like an immigration statistic. If the Government are not willing to help them, they are responsible when a child turns to a smuggler, goes missing or is killed in an accident. I asked at the beginning of my speech what it must be like to be a child refugee. None of us in the Chamber can come close to imagining the fear, the terror, the loneliness, the vulnerability. I therefore urge the Minister to continue the Dubs scheme to enable the UK to receive a minimum of 3,000 unaccompanied child refugees from Europe, and to do the right thing and look to increase the number of refugees overall. To do otherwise is shameful and will not be forgotten.

4.50 pm

Nicky Morgan (Loughborough) (Con): I congratulate the hon. Member for Dundee West (Chris Law) and pay particular tribute to the hon. Member for Wirral South.
It would be helpful if the Government published the number of children that each local authority has already agreed to accept so that Members of Parliament, local communities, non-governmental organisations and charities can work with those authorities to welcome the children and ascertain whether the number of places can be increased.

I urge the Minister to use Members of Parliament who have an interest in this issue. From my time in government I know that officials are sometimes reluctant to involve constituency MPs, but we are able to ask questions of local councillors and local authorities. The Minister is not listening at the moment—perhaps he will read the transcript instead—but I urge him to use Members of Parliament to interrogate their local authorities on what capacity they have offered, whether they can offer more and what more we can do to get messages back to the Home Office if there are queries, questions and a reluctance on the part of local authorities to get involved in schemes.

I pay tribute to the charity Baca in my constituency, which has long worked with unaccompanied child asylum seekers and refugees. I hope its expertise—I am sure there are many other charities like it across the country—is being used, but I fear that that is not the case. Again, it is up to Ministers to challenge the Department to use their expertise and let them respond to this crisis and need.

Other hon. Members have mentioned that there are individuals in their constituencies who have wanted to step forward to help. What is being done to make use of their desire to help?

Stuart C. McDonald: I want to again raise the issue of money following the placement. The evidence in the briefing from the Local Government Association suggests that the amount of money that follows a child is actually about 50%, so it is not true to say that councils are fully reimbursed for the investment they make.

Nicky Morgan: I do not think I said that councils are fully reimbursed, but money does follow the child. I have had some pretty strenuous arguments with local authorities, both as a local MP and as a Minister, and sometimes the interpretation of whether there is sufficient money can be at variance. But let us have that debate. Let us work out what the numbers should be. Let us not just accept it when local authorities say they do not have the capacity, ability or money to deal with the situation.

In the time available I want to move on to what we can do to help Greece and Italy deal with the issue of unaccompanied children who are on their shores. There is more that we can do, or the Government can do, to fulfil the spirit and letter of the Dubs amendment. We need to work with the authorities in Greece and Italy to set out clearly the Dubs scheme, the criteria and the numbers that need to be clarified, so that the authorities in those countries know exactly what the UK is able to offer, and the expertise and the people we have on the ground.

There is a danger in this debate—I think the hon. Member for Ealing, Southall (Mr Sharma) talked about this—of talking about numbers rather than people. We are talking about young people who have their futures ahead of them. Another hon. Member talked about this...
being a smaller world, which we know is a challenge for many of our constituents. But people and stories are at the heart of this debate.

I want to make two more points. First, UNICEF contacted me today to give the example of Aamir, a 16-year-old Afghan child with a degenerative bone condition, who could be eligible for the Dubs scheme. Doctors in Greece advise that he needs urgent surgery. However, the necessary treatment cannot be given in Greece until he has finished growing. He needs specialist treatment with a paediatric doctor here in the UK. This highlights the spirit of the Dubs amendment: helping extremely vulnerable unaccompanied children who are forced to live alone in camps and in terrible conditions as they have been forced from their home. Aamir is now living in a UNICEF-supported shelter in Athens, and UNICEF is working with him on his application. He was forced to flee his home in Afghanistan when his parents, members of the Hazara ethnic group, were killed by the Taliban. He fled with his grandmother, who passed away on the journey.

Secondly, I am going to disagree with my hon. and learned Friend the Member for Torridge and West Devon just on this point: I think there is scope in this debate to think about our moral obligations and our compassion. My hon. Friend the Member for Mid Derbyshire said she hoped that the situation these children are fleeing from never arises here. Of course we hope that, but it could. As a parent, I know that if my son was killed by the Taliban. He fled with his grandmother, who passed away on the journey.

4.59 pm

Nicky Morgan (Greece and Italy)

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4.59 pm

Naz Shah (Bradford West) (Lab): I congratulate my hon. Friend the Member for Wirral South (Alison McGovern) and others on securing this very timely debate.

I speak today not only from a position of experience, having fostered a young Afghan refugee and provided lodgings for a number of refugees who presented without parents, but as an Opposition Member and as a member of the Home Affairs Committee, which only yesterday took evidence from NGOs and senior leaders working in this area. That evidence was very shocking, but the words of the leader of Hammersmith and Fulham Council, Councillor Stephen Cowan, stuck with me. He described to us his understanding of refugee camps in Europe: he described them as “the closest thing to hell for a child”.

My foster son, Ikram, and other young men have told me many stories to try to make me understand the desperation that they experienced. I do not believe that we can all comprehend what that desperation must feel like. For me, the way to try to understand it was to imagine what it must be like to be in “the closest thing to hell”. What must it be like to be alone, away from everything you have ever known, to wonder whether your family are still alive, to wonder about the things that you have left behind, and still to be so unsure whether there is a light at the end of the tunnel? How must those children feel, to flee one hell for another, to experience hunger, cold, insecurity and potential rape, abuse and exploitation—all against the backdrop of a journey on which many have lost their lives in front of them? This is the reality: this is about people. I stand here today as an extremely blessed individual, knowing that my children are safe—safe from bombs, safe from being shot at, safe from being raped, safe from being exploited and trafficked—but, sadly, that is not the reality for all.

What has been the response of our country, Great Britain, to this crisis? Our Government rightly passed the Dubs amendment, which, unlike other routes, was based not on legality or obligation, but on morality. It was about helping some of the most at-risk and vulnerable children to find safety and security because that was the right thing to do. However, the numbers speak for themselves: just eight children have been transferred from Greece and Italy in the past year, none of them through the Dubs programme. While we all welcome the Government’s other commitments, especially to Syrian aid and the Syrian relocation programme, the Dubs amendment was about much more than that. It was about identifying and supporting the most vulnerable children with no legal route, and transferring them to a place of safety. That the Government should set a timeline now because they say we do not have spaces available is an absolute disgrace.

As we heard yesterday, there is no way we have exhausted our commitment to those immensely vulnerable children who arrived in Europe before 20 March 2016. Councils are coming forward and saying that they still have spaces. By closing that route, we will push the most vulnerable, who have no safe route, back into the hands of those who will exploit and abuse them. That we should simply turn our backs on the Dubs programme now, when we have not transferred even a 10th of the number that was suggested, is beyond belief. If the Government think that the programme provides an incentive for lone children to come to Europe, they clearly have no grasp of the situation that is driving children to make this perilous journey in the first place.

Let me share with the House some of the evidence that was given to us in the Home Affairs Committee. George Gabriel, who established Safe Passage 18 months ago, said:

“From our perspective, particularly in Greece, the case for continued and rolling provision around the Dubs amendment is especially compelling. There are 2,300 unaccompanied minors in Greece. Of those 2,300, only 1,256 have spaces in any Government shelter, so just over 1,000 are street homeless. We estimate that about 48% of those 2,300 have no family link anywhere else in Europe, and so in the broadest brush strokes might be eligible for transfer under the provisions of the Dubs amendment.

We took a sample of 128 of those children in Athens over the past couple of weeks. Of 128, 64 were identified as at risk of sexual abuse, 8% had themselves been trafficked and 19% had post-traumatic stress disorder, so we are extremely concerned about the situation of those children. Clearly, there is a greater need than is to be met through the remaining places offered by the Government. We think that the idea that Sir Nicholas Winton managed to transfer 669 children essentially on his own, and that he topped the efforts of our entire country, is shameful and a mistaken choice.”

We also heard:

“The French agencies we work with report that about 7,900 people were transferred from Calais to reception centres all across France. The total figure for children at that point of demolition was about 2,200.”

Hannah Bardell (Livingston) (SNP): The hon. Lady is making a powerful speech. Does she agree that the attitude and language of many in the Government—
although not all Conservatives, as we have heard some
good speeches from the Conservative Benches—is
completely wrong? My right hon. Friend the Member
for Gordon (Alex Salmond), who is not in his place,
made the point at the beginning of the refugee crisis
that this is an opportunity to take child refugees and
develop them for the rest of the world.

Naz Shah: I thank the hon. Lady for her intervention,
and I absolutely agree.

Lily Caprani, deputy executive director of UNICEF,
had this to say on the business model of trafficking:
“There is one way to destroy the business model and that is
to provide safe and legal routes to children. They turn to people
traffickers when they have no other option. For obvious reasons
there are many ways to prevent children being vulnerable to an
interest in paying smugglers or in trafficking—which is often
what happens after smuggling becomes unaffordable from countries
of origin—which is to do with investing our development assistance
money, which we do very well in this country, to prevent children
being in that position in the first place. Once children have arrived
in Europe, we know, they will only turn to traffickers when there
is no system working for them and when they have lost faith and
hope, have been let down, do not feel able to trust the advice they
are getting or do not have any advice whatever. George made a
very strong point earlier on. The cancellation of the Dubs scheme
is a good win for the people traffickers—there is money to be
made, because children will try to get to their families or to places
of safety one way or another.”

To me, what this comes down to is the fact that we
have a choice between doing something and doing
nothing. We will never grasp or comprehend the lack of
choices that these children have. I say this to the
Government: “Commit. Commit to what we actually
pass in this House. Don’t just pay it lip service. Don’t
just change direction and say, ‘This programme will
continue as it is,’ because turning our back on the 90%
of children that we committed to help is beyond a
disgrace.” What we have done was not enough then, and
it is not enough now, and we must do more.

Several hon. Members rose—

Mr Speaker: Order. May I ask everybody to try to
help each other? If Members can stick to seven minutes,
that is great, but it is not an obligation at this stage.
There is no fixed limit, and I can understand that the
Member who is about to speak and has had no notice
may feel aggrieved. He must make his own judgment
and will not be stopped.

5.7 pm

Mr Peter Bone (Wellingborough) (Con): Thank you,
Mr Speaker, I shall keep my speech to only an hour—no,
I appreciate the guidance, and I appreciate you not
imposing a time limit.

I congratulate the hon. Member for Wirral South
(Alison McGovern) on securing this important debate
and the tone in which she moved it. I also congratulate
the previous speaker, the hon. Member for Bradford
West (Naz Shah), on talking in particular about trafficking,
which is the area I probably have the most expertise in
and would like to touch on, perhaps at a different angle.

There was some comment earlier about not enough
money being given to councils for unaccompanied children.
I think the figures for this year are that £41,610 is given
from central Government to local government for an
unaccompanied child, which is an increase of 20% or
30% in the past year, so I do not think it is fair to say
that the problem—if there is a problem—relates to
money.

May I say at the outset that I do not in any way suggest
that anybody who does not agree with my views
does not care for the children? I have, however, been
looking at the problem of vulnerable children who have
been trafficked since 2005, and when we had Anthony
Steen in this House, he used to talk endlessly about human
trafficking when nobody would even accept that it
existed. I had the great honour to follow him as
chairman of the all-party group on human trafficking
and modern slavery in 2005.

We lagged behind in dealing with human trafficking
until the coalition Government came to power, and I
give great credit to the previous Prime Minister in this
regard. One of his greatest legacies was what he did on
human trafficking. He set up the Modern Slavery Act
2015, and we now have an independent commissioner to
challenge what the Government do in this area. I
have to say that the then Home Secretary used to annoy
me enormously because she would not get on and do
what we wanted, but in fact she checked it all out. She
worked it all out and then she did it to the letter. Now,
as Prime Minister, she seems to be doing that in another
field in which I would like her to press on.

This is an exceptionally complicated issue. Human
traffickers are the most evil people in the world. They
do not care for one minute about vulnerable children.
They do not care about human life. They are quite
happy to cut the finger off a child whose relative—the
older child or the mother—is in this country being
trafficked. They have no hesitation in executing victims
in front of others, to terrify them. They are gun runners
and drug peddlers, but they have worked out that they
can earn far more from human trafficking.

I have always taken the view that the best way to deal
with this is to stop the trafficking, rather than by
looking after the victims afterwards, and we have worked
across Europe to do that. I have travelled throughout
Europe and to other parts of the world to discover the
best ways to deal with the problem. One of the countries
that led on tackling human trafficking before we did
was Italy. We have to ask ourselves how we can stop the
traffickers. They operate only because there is a demand.

The previous Prime Minister was absolutely right to
say that we should look after vulnerable people close to
the region they come from. I think that, for every 3,000
unaccompanied children we look after here, we could
look after 800,000 in the region for the same cost. We
have to worry about the numbers; that is incredible. If
we look after them in the region, there is no need for
them to be trafficked. There is an argument about
whether there is a safe route. Yes, there is. We are taking
20,000 or more from the region, and that is the way to
do it.

I can understand people’s feelings about unaccompanied
children in Europe, but they are in safe countries. Greece,
Italy and France are completely safe—

Stuart C. McDonald: Will the hon. Gentleman give
way?

Mr Bone: I am sorry, but Mr Speaker has asked us to
be brief. This is an issue that we should be able to debate
day all. I was making the point that that is where the
help should be. We are putting money in, and other European countries should be doing the same. We should have first-class facilities in Italy and Greece. They know how to do this in Italy, because they have done it already.

I could go on, but I shall conclude by saying that there is one area that worries me enormously. The Minister mentioned it in his opening remarks. We bring certain children over here, thinking that they have a relative here. The children go to those people but they are not relatives; they are part of the trafficking gangs. The children then go into prostitution or servitude. We have to deal with that. I ask the Minister to go away and find out how many of the children we have admitted are still safe. Let us find out that figure before we bang on about bringing more children in.

5.14 pm

Stella Creasy (Walthamstow) (Lab/Co-op): It is a pleasure to follow the hon. Member for Wellingborough (Mr Bone) because although I passionately disagree with his approach to the motion I respect his commitment to tackling trafficking. That echoes what my hon. Friend the Member for Wirral South (Alison McGovern) said: this is not a partisan issue. Members on both sides of the House feel strongly about this matter. Arthur Helton, a well-known American refugee advocate, once said: “Refugees embody misery and suffering, and they force us to confront terrible chaos and evil.”

In the time available to me, I will argue that refugees also force us to confront something about ourselves and our nationhood. That is why I disagree with the approach advocated by the hon. Member for Wellingborough. I also want to discuss what the Dubs scheme and what has happened to it says about us as a country.

I am sorry that the hon. Member for Mid Derbyshire (Pauline Latham) is no longer here, because she talked about having had no experience at all of visiting the European refugee camps. I spent quite a bit of time in Calais last summer, but I have not been to Greece or Italy. I do not know where the Minister has visited, but we know that a million refugees have come to Europe in the past two years alone and that 2,500 children are in Greece, 1,000 of whom are sleeping rough. There are widespread reports of the poor quality of the conditions in which those children and their families are living. We also know just how few have been transferred here to the UK despite their family links. The same is true in Italy, where thousands are passing through the camps, and there are widespread reports of children suffering human rights abuses. Yet just three have been reunited with family here.

While the motion refers to Greece, Italy, and France, we should not forget the children who are travelling through Europe, because the Dubs scheme was about children who are in Europe and about our responsibility, as part of Europe and as part of the modern world, to those children alongside our European counterparts. We all know that we will probably get abuse on Twitter or Facebook for taking part in this debate, but we sometimes have to advocate what might seem an unpopular opinion. I am saddened that doing our bit is now an unpopular opinion in this country, but that is the debate that we are having. When our politics might feel so futile, children should not suffer, and I agree with much of what the hon. and learned Member for Torridge and West Devon (Mr Cox) said about that. When we passed the Dubs amendment, that was the best of this House. No matter how unpopular the issue might have seemed on social media, we knew in our hearts and in our heads that it was the right thing to do.

That is why closing the Dubs scheme prematurely is the wrong thing to do. There is no evidence that closing the scheme early will do justice to those children and their needs. There is no evidence for the push or pull factors in this process; there is only supposition. We are not talking about a migrant crisis; we are talking about a refugee crisis—60 million people are fleeing persecution. We should call it a refugee crisis and not pretend that it is the same as people coming here to work. Above all, after the Government voted down proposals in Committee to treat children using the UN convention on the rights of the child, we should ask ourselves why closing the Dubs scheme took our moral purpose forwards, not backwards—it did not.

The hon. Member for Mid Derbyshire talked about other countries and their responsibilities, and I agree with her. We should all be doing more, but because one country is not doing enough does not absolve us of doing our bit. That is the problem. How can we look Turkey in the eye when it is taking 2.8 million Syrian refugees and just 3,000 have come to the UK in the past year alone? The promise of the Dubs scheme is what we should speak up for. Children got on buses to go to centres on a promise and a pledge from the British authorities to treat them fairly, but just two days later the Home Office sneaked out guidance saying that half of them would not even be considered due to their nationality, not their need. Those children are languishing in Dunkirk because they have lost all hope. That is not British. That is not a popular opinion that we should uphold.

I will join other Members in tabling amendments to the Children and Social Work Bill to try to reopen the Dubs scheme, to try to hold the Government to account for what we promised a year ago that we would do, and not to let the Minister get away with claiming that it was said in the small print that we should leave these children languishing in the mud and that we would abandon them in Italy and in Greece. We did not listen to the French authorities when they said that the scheme should continue or to the UK’s Independent Anti-slavery Commissioner, who confirmed that he knows of cases in which the Dubs amendment has helped and of children who were being exploited but are now safe. We cannot be confident that there are not more of those children, just as we cannot be confident that there are not more local authorities that will step up to the plate. Indeed, when I spoke to my own local authority today, I was proud to hear of the work it is doing to take refugees and its commitment to working with other local authorities.

We have to confront the fact that our nation has to do its bit, alongside other European nations. We can either be followers or leaders in that process. Whatever the hon. Member for Mid Derbyshire has to tell herself about this issue so that she can sleep at night, let her tell herself that. Let us not decry these children but stand up for them, because that is the best tradition, that is what will keep them safe and that is what will do justice to this House and this country.
Heidi Allen (South Cambridgeshire) (Con): I take the House back to April 2016 when, in response to the national outpouring that followed the dreadful and unforgettable image of poor little Alan Kurdi washed up so limply on a beach, this Government made a commitment in legislation to help some of the thousands of unaccompanied children who had escaped persecution and war and made it to European shores. The Dubs amendment was a complementary but, critically, unique part of our response to the humanitarian crisis that was sweeping across Europe.

As a continent, we must acknowledge that we did not respond swiftly enough to this mass migration, so millions of desperate men, women and children made perilous journeys, which means they are here now. I visited the Greek island of Lesbos in January 2016 with my hon. Friend the Member for Eastbourne (Caroline Ansell) and wept with disbelief at the hundreds and hundreds of abandoned lifejackets: yours for £20 courtesy of your friendly local trafficker—fake, of course. I remember naively commenting that some of them were branded Kawasaki or Yamaha jet ski water jackets and how at least they were real. “Oh, no,” I was told, “they are still fake. They just sell for a premium because they look more authentic.” What kind of parallel universe had I landed in?

At that time, anywhere between 3,000 and 9,000 refugees a day were arriving on the Greek islands. Greece, already financially on its knees, was in chaos. Yet despite the overwhelming challenge, the Greek people could not have been more hospitable, with local restaurateurs delivering food to the queues of cold but patient refugees. I will never forget the sight of a young mother using her hand to sweep the dirt off the blanket on which her family were sitting. Just a few carrier bags and the blanket were all she had in the world, but it was her home and she was keeping it clean. I remember a woman and her baby. The mother still had a slick of pink lipstick on her lips. She had a dirty face and dirty clothes, but she was proudly still a woman.

Although I saw similar images in Calais in the spring and summer, I am ashamed to say that, because of the euphoria of refugees finally being transferred to safe centres, those images have started to fade. The media have been quick to replace those images with all things Brexit and Trump. When I look back, as the day of camp demolition approached, our Government rose admirably and worked hand in hand with the French authorities to identify and process at speed children with family reunification rights under Dublin and those who might be suitable for the Dubs scheme. Mistakes were made, and it is undeniable that some of the age assessments were wrong, but that was symptomatic of the rush and urgency of the situation. It is not a reason to change our policy on helping lone children.

We took 250 Dublin and 200 Dubs children from France, which was a great start, so why, oh why, are we here today debating the Government’s decision to close the Dubs scheme when only another 150 will come? I am so proud of the £2.3 billion commitment to aid in the region and of the 23,000 refugees we will welcome from there, too, but the glow of pride in those other commitments should not dazzle so brightly that it disguises the separate but very real commitment we made on Dubs. Let us not be blinded.

Dubs was the final jigsaw piece in our refugee response, offering sanctuary to children who had lost everything and were already in Europe. We wisely set a cut-off date so that the offer would extend only to those who had come before the Turkey-EU deal in March, and we all agreed that was critical to ensuring that there was not a swell of new arrivals. Crude though it was, the Turkey deal worked and the flow to the Greek islands reduced significantly, but Greece could not and still cannot cope with the level of people who had already arrived. Dubs recognised that, enshrining in law a promise to help ease the burden on Greece and offer sanctuary to children who are vulnerable to trafficking and prostitution. These children are no less vulnerable now, so why are we turning our backs on them?

Ministers will say they are worried about the pull factor. First, let me say that we had this debate when we debated Dubs last year, and we accepted the evidence and expertise of NGOs that this legislation would not exacerbate a “pull”. Secondly, and so clearly, the very opposite happens. Having finally encouraged children to trust volunteers and the authorities, and coaxed them on the coaches to go to the centres in Calais, we now propose to whip the system away from them. When people cannot trust western Governments, whose welcoming arms they have sought, is it any surprise that the smiling face of the trafficker is the only place left to turn? I believe that opening the Dubs scheme and then shutting it so rapidly will actually cause more harm and a greater “pull”, through southern Europe towards Calais and then to our shores. In Dunkirk, on Monday, the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper) and I heard at first hand from youngsters who had absconded from the safety of those regional centres because they had heard about the imminent closure of the scheme. Desperation clouds judgment and makes for poor choices—choices that lead straight into the hands of traffickers and prostitution rings. Closing Dubs so abruptly will give the traffickers the greatest promotional opportunity they could ever ask for.

We have never invested fully in a structured approach to Dublin processing in Europe, with scant Home office personnel available in those French centres and only one person in Greece and another in Italy. Refugees showed us their paperwork on Monday; nothing at all in writing from the Home Office is given to them and basic asylum rights information is provided in French, despite the very first item on the documentation saying that the person cannot speak French. We can and must do better.

Putting Dubs to one side, Dublin legislation means there is a proactive duty already incumbent on us to assist with family reunification. I am pleased the Government have recently agreed to review the casework of children in France who were turned down at the first attempt, but if we are to do this meaningfully we need an improved process, with dedicated Home Office staff, translators and the commissioning of organisations such as Safe Passage and the Red Cross, which know what they are doing. As we have heard, it has so far taken, on average, 10 months to transfer just nine children from Greece and two from Italy under Dublin, and, I am ashamed to say, none under Dubs.

My visit to Dunkirk on Monday so depressed me, as it was a horrid repetition of everything I had seen in Calais in the summer. I do not want us to feed that
I shall keep my speech short. When I came here as a new boy, I was keen to learn how much the Government were doing for refugees. I was pleased to see that they had provided £2.3 billion, and I was pleased to support the vulnerable person resettlement programme and to know that 4,500 people were coming to the UK, with 300 coming to Northern Ireland. The Ulster Unionist party is clear that we in Northern Ireland must do our bit and be more included. We are currently in the middle of an election, but we need to be involved to ensure that we are sharing in it.

Having listened to the reasons why we need not support certain measures because of the Dubs amendment, I was disappointed to find that the commitment had been dropped. Bearing in mind our British values of helping people and looking after them, the decision should have come back to the House for a debate—we have touched on it a bit today—so that we could all learn more about trafficking and about how we can help people.

In my brief time here, I have only seen the camps in Kurdistan in northern Iraq. I was impressed by how they are run but appalled by the fact that it is going to be years before the people there can get back to their homes. Although there were tents for families of six, most families had eight or 12 members. They were incredibly well looked after, but they showed us that as a country we have to be compassionate.

By dropping the Dubs commitment we have not done what we promised. We have heard many Members saying that we must do more. We need to keep reviewing the situation. We have to have compassion and to help people, and we have to keep working at it. Let us do what we should do as British people and help to look after everyone else.

5.32 pm

**Mr David Burrowes** (Enfield, Southgate) (Con): It is a pleasure to take part in this debate, and I congratulate those Members who secured it.

At the heart of this debate is the important question of whether we have done enough for child refugees. Have we shown our compassion? The answer now, and always, is no, not yet. It is not a case of our saying, "We are just going to do this much to comply with our interpretation of the law and see whether it is enough," and then moving on; we should want to do the maximum for the most vulnerable refugees who need our support. We can do that in all manner of ways, not only through compliance with section 67 of the Immigration Act 2016 or the Dublin agreement, but through our international aid obligations and the resettlement routes, and, indeed, by caring for those who come to our shores irregularly. We can show our compassion in all manner of ways.

The Home Secretary was right when she said in her party conference speech in October—this did not get as much publicity as some of her other comments—that compassion has no borders. That is something we will hold on to. As has been said, compassion is not the preserve of any one political party, and it is not the preserve of Backbenchers or Ministers. I understand that there is a difficult job to do, with much complexity. We all care about these vulnerable people, so the issue is how we can deliver something practically.
many children we would take based on a consultation with local authorities about their capacity. This is the number that we have published and we will now be working in Greece, Italy and France to transfer further children under the amendment. We’re clear that behind these numbers are children and it’s vital that we get the balance right between enabling eligible children to come to the UK as quickly as possible and ensuring local authorities have capacity to host them and provide them with the support and care they will need.”

The Government can make any interpretation they want, but the reality is that the scheme is in law. It is a matter of statute, and there has been no revision, no sunset clause and no Bill that means that it no longer applies. The Dubs amendment still stands. What we might call the Cameron scheme had a cut-off date of 20 March 2016, although the Government are quite at liberty to change that, but our responsibility to work with local authorities to come up with the right scheme is a matter of statute.

I recognise that the Government scheme is still open, although I suggest we need to reset its time lock. It needs to be opened wider—the statutory 0.07% commitment to offer places across local authorities may need to be made wider. As we learned in the Home Affairs Committee yesterday, that would lead to 4,000 more spaces. I encourage the Government to go back and show that that door can be pushed wider open. I also urge them to publish more comprehensive criteria on all forms of modern slavery, as the anti-slavery commissioner has said.

Mr Hyland has said that 3,000 unaccompanied Nigerian children arrived in Italy by sea last year. There is nothing about push and pull; most have already been victims of trafficking. What is their destination through the traffickers? It is the UK. The Prime Minister is taking a lead on modern slavery. She dispatched Kevin Hyland to find this out, and he has come back saying that we have a responsibility to these women and children. I want the Government to take those responsibilities seriously, keeping the Dubs amendment wide open, resetting it in Italy, where the Turkey deal has no relevance, and ensuring that we can keep on the path of safety for these child refugees.

5.40 pm

Will Quince (Colchester) (Con): It is a pleasure to take part in this important debate. Our vote last year on the Dubs amendment was one of my biggest tests in Parliament since my election. On the morning of the vote, I drafted and published my position on why I was going to support the Government, yet after sitting through the whole debate and hearing the arguments put forward by Members on both sides of the House, I changed my mind and ended up voting for the amendment, much to the frustration of the Government Whips. Such is the power of this place.

Although the Government won the vote that evening, history tells us that they changed their position shortly afterwards and accepted an amended version of that Dubs amendment. If we fast forward to the past fortnight, there has been the announcement that we will take only 150 more children under the amendment. I must say how sad and disappointed I was to hear that.

The Government have a proud record when it comes to their response to the events in Syria and the wider region. We have pledged more than £2.3 billion in aid—the UK’s largest ever humanitarian response to a single crisis, and second only to that of the United
States of America. Thanks to the goodwill of the British people and local authorities up and down the country, in the last year alone we have provided refuge or other forms of leave to more than 8,000 children. However, that does not mean that we can ignore the crisis currently happening in Italy and Greece, and across Europe. We cannot say, “Job done,” pull up the drawbridge on Dubs and leave vulnerable children at risk on the continent.

Two main arguments have been put forward by those who are keen for the UK to do less to help. The first is that local authorities do not have the capacity for more children. Even if that is the case, it is no reason not to reconsider them regularly and then allow them to take in children when they can. As I understand it, the last consultation took place in June 2016. The Dubs amendment did not specify numbers, but it did mandate the Government to consult local authorities about their capacity to support unaccompanied child refugees. Yet across the UK, there are 217 upper-tier and unitary local authorities with responsibility for children’s services, so 400 Dubs children do not even equate to two unaccompanied children per council. I challenge anyone making that first argument about whether it reflects actual capacity.

The second argument is that schemes such as Dubs act as a pull factor for children who are intent on getting to the UK.

Fiona Mactaggart: The anti-slavery commissioner published a statement on that issue this afternoon. He said that he felt that the effect of the Dubs amendment had been exactly the opposite of a pull factor, as it had meant that fewer people were pulled to the UK by the traffickers.

Will Quince: I thank the right hon. Lady for that intervention. I agree—I will come to that exact point now.

Focusing on a pull factor ignores the power of push factors. These children are not economic migrants. They are not seeking to come to the UK in the hope of making more money. They are refugees fleeing conflict, persecution, poverty, fear and desperation. They are putting themselves in grave danger because there is a small chance that a safer life exists across the Mediterranean.

The pull factor was mentioned many times in last year’s debate on the Dubs amendment, but the newest incarnation of the argument—that children move within Europe in the hope of being brought to Britain—simply does not stand up to scrutiny. When the Government introduced the scheme, they introduced a cut-off date of 20 March, meaning that it only applied to children already in Europe, so how could it possibly serve as an incentive or a pull factor? Remarkable work has been done by the Department for International Development in countries surrounding Syria and war zones around the world, and that has played an important role in discouraging people from travelling to Europe.

Finally, and most importantly, safe and legal routes to the United Kingdom encourage children to engage with local authorities, rather than throwing in their lot with people traffickers in the hope of being smuggled into the United Kingdom. I am told by NGOs and charities—I expect this is the point that the right hon. Member for Slough (Fiona Mactaggart) was making—that anecdotal evidence suggests that when children were transferred from the Calais jungle to the United Kingdom, spontaneous arrivals by illegal means almost completely stopped. That was simply because children were putting their trust in the system. Surely it is better that scared and vulnerable children, with a shocking lack of information about their rights, are encouraged to engage with the formal system in the hope of safe transfer, rather than risking their lives. I am concerned that if we reduce those formal paths to asylum in the United Kingdom, we will be playing into the hands of people smugglers.

I have talked to charities that have worked with children in the camps of northern France, and there are countless stories of children who, after hearing that they will not be relocated to the UK through Dubs or the Dublin convention, have returned from safe children’s centres to the squalor of camps such as Grande-Synthe outside Dunkirk in order to find illicit routes into Britain. Safe relocation schemes such as Dubs and the Dublin convention mean that the Home Office can assess whether it is in the best interest of a child to be brought here, ensure that the most vulnerable or those with family in the UK are taken to safety, and encourage others to claim asylum in France.

The Dubs amendment’s passage into legislation marked an acknowledgement that we have a duty to do better than this. We can do better than this. I urge the Government to reconsider, to keep the scheme open and to continue to consult with local authorities. We cannot let it end here.

5.47 pm

Wendy Morton (Aldridge-Brownhills) (Con): I welcome the opportunity to speak in this important debate, which I commend the hon. Member for Wirral South (Alison McGovern) on securing.

Three years ago, I had the opportunity to go to Turkey to visit a refugee camp very close to the Syrian border. What struck me was not just the size of the camp, but the fact that this felt like the start of something much longer and more protracted. I still recall my talks with churches with families: “If you can, please let us know what they want to do as we are looking to get back to their home in Syria.” Last year—three years later—I went to Jordan and Lebanon as a member of the Select Committee on International Development with my hon. Friend the Member for Mid Derbyshire (Pauline Latham). I went to al-Azraq to visit refugees and some of the host communities. Again, I was struck by the size of the camps, the vulnerability of the people, the sheer amount of work that went into supporting them—rightly so—and the huge amount of effort put into that by the host communities, host countries and international donors.

I want to touch, in broad terms, on the UK’s response to the Syrian crisis and to the migration crisis. Given the scale of the challenge, we and the British people should be proud of that response. To date, DFID has allocated £2.3 billion in response to the Syrian crisis. The UK is the second-largest bilateral donor to the humanitarian response in Syria since it began in 2012, and it is one of the few EU countries to commit to 0.7% foreign aid spending. DFID figures show that UK aid in Syria and the region between February 2012 and August 2016 has included providing more than 21 million individual and monthly rations, in excess of 6.5 million relief packages, more than 6 million vaccines, and health support, grants and vouchers.
Unaccompanied Children
(Greece and Italy)

That is not it. Between October 2015 and December 2016, the UK gave support to refugees and migrants during the Mediterranean crisis, many of whom were not from Syria, and from other countries. The support tried to reduce conflict and instability, will we ever get to the bottom of some of the deep-rooted challenges we face today.

Mr Speaker: Before I call the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald), I remind the House that the debate must finish no later than 6.25 pm—some might think there is merit in it finishing slightly before then—so I appeal to him and the right hon. Member for Hackney North and Stoke Newington (Ms Abbott) to take account of the wish of the hon. Member for Wirral South (Alison McGovern), who opened the debate, to have a few minutes to conclude it.

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): Like other hon. Members, I genuinely welcome, yet again, all the good work that the Government have done, and continue to do, on resettlement and aid. However, the winding down of the Dubs scheme is a deeply misguided decision. It flies so far in the face of the evidence we have heard that it is a scandalous decision. I therefore warmly congratulate the hon. Member for Wirral South (Alison McGovern) on securing this timely debate and giving us this opportunity to hold the Government to account. We have heard many fine speeches today.

If anyone wants to understand why this is such a deeply misguided and scandalous decision, I urge them to read the transcript of the utterly compelling evidence that the Home Affairs Committee heard yesterday from UNICEF, Safe Passage, Save the Children, the International Rescue Committee, the Children’s Society, representatives of local government, and Scotland’s Children’s Commissioner. In the words of Tam Baillie, the last of those witnesses, the limit placed on the number of Dubs transfers is “a shameful step back from an already weak UK response to the plight of migrant children stranded in Europe.”

I distinguish the situation as regards Europe from the help that the Government have provided in the region. SNP Members agree with the Children’s Commissioner. We need not only Dubs reinstated and expanded, but far stronger and faster procedures for Dublin transfers, and better and more generous family reunion and processes. One person in each of Greece and Italy transferring seven or eight people each year is not remotely in the ballpark of what this Parliament expected. All that is reflected in this motion, which we therefore wholeheartedly support. In short, the evidence of the witnesses we heard yesterday was that the Dubs scheme is a modest scheme. It is modest, but it is a very significant and, indeed, unique contribution to dealing with the migration crisis facing Europe, and completely and absolutely the right thing to do.

It is worth reiterating why this is such a precious prize. As we have heard, conditions for too many of the more than 90,000—probably over 100,000—unaccompanied child refugees in Europe are appalling. Of those in Greece—2,300 or so—more than half are living in tents with no heating, exposed to freezing conditions, lack of hot water, inadequate medical care, violence and mistreatment. Dubs, alongside other schemes, can help to stop that happening, ensuring that we are making our fair contribution towards this effort. That is the
prize we are pushing for. If we are not going to do this, how can we say that any other country should step up to the plate and take its share of responsibility?

Most impressively, the witnesses yesterday utterly dismantled the two very tenuous reasons given by the Government for phasing this scheme out. First, as the hon. Member for South Cambridgeshire (Heidi Allen) said, it is wrong of the Home Secretary to argue that the pull factor caused by the Dubs scheme plays into the hands of people traffickers. In fact, the opposite is the case—ending Dubs would be an absolute boon for people traffickers. That was the expert opinion of UNICEF, Safe Passage, Save the Children and the International Rescue Committee. As we heard earlier, the Independent Anti-Slavery Commissioner has published a report on similar lines. That prompts the question of whether the Government took advice from their own independent expert before reaching this decision, because based on what we understand he has put out this afternoon and the letter referred to by the hon. Member for Enfield, Southgate (Mr Burrowes), he would give the Government absolutely contrary advice to what they have decided to do.

The second argument made by the Government for closing the Dubs scheme is about local government capacity. The witnesses yesterday were absolutely clear that it is not fair for the Immigration Minister to argue that local authorities have the capacity for 400 and that is the end of the story. On the contrary, there can be significantly more capacity. We were reminded that even if we just looked at the Government’s own 0.07% target for the national transfer scheme, that would leave capacity for 4,000 under Dubs. In a sense, however, talking about existing capacity misses the point, because as Tam Baille, the Children’s Commissioner, pointed out, the question we should be asking is what additional capacity we can create. What investment and time are needed in order to ensure that we are in a position to take our fair share? The right question is not, “How much can we comfortably handle just now?”, but “How much do we need to do—how much do we need to invest—if we are to do our fair share?”

The 3,000 in the original Dubs amendment was not a number plucked out of thin air; it was a careful calculation by Save the Children, using the EU relocation formula, to decide what our fair share of the estimated number of children in Europe at that time would be. Of course, the number of children in Europe is now roughly three times that, so even if we stuck to the original 3,000 it is still a very modest contribution that probably underestimates the number of children we would rightly be expected to take. Instead of dodging our responsibilities, we need more than ever to live up to them.

As we heard earlier, the First Minister, Nicola Sturgeon, has said that Scotland is ready to play its part, and next week she will host another roundtable on how to respond to the situation for unaccompanied children. As we heard yesterday, local government across England and Wales is absolutely prepared to get involved.

Based on yesterday’s Home Affairs Committee sitting and briefings from other respected organisations such as Amnistía Internacional and the Red Cross, there is an abundance of expertise, ideas and detailed proposals not only about how we could continue Dubs alongside Dublin, but how we could expand it and make it work better and faster in France, Italy and Greece, Bulgaria and even the Balkans, where such schemes are desperately needed. The Government should be working with non-governmental organisations, local government and other public bodies that are prepared to make that happen.

The Government, as reflected in the motion, have a strong track record on international aid to the countries around Syria. I have always praised that when debating these issues, but it is not some sort of down payment that allows us to wash our hands of responsibility for hosting a share of the refugees. All the work undertaken by the Department for International Development risks being gravely overshadowed in the years ahead by the intransigence of the Home Office.

Hypothetically speaking, if 100,000 children arrived in the United Kingdom and travelled down the Thames, I think the Home Office would take a very different approach. It would not say, “Yes, we will deal with the 100,000 and take some aid from Europe.” It would expect other European countries to step up to the plate. We should take the same approach.

The Home Secretary and the Immigration Minister rightly received credit for their action in respect of Calais—action that their predecessors had dodged for too long, which meant that ultimately the process was unnecessarily messy. That action showed that, with investment, co-operation and political will, significant progress can be achieved and lives can be changed. They should stick to those instincts, revisit the consultation with local authorities, abandon the myths and make policy based on evidence. They should reinstate and expand the Dubs scheme, take out the restrictive nationality and age criteria from the guidance, and improve the Dublin and family reunion processes. Doing so would show respect for this Parliament, command respect from the public, show solidarity with our European neighbours and, most importantly, save children from exploitation and abuse.

6.1 pm

Ms Diane Abbott (Hackney North and Stoke Newington) (Lab): I congratulate my hon. Friend the Member for Wirral South (Alison McGovern) and others on securing this important debate. We have heard powerful speeches by my hon. Friend, my right hon. Friend the Member for Normanton, Pontefract and Castleford (Yvette Cooper), the hon. and learned Member for Torridge and West Devon (Mr Cox), my hon. Friend the Member for Ealing, Southall (Mr Sharma), the hon. Members for Mid Derbyshire (Pauline Latham) and for Dundee West (Chris Law), the right hon. Member for Loughborough (Nicky Morgan), my hon. Friend the Member for Bradford West (Naz Shah), who informed us that she has actually fostered refugee children, which gave what she had to say added significance, the hon. Member for Wellesborough (Mr Bone), my hon. Friend the Member for Walthamstow (Stella Creasy), the hon. Members for South Cambridgeshire (Heidi Allen), for Enfield, Southgate (Mr Burrowes), for Colchester (Will Quince) and for Aldridge-Brownhills (Wendy Morton) and, finally, the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald).

Most Members, on both sides of the House and from all parties, have made it abundantly clear that in effectively closing the Dubs scheme after accepting a mere 350...
children, the Government have fallen far short of what Members in both Houses thought they had voted for.

Clive Lewis (Norwich South) (Lab): I have sat and listened to the debate and heard powerful presentations from many Members across the House. I think that the debate distils down to two very clear things. First, what do we want to look like to the rest of the world? What example do we want to set? Secondly, what type of country do we want to be? Does my right hon. Friend agree with that?

Ms Abbott: I agree that this is about asking, particularly post-Brexit, what sort of Britain we are: are we a genuinely outward-looking, internationalist and humanist country, or are we a country that seeks ways to avoid its moral obligations?

I have to begin by acknowledging the investment and exemplary work of Her Majesty’s Government with regard to those refugees who have stayed in camps in the region. I have visited those camps, but this debate is about the Syrian refugee children and others who are in mainland Europe. Some Members and, sadly, the Minister have implied that if we pretend that those tens of thousands of child refugees who are already in Europe somehow do not exist and do not matter, they will disappear.

I must direct the focus of the House to the tens of thousands of refugee children in mainland Europe. I contend that in narrowing the safe and legal routes from Europe for those children, the Government run the risk of acting as a marketing manager for people traffickers. I have visited the camps in France and Greece. These children may be in safe countries, as some Members have said, but they are living in horrible conditions. That is despite the best efforts and the personal kindness of—

Mr Bone: Will the right hon. Lady give way?

Ms Abbott: I have to make progress.

Mr Bone: It is supposed to be a debate.

Ms Abbott: I have listened with a lot of care to all the speeches by Members on both sides of the House and now I have to make progress in order to leave time for my hon. Friend the Member for Wirral South.

I have visited the camps in France and Greece. The children there may be in safe countries, but they are living in horrible conditions. That is despite the fact that so many local people do their best to be kind and helpful. Far from arguing, as some Members in this House have done, that providing more safe and legal routes from Europe to this country when they have relatives in mainland Europe to this country when they have relatives there may be in safe countries, but they are living in horrible conditions. That is despite the best efforts and the personal kindness of—

Mr Goodwill: Local authorities now receive £41,610 a year for each unaccompanied child under 16. I think that is slightly more than 15% of the costs.

Ms Abbott: I can only listen to the LGA, which said that the money covers only 50% of funding costs. The Minister must have that debate with local government.

It is all too easy to say that closing off routes, whether the Dubs scheme or Dublin, for refugee children in Europe is acting in their best interests—that somehow they will go back, and that the fact that we are doing good work in the region offsets the fact that children are being left in squalor at the mercy of people traffickers on the continent of Europe. It is all too easy, but it is not right. The hallmark of a civilised country is the fairness, the justice and the humanity with which it treats the most vulnerable. Who could be more vulnerable than refugee children?

I join many Members on both sides of the House who plead with the Government, even at this late stage, to fulfil the hopes and expectations of Members in this House and the other place when they voted for the
Dubs amendment. We plead with the Government to fulfil not only their legal but their moral obligations, and to act to save the tens of thousands of refugee children still on the continent of Europe from the squalor, the people traffickers and the exploitation, and, perhaps above all, to save this country’s good name and reputation.

6.11 pm

Alison McGovern: I began the debate by explaining that it was cross party because the fate of refugees is a cause that belongs to no one political party, no one ideology and no one faction. I remain of that opinion after listening to Members’ contributions.

Notwithstanding that, my right hon. Friend the Member for Hackney North and Stoke Newington (Ms Abbott), who has shown great courage in recent weeks, my hon. Friend the Member for Walthamstow (Stella Creasy), my right hon. Friend the Member for Normanton, Pontefract and Castleford (Yvette Cooper) and my hon. Friends the Members for Ealing, Southall (Mr Sharma) and for Bradford West (Naz Shah) made me deeply proud to be a Labour person, as I always will be. However, in listening to the hon. Member for South Cambridgeshire (Heidi Allen), the hon. and learned Member for Torridge and West Devon (Mr Cox), the hon. Member for Colchester (Will Quince), the right hon. Member for Loughborough (Nicky Morgan), and the hon. Members for Dundee West (Chris Law) and for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald), I felt proud of my country.

The Minister, however, decided to speak at the beginning of the debate. When I understood that he wished to do that, I hoped that he would set the tone by making a new announcement or giving us some new information that might make us reconsider the concern that some of us felt. Unfortunately, the opposite was the case. I remain with unanswered questions. We suspect that we do not have enough staff in Greece to process applications properly, and the Minister said that he will write to me on that point, for which I am grateful. We still do not have a true picture of local authority capacity to accept new child refugees under the Dubs amendment, although Members of all parties gave examples of their council leaders, who have said clearly and unequivocally that they can do more. The Minister must therefore make a proper formal assessment and either write to the Chair of the Home Affairs Committee, my right hon. Friend the Member for Normanton, Pontefract and Castleford, or place the information in the House or provide it in some other public way.

Most importantly, the Minister should commit to a proper reopening of the Dubs scheme. Given that we have clear evidence that there is widespread support for the scheme and that local authorities can and will accept more children, there is no reason for the limit of 350. Whatever the rights and wrongs of what was said to whom, where and when, as many Members have said, nobody went into the debate believing that that was the number that we would accept. The Minister must commit to a proper reopening of Dubs.

I have no wish to detain the House any longer, but I want to conclude by saying that there are very clear practical reasons why turning away from refugees is a bad idea. Whether it is the impact of the message on people in poor countries who are more likely to turn to the siren voices of extremists and terrorists if we do not stand up for the values we say we believe in, or it is the wider consequences of poverty that lead to conflict in the first place, from a practical perspective, turning away refugees is just not in our national interest.

Having met refugees myself, I remain of the view that if the average British person who probably thinks about these issues for no more than a couple of minutes every month or so met a refugee and saw what those of us in this House have seen, they would feel absolutely clear that they wanted to help. None of them would turn away. Yet just now our world is caught up in the oldest of stories: when times are hard extreme politicians turn up and tell ordinary working people to blame foreigners rather than to see the truth that people who become refugees are just like us.

The way forward for the Government is clear: reopen Dubs, get more staff to Greece and get children to safety. Until they do so, I and my colleagues from all parties will be back here time and again.

Question put.

The Speaker’s opinion as to the decision of the Question being challenged, the Division was deferred until Wednesday 1 March (Standing Order No. 41A).
High Speed 2 (Newton)

Mr Speaker: May I gently appeal to right hon. and hon. Members who might be leaving the Chamber—I am bound to say leaving the Chamber quite unaccountably in the light of the parliamentary feast that remains to be consumed—to do so quickly and quietly?

Motion made, and Question proposed, That this House do now adjourn.—(Chris Heaton-Harris.)

6.17 pm

Mr Dennis Skinner (Bolsover) (Lab): Thank you, Mr Speaker, for allowing this debate about a very important subject: HS2 in my constituency.

I remember clearly the statement by the then Secretary of State for Transport announcing HS2 for the north. I asked him then whether it would go to Derbyshire Dales and of course the answer was no, but one thing was certain: it was going to the very heavily populated eastern side of Derbyshire. That meant there was going to be some trouble. Sure enough, during the past few months, I have been meeting people and trying to deal with that trouble in Tibshelf and other parts of Bolsover.

In an industrial estate in Tibshelf, the line goes straight through the factory owned by a firm employing nearly 100 people.

Little did I know, however, that in the course of the past few weeks a decision would be made that was going to supersede everything I thought about HS2. Mr Higgins, who is in charge of HS2, decided it would be a good idea to have, in the middle of Sheffield, which is built on seven hills, a dead-end station—the trains will go in and come out the same way. The station was going to be where the old steel industry was, in the massive shopping area now called Meadowhall. That is a flat area. Most of us assumed that Meadowhall would be the ideal spot.

Mr Jim Cunningham (Coventry South) (Lab): We are in a similar situation in Coventry. The environment of Warwickshire will be desecrated by HS2. It will affect a lot of villages, and many people in Coventry who may be affected will not receive any compensation. The Elliott family, whom I know, are in that position. What is more important, however, is that Birmingham will benefit while Coventry could lose out on investment, and that could happen to my hon. Friend’s constituency as well.

Mr Skinner: I have no doubt at all that Birmingham is favoured because it is part of that new-fangled powerhouse, whereas Coventry is not regarded as such. In my area, the powerhouse is based in Sheffield. The Government said to Mr David Higgins that they wanted a station in the city built on seven hills, and they got one. Little did I realise, although I was holding meetings about HS2 and voting against it. The truth is that it was like a bombshell, and it showed that in the argument about localism versus powerhouses, the powerhouse wins every time.

It is preposterous that the Government did not even consider what would happen in Derbyshire the moment they designated Sheffield as an HS2 station. It meant that the whole line had to be redrawn, and another line had to be found to run through Derbyshire. The net result is that the line will go through the middle of Newton, a small village in my area. More than 30 houses will be demolished, and Blackwell parish council will be cut in half—all because of the Sheffield decision.

I am not the only one who has introduced an Adjournment debate on this subject. This is the third Adjournment debate that we have had about this particular business of Sheffield. My right hon. Friend the Member for Doncaster North (Edward Miliband) had on his feet the other Monday talking about what would happen now that the route had been moved away from Meadowhall and towards his constituency. It will go through Mexborough and destroy houses there as well. My right hon. Friend the Member for Rother Valley (Sir Kevin Barron) had an Adjournment debate on the same matter a few weeks earlier. Sheffield had got the station, and therefore the line would run through a village called Bramley and several other villages in his area. The result will be havoc in Doncaster North, Rother Valley, and now Derbyshire. That is why you gave us these Adjournment debates, Mr Speaker. You know that it is a very important issue.

When I read the report of that Adjournment debate, I saw that, at the very end, my right hon. Friend the Member for Doncaster North—the ex-leader of the Labour party—had asked the Minister concerned whether Meadowhall was still viable and on the table, and the Minister had said yes. I hope that that is the case, because he, the Secretary of State, Higgins, and all the rest of them have got to get their heads together and stop this nonsense of allowing a station in Sheffield. It is going to create more havoc in our area than Hitler created in the second world war. When I was a little kid, my father used to say, “Go and have a look at that big hole. The bombs dropped last night.” It would always be near the railway line, but Hitler never hit it. Why did he want to hit it? Because Clay Cross diverged into two lines, the midland main line and the Erewash line.

I have to ask the Minister whether he has ever considered the idea of starting at Toton, and going straight up the Erewash line, which is already there and is used for traffic going to Nottingham and also for freight. That could then connect up to the midland line at Clay Cross, and therefore Newton would not be affected whatsoever. In other words, it would be a slow line—like it is now, believe me. All those 30 minutes will have gone. Can we remember when the Government made that 30 minutes announcement—that the business people would be able to get to London 30 minutes quicker?

The current cost is £78 billion. If I was in government and I had £78 billion, I would be giving a lot of that to the national health service and some more to social care, and I would have electrification of the Sheffield line. Why do the Government not do that? If they do that with the Sheffield to London midland line, they will get the benefit of what would be applicable if they had HS2.

Mr Jim Cunningham: Interestingly, high-speed rail could affect the frequency on the west coast main line, for example. Also, we do not know how much passengers’ fares would cost on high-speed rail; that has never been spelled out. This could affect us in Coventry in a number of ways, therefore, but my hon. Friend was right when he mentioned that Birmingham is the regional capital. All the benefits will go to Birmingham, and, most importantly, in order to get Birmingham on target a skills college is going to be established. There are enough skills in the west and east midlands to fulfil this objective.
Mr Skinner: I absolutely agree with my hon. Friend. He has been with me in the Lobby when we have voted, but little did I know when I was voting that I would later on be arguing this case for the beleaguered people of Newton. It is horrific when we think about it that there they were playing no part in the HS2 argument, then suddenly a decision was made by Mr Higgins—no doubt supported by the Ministers concerned—who announced the Sheffield station, and the net result is that we have these two lines. One is the slow track that starts on the Erewash line, finds its way to the middle of Newton and then joins the track later on. The very idea that the Government thought they needed a branch line is nonsense when they could have carried on at Toton and gone straight through to Sheffield on the midland line.

It is almost unbelievable that the Government have fallen into this trap. That is why I am pleased that at this morning’s Transport questions I was able to ask the Secretary of State whether he would meet the Newton people. As we can imagine, immediately they found out that they were in the firing line, a group of people set to the task of finding out what was going to happen and making sure it was prevented.

When I went there the other week, there were more than 300 people in the old folks’ hall, and there were 150 people standing. It is a tiny village, but that shows the scale of their response, and they kept the doors open for the people on the streets to hear what was taking place. It was the biggest meeting I have had since the general election, and it was all done on the spur of the moment.

So I say to the Minister concerned that we want to bring these people down, and they will ask the Minister, very sensibly, about ensuring that, instead of going to Newton, the train carries on from Toton and joins the Clay Cross midland line on its way to Sheffield. It will not make a ha’p’orth of difference about the time, because, frankly, it is going to lose time on that route anyway, but it will mean that the Government would not have to develop a branch line, called the Newton spur, that turns off to the left. But the most sensible thing would be the electrification of the midland line. Then we would be home and dry, and we would probably get trains travelling even faster.

I want the Minister to report to the Secretary of State about this discussion today. This can be resolved, but they must ensure that the Meadowhall idea is continued. That would resolve the problems in Newton and in Mexborough. It could also solve the problem in Bramley in the Rother valley. In my opinion, those are the most sensible things that the Ministers could do to solve this problem. Have I done quarter of an hour? [HON. MEMBERS: “Not quite.”] I have two minutes.

I hope the Minister will take on board everything I have said today. I have not tried to hide the facts. Everything I have said in the Chamber today has been based on the knowledge I have obtained by going to meetings with my Newton colleagues, who believe that they are going to have to deal with a storm that has come out of the blue. They never realised that this would be a problem. So let’s have the fast line going on to Meadowhall and the slow line dwindling on its way; let’s keep it away from Newton and make sure it moves from Toton; and let’s hope there is a satisfactory conclusion.

The Parliamentary Under-Secretary of State for Transport (Andrew Jones): I congratulate the hon. Member for Bolsover (Mr Skinner) on securing this end-of-day debate on high speed rail. I apologise for being a bit croaky, but I will get through the next quarter of an hour.

Through programmes such as HS2, the Government are investing in world-class infrastructure to ensure that the UK can seize opportunities and compete on the global stage. I believe that HS2 is a great project. It will increase capacity on our congested railways for both passengers and freight. It will also improve connections between our biggest cities and regions, and generate jobs, skills and economic growth, helping us to build an economy that works right across our country. Even those who never travel by train stand to benefit from having fewer lorries on the roads and from the thousands of local jobs and apprenticeships created by HS2, with 2,000 new apprenticeships, 25,000 private sector jobs involved in building the railway, and 3,000 jobs involved in operated it once it opens. It has been estimated that 100,000 new jobs will be created by HS2, 70% of which will be outside London. That will provide a massive boost to employment in our country.

The route to South Yorkshire has not yet been decided. The hon. Gentleman asked whether the Meadowhall option was still open—it is. We have not made a decision. We are consulting on that matter, and the consultation closes on 9 March. We will then review the submissions before making any final decisions. The original 2013 consultation proposed serving South Yorkshire with a route along the Rother valley and a new HS2 station at Meadowhall, which is about 6 km from Sheffield city centre. Since that consultation, opinion among local people about the best location for a station has been divided. Indeed, that is clearly an understatement. This has made the decision about how HS2 can best serve the region very challenging, and the factors surrounding the decision are finely balanced. I have met colleagues and residents from South Yorkshire, and I will continue to do so.

In addition, there have been a number of new developments since 2013, including the northern powerhouse aspiration for fast and frequent rail services between city centres right across the north. In the light of these developments and the feedback received in response to the 2013 consultation, HS2 Ltd continued to consider a range of options for how HS2 can best serve South Yorkshire while maintaining the integrity of the service to the larger markets right across the north of England. As a result of this work, Sir David Higgins recommended that the main north-south route should follow a more easterly alignment over some 70 km between Derbyshire and West Yorkshire, which we refer to as the M18 route. He also said that a 9.4 km southern spur at Stonebroom could be built off the HS2 mainline, enabling HS2 trains to run into Sheffield city centre along the existing rail network. That spur would pass close to Newton.

The hon. Gentleman mentioned the Erewash Valley line. It has been considered, but it was deemed unsuitable for high-speed trains. The line runs within a floodplain, and would require elevating via a viaduct, and we would have to divert all the line’s existing usage on to some other rail facility.
Mr Skinner: This is vital to the meeting that we will have with the Secretary of State. The Minister said that the Erewash line could not or will not be considered, but the truth is that HS2 goes to Toton and then proceeds to Meadowhall. Under the present arrangements, the spur line would go through Newton and clean out at least 30 houses. Does the Minister realise what he is saying? He thinks that South Yorkshire can be dealt with, but 30 properties in Newton will be demolished purely because the Government do not have the wherewithal to deal with the Erewash line, which has traffic on it now.

Andrew Jones: No, I am saying that the Erewash line has been considered but that no final decision has yet been made. We are still reviewing all the options, as has been made clear in all debates. The consultation is live and will run until 9 March. I will come on to talk about Newton in just a moment.

The approach put forward by Sir David Higgins would allow HS2 trains to serve Chesterfield directly, which would have further benefits to neighbouring parts of Derbyshire and Nottinghamshire. Sir David also identified the potential to create a connection back on to the HS2 mainline north of Sheffield, creating a loop rather than a spur, and enabling services stopping at Sheffield midland to continue to destinations further north. The proposed M18 route has additional benefits in that it affects fewer properties and will generate less noise pollution than the Meadowhall alternative. It is also less congested, avoiding businesses and the risk from the legacy of mining.

The hon. Gentleman has forwarded letters from his constituents in which they express concerns about the impact of the proposed new route on their communities. Today he highlighted the issues facing the community in Newton, where people have raised concerns about the impact of the proposed M18 route on property value, compensation, noise and other pollution, and disruption due to construction traffic. He mentioned the matter at Transport questions today, and I agree that it is important to meet local residents. I have met many, as has the Secretary of State, and we will continue to do so. The Government consider that it is really important to listen to residents’ concerns about the proposed HS2 route. That is why HS2 Ltd has engaged closely, and continues to engage, with the people of South Yorkshire to understand and address their concerns. Public meetings are taking place. The current phase 2b route refinement consultation is addressing the issues raised directly by local residents, including the location of depots, where tunnels and viaducts should be built, the height of infrastructure and property impacts.

In the other stages in the development of the project, we have seen that refinements have followed the consultations, so these consultations are genuine and open, and changes are being made as a result of them. This consultation exercise closes on 9 March. HS2 Ltd has run some 30 information events along the line of route at which residents and stakeholders have been able to ask questions and get information about the project. The events have been widely attended by residents, as well as engineers, environmental consultants and property experts. The entire HS2 programme has benefited from close engagement with communities all the way along the line of route. I hope that I can assure the hon. Gentleman and the House that the Government and HS2 Ltd are listening.

Mr Skinner: It is not a question of listening. I do not think that the Minister really understands that the small village of Newton will be decimated as a result of Higgins’s decision. I want to know not only whether there will be consultations, but whether the Minister has the power to sack Higgins for coming up with this preposterous idea of a branch line that will result in Newton being wrecked.

Andrew Jones: I am not going to agree that people should be sacked for coming up with ideas, which is clearly not a sensible way forward in any kind of policy development.

I am aware of how challenging the situation is for communities all along the line of route, which is why my colleagues and I have met those communities. I emphasise that we recognise and sympathise with the difficult position in which those communities find themselves. Five residential properties in Newton and a further seven commercial properties at Tibshelf are potentially on the direct line of route.

We have tried to design the HS2 railway to minimise the effect on residents and businesses along the line of route, but it is impossible to build such a large piece of infrastructure without some impacts. The construction and operation of any major infrastructure project has the potential to cause substantial changes to the surrounding neighbourhoods and environments, and it is not only the impact of the line; there are also impacts such as dust, noise and road diversions during the construction phase.

Whenever the effect on property is considered, I am acutely aware that we are not just dealing with a financial investment, as people invest much more than money in creating a home, and a home is not something that one should ever take away from a person lightly. I have full sympathy with and respect for the communities along the line of route.

Mr Jim Cunningham: As I said earlier, I have constituents who are not covered by the compensation formula. As a result, they will lose the value of their homes. What discussions has the Minister had with the Select Committee on the High Speed Rail (London – West Midlands) Bill? Has he taken on board any suggestions? Has he had any discussion about this?

Andrew Jones: I have met many colleagues, including members of the Select Committee.

HS2 Ltd is liaising with communities. I fully recognise all the complications and challenges that people face, and I fully understand that the blight, the concern and the anxiety are very difficult. HS2 Ltd is committed to working closely with authorities and communities to draw up a comprehensive and detailed package of measures to address the local impacts of construction, including hours of construction activity. It has provided information on its plans to mitigate noise and other environmental issues, and that information is all available on the HS2 Ltd website. Examples of mitigation could include environmental interventions such as the planting of trees, hedgerows and shrubs, the creation of landscape earthworks and so on.

HS2 Ltd has also provided, and continues to provide, information on property compensation schemes to affected residents. It has written letters to directly affected residents informing them of the specific impacts on their property
and of their available options. Those options include a “need to sell” scheme, under which applicants are required to demonstrate that they have a compelling reason to sell their property, but that they have been unable to do so—other than at a substantially reduced price—as a direct result of the announcement of HS2. If an application is accepted, the Government will buy the applicant’s property at its full unblighted market value.

HS2 is recognised as a controversial project that has divided opinions in many communities, but the High Speed Rail (London – West Midlands) Act 2017 was passed by both Houses with huge majorities. On HS2 we have run the largest public consultation in British Government history. Throughout the lifetime of the scheme, we have sought to listen to communities and to take on board their comments and concerns at every stage—that will continue. We will certainly continue it with the hon. Gentleman and the residents he represents.

HS2 is already having an impact. Local authorities and local enterprise partnerships are gearing up for HS2 and developing growth strategies, supported by UK Government growth strategy funding, to maximise the benefits of HS2 in their areas. Regions can start to benefit from HS2 long before it is built simply by starting to work on their long-term plans for regeneration and development to bring in investment and businesses. I have met council leaders in Birmingham, Manchester and Leeds, all of whom have highlighted how this will be a fantastic boost for their cities and regions, with opportunities flowing from it. HS2 Ltd is working with businesses across the UK, including many small and medium-sized firms, to ensure they are well prepared to bid for contracts and reap the benefits. We have held a supply roadshow, and I spoke at our event in Aberdeen, which is a long way from the line of route. However, the point is that many businesses in that area have high levels of skills in steel platform construction and other engineering, and I wanted to say, “Right, this is a project from the UK for the UK. We want you to participate. There is business going.”

The point remains that HS2 is going ahead—Royal Assent was given just today—so we must recognise that the next questions are about how we minimise the disruption during the build and how we maximise the opportunities it presents, while working very hard to resolve the outstanding questions and to treat all the residents affected with the dignity, transparency and courtesy that they demand. HS2 is not simply about improving transport; it is about building a much better infrastructure network right across our country, and creating from that an economic legacy fit for future generations.

Question put and agreed to.

6.46 pm

House adjourned.
House of Commons

Friday 24 February 2017

The House met at half-past Nine o’clock

PRAYERS

[Mr Speaker in the Chair]

Mike Weir (Angus) (SNP): I beg to move, That the House sit in private.

Question put forthwith (Standing Order No. 163), and negatived.

Philip Davies (Shipley) (Con): On a point of order, Mr Speaker. On Wednesday morning, the Order Paper included four Bills whose remaining stages could take place today. However, the remaining stages of a fifth Bill—the Kew Gardens (Leases) Bill—appeared on the Order Paper on Thursday morning. That Bill only completed its Committee stage on Wednesday. I do not attach any blame to my hon. Friend the Member for Bridgwater and West Somerset (Mr Liddell-Grainger) and I have no particular issue with the Bill in general. My particular issue is a point of principle, in that amendments to private Members’ Bills on Friday have to be tabled by the end of play on Tuesday, yet the Kew Gardens (Leases) Bill did not appear on the Order Paper until Thursday morning after finishing in Committee on Wednesday. Therefore, people were given no opportunity to table amendments if they so wished. What is your view, Mr Speaker, as to whether this should be the state of affairs?

Mr Christopher Chope (Christchurch) (Con): Further to that point of order, Mr Speaker. I noticed that the Kew Gardens (Leases) Bill had appeared on the Order Paper yesterday morning, and I tabled some amendments to it, but obviously those amendments are starred because, although I tabled them at the first opportunity, it will not be possible to debate them unless there is a ruling to the contrary. I inquired as to the practice relating to the issue and was told that the convention is that a Member of this House should not put forward their private Bill for Report and Third Reading if that Bill has only come out of Committee on the Wednesday, rather than the Tuesday of that week. That was certainly the practice adopted by my hon. Friend, the Member for Harrow East (Bob Blackman) when he brought forward the Homelessness Reduction Bill, which I had the privilege of chairing in Committee. It was quite clear that that Bill would not be put forward for Report until there had been a clear period in which amendments could be tabled. Would you rule on that, Mr Speaker? If the Kew Gardens (Leases) Bill is heard today, will it be possible to discuss the amendments to it?

Mr Speaker: The short answer is that it will be possible. As is probably obvious to the hon. Gentleman and to the hon. Member for Shipley (Philip Davies), this is the first I had heard of their disquiet and of the timing of the Bill coming forward. I am advised that the rationale for that is that there are few sitting Fridays left, and that the hon. Member for Bridgwater and West Somerset (Mr Liddell-Grainger) is keen to make progress with his Bill. Whatever the rights or wrongs of that, there will be an opportunity for new clauses and amendments to be considered.

Moreover, beyond those that have been tabled, if there is concern that there was not a proper period in conformity with usual practice for the tabling of amendments, and the hon. Members for Christchurch (Mr Chope) and for Shipley feel disadvantaged by that, it is open to the Chair to allow manuscript amendments. I hope that, even if the hon. Gentlemen are not pleased about the sequence of events, they are reassured that such opportunities as they might seek to speak on these matters will be there for them. They will have an opportunity to deploy their vocal cords and their intellects.

Mr David Nuttall (Bury North) (Con) rose—

Mr Speaker: Very briefly, as I think I have given a very full explanation.

Mr Nuttall: Further to that point of order, Mr Speaker. On the point of manuscript amendments, if an hon. Member has noticed that there is a small typographical error on the amendments that have been tabled to a Bill to be debated today, is it in order to try to table manuscript amendments to those amendments? Would the Chair be prepared to consider that?

Mr Speaker: The Chair would certainly be happy to consider that. I make no commitment as it would depend on the merits of the case, but I am certainly open to that. I hope that the appetite for points of order has been satisfied, at least for now.
Preventing and Combating Violence Against Women and Domestic Violence (Ratification of Convention) Bill


Consideration of Bill, not amended in the Public Bill Committee.

New Clause 6

RECOMMENDATIONS BY GREVIO AND THE COMMITTEE OF THE PARTIES

“Any recommendations given by GREVIO (that is the Council of Europe’s Group of Experts on Action against Violence against Women and Domestic Violence) and the Committee of the Parties (that is the Committee of the Parties to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)) are not binding on the UK Government.” (Philip Davies.)

Brought up, and read the First time.

9.39 am

Philip Davies (Shipley) (Con): I beg to move, That the clause be read a Second time.

Mr Speaker: With this it will be convenient to discuss the following:

New clause 10—Recommendations by GREVIO and the Committee of the Parties (No. 2)—

“Any recommendations or reports by GREVIO (that is the Council of Europe’s Group of Experts on Action against Violence against Women and Domestic Violence) or the Committee of the Parties (that is the Committee of the Parties to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)) must be debated in Parliament before any Government response is given.”

New clause 11—Annual statistics—

“The Government must use its best endeavours to obtain statistics on the levels of violence against men, women and all domestic violence victims in each country who are ratified members of the Convention and to make them publicly available and published annually.”

New clause 12—Quarterly statistics—

“The Government must use its best endeavours to obtain statistics on the levels of violence against men, women and all domestic violence victims who are ratified members of the Convention and to make them publicly available and published quarterly.”

New clause 14—Limitation on reservations concerning Article 44—

“The United Kingdom shall not make its ratification subject to any declaration as provided for under paragraph 2 of Article 78 of the Convention that it will not establish jurisdiction under Article 44 when the offence established with the Convention is committed by a person who has her or his habitual residence in the United Kingdom.”

New clause 15—Territorial application—

“The United Kingdom shall not make its ratification subject to any restriction on territorial application under Article 77 of the Convention.”

New clause 16—Victims of forced marriage—

“The United Kingdom shall not make its ratification subject to any restriction on its right to take the necessary legislation or other measures referred to in Article 59.4.”

New clause 17—Compensation awarded to those who have sustained serious bodily injury or impairment of health—

“No ratification of the Convention shall be made by the United Kingdom unless at the time of depositing its instrument of ratification it declares that it reserves the right not to apply the provisions of Article 30 paragraph 2.”

New clause 18—Limitation on reservations concerning psychological violence and stalking—

“The United Kingdom shall not make its ratification subject to any declaration as provided for under paragraph 3 of Article 78 that it reserves the right to provide for non-criminal sanctions for the behaviours referred to in Article 33 and Article 34.”

New clause 19—Reservations—

“Nothing in this Bill shall prevent the United Kingdom ratifying the Istanbul Convention with reservations as provided for in paragraphs 2 and 3 of Article 78.”

New clause 20—Requirement to denounce of the Convention after five years—

“The United Kingdom Government shall denounce the Istanbul Convention no later than five years after it has ratified the Convention.”

Government amendment 1, leave out clause 1. This amendment leaves out clause 1.

Amendment 56, in clause 1, page 1, line 6, at end insert—

“without making any reservations under Article 78 of the Convention.”

Amendment 57, in clause 2, page 1, line 11, after “Convention” insert “without reservations”.

Government amendment 2, page 1, line 12, leave out “date by” and insert “timescale within”.

This amendment requires the Secretary of State to report on the timescale within which she expects the Istanbul Convention to be ratified, rather than the date.

Amendment 58, page 1, line 13, at end insert “without reservations.”

Amendment 24, page 1, line 14, leave out from “laid” to end of the subsection and insert “when reasonably practicable”.

Government amendment 3, page 1, line 14, leave out “within four weeks of this Act receiving Royal Assent” and insert “as soon as reasonably practicable after this Act comes into force”.

This amendment changes the deadline for a report under clause 2 from four weeks from Royal Assent to as soon as reasonably practicable after commencement.

Amendment 22, page 1, line 14, leave out “four weeks” and insert “three years”.

Government amendment 4, page 1, line 16, leave out “Her Majesty’s Government” and insert “the Secretary of State”.

This amendment means the obligation to make a statement to Parliament will fall on the Secretary of State, rather than Her Majesty’s Government generally.

Amendment 59, page 1, line 17, after “Convention” insert “without reservations”.

Government amendment 5, page 1, line 17, leave out “it” and insert “the Secretary of State”.

This amendment is consequential on amendment 4.

Government amendment 6, page 1, line 19, leave out “its” and insert “the”. 
This amendment is consequential on amendment 4.

Government amendment 7, page 1, line 20, leave out “the Convention will be” and insert—
“the Secretary of State would expect the Convention to be”.
This amendment means the Secretary of State will be required to make a statement detailing when she would expect the Istanbul Convention to be ratified, rather than when it will be so ratified.

Amendment 25, in clause 3, page 2, line 2, leave out “each year” and insert “biennially”.

Government amendment 8, page 2, line 2, after “each year” insert “until ratification”.
This amendment makes clear that the government will only have to report on progress towards ratification until ratification has taken place (see amendment 14).

Government amendment 9, page 2, line 4, leave out paragraph (a) and insert—
“(a) if a report has been laid under section 2(1), any alteration in the timescale specified in that report in accordance with subsection (1)(b) and the reasons for its alteration;”.
This amendment is designed to avoid the implication that a report under clause 2 will necessarily have been issued before a report is required under clause 3.

Amendment 26, page 2, line 4, leave out paragraph (a).
Amendment 27, page 2, line 7, leave out paragraph (b).

Government amendment 10, page 2, line 7, leave out “(before ratification)”.
This amendment is consequential on amendment 8.

Amendment 28, page 2, line 10, leave out paragraph (c).
Government amendment 11, page 2, line 10, leave out “(before ratification)”.
This amendment is consequential on amendment 8.

Government amendment 12, page 2, line 11, leave out “to” and insert “in”.
This amendment changes a reference to legislative proposals being brought forward “to” the devolved legislatures to legislative proposals being brought forward “in” the devolved legislatures - which is the usual formulation.

Amendment 29, page 2, line 14, leave out paragraph (d).
Government amendment 13, page 2, line 14, leave out “(before ratification)”.
This amendment is consequential on amendment 8.

Government amendment 14, page 2, line 16, leave out paragraph (e).
This amendment removes the ongoing reporting obligation in clause 3(1)(e).

Amendment 49, page 2, line 25, at end insert—
“and produce a breakdown of government spending on victims of violence and domestic violence for both men and women.”

Amendment 50, page 2, line 27, after “violence” insert—
“and provide statistics showing international comparison on levels of violence against women and men”.

Amendment 51, page 2, line 31, at end insert—
“and to include the names of these organisations”.

Amendment 60, page 2, line 31, at end insert—
“(f) the costs to the Exchequer of the measures set out in subsection (1)(e)”.

Amendment 52, page 2, line 32, leave out “annual” and insert “biennial”.

Amendment 53, page 2, line 32, leave out “1 November 2017” and insert “1 January 2020”.

Amendment 54, page 2, line 33, leave out “1 November each year” and insert—
“1 January every 2 years”.

Amendment 55, in clause 4, page 2, line 37, leave out from “Act” to end of subsection and insert—
“will not come into force until 90% of the signatories to the Convention have ratified it and there has been a proven reduction in violence against women in 75% of the countries who have ratified the Convention.”

Government amendment 15, page 2, line 37, leave out “on the day on which this Act receives Royal Assent” and insert—
“at the end of the period of 2 months beginning with the day on which this Act is passed”.

This amendment means the Act will be brought into force two months following Royal Assent, rather than immediately on Royal Assent.

Government amendment 16, in title, line 1, leave out “Require the United Kingdom to ratify” and insert—
“Make provision in connection to the ratification by the United Kingdom of”.
This amendment is consequential on amendment 7.

Government amendment 17, in title, line 3, leave out “; and for connected purposes”.
This amendment is consequential on amendment 16.

Mr Christopher Chope (Christchurch) (Con): On a point of order, Mr Speaker. I do not wish to try your patience, but could you advise the House about the status of explanatory statements associated with amendments, and particularly Government amendments? The Member’s explanatory statement to amendment 4 on page 8 of the amendment paper says:
“This amendment means the obligation to make a statement to Parliament will fall on the Secretary of State, rather than Her Majesty’s Government generally.”

In fact, the amendment goes much further, because it would change the Government’s role in ratification and substitute the Secretary of State for the Government, so the explanatory statement is not a full and accurate statement of the effect of the amendment.

Mr Speaker: What I would say to the hon. Gentleman in response to that further point of order is that I am not responsible for the content of Government explanatory statements.

Chris Heaton-Harris (Daventry) (Con): Shame.

Mr Speaker: Well, the Government Whip says from a sedentary position, “Shame.” I have a sufficient burden, which I am very happy to seek to discharge to the best of my ability, but responsibility for Government explanatory statements is not part of that burden. Moreover—if I can bring a glint to the eye and a spring to the step of the hon. Member for Christchurch (Mr Chope)—it might be my observation that he, too, is not responsible for the content of Government explanatory statements. They are intended to try to help the House and to facilitate debate, but they enjoy no formal status whatever, so I do not think the hon. Gentleman should be troubled by the matter, although it may be something on which he will wish to expatiate at a later stage. We shall see.
We begin with new clause 6—and I hope we can now begin with new clause 6—with which it will be convenient to consider the new clauses and amendments listed on the selection paper.

Philip Davies: I want to speak to new clause 6 and the other new clauses and amendments that stand in my name and that of my hon. Friend the Member for Bury North (Mr Nuttall). We have quite a large group of amendments and new clauses to go through this morning. There are 11 new clauses—seven tabled by me, and four by my hon. Friend. Friend the Member for Christchurch (Mr Chope). On top of those, we have 36 amendments, most of which have actually been tabled by the Government, in cahoots, it is fair to say, with the Scottish National party and the promoter of the Bill. I will come to their amendments in a bit, because they seem to be trying to con the campaigners behind the Bill by pretending to support the Istanbul convention, at the same time as filleting the Bill to make sure it does not come into effect at all—but more of that later.

I have tabled 14 amendments, and my hon. Friend for Christchurch has tabled five, so we have 47 new clauses and amendments to consider this morning. I will try to do justice to them, and I will try to do that as quickly as I can, because I appreciate that other people will want to speak to them. However, a quick bit of arithmetic will tell hon. Members that if I spend only two minutes on each new clause and amendment, we will soon rattle past an hour and a half, so it is going to take some time to go through such a large group.

Mr Jim Cunningham (Coventry South) (Lab): I would have thought that the hon. Gentleman would—and I hope he will—support the Prime Minister’s commitment to ratify the Istanbul convention. Will he clarify that for me?

Philip Davies: It is fair to say that I have never been considered the Prime Minister’s official spokesman, and I am very grateful that the hon. Gentleman is elevating me to that lofty position. I suspect it is one I will never take up, so I might milk the opportunity for all it is worth now. The Prime Minister made it clear that she supports the Bill as it will be amended by the Government amendments, and I will explain why that is a long way from agreeing to the Istanbul convention. It strikes me that the Government amendments are all about trying not to ratify the convention.

9.45 am

I made it clear on Second Reading that I do not agree with the Istanbul convention because it is discriminatory, but at least I am up front and honest about that and about opposing the Bill and seeking to stop it going forward. That is a bit more appropriate than pretending to support something but quietly trying to fillet it to make sure it does not come into place. However, other people, including, hopefully, the promoter of the Bill, can explain their motivations when they get the opportunity to speak.

Nusrat Ghani (Wealden) (Con): Will they get an opportunity?

Philip Davies: I hope they will.

Let me go through the group in order. New clause 6 refers to the recommendations by GREVIO—the Council of Europe's Group of Experts on Action against Violence against Women and Domestic Violence—and the Committee of the Parties to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), and would mean that those recommendations were not binding on the UK Government. The convention has a two-pillar monitoring system to ensure that all members live up to their commitments. [Interruption.] It is interesting to note that nobody—particularly on the SNP Benches—wants to listen to the debate, which is surprising because it was exposed on Second Reading that they did not actually know what was in the Istanbul convention. You would think that they would have learned their lesson and would actually want, this time around, to learn what was in the convention—but apparently not. I am not entirely sure whether the position of the hon. Member for Perth and North Perthshire (Pete Wishart), who is on his knees and facing the wrong way, is in order during a speech, but it is certainly not normal behaviour from him. [Interruption.] He may not be listening, but he could at least give the impression that he is interested in knowing what is going on in the debate.

Pete Wishart (Perth and North Perthshire) (SNP) indicated dissent.

Philip Davies: He is not. We are very grateful to him for clarifying that he is not interested in the debate. There is no wonder the SNP is so authoritarian.

The Istanbul convention has a two-pillar monitoring system to ensure that all members live up to their commitments. The aim is “to assess and improve the implementation of the Convention by Parties.”

We therefore have two groups: GREVIO, which is initially composed of 10 members and which will subsequently be enlarged to 15 members when the 25th country has ratified the convention, and a political body—the Committee of the Parties—which is composed of representatives of the parties to the Istanbul convention.

The last thing we need is another group from a supranational body that is set up to make it look as if that body is doing something on issues but that just becomes a talking shop. It is not the implementation of the Istanbul convention that will make any real difference to levels of violence generally—and certainly not to levels of violence against women—but harsher sentencing of perpetrators. The idea that having a group of experts pontificating about how well or badly something has been implemented will make any material difference to the levels of violence in the UK is for the birds.

GREVIO’s task is to monitor implementation, and it may adopt general recommendations on themes and concepts of the convention. The Committee of the Parties follows up on GREVIO reports and conclusions, and adopts recommendations to the parties concerned. There are different procedures that these two bodies can use to monitor each country’s implementation, such as a country-by-country evaluation procedure whereby GREVIO considers evidence submitted by the relevant
countries. Should it find the evidence insufficient, it has the power to organise country visits and fact-finding missions.

Sir Greg Knight (East Yorkshire) (Con): Is the UK represented on either or both of those bodies, and if so, who is our representative? Did my hon. Friend consult with such person or persons concerning the terms of his new clause before he tabled it?

Philip Davies: My right hon. Friend is usually much more up on these matters than I am, so I always bow to his superior knowledge, but my understanding is that we would get members on these bodies only once we had ratified the convention. If he knows differently, I am happy to allow him to correct me because, as I say, he is usually more right than I am on most matters.

Another procedure that GREVIO can adopt is a special inquiry procedure that can be implemented when there is reliable information indicating that action is required to prevent a serious, massive or persistent pattern of any acts of violence covered by the convention. In this instance, GREVIO can request urgent submission of a special report by the concerned country.

Obviously I do not believe that the Government would ratify the convention at all, but should we do so, I do not want these foreign supranational bodies to come over and start lecturing us about things when in fact we are usually doing an awful lot better than any other country in the world on such matters. We often see this with the United Nations. By ratifying the convention on the terms of this Bill, we will open ourselves up to visits, fact-finding missions and interference by a foreign body lecturing us about what we should be doing, and perhaps even instructing us that we should be doing this, that and the other.

Mr David Nuttall (Bury North) (Con): Does my hon. Friend agree that the Bill as currently drafted includes some provision for parliamentary scrutiny, in clause 3(1)(e), but Government amendment 14 seeks to remove even that modicum of scrutiny?

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Mr David Nuttall (Bury North) (Con): Does my hon. Friend agree that the Bill as currently drafted includes some provision for parliamentary scrutiny, in clause 3(1)(e), but Government amendment 14 seeks to remove even that modicum of scrutiny?
Philip Davies: My hon. Friend is absolutely right. I will come on to the Government amendments in due course. The Government, in cahoots with the SNP in the cosy little deal that they have put together, have removed any post-ratification scrutiny of how the Government are doing. That is quite extraordinary, but no doubt the Government and the SNP will be able to answer for themselves in due course.

Mr Chope: My hon. Friend says that the Government have removed it, but so far the Bill has not been amended at all. He will obviously ensure that any Government amendments are tested in this House, because it may well be that quite a lot of the people who were originally supporters of this Bill would not want to see it watered down in the way that the Government wish.

Philip Davies: My hon. Friend is absolutely right. Far from watering down the Bill, he is seeking to strengthen it; I will come to his amendments and new clauses in due course. We have an important role to play in Parliament in making sure that any legislation is fit for purpose. We ought to test the will of the House on any attempts to hoodwink the public. People should know where their MP stands on watering down the convention and on whether Parliament should have any role post-ratification—or whether we should just ratify the convention and leave it at that.

10 am

Mr Jacob Rees-Mogg (North East Somerset) (Con): I am grateful to my hon. Friend for giving way with regard to his new clause 10, but I wonder whether he has thought through the constitutional implications of allowing a vote in this House to have any formal standing in the way that he suggests. Would not risk the courts bringing in their proceedings in Parliament?

Philip Davies: I always bow to my hon. Friend’s superior knowledge of constitutional issues. I would never enter into a competition with him on that, because I would certainly lose. However, I do not think there is anything to fear from new clause 10. All it asks for is a debate on the report in Parliament before the Government give a response. It would not even necessitate making the Government beholden to the outcome of that debate, but it would at least ensure the Government were aware of the views of MPs before they responded.

Mr Rees-Mogg: I am grateful to my hon. Friend for giving way again. How would that be tested? If the Government decided not to have a debate in Parliament, it could not be taken to a judicial review, because the courts could not consider a proceeding in Parliament.

Philip Davies: There is plenty of evidence of Governments ignoring what Parliament has to say to them on a number of occasions, whether on appointments, Select Committees or whatever. I appreciate my hon. Friend’s concerns and I always take them seriously. I will reflect on what others have to say in the debate; they may be able to persuade me that new clause 10 is not worth pursuing. However, I do not envisage the problems my hon. Friend envisages. I suppose we ought just to leave it at that and perhaps move on from there. My hon. Friend may well have the opportunity to have his say and explain in greater detail why new clause 10 should be resisted. I am sure the House will listen carefully to what he says, as will I. It would be a sad—and rare—state of affairs if I found myself voting in a different Lobby from my hon. Friend. New clause 10 should find favour with campaigners in favour of the Bill and the convention, because it gives Parliament more say over what happens post-ratification.

New clause 11 relates to annual statistics. This is very important. I have heard many assertions from campaigners that we must pass the Istanbul convention to eliminate violence against women, and that if we do not ratify it we will not have any reduction in violence against women. Campaigners say that if we pass the convention there will miraculously be no violence against women. New clause 11 requires the Government to use their “best endeavours to obtain statistics on the levels of violence against men, women and all domestic violence victims in each country who are ratified members of the Convention and to make them publicly available and published annually.”

The point of that is to allow us all to see for ourselves whether ratifying the Istanbul convention actually makes any difference at all to levels of violence against women and levels of domestic violence. At the moment, we do not really know too much about it.

In preparation for this debate, I tried to get figures on countries that have ratified the convention to ask them if they had seen a reduction in violence since ratification. We should want to test whether it will actually make any difference at all. Unfortunately, the House of Commons Library told me that it did not have any such figures and that these figures did not exist. So anybody who stands up today and says that passing the Istanbul convention will reduce levels of violence against women is doing so in the full knowledge that they have no evidence at all to support that claim—unless, of course, they have done what I did. In the absence of any House of Commons Library figures, I wrote to the ambassadors of all the countries that ratified the convention to ask whether they could supply me with any of the information.

I do not know whether anybody else in the House has actually bothered to find out whether ratifying the convention makes any difference to levels of violence against women. Perhaps anybody who has done so could intervene now and share that information with me. No, I did not think anybody would intervene. I did not think that anyone would actually have any idea of what they were talking about before they came here today, but of course someone coming in on a Friday and knowing what they were talking about before pontificating would be breaking a great tradition. I have done the work for them—again. I contacted the ambassadors of the countries that have ratified the convention and asked for their figures. I am sure everyone will be interested to know what has happened in those countries since ratification. I am sure the Minister will be delighted to know. Maybe the Minister does not know this either. It is quite extraordinary, really.

Sweden signed the convention in May 2011 and ratified it in July 2014. It came into force in November 2014, with reservations. I will come on to reservations later, because I know that is a subject that my hon. Friend for Christchurch feels very strongly about. From the figures given to me by the Swedish ambassador, the total number of reported offences in 2013, before
the convention was ratified in Sweden, was 39,580. When the convention came into force it was 42,217. When the convention was ratified in Sweden, was 39,580. In fact, all that has happened is that levels of violence have continued to increase. What do all those who claim that the convention is essential to reducing violence have to say about that? Absolutely nothing—that is what they have got to say about it.

Mr Rees-Mogg: I wonder whether there might be other factors involved. My hon. Friend will no doubt have heard the President of the United States expressing considerable concern about the dangers now arising in Sweden.

Philip Davies: My hon. Friend makes a very good point. I do not intend to deviate too much from the matter in hand, but he raises an interesting point about what might be the driving force behind that. I think the point he is getting at is that he thinks the levels and nature of immigration into Sweden might have been a contributory factor—a point made by President Trump last week. There may well be truth in that. I do not know; I did not ask the ambassador for any assessment on that. All we do know is that ratifying the Istanbul convention has not led to a decrease in violence against women in Sweden, and so all the people claiming that is what is going to happen might want to think again.

Lucy Frazer (South East Cambridgeshire) (Con): Is it possible that in a country that cares about a particular form of violence people might be more willing to report that violence, and so figures might go up rather than down?

Philip Davies: It is a no-fail measure, isn’t it? If the level of violence goes down, it is because of the Istanbul convention; if it goes up, it is because the Istanbul convention has helped levels of reporting. It cannot fail: whatever the figures it is a winner. I commend my hon. and learned Friend greatly for that line. She will almost certainly be made a Government Minister very soon. With such aplomb at the Dispatch Box with which to explain away any difficult figures in her Department, I suspect she will make a very fine Minister in short order.

My hon. and learned Friend may well be right. Unfortunately, the situation in Portugal is not quite the same as that in Sweden, so her thesis slightly falls down. Portugal ratified the convention a bit earlier than Sweden, and so all the people claiming that what is going is going to happen might want to think again.

Lucy Frazer: I am very happy for other hon. Members to put their own spin on why the figures have gone up and down; I am just looking at them as someone who is interested in the statistics.

Nusrat Ghani: I am not sure whether my hon. Friend is referring to reported figures. Surely the point is that if women are aware that their voices will be heard and that support is available, they will come forward and report incidents of this hidden crime. Surely he can see that that is a positive thing.

Philip Davies: Of course I am in favour of people reporting crimes, but I am not entirely sure that we need to ratify the Istanbul convention for them to do so. We already encourage people to report crimes. If my hon. Friend wants to send a message today to every victim of violence that it is essential that they report that crime to the police, she is welcome to do so and I will endorse that message wholeheartedly. Any victim of any kind of violence, in any shape or form, irrespective of their gender, should report it to the police. It should be fully investigated and the perpetrator brought to justice and much more harshly punished than they currently are. Let that message ring out from the Chamber today, but we do not need to ratify the Istanbul convention for people to report that they have been the victim of a violent crime—we already have measures in place to deal with that.

The rollercoaster effect in Portugal that I described has also happened in Poland, which ratified the convention on 27 April 2015. It seems that the figures went up after it signed the convention, but that lately they have gone down.

There is no pattern to the figures in the countries whose ambassadors kindly sent me them, but it is important to put it on the record that they show that Sweden, Portugal and Poland clearly take the issue very seriously. I commend those countries for doing so and for laying bare their figures to me. In some cases the figures are good and in others they are not, but those countries have been open and transparent enough to share them with me so that I can share them with the House.

I worry about the countries that did not share their figures. I appreciate that I have no evidence to support this and that I am making an assertion that can be countered, but I fear and suspect that some countries did not supply me with the information because they are slightly embarrassed that the figures have gone in the wrong way since they ratified the convention. I could be wrong, but people can draw their own conclusions.

I have also seen figures from Albania and Austria. In Albania, they show an increase since ratification from 4,599 to 5,281. In Austria, the trend is the same. Its first annual report, which came out last September after the convention came into force in 2014, showed that the number of female victims of violent offences had increased from 37,546 to 37,677—so I think it is fair to say that we are not going to make a massive difference to levels of violence against women by ratifying the treaty.

After Austria ratified the Istanbul convention, the number of women murdered there went from 118 in 2014 to 165 in 2015. That seems quite a significant increase in murders against women a year after the country ratified the convention.
Mr Chope: Does my hon. Friend think that the number of murders of women results from a higher reporting rate?

Philip Davies: I suspect that it is harder for a murder victim to report that crime—so clearly not. My hon. Friend is absolutely right that that statistic cannot be explained away by increased reporting of crime. I think it is fair to say that murders are known to the public authorities.

10.15 am

Given the considerable increase in murders the year after Austria ratified the convention, I hope all the hon. Members who claim that the convention will lead to a miraculous reduction in violence against women will now change their minds. Perhaps they will be persuaded to vote for new clause 11, so that all the statistics would be available to us and we could produce our own analysis, whatever it might be. What does anyone have to fear from knowing the facts about all the countries that have ratified the convention? I do not see what anyone has to fear from asking the Government to source that information.

New clause 12 is similar to new clause 11, but it asks for quarterly statistics:

“The Government must use its best endeavours to obtain statistics on the levels of violence against men, women and all domestic violence victims...published quarterly”.

I will not dwell on new clause 12. The arguments for it are the same as for new clause 11, but it asks the Government to publish statistics quarterly rather than annually. Hon. Members can choose which of the new clauses they prefer; they are not really compatible with each other, but I tabled them both to give the House a choice about when to see the figures published. New clause 17 relates to compensation awarded to those who have sustained serious bodily injury or impairment of health.

We now come to the reservations allowed within the Istanbul convention. My hon. Friend the Member for Christchurch knows much more about the subject than I do, and I am sure that he will want to speak on his new clauses and amendments that cover it. Unusually, he and I seem to be coming at the Bill from different angles; I want the Government to retain as many reservations as is allowed under the ratification of the convention, while he seeks to reduce the number of—indeed, eliminate—the reservations that they would be allowed to retain under it. He will make his case in his speech; I want to make the case for giving the Government as much freedom as possible within the convention. I would be interested to know from the Minister where she stands on the issue.

Article 30, paragraph 2, of the convention states:

“Adequate State compensation shall be awarded to those who have sustained serious bodily injury or impairment of health, to the extent that the damage is not covered by other sources such as the perpetrator, insurance or State-funded health and social provisions. This does not preclude Parties from claiming redress for compensation awarded from the perpetrator, as long as due regard is paid to the victim’s safety.”

I am a bit nervous about that. Obviously I believe as much as—perhaps more than—any hon. Member present that victims should be treated much fairer in the criminal justice system, and that that has to include proper compensation for being a victim of crime. However, my fear is that adopting article 30 would open the Government up to large claims for compensation from the state when those claims might more appropriately be pursued through other avenues. It might lead people not to pursue such claims through other avenues because they thought it much easier to go to the state.

I hope that the Minister will give us an estimate of how much the Government think it would cost to adopt article 30. I genuinely do not know what additional cost, if any, there would be to the UK taxpayer from signing up to article 30. Perhaps the Minister does not know—I would not blame her if she did not, because obviously any figure would be an estimate—but if we do not know, rather than signing the UK taxpayer up to an unknown cost, it would be more sensible for the UK to reserve the right not to sign up to the article. We can make our own arrangements in the House. Not signing up to that part of the Istanbul convention does not mean we cannot do it ourselves. We should leave it for us in the UK to decide these matters, rather than signing ourselves up to something of which we do not know the full consequences or cost to the UK taxpayer. That is the point of the new clause.

Mr Chope: I commend my hon. Friend for tabling new clause 17. It is effectively a probing new clause trying to find out the Government’s policy on the issue. They say they wish to ratify the convention, but they have made no statement about whether, in ratifying, they wish to have reservations under the powers in the convention.

Philip Davies: My hon. Friend makes a very good point, and I hope that the Minister will make that clear. I have given up the hope that SNP Members know anything about what is in the Istanbul convention. They clearly have no idea. If they bothered to read it, they would know that it contains powers for Governments to reserve some areas—not sign up to them—but still ratify the convention. We have no idea, however, whether we are going to sign up to these things. Before Parliament agrees to something, we should at least know what we are signing up to. At the moment, we have no idea. Perhaps the Minister will be good enough to tell us, before Third Reading, what the Government envisage us signing up to.

My hon. Friend the Member for Christchurch is right in one sense about the new clause being a probing measure to tease out from the Government which bits of the convention we will sign up to as part of ratification, but he does it a slight disservice. I am not entirely sure I agree that it is just a probing new clause. To describe it as such suggests that I do not particularly agree with it and am just seeking information, whereas I do agree with it, so I cannot agree with him.

If my hon. Friend was to make the same accusation about new clause 19, however, he might have a point. It states:

“Nothing in the Bill shall prevent the United Kingdom ratifying the Istanbul Convention with reservations as provided for in paragraphs 2 and 3 of Article 78.”

In effect, that would allow the Government to ratify the convention with the maximum number of reservations allowed. It is important to highlight what reservations are allowed and therefore what would be covered by the
new clause. The reservations apply to the following outline areas: compensation, which I have just covered on new clause 17, jurisdiction, statute of limitation, residence status and the right to provide for non-criminal sanctions for psychological violence and stalking.

I have talked about article 30 and compensation already. The new clause 19 would also allow the Government in effect to opt out of paragraphs (1)(e), (3) and (4) of article 44, on jurisdiction; article 55(1), as it relates to article 35, on minor offences and ex parte and ex officio proceedings; article 58, as it relates to articles 37 to 39, on the statute of limitation; and article 59, on residence status, especially in relation to spouses. Finally, article 78(3) declares that a state “reserves the right to provide for non-criminal sanctions, instead of criminal sanctions, for the behaviours referred to in Articles 33 and 34”—on psychological violence and stalking respectively.

There is a good case for saying that the UK Government and Parliament should be sovereign in all these areas and that where we can leave matters to the UK Government, Parliament and the UK courts, we should take that opportunity, mainly for the reason I outlined in response to my right hon. Friend the Member for East Yorkshire (Sir Greg Knight): we have no idea necessarily how these things will develop over the years, so it is best to reserve as many rights as possible. That would be the most sensible strategy for the Government to adopt, because it would allow them to retain as much control as possible.

Mr Nuttall: Does my hon. Friend agree that there is plenty of precedent from around Europe for going down precisely this route in respect of what other countries have done as part of their ratification process?

Philip Davies: My hon. Friend is absolutely right. In fact, I was just about to come on to that. Of the 22 countries that have already signed and ratified the convention, 11 have done so with reservations attached, and a further four have signed it stating they want reservations too. It is clearly a reasonable approach for Governments to take—it is in the convention that countries can do it, so it must be an accepted approach. It is clearly a reasonable approach, as all countries, Governments and legal systems are different, and it is important that that be recognised as much as possible so that provisions can be to the taste of particular countries. I hope, therefore, that the Government will make clear where we are with these reservations and what implications there might be. If they are seeking the maximum number of reservations, as I would advise them to do, perhaps the Minister can confirm that she has no objection to new clause 19, which would simply make that clear in the Bill and put the matter beyond any doubt and further debate.

Mr Chope: Does my hon. Friend really think that Parliament should be prepared to contemplate having only non-criminal sanctions against stalking, for example?

Philip Davies: No, I do not. I was going to come to that later, but as my hon. Friend has raised it now, I should make it clear that I absolutely do not think that. In fact, colleagues will remember my hon. Friend the Member for Cheltenham (Alex Chalk) waging a fantastic campaign trying to double the maximum sentence courts could impose on people convicted of stalking. I was a strong supporter of his 10-minute rule Bill that sought to do that, and I was pleased that the Government agreed to adopt that measure. That was fantastic.

I differ with my hon. Friend, however, in that I do not accept the premise that providing for reservations from the convention means that we necessarily always have to disagree with what is in those articles. It just means that we are free to do what we think is right, rather than having another body telling us its view of the matter. We can be trusted to do the right thing by victims of stalking, as the Government have already done. Not signing up to an article does not mean disagreeing with what is in it; it just means we want to retain sovereignty for our own country.

Mr Chope: Does my hon. Friend understand why, when the last Labour Government were negotiating the convention, they were prepared to allow other countries to have non-criminal sanctions in respect of stalking? Why were they prepared to allow a reservation of that nature, given that only a very limited number of reservations are allowed?

10.30 am

Philip Davies: That is a very good point. No doubt the Labour spokesman will be able to explain why Labour thinks it is absolutely fine for other countries to have non-criminal sanctions for stalking, and for psychological violence against women. The Labour Government obviously agreed to that being part of the convention, and people are happy for us to sign up to it on the basis that it is a gold standard for protecting women. Well, I hope people realise what is in this “gold standard for protecting women”. Those who campaign most vociferously seem to be the ones who have read the smallest amount of it. There is a direct correlation: the people who seem to be the most wound up about it are the ones who have read it the least. If some of them take the time to read it, they may be shocked to find what is in this “gold standard”.

I actually think that the UK can do a damn sight better than the Istanbul convention. I think that by signing up to it we will be levelling things downwards rather than levelling them upwards, which is what we should be seeking to do. If the Government want to do something useful around the world, they should be encouraging other countries to adopt the practices in which we engage in this country, rather than our agreeing to adopt their practices, which are much weaker when it comes to dealing with violent crime and, in particular, violence against women.

My hon. Friend is absolutely right: Labour Members have a great deal to answer for in this debate. Perhaps they will be able to explain why they think that stalking and psychological violence against women should be subject to non-criminal sanctions in other countries, and perhaps the Bill’s promoter will be able to explain why she would adopt that policy as well. I suspect that it is not something that she tells people about very often when talking about the Istanbul convention.

New clause 20 provides for a requirement to denounce the convention after five years. In effect, it is a sunset clause—I think that more Bills should contain sunset
clauses—enabling us to review whether or not the Istanbul convention has been a force for good in the United Kingdom. If everyone is so confident that ratification will indeed be a force for good, they have nothing to fear from a sunset clause, because it will become apparent that the ratification has been a great triumph, and we can all agree to put the provision back on to the statute book in time for it to continue. If, of course, the ratification proves to be a turkey, the Bill will fall, and we shall be able to start from scratch. We shall be able to introduce legislation that is much more sensible and effective. I have no idea why anyone might not support a sunset clause. It seems a very good safeguard, because it requires us to continue to focus on what a Bill is designed to achieve, and to ensure that that is what it is achieving.

Those are my new clauses. I shall now deal with the amendments—14 of the 36—that are tabled in my name. Amendment 22 relates to the report that subsection (1) requires the Secretary of State to lay before Parliament on the timetable for ratification of the convention. The subsection states that the report “must be laid within four weeks of this Act receiving Royal Assent.”

What is required within four weeks is for the Secretary of State to set out “the steps required to be taken to enable the United Kingdom to ratify the Istanbul Convention; and...the date by which the Secretary of State would expect the United Kingdom to be able to ratify the Convention.”

I think that is a rather unrealistic timetable. No doubt the Secretary of State could rustle something up to hit that arbitrary four-week target, but I think it would be much more sensible for the report to be meaningful and accurate. Surely we should be aiming for that, rather than sticking to an artificial timetable.

I should love to know why the Bill specifies four weeks. Perhaps its promoter will be able to tell us. Why four weeks? Why not six weeks, or two weeks? What is so special about four weeks? I suspect that there is nothing special about it at all. I suspect that someone said, “We shall have to put in a figure. What shall we put in? Let’s go for four weeks, shall we?” I do not think that that is a sensible way of drafting legislation.

**Mr Chope:** My hon. Friend seems to have made my point for me. I understand what he is saying: that the Government have had ample time in which to do this, and we should therefore be able to put to them a fixed time in the near future. My contrary point would be that, if after such a long time they still have not been able to do it, how on earth are we to expect them to do it all of a sudden within four weeks? That seems unrealistic to me. Surely the fact that the Government have not managed to do it in all those months suggests that they will not be able to do it in four weeks. My point is that the timetable is unrealistic.

**Mr Chope:** But it is not just four weeks, is it? One of the Government amendments says that the Act should not come into force until two months after Royal Assent, which means, effectively, that after Royal Assent the Government would have three months on top of all the time that they have had up until now.

**Philip Davies:** My hon. Friend is clearly right. I cannot disagree with anything that he has said. The points that he has made about Royal Assent are factual. However, I am not entirely sure that that timetable is achievable either, given the delay that we have already seen. My point is that, rather than rushing to meet an artificial target that they are clearly finding it difficult to meet, the Government should be left to set out those steps at a reasonable time.

My amendment 22 would extend the timetable from four weeks to three years, and I should like to think that everyone would agree that it allows the Government ample time to get their ducks in a row and their house in order. I should like to think that the Government would have no excuse for not sticking to that particular timetable. However, my hon. Friend thinks that that would let the Government off the hook too much. My amendment 24 replaces the four weeks with “when reasonably practicable”.

**Mr Nuttall:** As my hon. Friend will know, I support his “three years” amendment. Would not the other option leave the position open-ended? “Reasonably practicable” may mean “never”?

**Philip Davies:** My hon. Friend is right, and I shall go into that in a bit more detail later. The Government really are selling people a pup. They, and the Scottish National party, are trying to get all the plaudits for putting their shoulders to the wheel to ensure that the Istanbul convention is ratified, but the “filleting” amendments are designed to do the exact opposite. My three-year amendment, as my hon. Friend puts it, may mean a long time in the waiting, but at least it will mean that there is a fixed deadline for the Government to meet. Amendment 24, which says that the report must be laid “when reasonably practicable”, mirrors the Government amendment. It is very similar. Obviously, great minds—mine and the Minister’s—think alike on the matter. However, I concede that the amendment allows for a never-ending timescale. Perhaps that is what the Government, and the SNP, have in mind. I do not know. I am perfectly relaxed about either measure—I will take soundings from colleagues as to which they think is the best. My general point is that the four-week target is never going to be achievable, particularly given all the other things that are going on for the Government at the moment.

**Mr Chope:** On the point about so much else going on, how does my hon. Friend define “as soon as reasonably practicable”?

**Philip Davies:** It seems to me that it is what it says on the tin: “as soon as reasonably practicable”.

[Philip Davies]
It is when the Government are in a position to be able to do so. I know my hon. Friend has extensive experience of government, as a former Minister. That is a privilege that I do not have, and never will have, so it is not for me to say what it takes for the machinery of government to get itself into a position to do something, but I am sure that he trusts the Government to move as speedily as possible on these matters, given the Minister’s stated commitment to these things. I am sure he has nothing to worry about on that provision. The Member tabled a similar amendment to mine, which is a rare thing in itself. Presumably, she may be able to answer his question. She may be able to explain what she had in mind when she tabled her amendment to satisfy him.

Amendment 25 is about the annual report that is required in clause 3. The clause says that the Secretary of State shall lay a report “each year”. I propose to change that to “biennially”. Every two years is perfectly adequate for that report; we do not need an annual one. If my hon. Friend gets his way, it will not need to be laid annually or biennially because the Government will have this done and dusted in no time anyway. Therefore, I am not sure why we need an annual report, to be honest. However, Members can explain why, if these things have to be done quickly, we need an annual report saying what steps need to be taken and when we are expected to ratify the convention. Presumably, the whole point was to have it done and dusted in no time at all, so I am not sure I understand the need for that provision.

Amendment 26 would delete “any alteration in the date by which the United Kingdom expects to be able to ratify the Convention and the reasons for the alteration”.

I do not see any point in that provision. It seems to be superfluous to requirements.

I propose in amendments 27 and 28 to delete paragraphs (b) and (c) of clause 3, which are about pre-ratification reports. I cannot see the point of those provisions, including that on “the administrative measures taken...to ratify the Istanbul Convention”, and those on what has been done in the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly.

10.45 am

There is all this verbiage in the Bill about the Government having to report on this, that and the other. It is all just bureaucracy for the sake of bureaucracy. In practice, none of the pre-ratification requirements will make a jot of difference to the victims of domestic violence and people suffering any kind of violence. It is a pen-pusher’s dream to explain away why the Government are not doing anything, or why they have not done something. The Bill is all about looking as if you are doing something, rather than actually doing something that will make a difference to people’s lives. The more we can get rid of all this unnecessary bureaucracy and crack on with measures that will help to reduce violent crime in the UK, the better—that would be much more worth while. I would prefer to see action taken, rather than reports of inaction.

Mr Chope: My hon. Friend has given me an idea. We should bring forward, perhaps in the next Session of Parliament, a private Member’s Bill that would outlaw any legislation that is purely gesture politics.

Mr Deputy Speaker (Mr Lindsay Hoyle): Order. I am sure, Mr Davies, you are not going to go down that route.

Philip Davies: My word, Mr Deputy Speaker! If we were to abolish Bills that were just about gesture politics, that would abolish private Member’s Bill Fridays altogether. However, that is a debate for another day. I do not want to be sidetracked down that line today.

Amendment 29 would delete paragraph (d). The provision says that the Secretary of State shall lay before each House of Parliament a report on “the measures to be taken and legislation required to enable the United Kingdom to ratify the Istanbul Convention”. Surely it is clear what legislation is required to enable the UK to ratify the convention. Why on earth do we need an annual report for the Government to tell us what legislation is required to ratify the convention?

Mr Chope: It should be the Minister intervening on my hon. Friend because it is the Government’s case that they do not know yet what legislation is required.

Philip Davies: I will try not to be distracted by my hon. Friend too many times. As I think you will appreciate, Mr Deputy Speaker, I have been trying to crack on through my amendments, but there are 47 new clauses and amendments in this group and they take some wading through. However, I have been racing through them. I will leave the Minister to answer my hon. Friend’s point when she speaks.

Amendment 49 is about a report—we are still laying a report—about the measures taken by the Government to comply with the Istanbul convention to “protect and assist victims of violence against women and domestic violence”. At the end of that, my amendment would insert “and produce a breakdown of government spending on victims of violence and domestic violence for both men and women.”

I do not see why anyone would want to oppose the Government having to produce a breakdown of how much they are spending on victims of violence and domestic violence, broken down by men and women. Men are nearly twice as likely as women to be the victim of a violent crime—1.3% of women interviewed for the crime survey reported being victims of violence in 2014-15, compared with 2.4% of men. When it comes to the most serious cases, according to the crime survey for England and Wales, women accounted for 36% of recorded homicide victims in 2015-16, whereas men accounted for 64%, yet so far the provisions we have here apply
only to women. Therefore, it is important that the Government make clear what provisions they have for the victims of violent crime, whether they be men or women. I hope that the Government will agree to publish that information, and, if not, explain why they object to it so much.

Amendment 50 addresses the next bit of clause 3, which is about the report showing what the Government are doing to

“promote international co-operation against these forms of violence”.

At the end of all that, I have inserted that they should also

“provide statistics showing international comparison on levels of violence against women and men”.

I do not intend to repeat myself, but I spoke earlier about the information I have managed to acquire from different ambassadors. If we ask the Government to show what they are doing and then to show what other countries who have ratified the convention are doing, that will give us a good idea of how we are doing compared with other countries. Surely that is a meaningful comparison that we would want to look at. At the moment, the Government can offer us no meaningful comparisons to show how we are doing in comparison with other countries. I do not know why they would be afraid of doing that; surely they would want to make sure they were doing better than other countries. My amendment would give them the opportunity to do that and to highlight their record against that of other countries. Perhaps that would level everybody’s standards upwards, rather than them just being at the lowest possible common denominator.

Amendment 51 relates to the report on the measures the Government are taking in providing

“support and assistance to organisations and law enforcement agencies to co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence.”

At the end of that, I have added

“and to include the names of these organisations”.

It is important that the Government should make it clear, as part of this reporting strategy, what support and assistance they are giving and to which organisations they are giving that support. Then we can scrutinise whether or not they are the right organisations.

It might well be that there are other organisations out there—perhaps small organisations in local communities that the Government have not come across—that we can champion and say, “You don’t seem to be giving any money to these organisations. How about giving them a cut of the funding available?” I do not know what would be lost by the transparency of knowing which organisations the Government were funding.

Mr Nuttall: Does my hon. Friend see any irony in the fact that while he and I have proposed, in separate amendments, deleting clause 3(1)(a), (b), (c) and (d), the Government have proposed deleting paragraph (e), which is the most substantive of all the paragraphs to this clause?

Philip Davies: My hon. Friend is right, and what is happening here—if anybody bothers to notice—is that I am strengthening paragraph (e); I am trying to give the Government more requirements for reporting what they are doing post-ratification.

I will come to the Government amendment a bit later, but my hon. Friend is right to say that while I am, through these amendments, strengthening paragraph (e) and making sure that the Government have to give more information, the Government, with the SNP’s connivance, are making sure that there will be no reporting on any of these issues post-ratification of the Istanbul convention. Again, they will have to explain themselves on that, but I think that if we are going to ratify this convention, we should at least have some post-ratification knowledge of what on earth is happening and how well we are doing.

Mr Deputy Speaker (Mr Lindsay Hoyle): Order. If the hon. Gentleman does want to hear that, it might be helpful if he gets on and ends his speech, as I can then get some answers for him—and I would not want to distract him from hearing the answers.

Philip Davies: I am very grateful for that, Mr Deputy Speaker, and I will certainly be leaving plenty of time for the answers, but, as I have said, there are 47 new clauses and amendments here and I am going through them as quickly as possible.

Mr Deputy Speaker: You are taking a lot of interventions, too.

Philip Davies: As ever, you are absolutely right, Mr Deputy Speaker. There have been lots of interventions and I will try to resist the temptation to be as generous in taking them as I normally am—for a bit, at least.

Amendment 54 again addresses clause 3 and the reports on progress. The amendment says that the first annual report should be laid no later than 1 November 2017. That is interesting in itself, because what the Government are leaving in the Bill is all about before ratification, but I want to keep in post-ratification reports, and my amendments say that the first one should be from 2020 onwards—they should be done from 2020 and then every two years. That would be the effect of amendments 53 and 54.

Amendment 55 is my final amendment and it relates to when this Bill, when it becomes an Act, should come into force. The Bill says it should “come into force on the day on which this Act receives Royal Assent”;

and the Government have amended that, but I suggest it should “not come into force until 90% of the signatories to the Convention have ratified it and there has been a proven reduction in violence against women in 75% of the countries who have ratified the Convention.”

It seems to me to be perfectly clear that we would want to ratify the convention only if it is actually shown to work. As I made clear earlier, we do not have the evidence at the moment to support that.

Those are my amendments, and I will now touch briefly on the other ones in the group, which I can race through fairly quickly, I hope. All of the new clauses in the name of my hon. Friend the Member for Christchurch
are about making sure that the Government do not apply any of the reservations. I have explained why I think the Government should apply some reservations, however, and that is why I would reject new clauses 14, 15 and 16. If I might be so bold as to say so, I think my hon. Friend’s best attempt here is new clause 18 on psychological violence and stalking. It is inconceivable that those things would not come with a criminal sanction in the UK, so in that sense we have nothing to fear from signing up to that. It might be my hon. Friend’s argument that if we were to make it clear that we would sign up to that—that we would be happy to make sure they would always have a criminal sanction—it might encourage others to do the same. I do not know whether that would work, but I would not be averse to that, and if my hon. Friend were to push new clause 18 to a vote, I would be more sympathetic to that than I would be to his other new clauses, if that is helpful to him.

The Government amendments—which the SNP has endorsed, let us not forget that—are extraordinary. I have made it clear that I am opposed to this convention, but this cosy deal shows that they do not care too much about it either. They pretend—

Mr Chope: Will my hon. Friend give way?

Philip Davies: I am going to resist the temptation to give way to my hon. Friend for now, Mr Deputy Speaker, just to show that I always take notice of the Chair. They are attempting to fillet this Bill without anybody noticing, claiming to be champions of the Istanbul convention while getting the Government off the hook of ever having to actually implement it. These amendments are all about making sure either that the Istanbul convention is never ratified or that its ratification is delayed as much as possible. Only SNP Members will know why on earth they have agreed to this. Only they will be able to explain that, or perhaps they are so embarrassed about it that they will not be willing to explain it at all. I hope they will have the guts to admit to what they have done.

Government new clause 1 would remove clause 1 and therefore would remove the ratification of the convention on violence against women, because clause 1 imposes a “duty” on the Government “to take all reasonable steps as soon as reasonably practicable to enable the United Kingdom to become compliant with” the Istanbul convention. The Government want to delete that. They want to leave out clause 1, yet clause 1 is the whole point of the Bill, in that it imposes a duty on the Government “to take all reasonable steps as soon as reasonably practicable to enable the United Kingdom to become compliant” with the convention. The Government want to remove that provision from the Bill, and the SNP is quite happy for them to do so. This is absolutely extraordinary stuff, Mr Deputy Speaker! You literally could not make it up.

I am

The hon. Member for Coventry South (Mr Cunningham), who intervened on me earlier, referred to the words of the Prime Minister at Prime Minister’s questions on Wednesday. What she said was very sensible, as usual. In answer to the leader of the SNP, she said:

“In many ways, the measures we have in place actually go further than the convention”—[Official Report, 22 February 2017; Vol. 621, c. 1013.]

What on earth is the point of the UK ratifying the convention, when the Prime Minister herself says that we already have measures that go further than those in the convention? As my hon. Friend the Member for Christchurch says, this is gesture politics. The Prime Minister also made it clear that the amendments tabled by the Government were “mutually agreed” with the SNP.

Amendments 56 and 57, both tabled by my hon. Friend the Member for Christchurch—[Interruption.] I think that SNP Members are rather embarrassed about the fact that they have been cosying up to the Government on these amendments, and they are trying to mask anyone knowing anything about that. This is quite extraordinary, and it is a good job that some of us are on the ball. Amendments 56 and 57 relate to reservations, and I am sure that my hon. Friend will talk about them later.

Government amendment 2 is again one that I would support. It would amend clause 2 by replacing the words “date by” with “timescale within”. There is quite a big difference between the date by which something must be done and a timescale within which it is expected to be done. Again, this is watering down the provisions in the Bill and the SNP has agreed that the Government should do this. Government amendment 3 is very similar to my amendment 24. It proposes producing a report “as soon as reasonably practicable after this Act comes into force”, so we can leave that one there as I have already covered that in my amendment. I will obviously support that Government amendment.

Government amendment 4 covers a matter that my hon. Friend the Member for Christchurch raised in a point of order at the start of our proceedings today. To be perfectly honest, I do not really understand this. There must be a reason for this proposal, and I hope that the Minister will explain what it is. The amendment proposes that it should be the Secretary of State, rather than Her Majesty’s Government, who determines that the United Kingdom is compliant with the Istanbul convention. Surely the Secretary of State is the person within Her Majesty’s Government who is responsible for this policy area, so I do not really see why this needs to be changed round. I hope that the Minister will be able to explain why that should be the Secretary of State’s responsibility rather than that of the Government. There must be a point to that proposal, but it has passed me by.

Government amendment 5 seems to be consequential to Government amendment 4, so I think we can leave that there. I believe that Government amendment 6 is consequential to Government amendments 4 and 5, so we can leave them there too. Government amendment 7 represents another significant watering down of the Bill and of the convention. Clause 2, at present, provides that the Government must make a statement to each House of Parliament on “the date by which the Convention will be ratified.”

Presumably the whole purpose of the Bill is to ratify the convention, and at the moment the Government are required to announce the date by which it will be ratified. However, the Government and the SNP want
to water down that provision so that the Government would no longer have to tell Parliament the date by which the convention will be ratified. Instead, they would simply have to say when “the Secretary of State would expect the Convention to be” ratified. Well, that could be any date at all. This is a significant watering down of the Bill that has not been well publicised until now—[Interruption.] I know it is very boring of me to point out that SNP Members are watering down their own Bill and cozying up to a Conservative Government in doing so. I know that they are embarrassed about doing that, but I am taking great pleasure in telling the people of Scotland what SNP Members do when they are down here.

Government amendment 8 deletes the requirement to produce a report “each year” and replaces it with a requirement to produce such a report only “until ratification”. Government amendment 9 firms up the watering down of the Bill. It refers to alterations in the timescale and the reasons for such alterations. It is a consequential amendment to those that water down the Bill, which the SNP has agreed to. Government amendment 10 is consequential to amendment 8, as is amendment 11. Government amendments 12 and 13 are again consequential to Government amendment 8 and have no real consequence.

Government amendment 14 is very significant, as per amendment 8. At the moment, the Bill requires the Government to produce an annual report setting out “the measures taken by Her Majesty’s Government to ensure that the United Kingdom is, and remains, compliant with the Istanbul Convention”.

Specifically, the report is to include measures to

(i) protect women against violence, and prevent, prosecute and eliminate violence against women and domestic violence;
(ii) contribute to the elimination of discrimination against women, promote equality between women and men, and empower women;
(iii) protect and assist victims of violence against women and domestic violence;
(iv) promote international co-operation against these forms of violence; and
(v) provide support and assistance to organisations and law enforcement agencies to co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence.”

Those are the aims of the convention, yet the Government are saying that they will not be required to report on any of those things. In effect, they are saying, “Once we have ratified the Istanbul convention, that will be job done. We don’t need to worry about these things any more. We don’t need to monitor what is happening and we don’t need to report on what is happening in this country because the job has been done.” Well, I am afraid that it has not been done, as we have seen from the results in other countries. We need to keep on top of these things to ensure that the Government are doing what they said they would do to ensure that violent crime is going down in the UK. It is quite extraordinary that the Government and the SNP do not want any reporting of anything at all after ratification of the Istanbul convention, and I hope that the will of the House will be tested on that matter.

Amendment 60, tabled by my hon. Friend the Member for Christchurch, is one that I very much support. He wants to retain clause 3(e), as I do, rather than delete it. He also wants to strengthen it by requiring the Government to make it clear what the costs to the Exchequer will be of the measures set out in that subsection. It is quite right that the UK taxpayer should know how much is being spent on the measures in the Bill. That is a matter of transparency.

Government amendment 15 is yet another watering down of the Bill: instead of coming into effect on the day of Royal Assent, another two months will now have to pass before it comes into effect. I am happy to support the amendment, but people campaigning for the Bill should be rather worried about the motives for the amendment.

In many respects I have saved the best till last.

Angus Robertson (Moray) (SNP): Sit down, then.

Philip Davies: Do not worry, the House will hear it in all its glory. Government amendment 16—and, with it, Government amendment 17—is an absolute pearler. The Bill is so bad that not only are the Government taking out clause 1, which is the whole point of the Bill, but they are even changing the title because it is no longer applicable to what they are prepared to sign themselves up to—with SNP support.

The title says that this is:

“A Bill to require the United Kingdom to ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention); and for connected purposes.”

Everyone outside this place thinks that that is what we are debating today. They think this is a Bill to require the United Kingdom to ratify the Istanbul convention. Well, not any more. The Government and the SNP have caved in on what the Bill was supposed to be about, because now they are changing the title. The requirement on the United Kingdom to ratify the convention will no longer be in the Bill’s title if the Government and the SNP get their way. The Bill will just:

“Make provision in connection with the ratification by the United Kingdom of”.

In other words, “Let’s kick this one into the long grass. We’ll just have a few things that need to be done before we actually ratify the convention.” The Bill will no longer require the Government to ratify the Istanbul convention, and even “and for connected purposes” will be removed. Nothing that might actually help to ratify the Istanbul convention will be included in the Bill.

There we have it: a whole range of amendments. Some of my amendments are about transparency, and some would strengthen the measures expected of the Bill—people would certainly know what has to be reported on so that we can see what is happening in other countries. On the other hand, we have the Government amendments, supported by the SNP, that water down the Bill and even remove the requirement to ratify the Istanbul convention. The public outside need to know that they are being conned by people who claim to support ratification and who claim to be on the campaign group. The public have been sold a pup. At least some of us are honest about not liking this convention, which has to be a better way to operate than this rather shabby deal between the Government and the SNP.

I hope that we can test the will of the House on the weakening of the Bill, and we will see how we get on.
Dr Eilidh Whiteford (Banff and Buchan) (SNP): In considering this group of amendments it is useful to consider the related document, the sixth report of the Joint Committee on Human Rights, session 2014-15, on violence against women and girls, which was published in February 2015 and called on the Government to ratify the Istanbul convention.

I am delighted that my Bill is back before the House on Report. I am extremely grateful to colleagues on both sides of the House—from nine parties—who support the Bill, and especially to those who have given up a valuable constituency Friday. I am particularly grateful to those who have been up all night with the by-elections. I can see quite a few folk who are a bit bleary eyed this morning. I thank everyone for being here.

Preventing and combating violence against women and domestic violence is extremely relevant to people in every single constituency. We have a chance today to make a real difference to their lives and the lives of future generations. On Second Reading the Government intimated their intention to amend the Bill while supporting its intent and principles. Although the amendments were not forthcoming in Committee, they are before the House this morning, and I thank the Minister and her officials for working constructively with me and my staff to table amendments that meet the Government’s need for unambiguous and watertight legislation without watering down the substance of the Bill.

II.15 am

Grown-up politics is about compromise and, frankly, we would all be much better off if there were less grandstanding on our hind legs in this place and more constructive discussion and real work. I will address the Government amendments in due course. However, as we have all heard ad nauseam this morning, there are screeds of further amendments before the House today, and all Members will be relieved that I do not intend to address them at great length. I plan to keep my remarks relatively concise and to the point, and I hope the substance of my comments will more than compensate for any brevity, but I need to respond to some of what we have heard this morning.

I am aware that the hon. Member for Shipley (Philip Davies) enjoys playing the pantomime villain in this very public theatre and that he genuinely opposes the principles of the Bill, but the way he has gone about tabling wrecking amendments and talking to them at mind-numbing length this morning does nothing to enhance his reputation or the reputation of our democratic process. The only embarrassment in this House today is the embarrassment of his Government and his Prime Minister at the way he has misrepresented their position. He lets himself down and he lets down thousands of his constituents who have experienced horrific sexual and domestic violence and whose lives have been irreparably blighted as a result.

Yesterday, along with other MPs, I received a copy of a letter from more than 130 of the hon. Gentleman’s constituents, women and men from the Shipley area who are dismayed by his “wilful misunderstanding and sabotage of the Bill”.

They point out that:

“While this Bill is delayed, people (mostly women) are being maimed and killed by abusive partners. To see this legislation filibustered is soul destroying for those who really need the protection of such a Bill.”

Margaret Ferrier (Rutherglen and Hamilton West) (SNP): Some seven women a month are killed in England and Wales alone. Does my hon. Friend agree that that deserves to be treated with the utmost urgency, as we would any other major cause of death?

Dr Whiteford: My hon. Friend is absolutely right. We also need to understand the dynamic of control and abuse that feeds those shocking statistics.

Dr Roberta Blackman-Woods (City of Durham) (Lab): I congratulate the hon. Lady on making such progress with this important and very necessary Bill. Does she agree that it is important that people have faith in parliamentarians to carry out their monitoring role once the convention is implemented and that the actions of the hon. Member for Shipley (Philip Davies) do not help?

Dr Whiteford: I absolutely agree with the hon. Lady. I will address scrutiny in a bit.

There are few issues that unite this House, but there is a compelling degree of unanimity on the need to ratify the Istanbul convention and the need to do more to prevent and combat gender-based violence, which is reflected in the cross-party support for the Bill and the willingness of Members from all parties to work together to achieve the progressive change that people in our communities want to see.

However, the hon. Member for Shipley has done me one favour with his amendments by giving me an opportunity that I might not otherwise have had on Report to clear up some fairly basic misunderstandings about the Istanbul convention—not least what it actually says and does—and some fundamental misconceptions about the gendered dynamics of sexual violence and domestic abuse.

First, clause 3 of article 4 of the Istanbul convention explicitly states that “the provisions of this Convention by the Parties, in particular measures to protect the rights of victims, shall be secured without discrimination on any ground such as sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, disability, martial status, migrant or refugee status, or other status.”

It is unambiguous: the Istanbul convention provisions apply to women, men, trans and non-binary people alike, and regardless of any other characteristic. It is comprehensive and clear.

Interestingly, an organisation such as Stay Brave, which advocates specifically for male, trans and non-binary victims of sexual and domestic violence, and which would not have in the past claimed adherence to any feminist agenda, supports the Istanbul convention and wants to see it ratified, because it recognises that the convention will help all victims. As its chief executive said in a blog published yesterday, it recognises that: “The focus on ending violence against women is important, because it recognises the global pandemic of injustice. Gender inequality…creates a world where power, money and strength become motivators for systemic violence.”

The chief executive officer of another men’s organisation, David Bartlett of the White Ribbon Campaign, yesterday also urged all MPs who care about ending violence and promoting gender equality to vote in favour of the Bill today.
That is why the hon. Member for Shipley is simply wrong to suggest that this can ever be understood as a gender-neutral issue, and why the points he has made in the past about men being left out and this not being about them cannot be taken seriously. All of us are agreed that all sexual violence and all domestic violence is serious, regardless of the gender of the victim or of the perpetrator, and regardless of any other characteristic—end of.

**Philip Davies:** Will the hon. Lady give way?

**Dr Whiteford:** No, I will not. The hon. Gentleman has more than enough air time. Everybody recognises that some men will experience gender violence and domestic violence, and that sometimes the perpetrator will be female, but in the real world in which we live the people who experience sexual and domestic violence are overwhelmingly female; women are disproportionately subjected to these forms of violence and abuses on a colossal scale—we cannot ignore that reality. The large majority of perpetrators, although by no means all, happen to be men; no credible, documented source of evidence anywhere in the world suggests otherwise. We do ourselves a huge disservice if we pretend that this is just another case of “the boys against the girls”—we are not in primary 4. It is a grave distortion of a terrible, systemic abuse of human rights to ignore the profound gender inequalities that drive and compound sexual violence and domestic abuse.

It is also important to say that some types of sexual violence are becoming more prevalent. Crime in Scotland is at a 40-year low, yet sexual offences are rising. That could be due to more people reporting what has happened to them, and in the wake of the exposure of the Savile review we know that there has certainly been a spike in the reporting of historic incidents. But I fear that this is also to do with a genuine increase in new types of gender-based violence, which are partly facilitated by this saturated world we live in of violent sexual imagery: the emergence of so-called “revenge porn”, which was not possible until the advent of smartphones; and things such as so-called “date rape” drugs being available. Those things were not problems 20 or 30 years ago but have become prevalent problems now, and they are driving an increase in sexual assaults in particular. However, women’s inequality is still a key feature of every society in the world, and that is what is really underpinning gender-based violence.

**Seema Malhotra** (Feltham and Heston) (Lab/Co-op): The hon. Lady is making an excellent speech and an important point. I congratulate her on her ongoing work on this issue and I hope everyone will vote in support of the Bill today. We came into this Chamber with the horror of the Helen Bailey story in today’s papers, her partner having been jailed for 34 years for her murder. Does the hon. Lady agree that this highlights how the crime of domestic violence and violence against women hits? Age and background are not relevant, as this is a universal crime. Finding a way of raising awareness among young people will be the best gift we can give them in terms of prevention, and supporting the Bill today will be global Britain in action.

**Dr Whiteford:** The hon. Lady makes a series of salient points in her concise intervention, and of course our condolences go to the friends and family of Helen Bailey, whose dreadful murder made us all pause for thought and for breath. It was a truly horrific crime and I am glad her killer has been brought to justice.

The hon. Lady also anticipated the points I was just about to make on the universality of gender-based violence. I talked a lot on Second Reading about the differential experiences of gender-based violence, and in explaining why I will be opposing amendments that have been tabled, I will reiterate the points I made then. Although this is a universal crime that affects women right across the spectrum, we know that low-income women, disabled women and women under 30 are more likely to experience gender-based violence than others. We know that women from some ethnic and cultural minorities are exposed to greater risk of specific manifestations of violence, such as female genital mutilation or forced marriage. Sexual violence can happen to any of us—it affects people of all economic and social backgrounds and ages—but there are deep structural social inequalities reflected in our likelihood of experiencing sexual and domestic violence, and gender inequality is the cross-cutting factor that underpins and compounds them all.

If we are serious about ending these forms of abuse, we need to understand their manifestations and end the denial—the blind spot—about the far-reaching effects of wider gender inequality. Women may have secured equality before the law—de jure equality—but we are nowhere near achieving de facto equality, or equality in practice. We need just to look around Parliament or to listen to the amount of air time that people get in Parliament, including today, to see that. Until we get that equality in practice, women will continue to face life-threatening, life-changing abuse over the course of their lives.

I now want to turn to the amendments tabled by the Minister, all of which I am happy to accept. I am grateful for the way in which the Government, in proposing some significant changes, have worked to retain the principles, intention, integrity and spirit of the Bill. We are at our best as legislators when we use those areas where there is already a large degree of common ground and consensus to find compromises and push forward together where we are able to do so. Although these Government amendments were not tabled in time for the Committee, the Government were able in Committee to outline their intentions in some detail and to indicate the areas in which they planned to amend the Bill on Report.

Government amendment 1, which removes clause 1, is undoubtedly the amendment over which I still have some reservations, but I am prepared to take in good faith the Government’s commitment that they will move forward with all due haste to make the legislative changes they need to make to bring the UK into compliance with the Istanbul convention. I reject absolutely the assertion from those on the Tory Back Benches that the Government do not care about these issues. I urge anyone who takes that view to speak to some of the women on the Tory Benches, including those who have so courageously spoken about their own experiences of domestic abuse. Tory women are no more immune from gender-based violence than anyone else; all of us are
affected. I believe genuinely that there is a shared commitment on this, including a personal commitment from the Prime Minister.

Dr Tania Mathias (Twickenham) (Con): I greatly appreciate how the hon. Lady has acknowledged the cross-support on this issue and everything she has done in the Chamber and outside it. She has the full backing of female Conservative Back Benchers, but I also applaud my male colleagues, who are also behind her.

Dr Whiteford: I am grateful for that intervention. As I said on Second Reading, actions speak louder than words. We have heard a lot of warm words and verbal commitments in principle about the Istanbul convention for nearly five years now, but the process had clearly stalled. So I am delighted that a few days ago, ahead of this debate, the Prime Minister announced new legislation on domestic abuse and expressed her support for this Bill. I hope the Minister will be able to say more about that proposed legislation and will confirm whether the Government intend to use it to address the outstanding issues, particularly those relating to extra-territorial jurisdiction, which have been the last main barrier to the ratification of the convention. Will the Minister also say whether there are plans to strengthen compliance with the convention in areas in which we all know there is massive room for improvement, such as on coercive control and the way the family courts, and their equivalents, work in all our jurisdictions? Will she also set out how discussions are progressing with the devolved Administrations, which support the Istanbul convention but also have competencies and steps to take towards ratification in such areas?

11.30 am

The Prime Minister’s personal commitment to and oversight of the process is really important, because it is the one way to ensure that crucial issues that will cut across more than one Government Department, such as extraterritorial jurisdiction, will not slip through the cracks. It has been too easy for sexual violence and domestic abuse to fall off the to-do list. All Members will be familiar with the tired old phrase, “When parliamentary time allows,” which around here is code for, “Yeah well, whenever; maybe never.” It has been trotted out too often in relation to the Istanbul convention. The primary aim of my Bill has been to shift the logjam and get the ratification process back on track, so the Prime Minister’s intervention is a welcome signal that that is now happening. We should all applaud that progress and continue to work together to ensure that it becomes a vehicle for real and meaningful improvements for people affected by gender-based violence and is not just a token effort.

On Government amendments 2 and 3, which are on timescales, I hope the Minister will be able to assure us today that the Government will continue to pedal as hard as they can on this matter and keep up the momentum, although I appreciate that the machinery of Government can sometimes take time to turn.

It is important to highlight Government amendments 7 to 13, which relate to those parts of the Bill concerned with reporting back to Parliament as we progress towards ratification, and once the treaty is ratified. The convention itself commits the UK to substantial reporting requirements and a process of ongoing monitoring and evaluation, through annual reports to the Council of Europe’s expert group, GREVIO—the group of experts on action against violence against women and domestic violence. Those requirements are arguably the most useful mechanism in the treaty, in that they will enable the UK to benchmark and measure progress, not just in a UK context but against international comparators. They will enable us to learn from other people, and other people to learn from us. They will enable a more coherent, strategic and consistent approach to preventing and combating gender-based violence throughout the whole UK, and they can be used as a vehicle for ongoing improvements in policy and practice.

I know the Government were concerned that the post-ratification reporting requirements in the Bill might duplicate the annual report, but my intention has never been to create unnecessary extra work; it has been to improve parliamentary scrutiny and accountability. However, we all know only too well how easy it is for reports that are simply filed in the Library to become stooges that no one ever reads again. The whole point of the reports is that we pay heed to them and use them to inform future improvements in policy and services.

A new car will not get anyone anywhere if it is left parked in the garage, and the vehicle of the Istanbul convention will help us only if we use it. That is why the hon. Member for Rotherham (Sarah Champion) and I pressed the Minister in Committee for a commitment not only that the Government will lay their report to the Council of Europe before the House, but that Ministers will come to the Dispatch Box in Government time to make an annual statement on the report, so that we can better do our job of parliamentary scrutiny and prevent this issue from once again falling out of sight and out of mind. I very much hope that the Minister will reiterate that commitment today, particularly for those who did not hear it the first time around. I hope that Members will support the amended Bill, but oppose those amendments that are simply intended to scupper this vital piece of legislation.

The Parliamentary Under-Secretary of State for the Home Department (Sarah Newton): I thought I might assist the House by rising at this stage of the debate to explain Government amendments 1 to 17 and to address the valid concerns raised by my hon. Friend the Member for Shipley (Philip Davies).

I very much welcome the opportunity to discuss the Bill on Report and to continue to work with the hon. Member for Banff and Buchan (Dr Whiteford) on this important issue. As the Prime Minister made absolutely clear at Prime Minister questions on Wednesday, the Government share the hon. Lady’s commitment to ensuring that the UK ratifies the Istanbul convention.

We signed the convention in 2012 to signal our aim that everyone, men and women, should live a life free from violence. The convention’s key priorities already align with those of the UK. They are to continue to increase reporting, prosecutions and convictions, and, ultimately, to prevent these crimes from happening in the first place. The UK already complies with or goes further than the convention requires, including by delivering against its practical requirements such as ensuring the provision of helplines, referral centres and appropriate
shelters for victims, as well as by meeting its requirement to ensure we have robust legislation in place. However, before we are fully compliant with the convention, there remains one outstanding issue in relation to extraterritorial jurisdiction that we need to address.

The UK already exercises ETJ over a number of serious offences, including forced marriage, female genital mutilation and sexual offences against children. However, there are some violence against women and girls offences over which we do not yet have ETJ, and primary legislation is required to introduce it. I am working closely with my colleagues in the Ministry of Justice to progress this issue and, as the Prime Minister has signalled, we will explore all options for bringing the necessary legislation forward.

I made it clear in Committee that the Government fully support the principles that underpin the Bill. The hon. Member for Banff and Buchan is seeking to ensure that we deliver on our commitment to ratify the convention, and I thoroughly commend that aim. However, as I indicated in Committee, some amendments are necessary to ensure that the Bill achieves that aim. I shall set out the rationale behind the Government amendments.

Government amendment 1 would remove clause 1, but I should make it absolutely clear that we fully support the motivation behind the clause, which would require the Government to take all reasonable steps required to ratify the convention as soon as reasonably practicable. As I have set out, though, both we and the devolved Administrations need to legislate to introduce ETJ before we can ratify the convention. Members will appreciate that that means there is a danger the clause could be interpreted as imposing a duty on the Government to legislate; indeed, it could be interpreted as pre-empting the will of Parliament. I assure Members that we support the intention behind the clause, and the requirements in the remainder of the Bill will ensure that we deliver on its aims. I am absolutely clear that seeking to remove the clause in no way changes our absolute commitment to ratifying the convention.

Clause 2 would require the Government to lay a report setting out next steps to be taken to enable the UK to ratify, and the expected date for that, within four weeks of the Bill receiving Royal Assent. As I outlined in Committee, we fully support the motivation behind the clause but, as we need to legislate on ETJ before ratification, we need to ensure appropriate flexibility for the timing within which we need to lay the report. Such flexibility is also necessary because Northern Ireland and Scotland will need to legislate on ETJ. Amendment 2 would therefore replace the words “date by” with “timescale within”, and amendment 3 would replace the four-week timeframe with “as soon as reasonably practicable after this Act comes into force”.

Clause 3(1)(e) would require the Government to lay annual reports on the measures taken to ensure that the UK remains compliant with the convention post-ratification. As with other Council of Europe treaties, once the UK has ratified the convention we will be required to submit regular compliance reports to the Council of Europe. Those reports will include detail on the policy and strategies in place to tackle VAWG and on the role of civil society organisations, particularly women’s non-governmental organisations, as well as data on prosecutions and convictions. The reports will be scrutinised by GREVIO, the independent expert body responsible for monitoring the implementation of the convention. Based on the information received, GREVIO will prepare a final public report with recommendations. In addition, a selected panel of GREVIO members may visit the UK to carry out further assessment of the arrangements in place. I wish to confirm that, once we have ratified the convention, additional members of GREVIO will be appointed, and it will be possible for the UK to have representatives on GREVIO.

As Members will appreciate, we want to avoid duplicating our existing reporting requirements. Amendment 14 therefore removes paragraph (e) of clause 3(1). However, I hope that Members are reassured to hear that, after we ratify, there will be rigorous oversight to ensure that we continue to remain compliant with all the measures in the convention. Clause 4(2) would ensure that the provisions in the Bill come into force a day after Royal Assent. Amendment 15 reflects the usual two-month convention for any Bill receiving Royal Assent. I wish to reassure Members that this will not affect the timescale for any of the measures proposed in the Bill.

The remaining amendments 4 to 7, 9 to 13 and 16 and 17 are consequential on the Government amendments, and are technical to ensure that the Bill reflects usual drafting conventions.

Mr Nuttall: In respect of amendment 16, the explanatory notes say: “This amendment is consequential on amendment 7.” Will the Minister please explain exactly how the amendment is consequential on amendment 7?

Sarah Newton: It is related to the fact that we have already accepted everything that is within the convention, and that it is just a matter of verification. The details of what this House has agreed to have been set out very clearly. There is cross-party and cross-country support for every aspect of the convention.

Mr Nuttall: Will my hon. Friend give way?

Sarah Newton: I have made my point very clearly. I really want to respect the wishes of Mr Speaker, who has made it very clear to everyone that he is very keen to ensure that today, as on all days, Back Benchers have as much time as necessary to make their cases. I have very thoroughly addressed the issues raised in the amendments by my colleagues. I will now press on in the time that I have available.

I really want to emphasise that ending violence against women and girls is a top priority of this Government. Since publishing the original “A Call to End Violence Against Women and Girls” strategy in 2010, we have made great strides. In the past four years, we have strengthened the legislative framework and introduced a range of new measures including new offences on domestic abuse, forced marriage and stalking; tools such as domestic violence and FGM protection orders; and a range of guidance and support for professionals. Of course we know that there is more to do. I assure the House that we remain committed to driving forward at pace work to tackle violence against women and girls. That is why we recently announced the “Tackling child
women and men. It is therefore in the UK’s interest that far-reaching international treaty to tackle these violations and combat violence against women. It is the most that provides a comprehensive set of standards to prevent it is the first pan-European, legally binding instrument that provides a comprehensive set of standards to prevent and combat violence against women. The Istanbul convention seeks to address that by providing a comprehensive set of standards to prevent and combat violence against women.

Last week, the Prime Minister announced plans for a major new programme of work to transform the way we think about and tackle domestic abuse. That is being led by the Home Secretary and the Justice Secretary and it will look at all legislative and non-legislative options for improving support for victims, especially in terms of how the law and legal procedures currently work. It will work towards bringing forward a domestic violence and abuse Act, and the measures that come out of the work will raise public awareness of the problem as well as encouraging victims to report their abusers and see them brought to justice. The £15 million Home Office VAWG transformation fund is currently open for bids further to support local areas in promoting and embedding best practice.

I wish to turn my attention to the issues raised by the other amendments in this group. My hon. Friend the Member for Shipley has spoken about the importance of recognising that men and boys can also be victims of these crimes—he has spoken about that both on Second Reading and in many other parliamentary debates on VAWG and related issues.

I also want to be clear that the UK’s signing of the convention has both cross-party and cross-UK support. We signed up to the convention in 2012, and we stand by our commitment to delivering against everything it requires. All acts of gender-based violence need to be tackled. However, we cannot ignore the fact that women are still disproportionately affected by these crimes. The 2016 crime survey for England and Wales showed that women are around twice as likely to have experienced domestic abuse since the age of 16 as men, and that 19.9% of women, compared with 3.6% of men, have experienced sexual assault from the age of 16. Furthermore, other data show that women are much more likely than men to be the victims of high risk or severe domestic abuse. That is clearly demonstrated by the fact that a greater number of cases are going to the Multi Agency Risk Assessment Conference, and that more victims are dealt with the most severe cases; more than 95% of these victims are female.

The Istanbul convention seeks to address that by promoting international co-operation on VAWG. Indeed, it is the first pan-European, legally binding instrument that provides a comprehensive set of standards to prevent and combat violence against women. It is the most far-reaching international treaty to tackle these violations of human rights and to promote greater equality between women and men. It is therefore in the UK’s interest that we further co-ordinate our efforts internationally to eliminate all forms of violence against women and girls, both at home and abroad.

Although I understand the concern of my hon. Friend the Member for Shipley that the measures that we take to address VAWG do not inadvertently discriminate against men and boys, and that men and boys are also supported, I must stress that this Bill, which is focused on progress toward ratifying a convention that we have already signed up to, simply does not do that.

I also want to reassure my hon. Friend and the House that once we are compliant, and before we ratify, we are required by the Constitutional Reform and Governance Act 2010 to lay the text of the convention and all accompanying explanatory memorandums before the House for scrutiny. I realise that I am being rather optimistic but I hope that he will seek to withdraw his amendments, because there is overwhelming support in this House today and across the country that this Bill be progressed.

Sarah Champion (Rotherham) (Lab): I will be incredibly brief because we have taken years to get to this point, and I do not want to slow this down any further. I congratulate the hon. Member for Banff and Buchan (Dr Whiteford) and her team on their hard work in ensuring that this private Member’s Bill made it this far. I know that she has gone to great lengths to ensure that we can be here today, and I congratulate her on that.

The convention provides a step change in the way in which we all—central Government, local authorities, charities, women’s services and even individuals—work to prevent violence against women and girls.

Dr Blackman-Woods: I congratulate my hon. Friend on the work she has done to support the Bill. Does she agree that it is important that we get the multi-agency and co-ordinated approach to tackling violence against women and girls that the Istanbul convention demands? Will she work with MPs across the House to check that this integrated approach and the support services are available throughout the country, as they are absent in some areas?

Sarah Champion: My hon. Friend raises an interesting point. The good thing about the Bill is that it encourages everyone to work collaboratively to prevent the crime and tackle the perpetrators, and then to provide support. She is absolutely right that there is a patchwork of provision across the country. This legislation will only go so far. We need scrutiny on the ground to ensure that everybody gets the service they deserve.

The successful passage of this Bill is hugely significant. The Government have given a commitment to ratify the convention but, with due respect, a commitment on the statute book will always count for more. I am grateful to the Minister for her endorsement of the Bill and for the truly collaborative way in which she has worked for the benefit of all women. I heard her speech and understand the reasons for tabling the amendments. I am also grateful that she has again made the commitment that the Government are fully intent on ratifying the convention. As such, we support all her amendments. However, I want to push her on two issues.

First, the Government last week announced plans for a programme of work that will lead to a domestic violence and abuse Act, which I fully welcome. Pushing
the Minister a little on the detail, will she confirm whether such a Bill will contain the primary legislative measures necessary to extend the extraterritorial jurisdiction to the remaining offences of violence against women and girls? If so, what is the Government’s timetable for that Bill?

Secondly, I have repeatedly asked the Government to make assurances about continuing the grant funding for the revenge porn helpline, which ends shorty. Since the helpline opened in 2015, it has received more than 5,000 calls relating to more than 1,200 individual cases. The only answer I have received so far from the Government is that a decision on funding will be made “later in the year.” Will the Minister tell us exactly when that will be?

I have worked closely with too many survivors of domestic violence over the time that I have served as the MP for Rotherham. These brave women show so much courage just by sharing their stories. We owe it to them, at the very least, to give clear and committed action to prevent violence against women and girls, and this Bill goes a long way towards achieving that.

Mr Chope: This is an extraordinary occasion. We are discussing a Bill, the long title of which—as put down on 29 June last year—was: “To require the United Kingdom to ratify the…Istanbul Convention.”

We have just heard the promoter of the Bill explaining why she now wishes that long title effectively not to require the United Kingdom to ratify the Istanbul convention. I congratulate the hon. Member for Banff and Buchan (Dr Whiteford) on the charming way in which she has been able to explain a complete volte-face in her approach to this important subject.

The Minister has spelt out all the wonderfully effective and good measures that the Government have introduced to address the really serious issues of violence against women and domestic violence. I commend her and the Government for the work they have already done and the work they will do. However, she has not addressed the questions implicit in the amendments I have tabled as to whether, when the Government ratify the convention, they will do so with any reservations. We have not had an answer to that. I would be grateful if the Minister would intervene to assure me that when the ratification occurs, it will be without any reservations.

Sarah Newton: I have made the position very clear: we have already signed the convention, so all we are looking to do now is to ratify it.

Mr Chope: With the greatest respect to my hon. Friend, that is not an answer to the question. The question is: when the Government ratify the convention, will they do so with or without reservations?

Sarah Newton: I appreciate the opportunity for further clarification. We have signed the convention without any reservations.

Mr Chope: Under the rules of the convention, reservations are not put in at the time of signature, but at the time of ratification. I will take the Minister’s remarks as a commitment that there will be no reservations when it comes to ratification.

Philip Davies: The Minister asked whether I would be minded to withdraw my amendment. For the benefit of the House, I would like to make it clear, through my hon. Friend the Member for Christchurch (Mr Chope), that I will be very happy to withdraw my amendment and will not push any of my amendments to a vote.

Mr Chope: I am glad that my hon. Friend has been satisfied by the Minister’s response.

One reason that I have been interested in the subject for a long time is that I was present at the Standing Committee of the Parliamentary Assembly of the Council of Europe when this convention was first discussed. I remember vividly the representations that were made to me and my hon. Friend, the then Member for North Dorset, explaining that the United Kingdom Government really wanted the Parliamentary Assembly of the Council of Europe to pass an amendment to the draft convention—as it then was—to enable a signatory party to the convention to have a reservation in respect of extraterritorial jurisdiction.

The Foreign Office representative who lobbied us in Paris on that occasion—unfortunately, only half an hour before the decisions were to be taken—expected us to persuade everybody to accept an amendment from the United Kingdom Government at very short notice. The Government, through their Foreign Office representative, were very concerned then about the extraterritorial application of the convention, which is why they wanted to allow a participant party to have a reservation. In the end, the convention went through without that power being granted. Everybody who is suspicious about the length of time it is taking for the Government to get their act together on the issue needs to bear in mind that background—that in 2011, on the basis of a convention that had been negotiated by the previous Labour Government, the Government were concerned about the issue of extraterritorial application.

We have not heard, even at this very late stage, anything from the Government precisely about what measures need to be brought in to satisfy those requirements before the convention can be ratified. It seems to me that we are owed something from the Government on that because the hon. Member for Banff and Buchan and others have been pressing them to come up with a list of what is required.

Even the hon. Member for Rotherham (Sarah Champion), in her short contribution from the Opposition Front Bench, asked the Minister whether the forthcoming legislation on domestic violence, to which the Minister referred, would incorporate the necessary legislative requirements to enable the ratification of the Istanbul convention, but my hon. Friend—I do not think she is here—was not even able to respond. That must surely cast doubt on how long it will be before the convention is actually ratified.

One of the Government amendments says that the Government do not want clause 2 implemented before clause 3. Therefore, no report may well have been made under clause 2 by the time we reach 1 November 2017 and the report on progress under clause 3. That seems to show an acceptance by the Government that they will not be in a position to ratify the convention for some considerable time. The only feeling on both sides of the House is that people want the convention ratified, but the Government seem to be wriggling about when and how they will achieve that.
I have tabled a number of amendments and new clauses. I think I have a commitment from the Minister, in so far as one can tell, that when the convention is ratified, it will not be ratified with any reservations, and I am grateful to her for that. However, I still fear that the impression being given to the world outside is that we are passing today a Bill that will require the United Kingdom to ratify the Council of Europe convention, when, in fact, it does no such thing, and that needs to be made absolutely clear.

12 noon

Finally, I referred earlier to the explanation given by the Government for amendment 4, but my hon. Friend has not answered that point at all. Why is it necessary for the Secretary of State, rather than Her Majesty’s Government, to determine that the United Kingdom is compliant with the convention? It can understand why the Secretary of State should be required to make a statement to each House on the issue, but I do not understand why the Secretary of State, rather than the whole Government, should determine whether the United Kingdom is compliant with the convention. My hon. Friend has not responded to that point; if the Bill progresses to the other place, I hope the Government will respond to it at that stage, because the situation is most unsatisfactory. It is also most unsatisfactory that the explanatory note given by the Government in support of their amendment is inaccurate in such a major respect.

Sarah Newton: I am grateful to my hon. Friend for allowing me to intervene to address amendment 4—he is quite right that I did not address it in my few words. The replacement of “Her Majesty’s Government” with “the Secretary of State” is to ensure that the Bill reflects the usual drafting conventions. In no way does it alter “the Secretary of State” is to ensure that the Bill reflects the usual drafting conventions. In no way does it alter why the Secretary of State should be required to make a statement to each House on the issue, but I do not understand why the Secretary of State, rather than the whole Government, should determine that the United Kingdom is compliant with the convention. My hon. Friend has not responded to that point; if the Bill progresses to the other place, I hope the Government will respond to it at that stage, because the situation is most unsatisfactory. It is also most unsatisfactory that the explanatory note given by the Government in support of their amendment is inaccurate in such a major respect.

Mr Chope: I hear what my hon. Friend says, and I am grateful to her for that intervention. I am sure that others will be able to check out the issue to see whether it will need further discussion when the Bill gets to the other place. However, having said that, and in light of her intervention, I am not going to speak to the new clauses and amendments that I have tabled, because I get the feeling that the House would like to move on to debate other issues.

Dr Mathias: Charming.

Mr Chope: Sometimes one despairs at one’s colleagues, but I will not do that in public.

Philip Davies: On a point of order, Mr Speaker. I beg to move that the Question be now put.

Mr Speaker: There is not a Question before us to be put, because new clause 6 has been withdrawn, and therefore the correct procedure now is for me to move on to Government amendment 1.
This amendment makes clear that the government will only have to make a statement detailing when she would expect the Istanbul Convention to be ratified, rather than the date.

Amendment 10, page 2, line 7, leave out “(before ratification)”. This amendment is consequential on amendment 8.

Amendment 11, page 2, line 10, leave out “(before ratification)”. This amendment is consequential on amendment 8.

Amendment 12, page 2, line 11, leave out “to” and insert “in”. This amendment changes a reference to legislative proposals being brought forward “to” the devolved legislatures to legislative proposals being brought forward “in” the devolved legislatures - which is the usual formulation.

Amendment 13, page 2, line 14, leave out “(before ratification)”.—(Sarah Newton.) This amendment is consequential on amendment 8.

Amendment proposed: 14, page 2, line 16, leave out paragraph (e).—(Sarah Newton.) This amendment removes the ongoing reporting obligation in clause 3(1)(e). Question put, That the amendment be made.

The House divided: Ayes 135, Noes 3.

Division No. 168 [12.18 pm]

AYES

Abbott, rh Ms Diane 
Ahmed-Sheikh, Ms Tasmina 
Alexander, Heidi 
Akrless, Richard 
Baldwin, Harriett 
Bardell, Hannah 
Bebb, Guto 
Berry, James 
Bingham, Andrew 
Black, Mhairi 
Blackman, Bob 
Blackman, Kirsty 
Blackman-Woods, Dr Roberta 
Boswell, Philip 
Brock, Deidre 
Brokenshire, rh James 
Brown, Alan 
Cameron, Dr Lisa 
Campbell, rh Mr Alan 
Carmichael, rh Mr Alistair 
Cartlidge, James 
Caulfield, Maria 
Champion, Sarah 
Cherry, Joanna 
Coffey, Dr Thérèse 
Corbyn, rh Jeremy 
Cowan, Ronnie 
Coyle, Neil 
Crawley, Angela 
Creasy, Stella 
Cryer, John 
Cunningham, Mr Jim 
Davies, Mims 
Day, Martyn

Dinenage, Caroline 
 Docherty-Hughes, Martin 
Donaldson, Stuart Blair 
Doughty, Stephen 
Dowd, Jim 
Dowd, Peter 
Drummond, Mrs Flick 
Duncan Smith, rh Mr Iain 
Efford, Clive 
Ellison, Jane 
Eustice, George 
Fellows, Marion 
Ferrier, Margaret 
Fitzpatrick, Jim 
Flint, rh Caroline 
Foster, Kevin 
Foxcroft, Vicky 
Frazer, Lucy 
Gapes, Mike 
Gardiner, Barry 
Ghani, Nusrat 
Glen, John 
Grady, Patrick 
Grant, Peter 
Gray, Neil 
Greenwood, Margaret 
Haigh, Louise 
Hamilton, Fabian 
Hancock, rh Matt 
Hands, rh Greg 
Harris, Rebecca 
Hayes, Helen 
Heald, rh Sir Oliver 
Heaton-Harris, Chris

NOES

Bone, Mr Peter 
Davies, Philip 
Hollobone, Mr Philip 

Tellers for the Ayes: 
Mr Christopher Pincher and Owen Thompson

Tellers for the Noes: 
Mr Christopher Chope and Mr David Nuttall

Question accordingly agreed to.

Clause 2

The timetable for ratification of the Istanbul Convention

Amendments made: 2, page 1, line 12, leave out “date by” and insert “timescale within”.

This amendment requires the Secretary of State to report on the timescale within which she expects the Istanbul Convention to be ratified, rather than the date.

Amendment 3, page 1, line 14, leave out “within four weeks of this Act receiving Royal Assent” and insert “as soon as reasonably practicable after this Act comes into force”.

This amendment changes the deadline for a report under clause 2 from four weeks from Royal Assent to as soon as reasonably practicable after commencement.

Amendment 4, page 1, line 16, leave out “Her Majesty’s Government” and insert “the Secretary of State”.

This amendment means the obligation to make a statement to Parliament will fall on the Secretary of State, rather than Her Majesty’s Government generally.

Amendment 5, page 1, line 17, leave out “it” and insert “the Secretary of State”.

This amendment is consequential on amendment 4.

Amendment 6, page 1, line 19, leave out “its” and insert “the”.

This amendment is consequential on amendment 5.

Amendment 7, page 1, line 20, leave out “the Convention will be” and insert “the Secretary of State would expect the Convention to be”.

—(Sarah Newton.)

This amendment means the Secretary of State will be required to make a statement detailing when she would expect the Istanbul Convention to be ratified, rather than when it will be so ratified.

Clause 3

Reports on progress

Amendments made: 8, page 2, line 2, after “each year” insert “until ratification”.

This amendment makes clear that the government will only have to report on progress towards ratification until ratification has taken place (see amendment 14).
This amendment is consequential on amendment 7.

United Kingdom of "—

"Make provision in connection with the ratification by the

and insert

"Require the United Kingdom to ratify"

on the day on which this Act receives Royal Assent'

FEBRUARY 2017

Amendment proposed: 16, line 1, leave out

“Require the United Kingdom to ratify”

and insert

“Make provision in connection with the ratification by the

United Kingdom of” — (Sarah Newton.)

This amendment is consequential on amendment 7.

Question put, That the amendment be made.

The House divided: Ayes 132, Noes 2.

Division No. 169]

AYES

Abbott, rh Ms Diane
Ahmed-Sheikh, Ms Tasmina
Alexander, Heidi
Arkless, Richard
Baldwin, Harriett
Bardell, Hannah
Bebb, Guto
Berry, James
Bingham, Andrew
Black, Mhairi
Blackman, Bob
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Boswell, Philip
Brock, Deidre
Brokenshire, rh James
Brown, Alan
Cameron, Dr Lisa
Campbell, rh Mr Alan
Carmichael, rh Mr Alistair
Cartlidge, James
Caulfield, Maria
Champion, Sarah
Cherry, Joanna
Coffey, Dr Thérèse
Cowan, Ronnie
Coyle, Neil
Crawley, Angela
Creasy, Stella
Cryer, John
Cunningham, Mr Jim
Davies, Mims
Davies, Philip
Day, Martyn
Dinenage, Caroline
Dochnerty-Hughes, Martin
Donaldson, Stuart Blair
Doughty, Stephen
Dowd, Jim
Dowd, Peter
Drummond, Mrs Flick
Elford, Clive
Ellison, Jane
Eustice, George
Fellows, Marion
Ferrier, Margaret
Fitzpatrick, Jim
Flint, rh Caroline
Foster, Kevin
Foxcroft, Vicky
Frazier, Lucy
Gapes, Mike
Gardiner, Barry
Ghani, Nusrat
Glen, John
Grady, Patrick
Grant, Peter
Gray, Neil
Greenwood, Margaret
Haigh, Louise
Hamilton, Fabian
Hancock, rh Matt
Hands, rh Greg
Harris, Rebecca
Hayes, Helen
Heald, rh Sir Oliver
Heaton-Harris, Chris
Hendry, Drew

Owen Thompson

Wishart, Pete
Winterton, rh Dame Rosie
Wilson, Corri
Whitford, Dr Philippa
Whiteford, Dr Eilidh
Wilson, Corri
Werton, rh Dame Rosie
Wishart, Pete

Tellers for the Ayes:  
Christopher Pincher and  
Owen Thompson

Against Women and Domestic Violence

Wishart, Pete
Winterton, rh Dame Rosie
Wilson, Corri
Whitford, Dr Philippa
Whiteford, Dr Eilidh
Weir, Mike
Vaz, Valerie
Trevelyan, Mrs Anne-Marie
Thomson, Michelle
Thewliss, Alison
Stride, Mel
Sylla, Mr Robert
Oswald, Kirsten
Osamor, Kate
Osborn, Kevin
Osborn, Steven
Olsen, Sarah
O'Neill, Chi

Tellers for the Noes:  
Mr Christopher Chope and  
Philip Davies

Bone, Mr Peter
Hollobone, Mr Philip
Nuttall, Mr David

Clause 4

Short title, commencement and extent

Amendment made: 15, in page 2, line 37, leave out

“on the day on which this Act receives Royal Assent”

and insert

“at the end of the period of 2 months beginning with the day on

which this Act is passed”.—(Sarah Newton.)

This amendment means the Act will be brought into force two

months following Royal Assent, rather than immediately on Royal

Assent.

Title

Amendment proposed: 16, line 1, leave out

“Require the United Kingdom to ratify”

and insert

“Make provision in connection with the ratification by the

United Kingdom of”. —(Sarah Newton.)

This amendment is consequential on amendment 7.

Question put, That the amendment be made.

The House divided: Ayes 132, Noes 2.
On reflection, it strikes me powerfully that Parliament has frequently been left playing catch-up on progress for women: from those who campaigned for women’s suffrage for more than a century before it was achieved to those trade unionists who fought for equal pay for women years before the Equal Pay Act 1970 came into force and the women who, in the 1970s, set up refuges for women fleeing domestic abuse at a time when there was absolutely no support from the state or the authorities for women experiencing violence or coercive control from an intimate partner—a time when rape within marriage was not even a crime. Every step of the way, it is citizens who have driven progressive change. Sisters have had to do it for themselves.

Hannah Bardell (Livingston) (SNP): I offer my huge congratulations to my hon. Friend and all those involved. Does she agree with me and Emmeline Pankhurst, who famously said:

“We are here, not because we are law-breakers; we are here in our efforts to become law-makers”?

My hon. Friend is the absolute embodiment of those words.

Dr Whiteford: It is important that we remember our history and understand the historical process of change within which we live. I have been asked so many times over the past few months: why the Istanbul convention? Why these difficult, painful, controversial issues? Why this convoluted, complex multilateral process? The long answer is that it has the potential to make concrete improvements—at local, national and international level—to the lives of people affected by sexual and domestic violence.

In light of the Istanbul convention, and in direct response to the debates we have had in this place, I am pleased to say that my local authority, Aberdeenshire Council, is already considering how local provision might be strengthened and improved. That could and should be replicated by local authorities across the UK.

We have already seen at UK level and in the devolved Administrations a raft of new legislation, driven by the Istanbul convention, on issues such as stalking, forced marriage, human trafficking and modern slavery, all of which has taken us closer to compliance. Internationally, we can make the world a safer place for our own citizens and for others, but we now need to finish the job.

The short answer to my question—why the Istanbul convention?—is that change needs to come and change will come. Ultimately, this is about real people and real lives. I have been moved beyond measure by the truly inspirational courage of my constituent Sarah Scott, a woman from the small coastal community where I grew up. She was subjected to an exceptionally brutal rape, and she waived her right to anonymity in an attempt to prevent what happened to her from happening to anyone else.

Sarah is one of the desperately small minority of rape victims who has seen her attacker brought to justice and convicted, but during the course of the trial her medical history was used by the defence in an attempt to discredit her as a witness to her own experience. She has spoken publicly about that profound violation of her privacy and the re-traumatisation that those experiences invoked, and I can only begin to imagine the inner strength and bravery it took for her to speak out.
We have travelled some distance in this struggle, but we still have such a long way to go. We need to recognise that ratification of the Istanbul convention is a milestone in the journey to equality and justice for women, and not an end point.

**Philip Boswell** (Coatbridge, Chryston and Bellshill) (SNP): Will my hon. Friend give way?

**Dr Whiteford**: I will not give way.

So, Sarah, this Bill is for you and for every person who knows at first hand the brutal, life-shattering reality of sexual violence and has had the courage to claim justice and fight for it. Thank you for helping us all be a bit braver and stronger in the fight for equality and human rights, and more determined than ever to end this abuse, once and for all.

12.50 pm

**Mr Nuttall**: Unfortunately, I was not able to contribute on Second Reading, as the debate was terminated before I had the opportunity to try to persuade the House of the merits of my case against the Bill, but I am very grateful to my hon. Friend the Member for Shipley (Philip Davies) for at least putting several of the points that I wanted to make on the record then.

I congratulate the hon. Member for Banff and Buchan (Dr Whiteford) on the polite and efficient way she has brought the Bill before the House and steered it through to this Third Reading debate. No private Member’s Bill is an easy thing to deal with and she has demonstrated great skill in being able to get this Bill to this stage. It is no secret that I oppose it. I am open about that, but I wish to start by putting on the record the fact that those of us who oppose it do so on the basis that the Istanbul convention will do nothing to achieve the aims that its supporters think it will. It will certainly do nothing to stop violence against men and boys, and I am just as concerned about that as I am about violence against women and girls, leaving aside for a moment the position of transgender individuals, which we have not considered at great length so far.

It is important to note that the views that my hon. Friend and I have espoused—we have yet to hear in this House might think. After the Second Reading debate, even though I had not been able to contribute to it, I received emails from people from all over who were saying, “Good for standing up for our rights as men, because sometimes we feel that we are not getting a fair crack of the whip.”

This morning, we have seen something remarkable happen to this Bill, and I am grateful that we have had the opportunity to put certain matters to a vote. Anybody watching the proceedings may have wondered what was going on, but we have demonstrated this morning that those who support this Bill have actually gone through the Lobby to vote to weaken it. We have been given a bit of a clue; if ever a Bill has to have its title amended, this Bill was the Bill to have its title amended.

Incidentally, the Minister on Second Reading was my right hon. Friend the Member for Great Yarmouth (Brandon Lewis), rather than my hon. Friend the Member for Truro and Falmouth (Sarah Newton), who is here today. He said that amendments would be tabled in Committee, but we now know that none was, even though they must have been ready, because they were tabled on 1 February, when the Bill had its Committee stage, and they were online the next day. That was the first indication that something was amiss.

The series of Government amendments that have been accepted have had the effect of making the Bill very different from when it was introduced. The requirement for the UK to ratify the Istanbul convention has gone. Now, as reflected in the Bill’s new long title, it only makes

“provision in connection with the ratification by the United Kingdom of the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention)”.

Even the words “and for connected purposes” have been removed.

The whole of clause 1 has been removed, and that was the crucial point of the Bill. We were told that the whole object of the exercise was to impose a duty on Her Majesty’s Government

“to take all reasonable steps”—

so the Government were not expected to do everything in their power—

“as soon as reasonably practicable”.

It was a very modest clause to enable this country to become compliant with the convention, but that is all gone now.

For those who support the Bill and the campaign behind it, it is worth putting on record exactly what it now looks like and will do. Essentially, it now requires no more than that the Secretary of State lays a report before each House of Parliament to set out

“the steps required to be taken to enable the United Kingdom to ratify the Istanbul Convention”.

We all know what those steps are anyway, so there is going to be nothing new in it. It has been said many times that the only thing the Government still need to do is sort out how we are going to deal with extraterritorial jurisdiction. I accept that that is not an easy thing to do, but it has been done in respect of other offences, which leads me to think it would not have been that difficult, given how many years it has been since the convention was signed, to have worked out by now why primary legislation is not ready. We have still not heard whether primary legislation is going to be included in the next Queen’s Speech, for example.

The timescale is crucial. As originally drafted, the Bill would have required the Government to set a specific date

“by which the Secretary of State would expect the United Kingdom to be able to ratify the Convention.”

That requirement is now gone, as we are talking only about a “timescale”, which could of course be anything: a day, a week, a month, a year, a decade—all are timescales.

**Philip Boswell**: The number of stories my staff shared about violence against women and the severity of the violence in them was staggering. The vast majority of
them ended with the victim deciding not to report the incident to the police due to social stigma, fear of retribution, concern that the authorities would not believe them and shame. Does the hon. Gentleman agree that it is time that we changed that by ratifying the Istanbul convention as soon as possible?

Mr Nuttall: To be quite honest, I entirely agree that anyone who has been the victim of domestic violence, or of violence outside the domestic setting, should be reporting that violence, and that applies to both men and women. Incidentally, the incidence of men reporting such violence because of fears that people might laugh at them is much lower than it is among women, particularly where domestic violence is concerned. How on earth anyone can think that just because the Government have ratified a convention, which most members of the public have never even heard of, will make one iota of difference to whether or not someone reports a crime is beyond me.

If the issue is whether I think that people should report domestic violence, then of course the answer is yes, but on whether I think that the figure will be changed as a result of the ratification of the convention, the answer is no, I do not. In countries where ratification has already taken place, the figures that have been provided by their ambassadors to my hon. Friend are much lower than it is among men, particularly where domestic violence is concerned. How on earth anyone can think that just because the Government have ratified a convention, which most members of the public have never even heard of, will make one iota of difference to whether or not someone reports a crime is beyond me.

Let me now return to the issue of the timescale, which is the main thrust of this Bill. The purpose is to try to tie down the Government to doing something and to stop this matter from drifting on. What do we have now? The words “as soon as reasonably practicable after this Act comes into force.”

There is a subtle change there. It is no longer after “this Act receiving Royal Assent”.

Another Government amendment changes the date on which the Act comes into force from being the date on which the Act receives Royal Assent to a period of two months beginning on the day on which the Act is passed. So, we have a two-month delay, and then an unlimited amount of time before the report has to be laid. Even when the report is laid, all it has to do is set out a “timescale”—there is no specific date. Frankly, we might as well say it is the 12th of never, because that is essentially what this Bill is saying. No specific date is given and there are no provisions in the Bill to tie down the Government. If Members want proof of that assertion, they should simply ask this question: on what date would it be possible for anyone to turn around and look at this Act—if it passes through this place and the House of Lords—and say, “Ah, the Government have not complied with the Act.” I venture that it would be difficult to pick any day. The Bill is now so widely drafted that there would never be a date when it would not be possible for the Government to say, “We’re not quite there yet. We are dealing with things. It is not reasonably practicable at this stage to deliver the report.”

Even if a report were delivered, we would still have to get over the hurdle of the timescale, which could be very vague indeed.

Mims Davies (Eastleigh) (Con): Much progress has been made under this Government, particularly when the Prime Minister was Home Secretary, with criminalising acts such as forced marriage, dealing with stalking, tackling female genital mutilation, and the domestic violence protection orders. I chair the all-party parliamentary group for women in Parliament. Does my hon. Friend agree that this global commitment is constructive in leading the way to continue the fight?

Mr Nuttall: My hon. Friend highlights some of the valuable work that the Government have already been doing without ratifying the convention. Other countries may well want to look at the work of this country to see whether they could improve their procedures and adopt some of the things we have been doing. It is interesting that my hon. Friend highlights those points because, of course, all that has happened without ratifying the Istanbul convention.

Philip Davies: Is there anything that the Government could not do to help victims of domestic violence or to deal with violence against women until they have waited to ratify the Istanbul convention?

Mr Nuttall: The short answer is no; I cannot think of anything. I would be very interested if anyone else present could come up with any measure that we are prevented from introducing because we have not yet ratified the convention. In fact, as the previous intervention demonstrated, the Government have quite happily brought forward lots of proposals to tackle these matters already, and quite rightly. I have my own ideas about what we could do to try to tackle domestic violence, and I am interested in whether Opposition Members would support me. For example, we could start by saying that those who are convicted of domestic violence and sent to prison are required to serve the full length of their sentence, rather than being let out halfway through. If we are talking about sending signals, let us send the good signal that if someone commits an act of domestic violence and is sent to prison, they would have to serve the full length of their sentence. There are things we could do that I would be very much willing to support.

It is not even the final step when the report is finally tabled by the Secretary of State—

“as soon as reasonably practicable”—and sets out the timetable. The final step comes afterwards. Even when the Secretary of State has finally determined that the United Kingdom is compliant with the Istanbul convention, a date by which the convention will be ratified does not have to be set. Following the amendments made, the Bill simply states that “the Secretary of State would expect the Convention to be ratified”,
so another small delay is built in there. But then what happens? What is the purpose of the Bill then?

Previously, the purpose of the Bill would have been to report on progress every year until ratification and then, after ratification, to report on how the Government were doing. All the reporting after ratification has now been removed, and reports will be prepared only until ratification. There is no mechanism under this Bill—I stress under this Bill—to measure the various things set out in it, which the promoter must have thought were important at the time it was drafted. Those include measures to “protect women against violence, and prevent, prosecute and eliminate violence against women and domestic violence”—there is a long list.

Mr Peter Bone (Wellingborough) (Con): I have come along today to support the Bill, but it has been watered down so much that I am not entirely sure which way to vote on Third Reading. I am interested to hear what the Minister has to say before I make my mind up, but what would by hon. Friend’s advice be?

Mr Nuttall: I am grateful to my hon. Friend. Friend for that intervention, because he raises an interesting point. Many supporters of the Bill will, like him, look at what has happened this morning and at the changes that have been made and think, “What is the purpose of this Bill?” Even people who, like him, were sympathetic towards it could now look at it and think, “Actually, there’s no real purpose to the Bill anymore.” I hope my hon. Friend has been persuaded that any measures he may have in mind to reduce domestic violence against women and men could be taken regardless of whether the Bill goes through; it is merely virtue signalling—we are merely sending a message. The Bill does nothing of itself to reduce violence against women and girls or men and boys.

Understandably, the Government say they cannot ratify the treaty until they know they are compliant in every respect, although, of course, lots of other countries have managed to ratify it, and as we heard earlier, a lot of them have done so by making reservations.

I have worked through the text of the Bill, but I want now to touch on another reason why the Bill is not necessary. A procedure already exists in law to govern the way this House ratifies international treaties. The Constitutional Reform and Governance Act 2010 was passed by the coalition Government in 2010 and came into force on 11 November 2010. It gave this House and Parliament a new statutory role in the ratification of treaties. It did not go as far as giving Parliament the power to amend a treaty, and nor does this Bill give it the power to change anything about the Istanbul convention. However, part 2 of the Act did set out a very clear procedure, and I submit that that is one we now need to follow.

There is a general statutory requirement to publish a treaty that is subject to ratification or its equivalent. The Government must lay the treaty before Parliament for 21 sitting days. That provision put into statute what was previously known as the Ponsonby rule, which was named after Arthur Ponsonby, the Parliamentary Under-Secretary of State for Foreign Affairs in 1924, during the debate on the treaty of Lausanne, a peace treaty with Turkey. The 2010 Act allows both Houses the opportunity to pass a resolution that a treaty should not be ratified during the 21 sitting days. If neither House does so, the Government are then able to proceed and ratify the treaty. If either this House or the other place votes against ratification, the Government cannot immediately ratify the treaty. Instead, the Government must lay a statement to explain why they wish to proceed with the ratification process.

Mike Weir claimed to move the closure (Standing Order No. 36).

Question put forthwith. That the Question be now put.

The House divided: Ayes 135, Noes 3.

Division No. 170 [1.15 pm]

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Preventing and Combating Violence Against Women and Domestic Violence

Pennycook, Matthew
Pound, Stephen
Prentis, Victoria
Pursglove, Tom
Quin, Jeremy
Rees, Christina
Robertson, rh Angus
Salmond, rh Alex
Sharma, Alok
Smith, Henry
Smith, Nick
Solloway, Amanda
Spellar, rh Mr John
Starmer, Keir
Stephens, Chris
Stewart, Rory
Streeting, Wes

Stride, Mel
Sym, Mr Robert
Thewliss, Alison
Thomson, Michelle
Trevelyan, Mrs Anne-Marie
Turley, Anna
Vaz, Valerie
Weir, Mike
West, Catherine
Whiteford, Dr Eilidh
Whitford, Dr Philippa
Wilson, Corri
Winterton, rh Dame Rosie
Wishtart, Pete

Tellers for the Ayes:
Christopher Pincher and Owen Thompson

Chope, Mr Christopher
Davies, Philip
Hollobone, Mr Philip

Tellers for the Noes:
Mr Peter Bone and Mr David Nuttall

Question accordingly agreed to.

Question put, That the Bill be now read the Third time.


Division No. 171] [1.27 pm

AYES
Abbott, rh Ms Diane
Ahmed-Sheikh, Ms Tasmina
Alexander, Heidi
Arkless, Richard
Baldwin, Harriett
Bardell, Hannah
Bebb, Guto
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O’Hara, Brendan
Olney, Sarah
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Oswald, Kirsten
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Stride, Mel
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Thomson, Michelle
Trevelyan, Mrs Anne-Marie
Turley, Anna
Vaz, Valerie
Weir, Mike
West, Catherine
Whiteford, Dr Eilidh
Whitford, Dr Philippa
Wilson, Corri
Winterton, rh Dame Rosie
Wishtart, Pete

Tellers for the Ayes:
Christopher Pincher and Owen Thompson

NOES
Davies, Philip

Tellers for the Noes:
Mr Christopher Chope and Mr David Nuttall

Question accordingly agreed to.

Bill read the Third time and passed, with amendments.
Awards for Valour (Protection) Bill

Consideration of Bill, as amended in the Public Bill Committee

New Clause 1

Offence of wearing awards with intent to deceive triable summarily

“The offence of wearing awards with intent to deceive is triable only summarily.”—(Philip Davies.)
Brought up, and read the First time.

1.38 pm

Philip Davies (Shipley) (Con): I beg to move, That the clause be read a Second time.

Mr Speaker: With this it will be convenient to discuss the following:

New clause 2—Wearing an award in a public house—
“A person is not guilty of an offence under section 1(1) if they are wearing the ‘award’ in a public house.”

New clause 3—Wearing an award in a place that is not public—
“A person is not guilty of an offence under section 1(1) if they are not wearing the ‘award’ in a public place.”

New clause 4—Wearing an award listed in the Schedule—
“A person is not guilty of an offence under section 1(1) if they are entitled to wear any of the other awards listed in the Schedule.”

New clause 5—Person serving in the Armed Forces for more than 2 years—
“A person is not guilty of an offence under section 1(1) if they have served in the Armed Forces for more than 2 years.”

New clause 6—Person serving in the Armed forces diagnosed with Post Traumatic Stress Disorder—
“A person is not guilty of an offence under section 1(1) if they have served in the Armed Forces and as a result of front line service have been medically diagnosed with Post Traumatic Stress Disorder.”

New clause 7—Family member of the person awarded the medal—
“(1) A person is not guilty of an offence under section 1(1) if they are a family member of the person given the award.

(2) For the purposes of subsection (1), someone is a family member of the person if—

(a) he is the spouse or civil partner of that person, or he and that person live together as husband and wife as if they were civil partners, or
(b) he is that person’s parent, grandparent, child, grand-child, brother, sister, niece, nephew or niece.

(3) For the purpose of subsection (2)(b)—

(a) a relationship by marriage or civil partnership shall be treated as a relationship by blood,
(b) a relationship of the half-blood shall be treated as a relationship of the whole blood,
(c) the stepchild or adopted child of a person shall be treated as his child, and
(d) an illegitimate child shall be treated as the legitimate child of his mother and reputed father.”

New clause 8—Report on number of convictions—
“The Government is required to place before each House of Parliament figures showing—

(a) the number of convictions and
(b) the sentences imposed
for the offence of wearing medals with intent to deceive each year following this Act coming into force on, or as near as possible, to the 12 month anniversary of that date.”

New clause 9—Expiry of the Act—
“(1) This Act shall expire at the end of 2022 unless an order is made under this section.

(2) An order under this section shall be made by statutory instrument; but no order shall be made unless a draft has been laid before, and approved by resolution of, each House of Parliament.”

Amendment 1, in clause 1, page 1, line 4, leave out paragraph (b).

Amendment 2, page 1, line 6, leave out “anything representing an award.”.

Amendment 3, page 1, line 6, leave out from second “award,” to end of the subsection.

Amendment 4, page 1, line 15, leave out “imprisonment for a term not exceeding three months or”.

Amendment 5, page 1, line 15, leave out “not exceeding level 4 on the standard scale”.

Amendment 6, page 1, line 15, leave out “3 months” and insert “1 day”.

Amendment 7, page 1, line 15, leave out “3 months” and insert “7 days”.

Amendment 8, page 1, line 15, leave out “3 months” and insert “14 days”.

Amendment 9, page 1, line 15, leave out “3 months” and insert “21 days”.

Amendment 10, page 1, line 15, leave out “3 months” and insert “28 days”.

Amendment 11, page 1, line 16, after “fine” insert “not exceeding level 1 on the standard scale”.

Amendment 12, page 1, line 16, after “fine” insert “not exceeding level 2 on the standard scale”.

Amendment 13, page 1, line 16, after “fine” insert “not exceeding level 3 on the standard scale”.

Amendment 14, page 1, line 16, after “fine” insert “not exceeding level 4 on the standard scale”.

Amendment 15, page 1, line 17, leave out “imprisonment for a term not exceeding three months or”.

Amendment 16, page 1, line 17, leave out “3 months” and insert “1 day”.

Amendment 17, page 1, line 18, leave out “3 months” and insert “7 days”.

Amendment 18, page 1, line 18, leave out “3 months” and insert “14 days”.

Amendment 19, page 1, line 18, leave out “3 months” and insert “21 days”.

Amendment 20, page 1, line 18, leave out “3 months” and insert “28 days”.

Amendment 21, page 1, line 18, leave out “5” and insert “2”.

Amendment 22, page 1, line 18, leave out “5” and insert “3”.

Amendment 23, page 1, line 18, leave out “5” and insert “4”.

Amendment 24, page 1, line 20, after “may” insert “not”.

Amendment 25, page 1, line 20, after “may” insert “not”.
Amendment 25, page 1, line 21, leave out paragraph (a).
Amendment 26, page 2, line 1, leave out paragraph (c).
Amendment 27, page 2, line 2, leave out subsection 5.
Amendment 28, page 2, line 6, leave out subparagraph (i).
Amendment 29, page 2, line 10, leave out subsection (7).
Amendment 31, page 2, line 17, in clause 2, leave out “two” and insert “four”.
Amendment 32, page 2, line 17, leave out “two” and insert “six”.
Amendment 33, page 2, line 17, leave out “two months” and insert “one year”.
Amendment 34, page 2, line 17, leave out “two months” and insert “two years”.

**Philip Davies:** As I said on Second Reading, I do not support the Bill. In fact, as I went through it with a view to amending it, what struck me was that, in many respects, I was trying to amend the unamendable. I cannot emphasise enough, however, how much I understand the sincere intentions of my hon. Friend. The Member for Dartford (Gareth Johnson) in introducing the Bill, the effort he has put into it and his efforts to find a compromise that suits everyone. I commend him for his sincerity and for his attempt to find a way forward with which everyone agrees. I just cannot agree with him on this occasion. Should the Bill proceed, I hope that my amendments will be accepted, as I believe they will save it from having some unintended consequences and reduce the chances of criminalising people who may be unintentionally caught by it as it stands.

The Bill is considerably different from the one that appeared on Second Reading. That is very much to my hon. Friend’s credit and shows how much effort he has made to find a workable solution. I am grateful to him for taking on board many of the points that I made in the Second Reading debate. However, I still feel that the Bill is deficient, so I will go through the amendments I have tabled. I hope that they may find favour.

**New clause 1 would ensure that**

“The offence of wearing awards with intent to deceive is triable only summarily.”

It implies that the offence must be dealt with in a magistrates court only. Some may think that the new clause is unnecessary, but it would mean that people had to think twice before amending the legislation to increase the sentence. That is the purpose of new clause 1: it is a safeguard in that respect. That was specifically mentioned by the Select Committee on Defence in its report on the Bill.

**New clause 2 would ensure that**

“A person is not guilty of an offence under section 1(1) if they are wearing the ‘award’ in a public house.”

The “intention to deceive” element of the offence could be committed in a variety of circumstances. Seeking to deceive for financial gain would already be covered by fraud legislation. This Bill is clearly supposed to include other types of deception. That could be the intention to deceive to gain respect or to impress a potential future partner. The new clause deals with people in a pub.

We all know that pubs are places where all kinds of rubbish are talked at times by people—not just in pubs, I hasten to add, but particularly in pubs. To think that someone could have a few too many, boast about something to which they have no right with a cheap replica medal bought off eBay or wherever and end up with a criminal conviction is rather over the top. The new clause would remove that possibility. When my hon. Friend conceived the Bill—again, I applaud his sincerity—it was about people who turn up at Remembrance Day parades and events such as that purporting to be someone they are not. Therefore, ensuring that the provision does not apply to people in a public house would help to get us back to the Bill’s original intention.

**New clause 3 would ensure that**

“A person is not guilty of an offence under section 1(1) if they are not wearing the ‘award’ in a public place.”

Therefore, it would provide the defence of the offence taking place in pubs. It is important, given the Bill’s intention, to limit the offence to a public place. If someone gets a medal out and uses it to impress someone in their own home or in private property—a private club or somewhere like that—I do not see why that should be an offence. I cannot believe that that is what people think of when they think of people with criminal convictions. If someone wants to argue that some private places should be covered, I would ask, what about the unintended consequences? Is it not time that we stopped ignoring the foreseeable consequences of legislation? Someone who boasts to a woman he has met in a pub that he has a medal, which turns out not to be his, is a copy or is something that looks like an award, could find himself in court with a criminal record for the first time. Some people might not care about that—they might think, “Well, they had that coming”—but I do care. I think we have enough people committing serious offences that we do not deal with properly, and to create offences for those who are likely to have issues anyway, probably including mental health ones, to be committed in the privacy of their home strikes me as being rather over the top.

**New clause 4 would insert:**

“A person is not guilty of an offence under section 1(1) if they are entitled to wear any of the other awards listed in the Schedule.”

The defence would be that they are entitled to wear a medal named in the long list at the end of the schedule, but they just happen to be wearing the wrong one. If someone is allowed to wear one medal but wears a different one—not an additional one, but just a different one—even if it is a case of enhanced valour, why should they be criminalised if they were entitled to wear a medal on the list? I do not think that that should be a criminal offence. It might not happen often, but it is certainly not impossible, and, assuming it did happen, would we really want to criminalise that person? Would it not be better to make it clear in the Bill that that person would not be criminalised?

**New clause 5 would insert:**

“A person is not guilty of an offence under section 1(1) if they have served in the Armed Forces for more than 2 years.”

As with the amendment on existing entitlement, I do not think people really had it in mind to criminalise former or current members of our armed forces for this offence. I return to the point about an intent to deceive to gain respect—added respect, I guess. Do we really want to go down that route? We should not want to risk criminalising someone who has risked their life serving our country just because they might have tried to embellish
their record in some way. This amendment would remove that possibility for those who have served for two years or more in the armed forces.

New clause 6 would insert:

“A person is not guilty of an offence under section 1(1) if they have served in the Armed Forces and as a result of front line service have been medically diagnosed with Post Traumatic Stress Disorder.”

In a similar vein to the amendments about serving or former members of the armed forces, this amendment would protect, in many respects, many of the most vulnerable people — those with diagnosed PTSD. Those who have been seriously affected by frontline service and who have this condition as a result could be more susceptible than those without to fall foul of this proposed legislation, and I would not want to see that person either intentionally or unintentionally caught out. I would rather make it abundantly clear in the Bill that they could not be caught by the legislation.

New clause 7 would insert:

“(1) A person is not guilty of an offence under section 1(1) if they are a family member of the person given the award.

(2) For the purposes of subsection (1), someone is a family member of the person if—

(a) he is the spouse or civil partner of that person, or he and that person live together as husband and wife or as if they were civil partners, or

(b) he is that person’s parent, grandparent, child, grand-child, brother, sister, uncle, aunt, nephew or niece.

(3) For the purpose of subsection (2)(b)—

(a) a relationship by marriage or civil partnership shall be treated as a relationship by blood,

(b) a relationship of the half-blood shall be treated as a relationship of the whole blood,

(c) the stepchild or adopted child of a person shall be treated as his child, and

(d) an illegitimate child shall be treated as the legitimate child of his mother and reputed father.”

Again, this amendment deals with family members of those given an award. My concern is that they might well have a medal, especially if the person in question has sadly died. Their chances of becoming susceptible to the provisions of the Bill must therefore be greater than for the average person, by definition.

Mr David Nuttall (Bury North) (Con): Does my hon. Friend think that this new clause would deal adequately with the points raised by the Royal Air Force Families Federation in its written evidence to the Defence Committee?

Philip Davies: My hon. Friend makes a pertinent point. I will come to that in a moment.

I know that it is not the intention of the Bill to create the outcome I have just described, but it remains a possibility. As my hon. Friend says, the Royal Air Force Families Federation said in its written evidence to the Defence Committee:

“Yes, there should most certainly be safeguards for family members. The key question is who ‘qualifies’? The definition we use is ‘anyone who is a blood relation’ but this may not be ‘appropriate in these circumstances and can be difficult to prove on occasions. Interestingly, the MoD is struggling with its own definition of a family member but it may be sensible to align any definition for these circumstances with the MoD definition if and when they decide what it should be. Otherwise, it’s probably a matter for common sense.”

I agree that a specific defence should be included in the Bill, and that is the reason for this new clause. How we define “family” is an issue. Crucially, the report goes on:

“The term ‘family member’ must however be defined in terms of the proximity of the relations that it is seeking to include in the defence. It is not a legal term of art with a single definition. Acts of Parliament which use the term commonly carry a definition of ‘family’ within them to be used for the purposes of that Act. Mr Johnson suggested in oral evidence that he was minded that this defence should be quite narrow, so that for example a nephew deceitfully wearing medals could not rely on the defence by claiming that they were his uncle’s awards.”

It also states:

“The inclusion of a defence to ensure that family members representing deceased or incapacitated relatives who are recipients of medals is vital, but ‘family member’ must be properly defined to ensure that there is no room for uncertainty or abuse. We suggest that the Bill include a definition of ‘family member’ in order to provide certainty over who will be covered by this category.”

That is what I am trying to do in the new clause. I have taken it as read that spouses should be included, as should blood relatives and step relatives. I have also included provision for those who are adopted into families, which slightly extends the basic definition of “family” according to section 113 of the Housing Act 1985. In reality, there will be only one actual award, so we can assume that the closest family member might have it, or that it would be shared by close family members, in which case it is unlikely that a distant relative would use the award.

The new clause would also prevent the situation from arising in which, for example, a son pinches his father’s medal for a bit of fun and goes around bragging that it is his. However unlikely or unbelievable that claim might be, the act of intending to deceive does not take account of the perception of others. They might well laugh out loud at the absurdity of a 17-year-old wearing a medal when everyone knows he has never been in the armed forces, but as the Bill stands that does not prevent the offence from being committed. I hope that the new clause will help with that.

Mr Christopher Chope (Christchurch) (Con): My hon. Friend has obviously done a lot of work on defining what he means by a family member for these purposes. Did I hear him correctly when he said that this was based on housing legislation?

Philip Davies: I took the basic definition of a family member from section 113 of the Housing Act 1985, although I am conscious that my definition is wider.
[Philip Davies]

The 1985 Act’s definition was a starting point, but I would like to think that I have brought it a bit more up to date.

Mr Chope: In that case, I congratulate my hon. Friend on his innovative drafting.

Philip Davies: From someone as esteemed as my hon. Friend, that is high praise indeed.

New clause 8 would require the Government on, or as near as possible to, the 12-month anniversary of the Bill’s enactment to place before each House of Parliament figures showing the number of convictions, and the sentences handed down, for the offence of wearing medals with the intent to deceive. That would ensure that we monitor the effect of the legislation, both in terms of the number of convictions and the sentences handed down for those convictions. As we have no figures now, we do not know the extent of the problem. When I asked my local police force and the Metropolitan police, they could not tell me of any incidents relating to the existing offences in relation to military uniforms, and so on.

The Defence Committee heard evidence from various sources, and no one could quantify the problem, although people gave anecdotal examples. The problem seems to be very small, from what I can glean from the evidence that the Committee heard, so the idea that we need a law seems like using a sledgehammer to crack a nut. If the Bill came into effect, new clause 8 would give us a clearer idea of the extent of the problem and the sentences handed down.

Mr Chope: Under the Fraud Act 2006 it is still an offence to make, or to attempt to make, a financial gain by fraudulently wearing uniforms or medals. Does my hon. Friend have any information on how many times that provision has been applied in law?

Philip Davies: I apologise to my hon. Friend for not being well enough prepared to answer his question, but I do not have that information. I do not even know whether anyone has that information. Someone might have it, but I do not.

New clause 9 states:

“(1) This Act shall expire at the end of 2022 unless an order is made under this section.

(2) An order under this section shall be made by statutory instrument; but no order shall be made unless a draft has been laid before, and approved by resolution of, each House of Parliament.”

Basically, this is a sunset clause. If it became apparent that the Bill was not doing as intended, new clause 9 would be a nice way for the Bill to fall without any fanfare. Of course if the Bill were enacted and doing particularly well, someone would be able to rehash it.

Mr Nuttall: Does my hon. Friend agree that new clause 9 strengthens the case for accepting new clause 8? New clause 8 would make things far easier for those wanting to assess the success, or otherwise, of the Bill.

Philip Davies: My hon. Friend is absolutely right. New clauses 8 and 9, in many respects, go together. If we had a sunset clause, we would need to be able to measure the success, or otherwise, of the legislation, and the reporting set out in new clause 8 would help with that task. He is right to draw attention to the fact that, in many respects, new clauses 8 and 9, though not reliant on each other, flow nicely from each other. I appreciate that that was a quick canter around the course of new clauses.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): I listened closely to the hon. Gentleman as he set out his new clauses, but I wonder whether he actually read the Official Report of the Public Bill Committee, where the Bill enjoyed strong support from Members on both sides of the Committee, including from former members of the armed forces. Many of the issues he raises have already been addressed, particularly those on mental health and family members wearing medals. Why is he continuing to frustrate this process?

Philip Davies: If the points had already been covered, my amendments and new clauses would not have been selected. They were selected because those points are not covered by the Bill. That is the whole point. I cannot table an amendment to do something that is already in the Bill, because it would not be an amendment. I am surprised that the hon. Gentleman has not grasped that basic point during his time in the House.

Let me now deal with my amendments. Amendment 1 seeks to remove clause 1(b). The Bill refers to “something which has the appearance of being an award”. It is one thing to have an offence relating to people wearing actual medals, but it is quite another to extend this to something with the “appearance” of a medal. The whole Bill is rather over the top, but this takes it one stage further. If someone can be guilty of a criminal offence by wearing, in an attempt to deceive, something that looks like something else but is not that thing, I worry where we are going with our legislation.

2 pm

James Cartlidge (South Suffolk) (Con): Is my hon. Friend suggesting that if someone goes around wearing a fake Victoria Cross, they should not be covered by this legislation, and that they should be covered by it only if they have a genuine one that they have stolen?

Philip Davies: The Bill does not say, “If someone goes around with a fake Victoria Cross”; it refers to “something which has the appearance of being an award”. That is all-encompassing, and somebody would be committing a criminal offence by wearing something that somebody else perhaps thinks has the appearance of something. Who decides whether it had the appearance of something else? Presumably a court would have to decide whether it had such an appearance. Does the distance from which it was seen make a difference? If someone sees something from a long distance it may well have the appearance of a certain thing, but up close it may be obvious that it is not that thing. From what distance are we judging that something “has the appearance of”? We are introducing the law of the land here, and this is airy-fairy at best. It is certainly not precise enough to be tested in a court of law. Who is to decide this? Does someone go along and say, “It gave me the appearance of being an award”? Is that good enough? I really do not know where we are with that.
Mr Chope: The policy background to the Bill was set out in the explanatory notes, which state:

“Since 2009 it has not been an offence for an individual to wear medals or decorations that they were never awarded.”

It does not seem as though the law before 2009 covered the wearing of false medals. I cannot understand—I wonder whether my hon. Friend can—why we are seeking to extend the law beyond even what applied prior to 2009.

Philip Davies: I very much agree with my hon. Friend. The Bill goes over the top in making these things a criminal offence, potentially with a custodial sentence attached. That is bad enough in terms of going over the top, but when we are dealing with things that have “the appearance of being an award”, we are going way beyond what anybody has ever envisaged before, and we are going too far.

My amendment 3 proposes to delete the words “including in particular” from clause 2. That seems a strange phrase to have in legislation, as it is general and does not strike me as being a particularly helpful legal phrase. How do we define “including in particular”? Does that mean something else is included that we do not know about? I do not really know what definition we have in mind for “including in particular”. How on earth is anyone to know whether they are committing an offence if they are wearing something which is not mentioned “in particular”? It could be interpreted that they did break the law without having any idea that they were doing so because the provision just includes things “in particular”, but not exclusively those things. That is a strange phrase.

We can take amendments 4 and 6 to 15 together, as they all deal with the fact of this being an imprisonable offence. They would remove the custodial sentence for the offence in England and Wales.

As I have said, I do not think we should have this legislation. As I pointed out on Second Reading, the Defence Committee called its report on the Bill “Exposing Walter Mitty: The Awards for Valour (Protection) Bill”, but it would not expose Walter Mitty; it would criminalise him and potentially send him to prison for three months. If it was just about exposing Walter Mitty, probably none of us would have a problem with the Bill, but that is not what it would do.

Gareth Johnson (Dartford) (Con): I have deliberately not intervened on my hon. Friend. Until now because it is quite clear that he is trying to talk the Bill out, and it is absolutely clear that his amendments are wrecking amendments that are not based on logic. Does he accept that it is a great shame that there is support on both sides of the House—from Her Majesty’s Opposition, the Government, the Scottish National party—yet he seems hellbent on preventing it from becoming law?

Philip Davies: I am sorry that my hon. Friend. Friend takes that attitude. I have tabled some amendments that have been found to be in order by the Speaker. I do not know whether my hon. Friend is questioning the Speaker’s selection of amendments, but they are all in order, which is why they have been selected for debate. If they were not, they would not have been selected. I am going rather rapidly through each of them, which is what we are supposed to do on Report—we table amendments and go through them to explain the purpose behind them, and then people can explain why they disagree. That takes as long as it takes. I do not think I have been dwelling unnecessarily on any particular amendment, so I am sorry that my hon. Friend takes that view. I do not set the timings for debates; if the debate could last longer, I would be happy for it to do so, but I do not set the rules. I am going to go through the amendments and explain why I have tabled them. I am sorry that he does not like people doing that with legislation in the House of Commons, but that is what the House is for.

James Cartlidge: On a point of principle, does my hon. Friend think that people who deface war cemeteries should be subject to criminal sanction?

Philip Davies: As it happens, yes I do, but I think we are straying from the point. I do not want to test your patience by going off on a tangent, Madam Deputy Speaker; I am trying to stick to my amendments. As it happens, I agree with my hon. Friend. Friend, but unfortunately that is not what the Bill is about, and it certainly is not what my amendments are about.

The amendments would remove the custodial sentence for the offence in England and Wales. It is bizarre: as a member of the Justice Committee, I regularly listen to Justice questions, and I hear everyone—apart from me and a few other notable exceptions—seemingly agreeing that fewer people should be sent to prison. In fact, the Labour party recently proposed that we should let half the people out of prison—not too long ago, the shadow Attorney General in the Lords recommended that the prison population should be halved, although the Commons Front-Bench team distanced themselves from that suggestion. How on earth can we be desperately trying to get people out of prison who have been convicted of burglary, robbery, arson and all these things—

Mr Nuttall: And domestic violence.

Philip Davies: Indeed. People are desperate to get those people out of prison as quickly as possible, but at the same time they are supporting a Bill that would send somebody to prison for this offence. You literally could not make it up! How could anybody put those two things together? They think there are too many people in prison and that we should be letting them out, but that the people covered by the Bill should be sent to prison. How on earth can anyone make that argument?

Anna Turley (Redcar) (Lab/Cop): I am pleased to hear that the hon. Gentleman takes a different view to the Government. We support the Bill and believe it is a step forward. The current sentence is far too lenient for animal cruelty. As with many other Bills—for example, mine, which would increase the maximum sentence for animal cruelty from the current paltry six months to five years?

Philip Davies: As it happens, I very much agree with the hon. Lady’s Bill, but it is seventh on the list, so she was a bit optimistic ever to have thought we would reach it. I cannot remember the last time we got to debate the seventh Bill on a Friday. She well knows that her Bill was never going to be reached for debate. I absolutely agree with her Bill, though, and she will get my wholehearted support if she persuades the Government
to take up her proposal. Nevertheless, unfortunately the luck of the draw meant that we were never going to reach it today.

Madam Deputy Speaker (Natascha Engel): Order. We are starting to stray quite a lot now. We are now not only not talking about the amendment, but not talking about the Bill. I would be very grateful if the hon. Gentleman could restrict his comments to the amendments that he has tabled.

Philip Davies: I am trying to do that, Madam Deputy Speaker, but I keep getting distracted by Members wanting to raise all sorts of other matters. I will stick to my amendments, as I was trying to do in the first place.

Amendment 4 would remove the chance of anyone being sent to prison for such an act. Other countries have different positions, as was confirmed by the House of Commons Library before Second Reading. A range of offences is covered, and there is a distinction between wearing medals, wearing medals with an intent to deceive and wearing medals with a view to a financial gain. As my hon. Friend the Member for Christchurch (Mr Chope) said, fraud legislation already provides protection in this country when it comes to wearing an Army uniform, so we do have other legislation that covers this area, when other countries have no such legislation.

My amendments give a range of options: I have gone from no custodial sentence to custodial sentences of one day, seven days, 14 days, 21 days and 28 days, all of which are naturally better than three months. I prefer no custodial sentence at all, but I have tabled all those different amendments to give the House some kind of choice if it felt a different option was more appropriate.

Gareth Johnson: Does my hon. Friend agree that it is very sad that, come this Remembrance Sunday, any individual can parade in front of widows, veterans, families and loved ones wearing medals that they have not won themselves—they may not have even served—with the intent to deceive and to curry favour? The reason why they will be able to do so is that he has filibusted this Bill.

Philip Davies: I thought that my hon. Friend was going to make a sensible point, rather than bandying about more accusations. I am trying to improve his Bill. The fact is that, by his own admission, he brought forward a Bill that was a bit of a dog’s breakfast, because he changed it radically in Committee. If he had had his way, his Bill would have gone through on the nod; no one would have said anything and it would have gone through in its original form, which he accepts was a dog’s dinner of a Bill; it is now half a dog’s dinner. I accept that he made some improvements in Committee, but just because he is on a tight timescale is no basis on which to pass legislation in this House. It cannot be appropriate to say, “Well, I know that it is not a very good Bill, that there are deficiencies in it and that there are lots of concerns with it, but, I tell you what, we are on a bit of a tight timescale so we will forget about all that, just nod it through and to hell with the consequences.” Are we saying that, if someone gets sent to prison and gets a criminal record when no one in this House ever intended that they should get a criminal record, then so be it—hard cheese? That might be the attitude that my hon. Friend takes, but it is not one that I take. We must take these provisions seriously.

Stephen Doughty rose—

Philip Davies: No, I will not give way. The hon. Gentleman has not yet made any sensible contributions. He seems to talk a load of old nonsense, so I will press on with the whole point of my amendments, which is to try to turn this Bill into something worth while. We still have other days on which to consider other private Members’ Bills in this Session. I hope that we can conclude this if time allows.

Stephen Doughty rose—

Philip Davies: No, I will not give way to the hon. Gentleman.

Mr Chope rose—

Philip Davies: I will give way to my hon. Friend.

Mr Chope: It is disappointing that anyone should wish to try to use emotional blackmail against my hon. Friend and what he is proposing. In his last intervention, my hon. Friend the Member for Dartford (Gareth Johnson) referred to people who were wearing medals that they had not been awarded. He did not deal with the issue of them wearing things that had the appearance of being an award. I cannot understand why some of the amendments of my hon. Friend the Member for Shipley (Philip Davies) are not acceptable to the Bill’s promoter.

Philip Davies: I agree with my hon. Friend. Perhaps if the Bill had been drawn as narrowly as my hon. Friend the Member for Dartford is now trying to draw it, it may well have been acceptable to all concerned. Unfortunately, he did not do so, and decided to go way over the top to include all sorts of people who were never envisaged to be included originally. That is why we must try to sort out some of these issues.

Stephen Doughty: Will the hon. Gentleman give way?

Philip Davies: No, I will not. I am going to crack on.

Stephen Doughty: You’re scared.

Philip Davies: The idea that I am scared of the hon. Gentleman is bizarre, particularly given that he did not even understand what an amendment was in his first intervention. He has a lot of learning to do.

I have dealt with the custodial sentence part of the Bill. Now, I come to the part on fines. I am trying to reduce the level of fines because they are disproportionate. With the way the Bill is drafted, it seems that somebody could be given an unlimited fine by the courts for this offence. Again, I cannot honestly see how an unlimited fine is appropriate for committing this offence, but that is what it would be in England and Wales following the changes to fines a few years ago. It would be rather different in Scotland and Northern Ireland, with a...
maximum of £5,000, which is still too high. Amendments 16 to 23 are about reducing the level of fine from unlimited to something more manageable. I have suggested a range of options. The lowest I have gone down to is £200, which is a level one fine in the courts, and I have gone up to a level four fine, which is £2,500. At least that sets a limit because an unlimited fine seems rather over the top.

Clause 1(4) provides that the Secretary of State may change the schedule of medals at any point. Amendment 24 would mean that the Secretary of State may not change the schedule of medals. When my hon. Friend the Member for Dartford introduced the Bill, he said that the challenge in drafting it was knowing where to stop. As I have said before, he may know where he wants to stop but, as with many things, where the legislation stops and where other people might want to stop are the most important. We should not encourage legislation giving the Secretary of State unlimited power to change the schedule willy-nilly. It obviously has the potential to apply to many more medals and other awards for non-armed forces personnel—and, in many cases, why not? But we should not be giving the Secretary of State that power. Amendments 25 to 27 are consequential amendments to that.

Clause 1(5)(b)(ii) states:

“The regulations may add an award to the Schedule only if it is awarded in respect of...a level of rigour significantly greater than might normally be expected in a non-operational environment.”

If the right to include medals in the future remains, it should only apply to those involving danger to life from enemy action, not “a level of rigour significantly greater than might normally be expected in a non-operational environment.”

I am not sure who would be the ultimate judge of or who would determine the phrase “greater than might normally be expected”.

Amendment 28 would deal with that issue.

Amendment 29 would delete the wide-ranging provisions regulations. Why do we need to hand over all these powers to make regulations that are in the Bill? Surely these things should be on the face of the Bill. Amendments 31 to 34 would delay the Act coming into force by two months, four months, 10 months or a year and 10 months respectively.

I have been through my amendments as quickly as I could. They would all make the Bill stronger and deal with some of the potential unintended consequences that were not envisaged when the Bill was conceived. I hoped that my hon. Friend the Member for Dartford would have taken them in the spirit in which they were intended. I could have gone on at greater length on every single one of those amendments, but I went through them all as quickly as I could. I hope they are helpful because I worry that if we are not careful, we will end up criminalising not the people who my hon. Friend wants to criminalise, but people who we never had any intention at all of criminalising. That is all I seek to avoid in this legislation, and that is a duty that we should take very seriously.

Giving someone a criminal offence is a serious matter; it is not something that should be taken lightly—it can have devastating consequences for people—and the same is true of sending people to prison. Yes, of course we want to expose Walter Mitty, but do we really want to criminalise and imprison Walter Mitty? That is where I draw the line with this legislation. If we think we are sending too many burglars and robbers to prison, surely the solution cannot be to send these people to prison, too.

Gareth Johnson: The main purpose behind the Bill is to protect veterans. It is intended to ensure that when anybody sees someone wearing medals proudly at a remembrance service or in any other sphere, they can have confidence that that individual is the legitimate article. That has always been my intention.

I find it grotesque in the extreme that certain individuals—we have had numerous examples of them—can parade in front of others and cause deep upset, hurt and ridicule to those who have actually served and those who have lost loved ones. It is grotesque to see that bravery undermined by those who do not have the courage to put their own neck on the block for our country.

It is because of that that I put forward the Bill. Legislation has worked very successfully in many countries around the world, and it worked successfully in the United Kingdom; in fact, legislation was originally introduced by Winston Churchill after the first world war. He said that when anybody sees a person wearing medals, that should radiate an opportunity to say, “There is a man in whom we can all have confidence and pride.” That is exactly the motivation behind my Bill.

I leave it at that. There is very much more that I could say, but I hope that we can make it at least to Third Reading.

Stephen Doughty: I just want to add my voice in support of the Bill. The hon. Member for Dartford (Gareth Johnson) has gone about it on a very cross-party basis. It is something we all support. It was gone through at great length in Committee, when many of the aspects that have been raised today were dealt with. Fundamentally, what I cannot understand is why, if the Bill is supported by decorated veterans who have put their lives on the line for this country, and indeed by Members of this House who have put their lives on the line for this country, it should not go forward.

Mr Chope: I want to speak briefly to some of the amendments. It is sad that there is a falling-out among people on the detail of the Bill. I do not think anybody is against making it an offence for an individual to wear medals or decorations that were never awarded to them. The problem is that the way in which the Bill has been drafted goes much wider, and is in danger of having a whole lot of unintended consequences.

If the law prior to 2009 was as simple and straightforward as I have said, why do we have to make it so much more complicated in reintroducing one of its provisions? I am sure everybody thinks it is desirable for anybody to wear medals or decorations to which they are not entitled, and we condemn that behaviour without equivocation, but that is a very different proposition from bringing in a Bill with a whole lot of other technical measures designed to widen the offence far beyond what it was originally.

I cannot understand why my hon. Friend the Member for Dartford (Gareth Johnson), who is promoting the Bill, has not been able to reach an accommodation with...
my hon. Friend the Member for Shipley (Philip Davies) in the spirit of consensus. If we do not finish the debate on this group of amendments today, it may still be possible for an accommodation to be reached before the Bill comes back to be considered further. I still hope that that will be so, because we all feel very strongly—certainly I do—that, as the promoter of the Bill says, we must protect our veterans and ensure that there is confidence that people wearing medals on parade on Remembrance Day have in fact been duly awarded those medals. In my constituency, where we have some of the finest remembrance parades anywhere in the country, I do not think there has ever been an incident where somebody who was not entitled to a medal was wearing one.

We have to think about the proportionality of the issue when working out how we are going to address it, particularly if we are to do so through the criminal law going beyond what is already contained in the Fraud Act 2006. I suspect that the provisions that were previously in place on the wearing of medals or decorations that were not awarded were repealed in 2009 because it was thought that the offence was covered by the Fraud Act. Under that Act, it is an offence to make, or attempt to make, a financial gain by fraudulently wearing uniforms or medals or by pretending to be, or to have been, in the armed forces, with a maximum penalty of 10 years' imprisonment. It is a very serious offence, and so it should be. My hon. Friend the Member for Dartford is trying, in a sense, to replicate part of that, and using emotional arguments in support of it, while not drawing the public’s attention to the fact that these are already serious offences subject to a maximum penalty of 10 years' imprisonment. So why do we need this Bill? In particular, why do we need a Bill that goes unnecessarily wide in its sanctions and its interpretation of what would be the criminal behaviour?

That is why the amendments tabled by my hon. Friend the Member for Shipley are well worth considering. Of all his amendments, I cannot understand why anybody would be against amendment 1, because it would mean that clause 1 would read,

“A person commits an offence if, with intent to deceive, the person wears...an award specified in the Schedule”,

and would no longer include a reference to

“something which has the appearance of being an award specified in the Schedule.”

I cannot see why my hon. Friend the Member for Dartford is not prepared to accept that amendment. I hope that given a bit more time for reflection, he may be willing so to do.

Some of the other amendments tabled by my hon. Friend the Member for Shipley have a lot to commend them. It is sensible that the offence of wearing awards with intent to deceive should be triable summarily, bearing in mind that under the Fraud Act, as I said, there is a maximum of 10 years' imprisonment, and no summary trial, for much more serious offences. We do not want people to be criminalised for what is, in effect, frivolous conduct on their part. That is why the suggestion in new clause 3 that this should apply only to wearing awards in a public place is very sensible. My hon. Friend referred to what goes on in public houses, but I am not so sure that I am necessarily persuaded on that point. Nor am I sure that he is necessarily very knowledgeable about what goes on in public houses, because he is teetotal. I might therefore be able to give him the excuse of not having fully comprehended that matter.

New clause 5 is well worth considering, as is the issue of post-traumatic stress disorder. One issue the whole debate raises is how we deal with private Members’ Bills in Committee, because if they are completely changed in Committee—

2.30 pm

The Deputy Speaker interrupted the business (Standing Order No. 11(2)).

Bill to be further considered on Friday 24 March.

Business without Debate

MERCHANT SHIPPING (HOMOSEXUAL CONDUCT) BILL

Consideration of Bill, as amended in the Public Bill Committee

Hon. Members: Object.

Bill to be considered on Friday 24 March.

GUARDIANSHIP (MISSING PERSONS) BILL

Consideration of Bill, not amended in the Public Bill Committee

Hon. Members: Object.

Bill to be considered on Friday 24 March.

KEW GARDENS (LEASES) BILL

Consideration of Bill, not amended in the Public Bill Committee

Hon. Members: Object.

Bill to be considered on Friday 24 March.

WILD ANIMALS IN CIRCUSES (PROHIBITION) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 24 March.

ANIMAL FIGHTING (SENTENCING) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 24 March.

ANIMAL CRUELTY (SENTENCING) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 24 March.
Mr John Spellar (Warley) (Lab): On a point of order, Madam Deputy Speaker. We have just had three excellent Bills with huge public support on animal welfare that have been blocked by Front-Bench and Back-Bench Conservative Members. Is there any way of putting this on the public record?

Madam Deputy Speaker (Natascha Engel): Yes. The right hon. Gentleman has just done so.

NATIONAL HEALTH SERVICE BILL
Motion made, That the Bill be now read a Second time.
Hon. Members: Object.
Bill to be read a Second time on Friday 24 March.

ASSET FREEZING (COMPENSATION) BILL [LORDS]
Motion made, That the Bill be now read a Second time.
Hon. Members: Object.
Bill to be read a Second time on Friday 24 March.

James Cartlidge (South Suffolk) (Con): On a point of order, Madam Deputy Speaker. You may be aware that throughout the IRA’s reign of terror, much of the explosive they used to kill was supplied by Libya. The Bill has the support of victims of IRA terrorism. Are you able to give any advice to those of us who want to put on record the anger of those victims that the Bill has been objected to?

Madam Deputy Speaker: The hon. Gentleman has very cleverly just done so.

WORKERS’ RIGHTS (MAINTENANCE OF EU STANDARDS) BILL
Motion made, That the Bill be now read a Second time.
Hon. Members: Object.
Bill to be read a Second time on Friday 24 March.

VEHICLE NOISE LIMITS (ENFORCEMENT) BILL
Motion made, That the Bill be now read a Second time.
Hon. Members: Object.
Bill to be read a Second time on Friday 24 March.

CHILDREN OF ARMED SERVICES PERSONNEL (SCHOOLS ADMISSION) BILL
Motion made, That the Bill be now read a Second time.
Hon. Members: Object.
Bill to be read a Second time on Friday 24 March.

FAMILIES WITH CHILDREN AND YOUNG PEOPLE IN DEBT (RESPITE) BILL
Motion made, That the Bill be now read a Second time.
Hon. Members: Object.
Bill to be read a Second time on Friday 24 March.

DEFIBRILLATORS (AVAILABILITY) BILL
Motion made, That the Bill be now read a Second time.
Hon. Members: Object.
Bill to be read a Second time on Friday 24 March.

UNLAWFUL KILLING (RECOVERY OF REMAINS) BILL
Motion made, That the Bill be now read a Second time.
Hon. Members: Object.
Bill to be read a Second time on Friday 24 March.

PROTECTION OF FAMILY HOMES (ENFORCEMENT AND PERMITTED DEVELOPMENT) BILL
Resumption of adjourned debate on Question (25 November), That the Bill be now read a Second time.
Hon. Members: Object.
Debate to be resumed on Friday 24 March.

BREAD AND FLOUR REGULATIONS (FOLIC ACID) BILL [LORDS]
Motion made, That the Bill be now read a Second time.
Hon. Members: Object.
Bill to be read a Second time on Friday 24 March.
HIV Awareness: PSHE Lessons

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

2.35 pm

Mike Freer (Finchley and Golders Green) (Con): The issue that I wish to raise today with my hon. Friend the Minister is sex education in our schools. For once, however, I do not want to stray near the issue of statutory sex education; I wish to focus on HIV awareness in the teaching of health and sex education to pupils. Before I touch on the issue of how the subject is taught, I think it is important that we understand the ongoing public health issues that need to be addressed, in part through improved sex education.

As chair of the all-party group on HIV and AIDS, I am conscious of the work we still have to do to eradicate HIV/AIDS. Despite the groundbreaking public health initiatives of the 1980s—for which much credit must go to the leadership and tenacity of the then Secretary of State for Health and Social Security, Norman Fowler, who is now Lord Speaker—HIV/AIDS continues to be a health issue in the UK. There are now more people living with HIV in the UK than ever before. In 2015, an estimated 101,200 people in the UK were living with HIV, 13% of whom were unaware of their infection. Infections used to occur predominantly among men who have sex with men—MSM—but that has changed over the past 10 years. The majority now occur through heterosexual transmission: in 2015, 57% of new infections were among heterosexuals. Most telling is the fact that 90% of those new infections came through unprotected sex—sex without condoms.

We continue to have a public health issue and a problem with sexual behaviour. I believe that we must therefore redouble our efforts not just to change, but to ingrain behaviour. We need to ingrain the safe sex message at the time in people’s lives when it can have the biggest impact—in our schools, with the 15-to-18 age group. I do not propose to touch on the arguments about statutory sex education—as I said, that is a debate for another day. Instead, I want to touch on why targeting 15 to 18-year-olds is important and, crucially, on why we need to look at a different approach to teaching this important topic.

Overall infection rates were on a steady downward trend until recently, but we have seen a slight increase in infection rates in the 15-to-24 cohort. There could be many factors behind that increase. HIV/AIDS is less visible in the media than it used to be; it receives less attention from celebrities, who have been invaluable in raising awareness. Major breakthroughs in treatments and in the accessibility of anti-retroviral drugs—ARVs—mean that HIV/AIDS is no longer life-threatening, although it is certainly life-changing. The fact that it is no longer deemed a terminal illness might be a factor in why people are becoming a little complacent: because they think they are invincible. They think that nothing will happen to them, or that if it does they do not have to worry, because there is a pill or because by the time it becomes a problem there will be a cure. Importantly, the safe sex message about the use of condoms has been lost or diluted. It is important to remember that condom use protects against not just HIV, but a range of other sexually transmitted infections.

How do our teenagers learn about sex? We know that access to the internet has changed how many teenagers view sex, and that online pornography can provide a distorted and unrealistic view of sex. The ability to find a date or sexual partner via phone apps has changed how teenagers learn to have sex and the frequency with which they can have it, but sadly online pornography and hook-up apps rarely teach or stress safe sex. Too many provide no sexual health messages at all.

That, of course, is not a matter for the Department for Education, but how we combat that distorted view of sex and address the lack of safe sex messages is a matter of education. We have to be honest and accept that few teachers relish delivering sex education, and it is probably true that few pupils relish discussing sex with a teacher. It is embarrassing for both. There is likely to be a credibility gap. Even a teacher in their 30s will be deemed old by teenagers in school and being taught about sex by them is likely to be viewed as being taught by their mum or dad. That is how cringe-worthy much sex education can become.

I believe, therefore, that we need to use people closer to the age range of the students, especially those I would call young advocates—those with personal experience of living with HIV or chlamydia, of having a cervical cancer test or of the implications of losing a parent to HIV/AIDS. If sex education is delivered by people closer to the age range of the audience, it becomes personally relevant and much more powerful in getting the audience to listen. Young advocates can explain sex beyond the mechanics without embarrassment—I realise it was a long time ago, but my sex education was very mechanical and quite rudimentary.

If we can update how we teach teenagers about sex, we can have a significant impact on their sexual health. We need to show how life-changing illnesses such as HIV can be, and that message is much more powerful if taught by somebody going through that experience. It is important to stress not just the implications of dealing with an infection or life-changing illness but—most importantly—how teenagers can protect themselves from HIV/AIDS and a range of other sexual health issues.

Young advocates can deliver a more powerful and personal message—one that students can relate to and are more likely to take notice of. We need a radical change in how we approach sex education, especially HIV awareness.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): I thank the chair of the all-party group on HIV and AIDS for giving way. As a vice chair of that group, I wholeheartedly agree with his comments. Will he join me in praising the work of people such as the Student Stop AIDS campaigners, who are raising awareness of the epidemic not only in this country but of its impact globally, and setting an example for their peers?

Mike Freer: The hon. Gentleman makes a very good point. The all-party group often invites young advocates and voices to come in and talk to parliamentarians and others, and we have seen at first hand the impact that a
young person can have talking about the impact of an HIV infection on their life and their family. It is much more powerful than middle-aged men or women talking to teenagers—not that he is a middle-aged man yet.

I shall provide just three examples of people and organisations that I would ask the Department to consider meeting and using. One of the most inspirational young men I have met is Robbie Lawlor. He is an HIV advocate based in Ireland and the UK. He was diagnosed as HIV positive at 21. He was taught little about sex in school, let alone safe sex. His diagnosis sent him into depression and he abandoned the university place he was about to take up, but he has now become an inspirational advocate for HIV awareness. He tours and speaks passionately about the need to talk more openly about sex and safe sex and about how to challenge stigmas and ensure that people are more aware of risky behaviour and the importance of testing. He says:

“If we can’t talk openly about sex with our friends and family, how are we going to negotiate safer sex with people we may potentially sleep with? Shame inhibits people from going to get tested, and prevents people from getting the information they need.”

Robbie has also advocated for people living with HIV to be at the heart of education on HIV to ensure that individual stories are heard and some of the most damaging misconceptions about what it is to live with HIV are confronted by people who know how their diagnosis has affected their day-to-day lives. I urge my hon. Friend the Minister to meet Robbie and hear at first hand how we need to change the way in which we approach HIV in sex education.

There is also a group called Positive Voices, whose speakers are fully trained to deliver sexual health presentations to diverse audiences in a range of settings including schools, colleges, faith-based groups and community organisations. They cover HIV prevention and safer sex messages, as well as sharing their own experiences of living with HIV. Those presentations are very powerful. They are tailored for young people and adults, and the speakers work with organisations in advance to ensure that they are both appropriate and engaging.

I recently came across the Elizabeth Taylor AIDS Foundation, which is now doing work in the UK. It has launched an initiative called the sex squad. I must say that I became rather excited by the idea of a sex squad: it is certainly a catchy title for a sexual health education initiative. Imagine the sex squad coming into your school! It would certainly catch the imagination of the pupils.

The sex squad initiative is part of an arts-activist movement to improve sexual health education. It started in Los Angeles, and, interestingly, in the very traditional, conservative southern states of the United States, and it involves a multiple-component presentation and peer education. It is a new model for community-based sexual health education, which targets young people in communities that are at risk of HIV and other sexually transmitted infections. As well as organising live and digital interventions, it is inspiring the creation of youth-led high school sex squads at four state high schools in Los Angeles. It harnesses the power of humour and story-telling to create performances for teens that are memorable, inclusive, and fun. I can only recommend the work done by the foundation, which is driven by Elizabeth Taylor’s grandchildren. They are still heavily involved, which is to their enormous credit.

HIV continues to be a problem in the 15-to-24 age group, accounting for 11% of new infections, while 33% of new infections are in the 25-to-34 age range. It therefore accounts for 44% of new infections in people under 34. We need to reach people when they are most susceptible to behaviour change. We need to stop the conveyor belt towards inappropriate behaviour that puts their health at risk. We need to change the way we deliver sex education, especially HIV education, so that we can protect the next generation. The current sex education system is not ingraining the message on safe sex. It is time for a more innovative approach. It is time to introduce youth ambassadors where they will be listened to, and where we stand the best chance of changing behaviour and changing lives. Let us change the teaching, and let us change our approach.

2.47 pm

The Parliamentary Under-Secretary of State for Women and Equalities (Caroline Dinenage): I thank my hon. Friend the Member for Finchley and Golders Green (Mike Freer) for raising this important issue, and I congratulate him on his ongoing work as chair of the all-party parliamentary group on HIV and AIDS, which I know is making a huge difference. The dedication and tenacity that he and his group show are to be applauded.

HIV/AIDS is a serious public health concern that affects the lives of many, both in the United Kingdom and internationally. Stopping the spread of HIV is still a priority in the UK, as is supporting people living with it so that they can lead full and healthy lives. I believe that if we look at our efforts to tackle the HIV epidemic in this country, we can be very proud of our record so far. The United Nations’ 90:90:90 ambition to eliminate HIV-related mortality and transmission by 2020 calls for 90% of people living with HIV to be diagnosed, 90% of those diagnosed to receive treatment, and 90% of those treated to be virally suppressed. We are responding to that challenge. The UK has already met the second and third components of the 90:90:90 targets, with 96% of those diagnosed receiving antiretroviral treatment and 95% of those diagnosed being virally suppressed.

Of course, there is still much more to do. In 2013, an estimated 13% of individuals with HIV were undiagnosed. Awareness of HIV status is important not only because it enables people to get treatment and allows them to live long and healthy lives, but because it can prevent the infection from being passed to others. That is why the work to improve testing is critical to the public health response to HIV. Local authority services funded through the public health grant do a vital job in that regard, but we need to go further and faster in making testing routine.

I agree with my hon. Friend that it is crucial that we ingrain the safe sex message, particularly in young people. Schools have an important role in preparing young people for the challenges they face in modern life. That includes building their knowledge and raising awareness of HIV and other sexually transmitted infections.

Education can help to improve young people’s ability to make safer, healthier choices as they progress through life in a sensitive and appropriate way. HIV is part of both the science curriculum and sex and relationship education, which is frequently taught as part of personal, social, health and economic education. The national
curriculum and the new combined science and biology GCSE stipulate that pupils be taught about HIV within the context of communicable diseases during key stage 4. They are also taught about how HIV is spread.

HIV awareness is also taught as part of sex and relationship education, which is mandatory in all maintained secondary schools. Academies are encouraged to teach sex and relationship education as part of their requirement to teach a broad and balanced curriculum. Primary schools are free to teach the subject if they wish to.

When teaching sex education, all maintained schools and academies have a statutory requirement to have due regard to the Secretary of State’s sex and relationship education guidance. The guidance makes it clear that all sex education should be age appropriate and that schools should ensure that young people develop positive values and a moral framework that will guide their decisions, judgments and behaviour.

We want all young people to feel that SRE is relevant to them and sensitive to their needs. The guidance is clear that teaching should help pupils to clarify their knowledge about HIV and AIDS, to understand risky behaviour and to become effective users of services that can prevent and treat STIs and HIV.

Teaching sexual health is a key part of SRE. Effective SRE does not encourage early sexual experimentation, but teaches young people to understand human sexuality and respect for themselves and others. It enables young people to be mature, to build their self-confidence and self-esteem and to understand the reasons for delaying sexual activity. It equips young people to tackle the many different and conflicting pressures they experience today.

To teach young people about HIV effectively, teachers need accurate and up-to-date knowledge. The Government are funding the network of science learning partnerships to provide continuing professional development for science teachers. That includes providing support to teach the new science curriculum and GCSEs. A number of resources to support teaching about HIV are also available on the National STEM Learning Centre’s website.

I agree with my hon. Friend. Friend that innovative, engaging ways of delivering sex and relationship education are important in supporting young people. Schools are free to develop peer education models to complement SRE and I would encourage them to do so. As a mother of teenagers, I know how anyone over the age of 25 is regarded as old and anyone over the age of 40 is regarded as practically prehistoric. Therefore, having young role models—I have seen some great examples up and down the country in schools I have visited—is helpful and a powerful tool. The guidance identifies that as good practice, stating:

“Secondary schools should...use young people as peer educators”.

I am grateful to my hon. Friend for highlighting organisations working in that field, including Robbie Lawlor, Positive Voices and the intriguingly and quite excitingly named sex squad. I would be delighted to meet them and hear more about the work that they are doing.

Of course, young people are an important target group. Schools play an important role in ensuring all young people are equipped to develop safe, healthy relationships. We know that young people get information about this from a wide variety of channels and we want to ensure that they are accessing factually accurate information.

That is why I am pleased that Public Health England has developed “Rise Above” specifically for young people. “Rise Above” is a digital platform, with engaging interactive content, which aims to prevent or delay young people between 11 and 16 from engaging in exploratory behaviours, and that includes risky sexual practices. It is also developing a schools programme for launch at the end of March 2017.

Public Health England also funds the “Worth Talking About” free helpline for young people providing information about all aspects of sexual and reproductive health. We also continue to fund the Terrence Higgins Trust to deliver social marketing and digital media messages to groups at increased HIV risk and to promote National HIV Testing Week.

I agree with my hon. Friend. That the age-appropriate teaching of safer sex in line with guidance is very important. The guidance makes it clear that “young people need factual information about safer sex and skills to enable them to negotiate safer sex.”

Schools that deliver this effectively do so in partnership with parents and reflecting the needs of their community, but we can do more both in PSHE and SRE.

According to the HIV Stigma Index UK, the stigma sometimes experienced by those living with HIV can, unfortunately, lead to low self-esteem and a reluctance to access specialist services, thus preventing individuals from receiving the best treatment available. Raising awareness of HIV in schools can help young people overcome prejudice and understand that it can affect anyone.

Overall, I believe that schools make a considerable contribution through the core science curriculum to providing young people with the knowledge they need to have an informed understanding of HIV, AIDS and sexually transmitted infections. But this is about much more than just knowing the facts. As I said earlier, SRE is often taught as part of PSHE, and effective PSHE teaching makes a critical contribution to a broad and balanced curriculum in schools that promotes pupils’ spiritual, moral, cultural, social, mental and physical development.

PSHE is a non-statutory subject, but we know that many schools and teachers already recognise the importance of good PSHE education, and know that healthy, resilient, confident pupils are better placed to achieve academically and be stretched further. We want to help all schools to deliver high quality PSHE and SRE so that all young people are equipped to have healthy and respectful intimate relationships at the appropriate age, and leave school with the knowledge, skills and attributes to prepare them for life and work in modern Britain.

That is why we are committed to exploring all the options to improve the delivery of SRE and PSHE. My boss, the Secretary of State, has committed to update Parliament further on the Government’s plans during the passage of the Children and Social Work Bill, and I would very much value the input of my hon. Friend the Member for Finchley and Golders Green on this very important issue as we move forward.

Question put and agreed to.

2.57 pm

House adjourned.
Westminster Hall

Monday 6 February 2017

[MR GRAHAM BRADY in the Chair]

Domestic Ivory Market

4.30 pm

Luke Hall (Thornbury and Yate) (Con): I beg to move,

That this House has considered e-petition 165905 relating to the domestic ivory market in the UK.

It is a pleasure to serve under your chairmanship, Mr Brady. This petition has attracted more than 107,000 signatures and is very clear in its aim. This is the second time that this matter has been debated in the House in the past two months, following a debate in this place on 8 December.

I pay tribute to the work of Tusk, the World Wildlife Fund, the International Fund for Animal Welfare and other organisations for highlighting the threat to elephants and other endangered species. I also pay tribute to the work of Lord Hague and the many other right hon. and hon. Members for whom this matter is of great concern, including my hon. Friend the Member for Mid Derbyshire (Pauline Latham), who has spoken regularly about it in the House. I will leave most of the detail to her. I want to be clear that the debate is about the UK’s commercial ivory trade. It is not about stopping people owning ivory, inheriting family heirlooms or donating to museums. It is about how we play our full part in increasing global efforts to halt poaching.

The survival of elephants is threatened across Africa. The International Union for Conservation of Nature has estimated that only 415,000 African elephants remain. The savannah elephant population declined by 30% between 2007 and 2014, largely due to poaching. Between 2010 and 2012, 30,000 African elephants a year were being slaughtered for their tusks. The rate of poaching has since declined, although that is partly due to the fact that it is now harder to find large groups of elephants to kill. However, the Great Elephant Census has revealed the current rate of decline is still around 8% a year, which is far higher than could ever be considered sustainable.

The UK currently has one of the largest domestic ivory markets, which contributes directly to illegal trade, providing the opportunity for illegal ivory to be laundered. TRAFFIC has stated that the UK’s role in illegal ivory is in particular as a transit country. Examples in the last year alone can be cited. Christie’s was fined more than £3,000 in 2016 for selling a piece of ivory without the relevant documentation, and in November 2016 an individual based in the UK was prosecuted for selling 78 ivory items valued at almost £6,500.

The Government’s consultation announced in September on banning the sale of modern-day ivory—that is, dated after 1947—is welcome. It follows leadership by the Secretary of State for Environment, Food and Rural Affairs and the Minister. However, there are a number of reasons why we should go further.

Mr John Spellar (Warley) (Lab): Given the intensity of the crisis that the hon. Gentleman rightly identifies, are we not in danger, as in so many other areas, of paralysis by process? Should the consultation be brought to a close, and should we now take action?

Luke Hall: I will come to my thoughts on the steps the Government should take later in my remarks.

There are a number of reasons why we should go further. First, the proposal will not cover worked ivory dated before 1947, which makes up the vast majority of the current UK ivory market. Secondly, it is difficult for our law enforcement officers to tell the difference between pre and post-1947 ivory, especially as newer ivory is frequently and deliberately disguised as antique. Thirdly, it is unclear how all ivory could be age tested.

Mr Jim Cunningham (Coventry South) (Lab): Although the hon. Gentleman is confining his remarks to the UK market, there are bigger markets outside the UK. We need international action, because countries such as China import a lot of ivory. If we are going to save elephants, we cannot confine the problem to one country.

Luke Hall: I will talk later about the action that countries around the world are currently taking and looking to take in the years ahead.

As I was saying, it is unclear how all ivory could be age tested. Radiocarbon dating every piece of ivory would be hugely expensive and significantly increase the cost of the licensing regime. International momentum for action is also building. In December last year, China announced a timetable for closing its domestic ivory trade.

Oliver Dowden (Hertsmere) (Con): As my hon. Friend knows, I am a fellow member of the Petitions Committee and welcome the opportunity to debate this subject. We spend an awful lot of time discussing as an international community how we can deal with the challenge of climate change, which seems somewhat intractable. Does he agree that this is a much simpler problem, and that we could get on and save great species such as the elephant and the tiger?

Luke Hall: My hon. Friend has put a lot of work into this issue in the past and has raised it on behalf of his constituents a number of times. I understand the point he makes.

Jim Shannon (Strangford) (DUP): I congratulate the hon. Gentleman on bringing this matter forwards from the Petitions Committee. If we are determined to stop the ivory trade, we have to stop the demand. The hon. Member for Coventry South (Mr Cunningham) referred to China. China blatantly disregards world opinion. It pays lip service to stopping the ivory trade, but the trade continues. Does the hon. Gentleman feel that it is time for our Government to step up to the mark and persuade, and perhaps even elbow, China to stop the ivory trade in its totality? That is where the problem is: China says one thing and pays lip service, and does something different.

Luke Hall: As I have said, I welcome the Government’s leadership. Other countries around the world are also taking action. Hong Kong has confirmed that it will
totally ban all ivory sales within five years. In August last year, France proposed further restrictions on its domestic market. India has implemented a near-total ban. The US introduced a near-total ban on all ivory sales at a federal level in July 2016, and 80% of African elephant range countries support the closure of domestic ivory markets.

It is clear that the public support further action, as is demonstrated by more than 107,000 people—2,000 just over the weekend—signing the petition and therefore triggering the debate, which is the second on this subject in two months. Further research carried out by TNS in September 2016 found that 85% of the public think that buying and selling ivory in the UK should be banned.

Rob Marris (Wolverhampton South West) (Lab): It has been suggested by some of those who are against a ban that a certification system could be introduced, whereby pieces of ivory to be sold in the United Kingdom market would have to carry a certificate indicating that they were pre-1947. The hon. Gentleman said a moment ago that radiocarbon dating is very expensive. I am not an expert. Can he give an indication of how much it would cost per piece?

Luke Hall: I cannot give an exact indication, but the point I was trying to make is that radiocarbon dating every piece of ivory would be hugely time-consuming and cumbersome. I will say what more I think the Government can do on this important matter later.

The Government’s response to the online petition stated that the consultation would be a “step towards a total ban.”

That is welcome, but I urge them to take a bigger step by widening the remit of their forthcoming consultation to cover all possible scenarios, including a total ban on the domestic trade in ivory, while considering international examples that include tightly-defined exemptions for items such as musical instruments and items with very small amounts of ivory. That would allow the ban to be practical and enforceable. Parallel measures can also be taken, such as supporting foreign Governments to protect elephants and supporting education around the world.

Albert Owen (Ynys Môn) (Lab): I congratulate the Petitions Committee on picking this topic for debate. The hon. Gentleman talks about what we can do in foreign countries. It is very important that when we give aid to countries, specific conditions should be attached, including on animal welfare. The massacre of the elephant population is the core and root of the problem.

Luke Hall: I completely agree and I am sure the Minister heard the hon. Gentleman’s point. As I said, practical measures can be taken, such as supporting education around the world to ensure that the scale of the problem is understood.

During the course of the debate, somewhere between seven and 10 elephants will be killed. They will most likely be shot and then dismembered to extract the maximum value for poachers. The Secretary of State’s announcement in September was extremely welcome, but I urge the Government to honour our commitment, ensuring we play our part in protecting one of the world’s most iconic species.

[John Mann]

John Mann (Bassetlaw) (Lab): I shall be brief, as ever, Mr Brady. Having spoken comprehensively to my satisfaction and, I hope, to the satisfaction of others in the debate in December 2016, I thank all those who signed the petition for this debate. It is democracy in practice, and the longer the petition had been out there, the more signatures it would have accrued, because there is a feeling in the country and increasing recognition that we are throwing away our future.

I pointed out in the debate in December that this is about my grandson’s future, and I can now say happily that it is about both my grandsons’ futures. It is not trite to say that. What are we bequeathing them? Of all the many issues in front of Parliament today and on other days, if we are incapable of fulfilling our role to protect for continuing generations the species that freely roam this planet alongside us, we have no role as politicians.

Jessica Morden (Newport East) (Lab): I congratulate my hon. Friend on his new grandchild. He referred to a previous debate in December, when I and other hon. Members here today pointed out that an elephant is killed nearly every 15 minutes, so since that debate, more than 5,000 more elephants might have been killed. Does he agree that time is of the essence?

John Mann: Time is running out for elephants, lions, tigers, snow leopards and many of the other great species. I remember what I did as a kid, so I go out and buy my grandchildren little plastic animals, ready for when they come and visit. Zoos are not what they were in olden days; they are open plains where animals can play and we can move around among them, which is great. I do not want to have to explain, “I’ve seen this animal in the wild, but you’re not going to see it,” because we, the human race, have got rid of it, through our stupidity, greed and political inaction.

In 2003, in a much less crowded environment—the message is certainly getting out to the new generation of politicians elected to the House—I successfully introduced an amendment to make trade in endangered species an imprisonable offence for the first time. We went through the issues and the hon. Member for North Herefordshire (Bill Wiggin) sat alongside me on the all-party group and made up the numbers to pursue the issue. It was a bit of a curiosity for many people at the time, but it seemed important and it got through unanimously. We were at crisis point then, but Parliament did not realise it.

The petitioners can see from the number of people present today—more than 30 Members of Parliament, from different generations, are here on both sides of the Chamber—that Parliament is starting to understand the issue. We need effective action from us and, through us, from the Government. I hope the Minister will be more precise than when she responded to the previous debate about what our Government will do. Will we be trailing behind the Communist party in the People’s Republic of China? I trust not. I trust that this nation will be the world leader. It is our responsibility. We should not be waiting on any other nation. The fact that parties from every part of the House are represented here demonstrates how the Government’s actions will be applauded and supported.
Jim Shannon: Will the hon. Gentleman give way?

John Mann: I will give way to my colleague from Northern Ireland, to demonstrate how wide ranging support is across the House.

Jim Shannon: That support comes from all the regions of the United Kingdom of Great Britain and Northern Ireland. The hon. Gentleman referred to interaction with his grandchildren and to where animals roam on the plains. Does he believe that legislative action in the House must include help for countries that have elephants, hippopotamuses and so on to ensure that they have rangers and helicopters and everything necessary to make sure that those animals can roam and live freely?

John Mann: Those countries desperately need our support. With my mountaineering hat on, I recall climbing Mount Kilimanjaro in August 2016 through what was, 20 years ago, the wild route. It was wild because there were elephants and animals more dangerous than elephants prowling on the slopes of Mount Kilimanjaro. In particular, there were a significant number of elephants in the forest and up on the Shira plateau, but they are not there now. Guides who were with me could recall during their guiding lifetime how many they had seen as adults, never mind as children. That demonstrated vividly to me the crisis in one small part of the world in Tanzania.

Mr Edward Vaizey (Wantage) (Con): I cannot believe that any wild animal would dare to take on the hon. Gentleman.

Danny Kinahan (South Antrim) (UUP): Well, you are.

Mr Vaizey: And look what will happen to me. Will the hon. Member for Bassetlaw (John Mann) clarify his position? If an antique contains ivory and is perhaps in a world-renowned museum, will it be allowed to sell it or lend it to another museum under his proposals?

John Mann: If I were a Minister, I would ban the lot and stop any trade in or movement of ivory. The survival of the elephant is far more important than a museum, however great it and the curators of the modern-day may be, however wise, experienced and brilliant they may be and however great their genius. That is nothing compared with the survival of elephants. It is about time we were bold and said that there should be no half-measures, mixed messages, little promises or small steps forwards. A total ban is what I want.

Bill Wiggin (North Herefordshire) (Con): Does the hon. Gentleman agree that the most dangerous of all animals is the Chinese consumer? Nearly all the animals in the list he mentioned are used in Chinese medicine.

Piano makers and people who use antique ivory are not contributing to the problem today. We need to tackle what is happening today.

John Mann: The problem today was manifested differently yesterday, and people today will have the same ignorance that people had yesterday—all of us, and I exclude no one, including me—in our past thinking, which is why we need to be brave in our decision making. More importantly, we need foresight in thinking through what we are bequeathing the planet. As things are going, there will be no elephants or many of the other great species.

Pauline Latham (Mid Derbyshire) (Con): When I first went to the Kruger national park about 12 years ago, I saw a herd of 52 elephants, including the big matriarch to tiny newborns. I am told that people now do not see herds; they see one or two animals. That is the problem we are facing and we cannot afford to wait. Does the hon. Gentleman agree?

John Mann: The reality is that in some countries where we have the wonderful opportunity to visit, someone going out into the bush is as likely to see a carcass as a live elephant. That is the reality in all too many parts of the world.

I will finish on that point because many hon. Members want to speak and my previous remarks are in Hansard, not least my calls that everything the Department for International Development and the Foreign and Commonwealth Office do should have endangered species, not least elephants, as a key part of the leverage in all our foreign relations and aid. As well as stopping any trade in this country, we should lead the world. It is our duty to do so and I look forward to hearing from other hon. Members.

4.49 pm

Pauline Latham (Mid Derbyshire) (Con): It is a pleasure to serve under your chairmanship, Mr Brady. I thank my hon. Friend the Member for Thornbury and Yate (Luke Hall), who serves on the Petitions Committee and introduced the debate. It is also a pleasure to follow the hon. Member for Bassetlaw (John Mann), who is passionate about this issue.

It was my birthday a couple of days ago, and although I somewhat dreaded adding yet another year to a number that is already a very respectable cricket score for a batsman, I consol ed myself by considering one of the great delights that growing older brings, to which the hon. Gentleman will attest. He has two grandchildren. I am fortunate enough to have five and, on my birthday, I was thinking, as I often do, about my grandchildren, but unfortunately that consideration, so often a source of joy, led me in this instance to distress. I wondered whether all my grandchildren would ever get to see a genuine elephant and, of course, all the other endangered species that have been mentioned. It is an easy and well-worn trick of rhetoric to make such a statement, but on this occasion I really do not think that it is unfounded. Nor is it an unshared concern, because Prince William stated in September 2016 that he fears that Prince George and Princess Charlotte will grow up in a world without elephants—and they are older than my youngest two grandchildren.

In the same month, the International Union for Conservation of Nature stated that Africa’s overall elephant population had seen the worst decline in 25 years, due to poaching. Savannah elephant populations are declining at an estimated 8% a year. Facts and figures applied with cool logic often alleviate my more irrational fears, but in this case they serve only to heighten them. Stark reality makes me more, not less, fearful of elephant extinction and the consequences of that for our world and the people inhabiting it, my grandchildren included.
Since I last spoke in a debate on this issue, which was in this Chamber on 8 December, a minimum of 3,355 elephants have been killed, and that is a conservative estimate; the number could be well over 5,500. Each day, as often as every 15 minutes according to some sources, another elephant is killed, another poacher strikes for greed and gain, another criminal syndicate profits from a corrupt practice, another country sees its rule of law undermined, another ecosystem is degraded and another species comes a step closer to extinction. Between today’s debate and 31 March—I do not know whether my hon. Friend the Minister will tell us when the consultation will start and finish, but let us go to 31 March—another 4,800 elephants will die.

Kerry McCarthy (Bristol East) (Lab): Will the hon. Lady join me in trying to nail the argument that this is just about killing animals for the Chinese medicine trade? The police in this country have seized ivory that has been antiqued to make it look as if it is older—pre 1947. That is just not possible.

Pauline Latham: Yes, I agree with the hon. Lady, and in fact how can an ordinary policeman, who has many other duties, tell the difference between pre and post-1947 ivory? That is just not possible.

For many years, Britain was at the forefront of the battle to fight these appalling injustices, taking centre stage on the issue of combating the illegal wildlife trade within the global community. Many Britons have done exceptional, commendable work on the issue, particularly Lord Hague and Prince William. Sadly, though, the UK is no longer at the front of the race, and I do not understand why. At the end of last year, China confirmed its timetable to close its domestic ivory market by the end of 2017. That—[Interruption.] It is indeed too late, but it is better than nothing; we are not doing it. That was a truly monumental step, given that that country has always been one of the largest ivory markets. Hong Kong, a major ivory retail market and a key transit point into mainland China, has confirmed that it will totally ban all ivory sales within five years. Last August, France announced that it would bring forward new legislation for further restrictions on the sale of ivory. Why is Britain not leading; why are we not even following suit?

We should introduce a near-complete ban on the trade of ivory products in the UK. The only exceptions allowed would be out of practicality or for works of genuine artistic value—I am talking about certain works of art ratified by independent art experts, such as the Victoria and Albert Museum. There is a global consensus that domestic ivory markets contribute to the illegal wildlife trade and the poaching of elephants and therefore must be closed, and closed immediately. Admirably, the Government have agreed on a consultation to address these issues—a step that I applaud—but why is it not coming far sooner? As I hope I have proved, every day makes a major difference for elephant populations.

With the illegal wildlife trade conference coming up in London in 2018, the gaze of the international community will be firmly upon us with regard to this issue again. We need to ensure that we can make this conference as successful as the 2014 one was: we need to take action and prove to the globe that we are willing to lead on this issue once again.

It must be stressed that a move to bring in a ban not only is supported by swathes of non-governmental organisations and wildlife charities, but has been promised in the last two Conservative manifestos and championed by the public at large—we have promised to do that. When surveyed, 85% of people believe that it has already happened and ivory trading is illegal.

I am here speaking in the debate only because more than 107,000 people have signed the petition calling for the closure of the ivory market in the UK. As of yesterday, 265 of those people come from my constituency of Mid Derbyshire. I must point out to the Minister, who is representing the Government on this issue today, that the petition was also signed by 228 residents of her own constituency of Suffolk Coastal. I am sure that she will want to ensure that their views are addressed today. Those of us here are speaking not just to one another, but to the thousands of people who have expressed their concern and demanded that a ban be introduced. I am sure that many of us in the Chamber have different opinions on Brexit. Probably the only thing that we can all agree on is that a major element of the decision came from a real frustration at not being listened to—the feeling that politicians do not hear and, even if they do, they do not change anything. Let us show today that we are listening to what people want and that we are willing to make a change.

Bringing about a ban will do three major things: it will stop the poaching, trafficking and buying of ivory—obviously, it will not do that totally, but it will help in that fight. Those elements are closely interdependent: criminals traffic ivory only because they can make money from it, and people can only buy ivory only because it has been trafficked in the first place. Therefore, the ways in which those three elements are addressed must be considered in a coherent fashion.

Elephant poaching is a heinous crime. It not only entails the brutal killing of magnificent animals, but threatens the lives of rangers. I said previously that about 1,000 wildlife officers attempting to protect elephants have been killed in the past decade by poachers. That statistic proves that there is a human, as well as an animal, cost to poaching, but I have to say in this instance that, sad though that is, it is elephants, not human beings, that face extinction.

The UK is not the largest ivory market, but the market here is by no means insignificant, with between 500 and 1,000 pieces being sold every week. Some of those who oppose introducing a near-total ban on ivory claim that there is no evidence that antique ivory is related to elephant killings today. In reality, there exists an international desire for ivory products, and the continued trade in ivory in the UK fuels global demand. There is a wealth of evidence to support that. In 2015, there were 182 seizures of ivory, totalling 250 kg, by UK Border Force. Moreover, we know that criminals will go to great lengths to disguise new ivory as antique. In his BBC documentary, “Saving Africa’s Elephants: Hugh and the Ivory War”, campaigner Hugh Fearnley-Whittingstall revealed the efforts that criminals make to disguise freshly carved ivory as older pieces. He selected several items that were promoted as antiques in online auctions across the country and through carbon dating demonstrated that six of the nine pieces were actually illegal.
Rob Marris: The hon. Lady has just adduced a very interesting and helpful piece of evidence. She referred to carbon dating—that is how Hugh Fearnley-Whittingstall found those six ringers. Can she give us an indication of how much it would cost to carbon date each piece, to put into context whether it would be better to produce a certified system?

Pauline Latham: I have no idea; I have never even thought about having anything carbon dated. However, the cost is not what matters. What matters is having something independently certified to prove that it is old and not new. We cannot expect the police or Border Force people to understand and to be able to look at a piece and say, “That’s post-1947 and that’s pre-1947.” It is just not possible.

Victoria Borwick (Kensington) (Con): May I draw attention to what my hon. Friend said earlier? She actually said clearly—I absolutely agree with her as, I am sure, many did—that genuine experts can tell the difference between genuine works of art. As others in this room have said, the market in the far east is for shiny, modern, contemporary pieces. That is entirely different from the antique ivory sold by our dealers and exhibited in our museums here. To quote my hon. Friend, genuine experts can easily see the difference.

Pauline Latham: I am sure they can and I hope that we will have a system where a piece has to go to a genuine expert before it can be traded and moved out of this country.

It is clear that the sale of antique ivory in the UK provides a false veneer of legality for black markets across the world, because most people cannot tell the difference. Owing to the fact that 31% of ivory exported from the EU comes from the UK, Britain is unfortunately an unwilling but major culprit in the illegal trade and, as such, the killing of elephants. Even those who profit from ivory trading admit that current legislation does not go far enough. Auctioneer James Lewis from Derbyshire, who is in the Public Gallery, admitted that the antiques market contributes to the illegal ivory trade by arguing:

“I’ve been to Hong Kong and the Chinese mainland and I have seen antique ivory on the shelf next to brand new ivory. It is without doubt the case that profits from old ivory are being invested in modern ivory.”

Introducing the ban will deter those trying to traffic ivory, as the stricter legislation will deprive them of the opportunity to disguise new ivory as old. If nothing can be sold, nothing can be hidden.

The arbitrary nature of the 1947 cut-off date dividing antique and non-antique ivory should also be addressed. There seems to be no real reason for why that date is the dividing line when the rule of thumb, I believe, is that an antique must be at least 100 years old. Just extending the cut-off point might make it harder for criminals, as they would have to go to greater lengths to disguise new ivory as old. I believe that a cut-off date of 1900 should be used, because that is a nice clear date for everybody.

Until we bring in a near-total ban I fear that criminals will find a way to pretend that illegal pieces are legal, however hard it might be, just because of the sheer scale and lucrattiveness of the activity. The illegal wildlife trade is considered the fourth most profitable international crime after drugs, arms and human trafficking—we do not approve of any of those, but we seem to think that ivory is okay—and is worth between $15 billion and $20 billion annually. Ivory makes up a significant proportion of that market. It is estimated that every year approximately 200 to 300 tonnes of illegal ivory enter the global market. If we introduced this ban, we could change consumer demand as well as customer behaviour. A lower supply of ivory, which the ban would effect, would restrict the amount that could be bought. More widely, the ban would act as a strong symbol that trading illegal ivory is a crime and one that Britain will absolutely not condone. No member of the public will be against this ban. No one can condone the slaughter of yet more elephants.

I have heard arguments against putting a ban in place on economic grounds and because of the impact on business across the UK. To that, I say two things. First, the economic impact would be slight. Antiques dealers sell a variety of pieces and the amount of genuine antique ivory being sold in proportion to other works is relatively minor. Secondly, and more importantly, I want to stress that the real reason for bringing in this ban is not economic, but moral. When did we argue about extending legislation on zero-hours contracts or—an even more dramatic example—abolishing child labour or sending children up chimneys? Those decisions might have had a negative economic impact on certain businesses, but they were still right. We have an opportunity today to help put in place a ban that will save the lives of truly remarkable animals and prevent there being more bloody corpses. I do not pretend that this ban will solve the issue entirely—it is a global problem—but no significant problem was ever fixed with one decision.

Kerry McCarthy: Does the hon. Lady agree that we have a particular role to play in taking the lead in banning this trade because we were the trading nation that reached out to all parts of the world and encouraged this trade in the first place?

Pauline Latham: I agree and this debate shows that this is a truly cross-party issue. This is not about politics, but about saving elephants and we do have to take that lead.

Alex Chalk (Cheltenham) (Con): I accept that banning the domestic trade of antiques in the UK may make some difference at the margin, but does my hon. Friend agree that this must not distract us from the most pressing concern of all—the devastating poaching in Africa? Should we not use our foreign aid to help African Governments to protect wildlife as well as alleviate human suffering?

Pauline Latham: I absolutely agree with my hon. Friend. From sitting on the Select Committee on International Development, I would like to see more money put into Africa. After all, if it loses all its elephants and other endangered species, will it have a tourist trade anymore? It will not. This is important to give other countries a business they can capitalise on so that people can have a lot of fun going and seeing the animals in the wild. I have done that several times and I have taken my eldest granddaughter; she has actually seen elephants in the wild, although the others may not.
It takes only one step, smaller than the stride of an elephant, to make a difference. Since Roman times, humans have reduced Africa’s elephant population by perhaps 99%. We have a chance to protect that final, precious 1% today and I urge the Minister to seize it. We humans may not have the memory of an elephant, but the world will remember if we do not.

5.7 pm

Danny Kinahan (South Antrim) (UUP): I congratulate the hon. Member for Thornbury and Yate (Luke Hall) on introducing the debate today and all those who signed the petition, and on the passion behind it, particularly from the hon. Member for Bassetlaw (John Mann).

I am here to speak because I want the ivory ban in place, but I want us to recognise the importance of the antiques trade in this country. In everything we do, we must always find the right balance. It is absolutely right that we ban ivory—I think the phrase used earlier was “a near-complete ban”—and do so as quickly as possible, but we must also recognise ivory’s place in our history and tourism.

I was in Kenya many years ago—it would be terrific to show everyone the wonders of the wildlife there. I remember watching a film of the farmers annihilating some 150 elephants because they kept breaking out of a game park and eating the maize crops. That is the main problem. We should aid those countries so that they can have proper game parks, secure rangers and economies that work. That is where we should concentrate a lot of our effort. The ban would do a little bit to help, but we must recognise that it is just a tiny bit, and that we must do much more work through our aid and world trade.

Richard Benyon (Newbury) (Con): Does the hon. Gentleman concede that people are at the heart of saving the elephant? Work by organisations such as the Northern Rangelands Trust in Kenya has done an enormous amount to make local people understand the value of wildlife. Directing aid and support for communities through that prism is the best possible way to get people and wildlife to live together.

Danny Kinahan: I could not have made a better point. We have to educate everyone in the world, and particularly the Chinese, as many have said today. It is also about showing the Africans the benefit and hoping that tourism, wildlife and everything else helps their countries into the future.

The antiques trade here is worth some £13 billion. I do not want to counter the argument for an ivory ban, but I shall give some facts and figures to make us think more about what a total ban would do. One document I was reading said that up to 2025 tourism will be worth £257 billion to the UK—10% of our GDP—and will be responsible for 3.8 million jobs. Tourists visit some 5,000 to 6,000 venues in the UK that have small and sometimes large antique ivory pieces.

We have to be very careful how we tackle the antiques trade. One or two hon. Members have criticised the existing cut-off date of 1947. The convention on international trade in endangered species guidelines are accepted in the trade, including by the people who know best about dates and times. It is better to go down that route than to try and work on carbon dating. Changing the date to 1900 may seem logical, but that takes out the two of the greatest periods in art—art nouveau and art deco.

Pauline Latham: When I talked about changing the date to 1900, I was not talking about banning every transaction. All the genuine art deco pieces would be included, provided that they have been verified by somebody independent. That is not the problem. I just want a very clear date that everybody understands.

Danny Kinahan: Having a very clear date is absolutely right. I point out only that a date of 1900 means that we miss out on two of our greatest art movements, so we should keep that in mind. Coming from the other side, I want to see an ivory ban, but I want to see the trade being protected in the right way.

Rob Marris: I am not an expert in these things, but because of the horrors of the atomic bombs in Japan, 1947 does not seem to be a bad date for carbon dating. The hon. Gentleman just said that he does not particularly favour a carbon dating approach. He is much more of an expert than me, so can he indicate how much it would cost to carbon date each piece?

Danny Kinahan: My answer is no—I have never been involved in the carbon dating side of things. I have been involved in working out the provenance and the date so that we have the complete history of where something came from, and the value, but I have never been involved in carbon dating and have no idea how much it costs.

We have watched ISIS destroying Palmyra and the Taliban destroy the two fantastic Buddha statues in Bamiyan. If we had a blanket ban, we would be a little bit on the same page, in that we would be trying to get rid of some of the most beautiful items. If ivory were banned, it would not be looked after because it would be worthless. I have seen that happen with a most beautiful Edwardian shotgun stick. It was made illegal—it was banned—and was left in the local police station. It had to be cut into pieces, even though it was one of the most beautiful pieces I have seen—it had a little gold top and a lion’s head and everything on it. Are we really trying to go down that route?

Pauline Latham: May I challenge what the hon. Gentleman is saying? He suggests we would lose all those pieces, but we will not lose anything. They will still exist, and if they can be verified, they can be traded. I am not saying, “Ban all trade.” I am talking about a near-complete ban, so that all the new stuff—all the trinkets—are not traded. We have to have a near-complete ban.

Danny Kinahan: I agree entirely. It is not about a total ban, but a near-complete ban. I am not criticising the hon. Lady for what she said. I just make the point that we need to look after such stunningly beautiful items. If there is a ban, in time more of the items will not be looked after, and eventually there will be none. Similarly, if we do not look after elephants and tigers, there will be none. At the moment, the situation is leaning towards the animals being lost, so we have to find the right balance.
Let me run through some things that have ivory in them. We all know about antique pianos and musical instruments—often, the pieces on violins that people turn to fit and change strings are often ivory, and 95% of our brass and wind instruments contain ivory. Even the bagpipes I was looking at the other day had ivory fittings. Some 80% of all chess sets contain ivory.

One of our greatest exhibits is probably the Lewis chessmen, which are made out of mammoth tusk. Those would be banned. We have to work a way through. What we must stop happening is people copying them and then trying to sell them today.

Portrait miniatures from the 18th and 19th centuries were painted on a thin sliver of ivory, and we particularly need to look after those. People carried those portraits with them when they were travelling the world. They are little bits of history—whether we are talking about Nelson, the Duke of Wellington or Robbie Burns. Those little gems of painting would not be looked after, so we have to make sure that we do. On the other hand, there is the Chinese and oriental trade, with some stunning antique pieces, yet at the same time, we have the problem of those being copied and of other things being made today. That is what we have to stop. We have people here in the trade and in our museums who can advise us. I hope the Minister will set up a committee that can give certificates, set the rules, and advise and be dynamic in how we operate the near-ban.

No. 4 in the book, “A History of the World in 100 Objects,” is the swimming reindeer, from 11,000 BC. It is made of ivory, as are No. 11, King Den’s sandal label from 2,980 BC, and No. 61, the Lewis chessmen, which I have mentioned. They are very much part of our history.

Mr Vaizey: I do not want to turn this into a pub quiz, but HMS Beagle’s chronometer—object No. 91—has ivory in it. In fact, the British Museum has 13,000 objects that are made of ivory. We have to reach a consensus, which I think is breaking out, that antiques should be exempt from any ban.

Danny Kinahan: I could not have taken a more helpful intervention. That is exactly what I was leading to. The British Museum, which loans pieces worldwide and looks after the items that are the whole world’s history and artefacts, has bought, paid for and kept parts of collections from Iran and Iraq. It gathers in objects from around the world. Think of our museums, galleries and great houses everywhere. The ivory trade is in there in part. Yes, it may be ghastly and awful that it is what people did in the past, but we have to find the balance.

John Mann: Museums also have shrunken heads on display and lend the most famous ones across the world, but that does not suggest that we should allow a trade in shrunken heads today, does it?

Danny Kinahan: How appalling would that be? Yes, I agree with that little point, but on the whole we must recognise everyone’s history and work together to keep all forms of history.

Rebecca Pow (Taunton Deane) (Con): I cannot compete with shrunken heads. Contrary to some hon. Members’ views, the Chinese have announced a ban on ivory for March 2017. Beijing says that ivory trading and processing, other than auctions of legitimately sourced antiques, will be outlawed, so they have come up with a plan to save their antiques. Does the hon. Gentleman have a view on that? We might learn some lessons.

Danny Kinahan: I rather hope we come up with a plan that is as good if not better. I welcome the fact that the Chinese have accepted the ban, but as the hon. Member for Strangford (Jim Shannon) said, we need to ensure that they actually do it and put the rules and regulations in place to stop the misuse of ivory. Having worked for Christie’s for 18 years, valuing contents in people’s houses and helping to sell them, I have seen stunningly beautiful items that need to be looked after and allowed to be traded. I have also seen the modern stuff coming from Africa that proves that we need to have the near-ban.

I should like to make one final point. I have a very strange exam pass: an O-level in African history, which is a whole other story. It was a very short O-level, because east Africa’s history is very short—it has only been written up for 200 years, because people passed on their history by word of mouth. For them, the few key items from the past that are made of ivory are their history. As time goes on and the stories are lost, items such as the Benin heads and Benin ivories in the British Museum are key to understanding the Africans and celebrating their history.

We need a near-ban. Let us do it quickly, but let us do it right and ensure that we protect everyone’s history and everyone’s culture. That is the right way forward.

5.20 pm

Victoria Borwick (Kensington) (Con): It is a pleasure to serve under your chairmanship, Mr Brady; I am sorry that my voice today is not quite as strong as it might be. I declare an interest: I am president of the British Antique Dealers Association and I have been advised by the British Art Market Federation, the Antiques Dealers Association and LAPADA, which comprise a group of Britain’s most knowledgeable and highly regarded auction houses and specialist dealers in fine art, decorative arts and antiques.

The fact that a second ivory debate has been triggered by a petition to Parliament demonstrates the strength of feeling among the public about the plight of elephants. I therefore really hope that we can clear up these misunderstandings about ivory and about antiques. For the record, I must emphasise that the British antiques trade deplores the trade in poached ivory. The most important point that I need to make is that the antiques trade does not support the killing of elephants, nor does it support any system that allows raw ivory from post-1947 sources to be traded. Every hon. Member present agrees that we must look to our future, for our children and our grandchildren, but we must not throw away our past. We all welcome the proposals from my right hon. Friend the Secretary of State for Environment, Food and Rural Affairs to remove from sale all ivory items that are less than 70 years old. Antiques collectors have no interest in items made from modern or poached ivory. We all welcome tougher measures to stop the sale of tourist trinkets made in recent decades.

This is, understandably, an emotive topic, so it is crucial to be factually correct. The e-petition claims: “From 2009 to 2014, 40% of UK customs seizures were ivory.”
That is not correct. For example, the Border Force typically makes 500 drug seizures a month. Cases of ivory seizure represent less than 1% of all seizures. The British Antique Dealers Association’s understanding is that the Border Force does not regard the UK as the final destination for poached ivory. Most seizures are of one or two small carved items, often old objects that lack the necessary paperwork. A smaller number of seizures are of tusks and freshly carved trinkets that have arrived here in transit, destined for other countries, and I concur with my hon. Friend that that is something we need to stamp out.

Last year’s TRAFFIC report, backed by the World Wildlife Fund, on the antique ivory trade in Britain concluded:

“Links with the current elephant poaching crisis appear tenuous at best, as researchers found no new or raw (unworked) ivory for sale, and only one item that was reportedly after the 1947 cut-off date for antique ivory.”

We all know that the largest market for ivory as a material is in the far east, as other Members have said this afternoon. Buyers there have no interest in most historical objects on sale in the UK; they desire ivory in any form and prefer it shiny and modern. Other EU countries must therefore stop exporting whole tusks to China. As has been mentioned, the Chinese Government’s announcements of further restrictions are very welcome, but they have to happen and they have to be enforced. They cannot come soon enough. It is in the far east that we must galvanise our resources. We should stop confusing ourselves on the topic by looking at our own medieval treasures in our museums, churches, homes and antique dealers. We must protect our history.

Rob Marris: The hon. Lady has connections with the antique trade, as she has declared. Can she answer the question that I keep asking, which is whether the antique trade would support some kind of certification system? There is already some paperwork—she spoke about paperwork on seizures and so on. Can she also tell me how much it costs to radiocarbon date a piece of ivory?

Victoria Borwick: Certainly. I can answer both questions. There are many parts of the art and antiques dealers’ trade for which we keep catalogues, make certifications and work among trade associations and specialists to keep certificates, records and suchlike. I have absolutely no doubt that when the Minister sets out her suggestions on a committee or a way of taking things forward, the trade will willingly look at ideas about the certification of finer objects with photographs and detailed descriptions of provenance, size and so forth, so that they can be properly catalogued.

With carbon dating, a very tiny item can be destroyed if too much is drilled out, which is why everyone is so reluctant to do it. However, as other Members have said, it is usually easy to tell. The usual cost is a few hundred pounds, but it very much depends on the complexity of the object. With early Chinese and other works of art that have been around for hundreds or thousands of years, there is always a lot of unhappiness about drilling out the left foot, because it inevitably spoils the item. I am sorry if that was a rather longer answer than the hon. Gentleman wished for.

Pauline Latham: I have actually just been emailed that it costs roughly £1,000. The email cites a case in which a Cumbrian ivory trader was prosecuted and the court ordered him to pay more than £1,000 as the cost of radiocarbon dating.

Mr Graham Brady (in the Chair): Order. Before Victoria Borwick responds, I have to say that although it is in order for Members to refer to notes on electronic devices, reading emails that have just been received is to be deprecated.

Victoria Borwick: I think the cost of radiocarbon dating depends on the complexity of the testing required, but I thank my hon. Friend the Member for Mid Derbyshire (Pauline Latham) for her clarification.

The United States Fish and Wildlife Service recognises that antique ivory is a special case that warrants exemptions. People say, “What lessons are we learning from the rest of the world?” Well, in America, although some imports are restricted, federal rules allow trade in legally obtained antique ivory.

Richard Benyon: Does not my hon. Friend think it a pity that in this country we are not being consulted on the American system, which I understand uses a rolling 100-year rule? This year, it has moved from 1916 to 1917. We have not been able to hear the antique trade’s view, or anyone else’s, on a 100-year ban. Personally, I would like it to be longer, but there must be a way forward without all this complication. We could register these works of art and then move on with a proper ban that would be respected round the world.

Victoria Borwick: That is absolutely the sort of discussion that I know the trade is very willing to hold. I am sure that such a discussion would represent the interests of many hon. Members present and would be a good way of discussing a way forward.

The US Fish and Wildlife Service has stated that old ivory items do not threaten today’s wild elephants, so the point is accepted elsewhere. No one has demonstrated that the UK antiques market contributes to poaching today.

Patricia Gibson (North Ayrshire and Arran) (SNP): I wonder whether the hon. Lady could help me out with something that she has said; indeed, it has been said a couple of times today. She has spoken of beautiful, historic ivory objects in churches and museums, and so on, that are part of our history and should be respected as such. Could she explain how the banning of ivory and the ivory trade threatens the beauty or the intrinsic historic value of these objects?

Victoria Borwick: Things have to have value in order to be kept, in order to be valued. Also, as the British Museum has said, these things are part of all our history. Nowadays, we are obviously very upset when people destroy other people’s history, and that is exactly the point. Things have to have a value. We have cherished our history, just because it shows our history to our children, our grandchildren—and even the grandchildren of the hon. Member for Bassetlaw (John Mann)—which is why it is so important that we do keep our best.
John Mann: Does the hon. Lady have some evidence that this issue is not a problem? How would she explain the £3,250 fine on Christie’s in May last year, or the recording of 110 kg of ivory tusks that were found at terminal 4 in Heathrow airport in October 2015, which came from Angola and, like other such shipments, was headed eastwards via the United Kingdom? How would she explain those incidents if there was not a problem?

Victoria Borwick: First, as we all know, the Christie’s stuff is publicly known—Christie’s admits to making a mistake and paid up; that is a matter of public record. As has been said before with regard to the tusks, as we all know, they were in transit and that is what we have got to stop. Every Member in this Chamber, and I am sure that all those watching, would absolutely concur with the hon. Gentleman: we have got to stop the trade and the transit of tusks. There is no disagreement between us on that.

Dr Paul Monaghan (Caithness, Sutherland and Easter Ross) (SNP): If the hon. Lady is so enthusiastic about placing a value on everything, can she tell us the value of an elephant?

Victoria Borwick: Absolutely immeasurable—nobody is disputing that. However, the argument that I am making is that we cannot compare a wonderful live elephant, where the value of the tusk is to the elephant, with something that comes from several thousands of years ago. I think the hon. Gentleman is trying to compare apples with pears, and that is the point I am trying to make to him. He does not have to agree with me, but that is the point I am making: that the value of an elephant tusk is to an elephant. What I am talking about are objects that have been around for thousands of years and are now in our museums.

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): The hon. Lady has spoken about priceless antiques being part of our history. Surely the point of today’s debate is that we want elephants not to be part of our history but part of our future?

Victoria Borwick: Absolutely—I have no doubt about that at all. There is no dispute there; there is nobody in this Chamber or among those watching who would agree with killing elephants today. The hon. Lady is absolutely right. I am merely saying that, as others have said, when we come up with the new regulations, we must do so very carefully so that we do not destroy what history we do have.

On behalf of the museums I represent in my Kensington constituency, as well as many of the antique dealers, let me say that I genuinely believe—I paraphrase one of the other Members who has spoken—that items of cultural and artistic heritage should continue to be exempt from a trading ban. Our museums rely on, or work with, the trade, in order to continue to develop their own collections. The royal collections have continued to develop and build up their own collections, as was talked about earlier.

The British Museum has stated that restricting the ability of collectors to purchase important works of art would have a detrimental effect on public collections. The British Museum collection includes many significant objects made from ivory from many different cultural traditions, including objects from prehistory that are carved from mammoth ivory and the Lewis chessmen, which are made from walrus ivory. They are integral parts of the museum’s collection and play an indispensable part of its presentation of the history of human cultural achievement.

On this most propitious of days, the Queen’s sapphire jubilee, Members will be familiar with portrait miniatures, which were referred to earlier. These are painted on ivory, as they are viewed as having long-lasting and special properties. We should not be thinking about destroying or not treasuring these things.

Richard Benyon: My hon. Friend has twice used the word “destroy”. Who is going to destroy any ivory? As far as I am concerned, that is not part of the Government’s consultation. I do not think that it is the policy of any Member on any side of this argument, if there are different sides of this argument. Nothing will be destroyed; all those pieces of artwork will still exist. What we are talking about is not encouraging ivory to be poached and elephants to be killed because there is a market in ivory today.

Victoria Borwick: I absolutely agree with my hon. Friend; nobody wants to destroy anything. I was just getting a bit nervous because of some of the talk earlier, so I stand corrected. I am delighted that everything is going to be saved.

As many Members have already done, I could list examples of how ivory has been used down the centuries. The British Art Market Federation has made copies of its reference document available, and I know that one has been placed in the Commons Library.

To conclude, we must stop the current trading in raw and poached ivory, but that is not the same as trading in antique cultural artefacts. To stop that would be like suggesting that the current threats to whales should prevent the sale of scrimshaw and corset bones in the costume collections in our museums. We must separate modern poaching—I am speaking about the importance of our historical objects, in our constituents’ homes, in our local antique dealers and on display in our world-famous museums.

There is a huge interest in antiques in this country and there must be antique dealers in most Members’ constituencies. The craftsmanship of objects and their historical interest is foremost in the minds of buyers, not the materials used. Many of our constituents will have objects passing through their hands that incorporate ivory, whether little inlays on a desk, a miniature portrait or a tea caddy. A ban would mean that their lawfully acquired possessions would become unsaleable, and not a single elephant would necessarily be saved.

The antiques trade has made it clear that it welcomes the opportunity to share its knowledge by working closely with my hon. Friend the Minister to help to ensure that the proposed ban on the sale of post-1947 items is properly enforced. The trade has a number of ideas for cataloguing, certificating and working together to address the issues raised so forcefully this afternoon. I have no doubt that, working together with the antiques trade, we can ensure that Britain’s heritage is protected for future generations.
5.37 pm

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): It is a pleasure to serve under your chairmanship, Mr Brady.

I thank the Petitions Committee and also the public, for the 107,000 signatures. I am sure that members of the public will continue to sign this type of petition until the Government act. My constituents remind me every week of the importance of animal welfare and particularly the importance of preserving and conserving elephant populations. That is important to them, it is important to me and—as we have already heard today from a number of Members—it is important for future generations.

I thank the hon. Member for Thornbury and Yate (Luke Hall) for opening this debate. It is an important and iconic debate at Westminster. I was pleased to speak in the debate last month and it is a privilege to try to preserve them, but the crux of today’s argument is that information. If it is not, then in my mind it is not good enough. It is incumbent on the Minister today not merely to respond, because time is running thin. We need to act. We need to act now, for our children, for their generations and for the human race, because they will forgive nothing less. We have heard today about the horror of what is going on, and the House must get a sense of the grip of the enormity of what has happened. One hundred years ago, there were 10 million elephants. In 1979, the number was down to 1.3 million and, according to the International Union for Conservation of Nature, today we are down to 415,000. We lose 20,000 a year—that is one every 15 minutes. That was brought home to me dramatically when, as Secretary of State for Environment, Food and Rural Affairs, I went to Lewa, a conservancy in north Kenya, in the autumn of 2013.

In five seconds’ time, we will have lost our fifth elephant while we have been speaking today. That is the horror of what is going on, and the House must get a grip of the enormity of what has happened. One hundred years ago, there were 10 million elephants. In 1979, the number was down to 1.3 million and, according to the International Union for Conservation of Nature, today we are down to 415,000. We lose 20,000 a year—that is one every 15 minutes. That was brought home to me dramatically when, as Secretary of State for Environment, Food and Rural Affairs, I went to Lewa, a conservancy in north Kenya, in the autumn of 2013.

Picking up on the comments made by my hon. Friend the Member for Mid Derbyshire (Pauline Latham), there was the most brilliant example in Lewa of co-operation between the local landowners—the Craigs, who have been established in Kenya for a long time—and cattle farmers. Together, by establishing a conservancy where cattle raising and the protection of wildlife is encouraged, they have set up a vicious cycle in horrendous to go in a helicopter and smell a carcass from 200 feet and then get closer, turn off the engines and hear this weird, bubbling, buzzing sound of the

Those experts are crucial to ensuring that the right decisions are made. The UK public need those decisions to be made and the Government need to follow them. The UK public support a ban on the ivory trade here, so a ban is not against public opinion. In fact, 85% of the public think that buying and selling ivory in the UK should be banned. We must consider the evidence. That is the crux and we must take it forward.

The other issue is sustainable livelihoods in Africa. The elephant brings much to the community and, as a member of the Select Committee on International Development, I am keen to see aid money going towards the conservation of elephant and rhino populations and helping the sustainable development of conservation in African countries.

Consultation takes time, and elephants and rhinoceroses do not have that time. If we want to preserve these species, do we have the time? We must take the lead. I wonder how many elephants have died in the month since I last spoke on the issue. It is so frustrating. If we cannot wait, the Government must act. The elephant cannot become the dodo of our generation under this Government. Is that the legacy this Government want?

The question is: is a near-total ban enough? We need that information. If it is not, then in my mind it is not good enough. It is incumbent on the Minister today not merely to respond, because time is running thin. We need to act. We need to act now, for our children, for their generations and for the human race, because they will forgive nothing less. We have heard today about the horror of what is going on, and the House must get a sense of the grip of the enormity of what has happened. One hundred years ago, there were 10 million elephants. In 1979, the number was down to 1.3 million and, according to the International Union for Conservation of Nature, today we are down to 415,000. We lose 20,000 a year—that is one every 15 minutes. That was brought home to me dramatically when, as Secretary of State for Environment, Food and Rural Affairs, I went to Lewa, a conservancy in north Kenya, in the autumn of 2013.

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boiling entrails, the stench and horror of the death of a young animal, which is completely pointless because the rangers have got there and taken the ivory. That brought home to me, however, that there was, potentially, a virtuous circle: local people can be got to value wildlife and prosper as cattle farmers. The most immediate impact of having proper rangers and a proper conservancy was that rangers were around and there was law and order. The centuries-long habit of cattle rustling and stealing therefore stopped. There was active talk of building an abattoir in the locality to encourage a long-term beef business. It can be done.

Two years ago, I went to the Kruger, which my hon. Friend the Member for Mid Derbyshire mentioned, mainly to look at rhinoceroses. It was completely horrendous. I saw four carcasses in one weekend. There are the most enormous elephants there—that should be encouraging for my hon. Friend. Friend. Since it is so easy for poachers to come through the fence—the old security fence has lots of holes in it—it is much easier to take a rhinoceros horn, stick it in a backpack and get back over the border to Mozambique than it is to approach the elephants. We are losing a rhino every nine hours. We will run out of rhinos in what is their biggest population in the world. The poachers will then turn on the wonderful elephants, and we will run out of elephants.

I admire the fortitude of my hon. Friend the Member for Kensington (Victoria Borwick) for coming here today, given the terrible operation she has just had, but I am afraid that I wholeheartedly disagree with her. She said that the value of an elephant is immeasurable. This is an absolutely iconic species. Lots of Members have talked about their children and grandchildren. We cannot compare a bit of ancient jewellery, which is not going to be destroyed, with a living animal that is. One every 15 minutes is killed. We will run out. Can everyone just get that into their heads?

I came back from that trip and met the then Foreign Secretary, now Lord Hague of Richmond, who immediately took on board the significance. I also enlisted the support of the then Secretary of State for International Development, my right hon. Friend the Member for Putney (Justine Greening), and we all sat down together, led by officials in the Department for Environment, Food and Rural Affairs. I pay tribute to Mr Jeremy Eppel, who has sadly left the Department. He led the negotiations with other Departments. He also led the huge task of putting together the biggest global wildlife conference that has ever been organised. Sadly I missed the conference because I was having an eye operation, but 42 countries turned up.

Before that, I had been in Moscow talking to the Russian Minister. Great things were being done there with the Chinese about the snow leopards on the border. The Minister gave me invaluable advice on how to work with the Chinese. I also talked to the Chinese Minister, who was keen to come to the conference to explain what China was doing on its elephant population and on conservation in its jungles. The conference was an extraordinary and hugely successful event and we had three generations of our royal family playing a critical role.

The conference came up with three absolutely key targets. One is the reduction of demand. The conference summary was absolutely clear. It said: “The economic, social, and environmental impacts of the illegal wildlife trade can only be effectively tackled if we eradicate both the demand and supply sides for illegal products wherever in the world this occurs.

To this end, we commit ourselves and call upon the international community to take the following action... Support, and where appropriate undertake, effectively targeted actions to eradicate demand and supply for illegal wildlife products”.

That does not just mean the Chinese and the Vietnamese tackling ivory and rhino horn; that means us. We made a commitment to that in our manifesto, which was touched on by the hon. Member for Bassetlaw (John Mann). Our manifesto stated:

“As hosts of the London Conference on the Illegal Wildlife Trade, we helped secure the adoption of the London Declaration on Illegal Wildlife Trade and will continue to lead the world in stopping the poaching that kills thousands of rhinos, elephants and tigers each year. We will... press for a total ban on ivory sales, and support the Indian Government”. We are clearly committed to the issue.

We were world leaders. We had the world here. All our extraordinary historical links, including our links to the Commonwealth, our good relations with China through Hong Kong and our good relations with the United States, were enormously valuable. What has happened since then? We should think carefully about that. We had that commitment in our manifesto. We were elected, and we got a majority. What has happened? Sadly, I fear that we are losing our leadership. We did not send anyone to the International Union for Conservation of Nature conference in Honolulu. We certainly did not send a Minister. We then had the CITES conference. On the day, the Secretary of State made a welcome announcement that she intended to bring in a ban on post-1947 ivory. I did not understand why the consultation did not start immediately. It was promised early this year. It is now the evening of 6 February, and the consultation has not yet started.

I hear that there might be complications about a fast track. I am very glad that it is not a slow track, because we have not started. I would like the Minister to respond on this, because it is a fundamental point. According to the document I have pulled off, a fast-track consultation can happen where the measure is low cost, which means that the gross cost to business in-year is less than £1 million. The planned consultation on a post-1947 ban may count as fast track. If it is not fast track, or if the ban is extended to earlier years, how much longer will it take, because 23 September was 19 weeks ago last Friday? In that time, we have lost 12,768 elephants. I would like a specific answer to that. If we do not have a fast track, and go for an all-encompassing, near-comprehensive ban, how long will that take? That is fundamental. In public with Lord Hague, I welcomed as a first step the Secretary of State’s announcement of the post-1947 ban. We have written letters, and we have a hundred different conservationists and other people behind us, and what worries me is that we are losing ground.

Several Members have mentioned China. China recently introduced a ban. It is going to stop the use of ivory. I heard late this afternoon from China, verbally, that large companies will be closed in China in the earlier phase before 31 March 2017. That will include state-owned factories and possibly some others. The briefing states:

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“According to SFA Notice No.9 2015, there are 34 designated factories and 130 retail outlets in China that are permitted to legally operate in the manufacture and trade of ivory; representing 89 discreet enterprises in total.”
It looks as if the Chinese plan is that they will be closed, because the notice states, in its first point:

“All the processing and sale of ivory and ivory products will be stopped by December 31, 2017.”

What is fascinating is that the African countries are now looking to China as an example, not us, who held the greatest wildlife conference in 2014. Only two days ago, the Shanghai Daily said:

“The European Union (EU) member states should take a cue from China and ban domestic and overseas trade in ivory products, members of the African Elephant Coalition (AEC) said.

We welcome China’s decisive action to close its ivory market. It is a major breakthrough in the battle to save elephants,’ AEC chairman Patrick Omondi said.

But we need other countries with legal domestic markets to follow suit and are calling on the EU to take advantage of the momentum created by China and shut down their trade in ivory once and for all.”

What is happening in other parts of the world? Hong Kong has recently announced plans to implement a ban within five years. America has a very tight ban. In some states, such as California, the ban is even tighter, yet we have still not begun our consultation.

The hon. Member for South Antrim (Danny Kinahan) and my hon. Friend the Member for Kensington made comments about the antiques trade. I was fascinated, as the hon. Member for South Antrim, to find that the antiques trade was worth £13 billion. I got a note from the British Art Market Federation that total sales in the whole arts and antiques market reached £9 billion in 2014. The ivory trade is a round of drinks. Do not tell me that we are going to bring the antiques trade to its knees if we limit the trade in items containing ivory in a measured and sensible manner. Why do we not go to America and talk to the Americans and the Californians and see how they have done it? They have de minimis specifications. They have a limit of 200 grams, so an ancient piano can be sold and does not have to be destroyed. In many ways, that is what is awful; these wonderful creatures died a tragic death, but at least they live on in piano keys. I would like to see such items allowed to be traded, but under very strict conditions.

Happily for the hon. Member for Wolverhampton South West (Rob Marris), I have got the figures for what carbon dating costs. In September 2016, there was a case in Carlisle Crown court, and the judge sensibly directed that the objects, which were described as “cow bone carvings”, should be carbon dated. I cannot tell the hon. Gentleman how many objects there were, but importers’ records showed 109 tusks in 2014. The ivory trade is a round of drinks. Do not tell me that we are going to bring the antiques trade to its knees if we limit the trade in items containing ivory in a measured and sensible manner. Why do we not go to America and talk to the Americans and the Californians and see how they have done it? They have de minimis specifications. They have a limit of 200 grams, so an ancient piano can be sold and does not have to be destroyed. In many ways, that is what is awful; these wonderful creatures died a tragic death, but at least they live on in piano keys. I would like to see such items allowed to be traded, but under very strict conditions.

I am looking at a near-comprehensive ban. With respect to my near office neighbour, the hon. Member for Bassetlaw, a total ban would not work. A near-comprehensive ban, learning lessons from the States and other countries—it is amazing, but we might be learning lessons from China—is the way forward. It is simply not possible to stop the ivory trade, and it is not possible to maintain the high moral ground and tell other countries what they should be doing if we have not set an example. It is absolutely incredible that we have fallen behind.

Rob Marris: First, I thank the right hon. Gentleman for actually producing some evidence with that £500 figure. He will not be surprised to hear me say this, but it looks like having a certification system at £500 a pop for pre-1947 ivory is the way forward to balance things. He has spoken passionately, and I hope he gets on to this matter. I asked the hon. Member for East Kilbride, Strathaven and Lesmahagow (Dr Cameron) for some evidence that a total ban on the domestic ivory market, which is what the debate is about, will stop or lessen considerably—hopefully to zero—the poaching of elephants. I am not getting a causal connection there, because I am not hearing the evidence.

Mr Paterson: I am grateful to my not-so-distant neighbour for his kind compliments. First, it is easy to cheat, and people in the trade will cheat. Hugh Fearnley-Whittingstall may not be an expert. He is a BBC journalist, and he did a pretty simple test. He bought nine items. Six that were masquerading as pre-1947 were dated as post-1947. We must not underestimate the fact that there is massive cheating.

My hon. Friend the Member for Kensington quoted TRAFFIC. It did a survey in September 2016 of the whole of London’s antique sector. It found ivory items widespread across the city’s antiques markets. The report found that “the UK plays a role in illegal ivory trade, at both import and re-export, but in particular as a transit country, with ivory seizures reported by the UK having increased in recent years.”

It also pointed out how cheating can go on. It mentioned a fascinating case. As a country, we reported exports of only 17 raw tusks, but importers’ records showed 109 tusks originating from the UK. There is no doubt whatever that an illegal trade is going on and that people are cheating. They give cover to other activities in other markets. We simply cannot take the high ground and ask other countries to ban activities, as the Chinese have done, if we have not set an example. Our proposed ban on post-1947 ivory is sadly now inadequate and is being overtaken by countries such as China and India, which have introduced bans.

Rob Marris: I am grateful to the right hon. Gentleman for producing evidence, but he has left me more confused. When I looked at it, I found that the August 2016 report by TRAFFIC, “A Rapid Survey of UK Ivory Markets”, stated that links between the antiques trade and “the current elephant poaching crisis appear tenuous at best.” Of more than 3,000 objects sampled, no new or unworked ivory was found. Only one item from the 1960s came after the 1947 cut-off date for antique ivory. Are we reading different reports?

[Mrs Anne Main in the Chair.]
Mr Paterson: I agree with my hon. Friend. If we had more time, I would talk about the lessons from the wildlife conference, where there was clearly a DFID angle. The three big aims are to reduce demand, improve enforcement—in fairness, lessons from the wildlife conference had a direct impact on operations in northern Kenya the year after—and long-term sustainable economic development. He is absolutely right about that.

To go back to my visit to Kruger, it is near a pretty miserable and poor part of northern Mozambique. It is very easy to spot the rhino horn poaching leaders because they live in smart houses and have smart cars. There is not much economic activity there. When one of these guys gets back over the border with a rhino horn, there is a big celebration. It is absolutely fundamental that we work with Mozambique to bring in sanctions in that country, along with better law enforcement and better judicial arrangements so that there are penalties, which has been done in other countries. We also need to teach them about the value of the animals so that their children and grandchildren will benefit in the long term. The game tourism industry in South Africa and Kenya is advanced and brings in significant income. There is none of that in northern Mozambique, but that is the sort of thing we should be doing.

Rebecca Pow: My right hon. Friend is making an incredibly powerful and impassioned speech. I want to speak up for a project in Samburu in Kenya where they are doing exactly as he describes. We could target more funds that work for the communities to save the habitats and the elephants. We could also focus on carbon dating. If we know products are coming out of those areas, we can isolate them and target the poaching areas that we know are a problem.

Mr Paterson: I am grateful to my hon. Friend for that intervention—I totally agree—which brings me on to the London conference. At the London conference in 2018, we should definitely look at involving DFID and we could ha ve a near-comprehensive ban, which is not quite the same thing. We could also focus on carbon dating and attach value to the animals and at co-operating with the farming activity. The Minister
might have ideas on this. We discussed technology last week with her colleague at the Foreign Office. If the poachers get hold of drones and new technology, it would be catastrophic. We need the very latest technology brought to bear.

Sadly, the lesson from the Kruger was that we had a South African major-general—the head of South African Special Forces was his No. 2. He had been involved in what the South Africans politely call 28 incidents. They had three aeroplanes, two helicopters and 700 well-armed rangers, and they still lost four rhinos the weekend I was there. There is no doubt that better surveillance and better intervention is necessary and should be discussed at the London conference.

Another problem is corruption and money laundering. We have great expertise in this country and a proud record under our previous Chancellor of bearing down on corruption in our own country. There are lessons we can export to other countries when we go to the conference.

Another area of real value is sentencing guidelines. We had better start at home. I would be interested if the Minister talked about that, because Justice Ministers are not keen to lean on our officials who apply sentencing guidelines. In 2015, there was a case involving a tiger parts trader, who was found guilty and got only 12 months’ community service. She was not fined or given the appropriate penalty. I hope the Minister will comment on that. We can take action now and set examples of better law enforcement for other countries. We should use the maximum penalties. That should also be discussed in the London conference. Will the Minister talk about that, given that the consultation has not started?

Sadly, the post-1947 ban has been overtaken by action in other countries, so we have to go for a near-comprehensive ban. It sounds like there could be an agreement that would satisfy the hon. Member for North Shropshire (Mr Paterson) said, tackling the illegal activities in the countries in which poaching takes place is a huge challenge. Are we satisfied that we are doing all we can as a nation to tackle it?
I have to disagree with the hon. Members who spoke in support of the antiques trade. I do not believe that this can be described as a balancing act between the survival of elephants and the continuation of the antiques trade. The trade will carry on without ivory. It will adapt and survive, but elephants will not have that option if we carry on down this road.

There have been a number of speeches today, so I will be brief. I will conclude by naming several animals: the eastern cougar, the western black rhinoceros, the Japanese river otter, the Pinta island tortoise, the Cape Verde giant skink, the Formosan clouded leopard, the Scioi matdom, and the Bermuda saw-wet owl. It is not a particularly long list, but every name on it should serve as a warning to us that we are responsible for our actions—not just to each other, but to all other creatures on the planet. All those animals have been declared extinct in just the past five years. When advances in technology and understanding give us the power to do things that were unimaginable even 10 years ago, it is to our immense shame that there are still one or two extinctions every year. I do not want a list read out in our immense shame that there are still one or two.

It is telling that we are debating this subject again just two months after we had virtually the same debate in this place, but so many people signed the petition that we were driven to have another debate, which has cross-party support. The fact that so many people—including many in Taunton Deane, where, as far as I know, we do not have any elephants—signed the petition shows that there is so much passion for ensuring that these creatures remain alive. The all-party group for animal welfare, which I co-chair, spends much time talking about domestic animals, but we also deal with international animals. Ivory is high on our agenda.

As has been said, something like 30,000 African elephants have been slaughtered in just the past year. There are only 450,000 African elephants left. That figure will be halved in six years. Allowing that to go on around us is a shocking reflection on our society. The death of just one elephant is a death too far—elephants are too valuable. This summer I visited one of those wonderful conservancies in Kenya. Seeing abandoned baby elephants is heartrending because they cannot cope on their own. They do not really grow up and cannot leave their mums until they are about eight years old. That is one small, heartrending angle on the situation.

The ripples caused when only one elephant dies go right across the community and affect the whole habitat. The creatures live in families, but the death has a knock-on effect on the communities, too, which now very much work with the elephants in the conservancies, as we heard from my right hon. Friend the Member for North Shropshire. We might describe that as an economic angle, because tourism is part of the drive to keep the elephants and to look after the wildlife, but it is about maintaining the entire biodiversity and habitat. We are talking not only about killing elephants, but about the big knock-on effect.

The illegal wildlife trade is now the fourth most lucrative transnational crime. It is also a dangerous activity. Poachers bring in increasingly sophisticated weaponry to many areas, as well as a lack of respect for the environment and the communities. The effect is to destabilise those communities. Over the past weekend, there were worrying reports of unrest in some conservation areas in Kenya, namely Laikipia, where some excellent conservation work is carried out to help species to survive, including elephants. Survival in that excellent conservation project is alongside the people. The unrest does not relate directly to poaching, which is not what caused it, but unrest opens the door to the poachers to creep in to kill more elephants.

I asked the director of the Sarara sanctuary at the Namunyak Wildlife Conservation Trust, in Samburu, northern Kenya, about whether poaching was increasing. He stressed the whole-system idea—the multifaceted approach in which conservation works alongside communities so that wildlife may thrive. By creating a potential market for ivory, we are certainly adding one more strain on those areas and projects, destabilising them. I totally support calls for DFID funding to contribute further to such conservation projects, because they will result in help for the elephants.

I welcome the Government’s forthcoming ivory consultation, but I press the Minister to include pre-1947 ivory. To consider only what we describe as “modern day ivory” is to miss the opportunity completely. We all appreciate that Government time, money and resources are exceedingly tight—the Department for Environment, Food and Rural Affairs has many concerns on its table at the moment—but I am concerned that considering a ban only on post-1947 ivory in the consultation is almost a waste of our resources. As has been said, surely we would still soon have to readress the whole issue.

As a nation—this has been much commented on—we should be keeping up with the rest of the world. Normally, we are at the forefront, leading the way on animal welfare. We pride ourselves on that.

Victoria Borwick: My hon. Friend is absolutely right. After all, America has a rolling 100-year plan, China has said that it will again consider exempting antiques when it brings in its arrangements, and France already exempts antiques. As she says, there is a lot of good will about making progress, and the idea of some sort of rolling scheme might be a way forward.

Rebecca Pow: I thank my hon. Friend for her intervention, and I congratulate her, too, on speaking in the debate today, which was exceedingly brave. We understand many of the points made by the antiques trade, and we are not anti it. Antiques are a massive part of our history and I even have had handed down to me some ivory heirlooms—ancient broaches and bracelets. Not for one minute do I think that anyone is suggesting that I should crush them or throw them away. Indeed, I would like to hand them on to my children, because they all have a story. Antiques are part of our nation
[Rebecca Pow]

and our history. We will be thinking about a modern
day ivory ban, however, so we should not miss a huge
opportunity to do more. In the Chamber today we have
heard some sensible ideas. Will the Minister kindly comment
on that 100-year rolling plan?

I was making the point about how we should be
leading the way and continuing our wonderful record
on animal welfare. We need to get to grips with the issue
forthwith. Obviously, we will not solve the problem
overnight, but the tide can start to change. Given the
actions of the Chinese Government, who have expressed
their disappointment with our actions, and the growing
prominence of the CITES treaty, we must not shirk our
responsibilities. As the same time, however, we need to
be clear about the direction that we will take and how
we intend to deal with the situation.

I recognise that on paper we already go further than
the CITES requirements, which only mention banning
post-1990 ivory. I also understand that the use of the
1947 date is in part due to EU regulations. If we ban the
sale of all ivory, enforcers would need a recognised
dividing line. We are large contributors and supporters
of enforcement efforts throughout the world. I applaud
that, as I do the positive moves of the Government
domestically to save the national wildlife crime unit. We
have a good record and so must not be too negative about
it. We need to use our strengths and to move on.

To sum up, I gently remind the Minister, who has a
good heart in such areas, that both the 2010 and 2015
manifestos state that we will press for a total ban on
ivory sales, so to consult only on post-1947 ivory seems
to be shirking our responsibilities somewhat. With many
hon. Friends and other hon. Members, I urge the
Government to get on with the consultation soon, but it
should not unduly affect museums and other places that
hold historic items and heirlooms. There are many good
suggestions of how to deal with the issue, including
those of the World Wide Fund for Nature.

The introduction of a total ban would be welcome
not only for the elephants and by the communities
where the elephants live, but by all those animal lovers
from Taunton Deane and further afield who have signed
the petition. Surely we want an environment that works
for everyone and everything. The Minister has already
done great work with the introduction of a microbeads
ban to protect our marine habitat—a forward move by
the Government—but we need to protect everything,
from our ancient trees to our nematodes in the soils
and, in particular, those gentle giants, the elephants. It
would be a very sad reflection on our society if we are
unable to take that small step for the sake of those
glorious fellow creatures.

6.28 pm

Patrick Grady (Glasgow North) (SNP): It is a pleasure
to serve under your chairmanship, Mrs Main.

I thank the Petitions Committee for bringing the
debate forward and I congratulate the hon. Member for
Thornbury and Yate (Luke Hall) on one of the shorter
speeches so far, which nevertheless comprehensively
introduced the topic. These Monday evening e-petition
debates often have a box office quality about them and
clearly attract the interest of our constituents and the
public, so I wonder, as a member of the Procedure
Committee, whether we should look at ways to get some
debates on the more important and well-subscribed issues
into the main Chamber, as well as here in Westminster Hall.

One hundred and twenty-seven of my constituents
signed the petition that we are discussing today, and
several of them made a point of requesting that I
participate in the debate. I was keen to do so in any
event, because I wish to focus on DFID funding, which
has been mentioned a number of times already, and the
global impact of the ivory trade, which the petition
mentions specifically.

I want to pick up on one thing first. The hon.
Member for Hertsmere (Oliver Dowden), who is no
longer in his place, made a rather obtuse intervention
about climate change. I am not entirely sure what he
was getting at. To try to pretend that these issues are not
interrelated is to misunderstand the situation. Climate
change was described by Lord Stern as the “biggest
market failure” of modern history, and it affects elephant
populations just as much as human populations—in
fact, perhaps doubly so, because people may well be
driven to poach elephants if they cannot find sustainable
livelihoods for themselves. If, because of climate change,
people are displaced from their land or cannot grow
grains to feed themselves and their families, they may
look for other means of generating an income. To
pretend that the debate about tackling climate change
and the debate about protecting biodiversity and elephant
populations are mutually exclusive is to misunderstand
the nature of the debate as a whole.

The main conversation has been about the importance
of a ban on the domestic ivory trade and how that will
affect the broader illegal trade around the world, prevent
money laundering, and so on. As other Members have
said, we have to tackle both supply and demand. We
can play a role in developing countries by using the
expertise that we have here in the United Kingdom. The
Government of course have a responsibility here; sustainable
development goal 15 commits all the parties that are
signed up to it to protect ecosystems and halt biodiversity
loss, so there is a global agenda in play even as we
discuss the domestic market. As I said, one of the best
ways of doing that is to ensure that poaching is not the
most lucrative option for people who live in otherwise
pretty desperate and poor circumstances. We should
support that help people to diversify their incomes,
pursue genuine economic development and education
opportunities, and all the rest of it, ought to be welcomed.

There has been some discussion about DFID funding,
and I think that has been conflated a little with aid. The
0.7% budget is welcome, and I hope that the Minister
will restate this Government’s commitment to that in
this and future spending rounds, as other Ministers
have when I pressed them to. Although I would like as
much of that money as possible to be spent by DFID, if
the Government insist on spending some of it through
other Departments, tackling the ivory trade seems a
pretty worthwhile use of that additional or alternative
spending. It is certainly a much better alternative to
some of the securitisation that we have seen and some
of the commercial investments that have been discussed
elsewhere. I note that an initiative to tackle poaching
already exists in Malawi. That was announced at the
various conferences that we have heard about, and the
UK Army is involved in it. It would be interesting to
know whether that will be classified as overseas development
assistance.
Some aid money and UK expertise have been used in counter-terrorism initiatives. I wonder whether some of the approaches that have been used to disrupt Daesh and other terrorists— tackles on cyber-communications, shutting down illegal bank accounts and so on—could be used to disrupt poachers and traders in the illegal wildlife and ivory trades, who use many of the same techniques. Perhaps that expertise can be used to take forward some of these goals, too. The hon. Member for Ynys Môn (Albert Owen) made a point about the conditionality that is sometimes attached to aid, and that is also worth considering, especially if money goes to Governments rather than international development organisations.

Finally, there has been discussion about the antiquities and antiques markets. It is important to draw a distinction between antiques and antiquities. I do not think anyone suggests that incredibly valuable and historic pieces such as the Lewis chessmen should be covered by a ban. Most of those things are priceless and will not be traded or sold in any meaningful way. We welcome the fact that the British Museum has permanently loaned the chessmen back to an exhibition in Lewis and the Western Isles. That is where the distinction between a total ban and a near-total ban comes in. It is important to learn lessons from other parts of the world— particularly the United States. The idea of defining an antique as something that is more than 100 years old, which would mean that the date changed year on year, is well worth exploring.

The UK Government ought to consult as widely and as soon as possible. They must explore all options, ensure that all the lobby groups and everyone who has provided briefings have their views heard, and take the best advice possible.

Another reason for preserving antiques and antiquities is that our interpretation of them may change over time. Intricate and beautiful works of art may have been created in a time of ignorance or less understanding about the damage that was being done to the planet. We should remember that, which may help us get to the point where it is perhaps not the elephant itself but the successful campaign to save the elephant that is legendary.

6.35 pm

Rachael Maskell (York Central) (Lab/Co-op): It is a pleasure to serve under your chairmanship again in a debate about the domestic ivory trade, Mrs Main. I thank Ellen Cobb for creating the petition, and the organisations that have done amazing work; they have campaigned and raised awareness. It is through that awareness that we become more responsible for our actions here. I want to put on the record my thanks to them.

We ha ve seen how fast China has moved. A vaster, much more complex country than ours is talking about putting a stop to the process in just three months and putting a full ban in place in 12 months, so there is no reason why we have to spend months in consultation or

Dr Cameron: Will the hon. Lady join me in congratulating Stop Ivory, which I meant to mention in my speech? It has really put this issue on the agenda and at the core of what it does, and ensured that public support is targeted and the campaign moves from strength to strength.

Rachael Maskell: Absolutely, Stop Ivory has done a wonderful job, as have the International Fund for Animal Welfare, the WWF, Tusk and Save the Elephants. There are so many organisations out there—I would not want to draw out one in particular—all working together, I hasten to say, because they have one objective. I think we can see that right across the House we share an objective with them to move forward on the ban.

As we have heard, what we are talking about is getting on top of criminal activity. Surely the Government’s first focus should be to get on top of what is happening, which is happening in conjunction with other criminal gangs, drug rackets and sales of arms. We know that there is an interconnection, and it is so important that we get on top of that criminal activity. A full ban is one way of bringing an end to those gangsters’ deplorable activity. From the statistics we have heard so many times in this place, we know that 200 to 300 tonnes of ivory are being stolen from elephants. That is bringing in £10 billion to £20 billion of blood money. Therefore, shamefully, we are complicit with that agenda if we are not doing absolutely everything in our power to stop the trade.

I want to come on to the consultation, which we have not seen yet, and the date of 1947. We were promised it at the last debate, but another two months have passed and we still do not have it. I know that DEFRA has so much on its agenda at the moment, not least dealing with the EU, but elephants cannot wait for those distractions. We need to put our foot on the accelerator. Let us move on today. Let us resolve in this place to move on and fast-track our approach in taking this forward.

We have seen how fast China has moved. A wider, much more complex country than ours is talking about putting a stop to the process in just three months and putting a full ban in place in 12 months, so there is no reason why we have to spend months in consultation or
[Rachael Maskell]

thinking about consultations and what questions to ask. Let us just be honest and straight, and let us just move on. I therefore ask the Minister: why the delay on such an important issue? Can we not just get on with bringing in the ban? She will not find opposition across the House or across the country—in fact, people will get behind her. I therefore urge her to move on with that.

I want to look at the date of 1947. I believe I said in the previous debate that it is a rather arbitrary date, so why are we so rigid on that? Why do we not move forward? We have heard about the US and its 100-year rolling programme, which is perhaps one approach that could be taken, but why do we not move to a total ban? We have heard questions such as, “How can you tell what year it was bought?” Carbon dating is one way of doing that, but again I ask the Minister a question she did not manage to answer the previous time I challenged her on this point: can we tell the difference between ivory from 1946 and 1947 or from 1947 and 1948?

Where the margins are so fine, why do we complicate things by drawing false demarcations rather than moving forward to a total ban? As we have heard, the human eye cannot necessarily spot the difference, as pieces of ivory are made to look more antique. We also know that paperwork can be forged. It is therefore important that we do not draw arbitrary lines and then try to justify it around the edges. We must have the courage of our convictions to say, “This is wrong,” and to move on from that.

Victoria Borwick: The hon. Lady is right about the difficulty of those details when something is made entirely of ivory. Of course, ivory often forms part of something else. Therefore, we often date, for example, a clock, a piece of furniture with an inlay or another decorative object on the other items. For example, it is easy to date ivory that appears in a silver teapot where it acts as the handle or an insulator. Although this debate is all about ivory—one of the reasons the date was chosen was because it is pre-convention—where ivory appears in something else, the date of the ivory can be assessed from the rest of the item.

Rachael Maskell: The hon. Lady knows so much about this subject matter—[ Interruption. ] She denies it. There may be other contributing factors, so that still does not necessarily date the actual ivory, and that is the subject for today’s debate. We have to move on from trying to draw arbitrary lines and making judgments, either with the human eye or with carbon dating—we have had contributions about the costing of that—and say, “Why make things so complicated, when out there across the country and in this House we want a total ban?” Let us move on from that debate. Let us be really pragmatic and bring in the total ban.

Rob Marris: My hon. Friend is making a powerful case. I am trying to be pragmatic. I keep pressing for the evidence. I have to say to her, with all due respect, that she is assuming what she is trying to prove, and I do not accept that as a legislator. She assumes that a total ban will save elephants. Can she give me evidence for that?

Rachael Maskell: If my hon. Friend will hold on for now, I will move on with my speech. I will pick up those issues. The problem is, as we argue and debate in here, the gangsters out there are laughing at us, as they are still making their millions on the back of dead elephants. To be seen to take leadership on this issue and to control the agenda, it is important that we move forward and see that total ban. We know that the Government promised that in their manifesto, and I have made it clear that Labour would also bring in a total ivory ban, so let us move forward on this today.

The clock continues to tick. We keep debating this issue, and I dare say that if movement is not made in the Minister’s contribution today, we will be back here again and again, and at question times, continually saying, “Let’s move forward, because there is a majority view of how we take this forward.” We cannot go back to the CITES conference or to Hanoi in 2016, or look back to what China has said. We are in 2017 and we have now got our opportunity to make our mark. I therefore urge the Minister to do that, because in 2018 I do not want the UK to be on the world stage as apologists. I want to ensure that we are proud of what we have achieved to save the elephant.

I want to pick up the point that this is not just about a total ban; there has to be a wider strategy built around that. That is right, and that goes to the point made by my hon. Friend the Member for Wolverhampton South West (Rob Marris). We have to make sure that we move forward. We have heard about the work that the Ministry of Defence is doing: the 1st Division is out there, training up people in the parks to ensure they have better security. That is part of the strategy and, as we have heard, education from the NGOs is absolutely vital, so that this generation and the next understand what is at stake.

We also need to think about what is happening with antiques, as we have heard debated today. I want to pick up the point strongly argued by the hon. Members for South Antrim (Danny Kinahan) and for Kensington (Victoria Borwick). I will take issue once again with calling them beautiful works of art. I am sorry, they are not. The reality is that animals have died for their production. We need to be honest about what we are dealing with. The problem is, every time these objects are glorified, value is added on to them and on to ivory. We want to see the value taken out of ivory. We do not want these items displayed as glorious parts of our heritage. It is a shameful part of our history, and we should name it as that and realise what we did in leading the world in those trades. We need to move on in the way in which we look at these pieces and name them for what they are.

Why have them on display? The Minister made an important point in the previous debate when she said that perhaps we could take them off the shelves of our museums. Perhaps that is the right way forward. I thought that was a progressive point, because that is a way of taking the value out of these items. That would be a first step in saying that they do not hold the value we have placed on them, and that would be a step forward.

Tim Loughton (East Worthing and Shoreham) (Con): I apologise for not being able to attend the debate from the beginning, Mrs Main. I entirely endorse all that the hon. Lady says about the need to clamp down on the criminals who are now killing a precious species, but what she is saying is fundamentally wrong. The value
in the ivory products that came from the tomb of Tutankhamun or the royal graves at Ur, or exquisite pieces of Louis XVI furniture, is not in the ivory but in the workmanship and historic context in which they were produced. Given what she says, why, by the same token, does she not call for a ban in the trade in jewels produced from blood diamond activity—the result of the deaths of thousands of human beings, and not just elephants? How is it that we would save a single elephant by not having the 1947 cut-off?

Rachael Maskell: I absolutely agree. Blood stones—the fact that we have put our ideas of worth above the natural value of our fellow human beings and animals: that is wrong. The hon. Gentleman missed that very point, about the value we put on antiques versus the value of animals that will not be with us much longer, being made earlier in the debate. That is why it is vital to move on. We will mourn, on the day when elephants no longer roam the savannahs of Africa. We are now at the point when we cannot say that our values—our greed and the fact that we want those objects—are more important than saving elephants. It is important to move on and pick up the pace, rather than delaying and dragging our feet. We must put something in place now—including introducing tougher sentencing, as mentioned earlier. That is an important part of a wider package, as is getting on top of the cyber trade, and making sure that there is infrastructure for policing the elephants’ habitat.

We are dealing with organised criminality and we need to do so with the severity it deserves. Therefore let us move on. The Minister has an opportunity not to drag us forward slowly, following other countries, but to move on. The Minister has an opportunity not to move on and pick up the pace, rather than delaying and dragging our feet. We must put something in place now—including introducing tougher sentencing, as mentioned earlier. That is an important part of a wider package, as is getting on top of the cyber trade, and making sure that there is infrastructure for policing the elephants’ habitat.

We are dealing with organised criminality and we need to do so with the severity it deserves. Therefore let us move on. The Minister has an opportunity not to drag us forward slowly, following other countries, but to take leadership on the issue again and issue a total ban on ivory. That will make ivory pieces worthless—in the ivory products that came from the tomb of Tutankhamun or the royal graves at Ur, or exquisite pieces of Louis XVI furniture, is not in the ivory but in the workmanship and historic context in which they were produced. Given what she says, why, by the same token, does she not call for a ban in the trade in jewels produced from blood diamond activity—the result of the deaths of thousands of human beings, and not just elephants? How is it that we would save a single elephant by not having the 1947 cut-off?

Mrs Anne Main (in the Chair): Order. Can hon. Members keep interventions brief? We are nearing the end of the debate.

Rachael Maskell: I absolutely agree. Blood stones—the fact that we have put our ideas of worth above the natural value of our fellow human beings and animals: that is wrong. The hon. Gentleman missed that very point, about the value we put on antiques versus the value of animals that will not be with us much longer, being made earlier in the debate. That is why it is vital to move on. We will mourn, on the day when elephants no longer roam the savannahs of Africa. We are now at the point when we cannot say that our values—our greed and the fact that we want those objects—are more important than saving elephants. It is important to move on and pick up the pace, rather than delaying and dragging our feet. We must put something in place now—including introducing tougher sentencing, as mentioned earlier. That is an important part of a wider package, as is getting on top of the cyber trade, and making sure that there is infrastructure for policing the elephants’ habitat.

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The history of the ivory trade is too long and too bloody. Investigations by National Geographic uncovered the fact that elephant ivory is now a key source of funding for armed groups in central Africa such as the Lord’s Resistance Army. National Geographic commissioned the creation of artificial tusks with hidden GPS trackers, which were planted in the smuggling supply chain, starting in the Central African Republic. They averaged 16 miles a day, crossing the border into South Sudan. The price of ivory can rise tenfold as it moves through the supply chain. For a pound of ivory, middlemen in the bush pay poachers anything from $66 to $397. As tusks reach Asian markets their value skyrockets and they are used for carving in art and jewellery.

The savannah elephant has declined by 30% between 2007 and 2014, largely owing to poaching: 144,000 elephants have been lost—about 96 a day. Even in protected areas, such as parks, a huge number of carcasses is reported. Embattled park rangers are often the only defence for wildlife and villagers. Increasingly, park rangers speak of being there to protect not just the land and animals but the people who live around the park. Worryingly, studies have shown that more than 90% of ivory in large shipments seized between 2002 and 2014 came from elephants that died less than three years before. That demonstrates that it is not taking long at all for illegal ivory to make it to the marketplace, which testifies to the fact that there is a large network for moving ivory across Africa and out of the continent.

What we need, to stop that horrific practice, is international co-operation. We need it as soon as possible if elephants are to survive as a species. That is how urgent the matter has become. All countries around the world need to introduce a complete ban on the international and domestic ivory trade. As has been said, there was a pledge to do that in the Conservative party’s manifesto, but so far the Government have not acted.

I want to take issue with some things that have been said in the debate, which I and I am sure others listening to it found bewildering, if not chilling. To suggest that a ban on ivory puts us on the same page as the religious fundamentalists who destroyed Palmyra is not only absurd but a little hysterical. The hon. Member for South Antrim (Danny Kinahan) said that that was so. I found it quite distressing when he talked about antiques—trinkets with pretty gold tops. Religious fundamentalists destroyed Palmyra deliberately, but a ban on ivory will not destroy trinkets or important historical pieces. Banning trade in ivory does not mean we lose our history; it means we remove the conditions in which the ivory trade thrives and continues.
The hon. Member for Kensington (Victoria Borwick), to whom I pay tribute for attending and speaking so well while suffering from a malady, spoke about the beautiful historic ivory objects in churches and museums, but I am not convinced that banning the trade in ivory threatens their beauty or intrinsic historical value. It seems from the answer she gave me that if historic artefacts cannot be valued in pounds, shillings and pence, they have no value at all in the eyes of the world. I find that extremely depressing.

I believe passionately that as long as there is an ivory trade of any kind, the illegal ivory trade will continue. We have already heard about the difficulty and the prohibitive cost involved in trying to date an ivory product.

Mrs Anne Main (in the Chair): Order. May I ask the hon. Lady to bring her remarks to a close, as I want to call the Front-Bench speakers at 7.

Patricia Gibson: Perhaps I may just address my remarks to the hon. Member for Wolverhampton South West (Rob Marris), who spent most of the debate trying to get an answer to a specific question about the relationship between a total ban on ivory trading and poaching. If we can get a total international ban, it will make ivory much more difficult to sell. The more difficult it is to sell, the fewer buyers there will be. That will reduce the price of ivory, because there is no one to sell it to.

We need to push for a total ban. Time is running out. The United Kingdom could do something good here. It could lead in this battle and use its international influence. I urge the Minister to tell us what plans she has in that direction.

7 pm

Dr Paul Monaghan (Caithness, Sutherland and Easter Ross) (SNP): I am grateful for this opportunity to debate the crucial issue of protecting our planet’s wildlife. As we have heard, the magnificent African elephant is at grave and immediate risk from slaughter by poachers for its ivory tusks.

I suspect that many people watching this debate at home, including my constituents, will be wondering why we are debating the plight of elephants again today. Indeed, the many people who signed the petition are, I suspect, bemused that Parliament is again debating a subject that all right-minded people consider incontestable. Many agree that it is incontestable because they are familiar with the plight of the African elephant: they have seen how they are ruthlessly killed and slaughtered; how poachers use axes and even chainsaws to hack into the elephants’ faces to access their tusks; and how all of that is done in front of their young, without a second thought as to the horrific impact on their psychology.

We know that elephants are intelligent, social animals with complex social structures, subtle systems of learning and sophisticated communication, but we are only beginning to recognise the true impact of this slaughter and how it is endangering the species and the ecosystem within which these animals live. Sadly, we are having this debate because the UK Government are contributing to the conditions that encourage the slaughter of these animals and have failed to deliver the promises made in the Conservative party election manifestos of both 2010 and 2015, for which many people voted.

In September 2015, the then US President Obama and China’s President Jinping together pledged to enact near-complete bans on the import and export of ivory. They are to be commended for their pledge, which they upheld. In June 2016 the US Government introduced new regulations to ban the trade in ivory, and at the end of 2016, China announced that it too would introduce a ban on all ivory trade and processing activities by the end of 2017. India, Hong Kong and France, along with almost all African countries, have also introduced bans on ivory trading. In contrast with the United States, China, Hong Kong, India, France and many African nations, the UK Government have failed to act. As my hon. Friend the Member for North Ayrshire and Arran (Patricia Gibson) noted, that is regrettable.

Despite the Conservative party manifesto of 2010 noting, “To give wildlife greater protection, we will… press for a total ban on ivory sales and the destruction of existing stockpiles” and the 2015 manifesto then explaining, under the heading “We will tackle international wildlife trade”, “We will… press for a total ban on ivory sales, and support the Indian Government in its efforts to protect the Asian elephant” the UK Government have done almost nothing. It is largely because the UK Government failed to deliver on their manifesto commitments that e-petition 165905 was signed by more than 107,000 right-minded members of the public. Many will be watching this debate today, and I congratulate and thank each of them for creating this opportunity. In fact, 8% of the public think that buying and selling ivory in the UK should be banned outright.

The e-petition rightly notes that 30,000 African elephants are slaughtered every year just for their tusks. Despite the promises that have been made, the UK Government have still not outlawed the trade. From 2009 to 2014, 40% of UK customs seizures were ivory items, and yet that evidence of an horrific trade has not been sufficient for the UK Government to implement promised action to ban the trade in ivory and fully commit to outlawing the markets that fuel the wasteful slaughter of elephants. As my hon. Friend the Member for East Kilbride, Strathaven and Lesmahagow (Dr Cameron) noted, there are only around 450,000 African elephants left in the world. In another six years, there will be half that number. I wonder how far numbers have to fall before the UK Government finally start taking the action promised more than seven years ago to outlaw a trade that is placing elephants at risk of extinction.

The UK has a thriving, growing domestic ivory market. Ivory is widely available for sale, subject only to some licensing restrictions on post-1947 ivory. Independent reports have found that the UK market plays a critical role in encouraging illegal wildlife trade, provides a hiding place for the trade in illegal products manufactured from post-1947 ivory and is seriously undermining international efforts to close down a hideously destructive trade. The UK Government’s failure to act is simply inexcusable.

The UK Government’s inaction is all the more shaming because while other countries are implementing bans, the UK Government announced plans as recently as 21 September 2016 to permit trade in ornaments and
works of art dating to before 1947 by classifying the ivory as antique. More welcome was the announced intention to ban the sale of worked ivory produced after 1947, but disappointingly that remains just an intention. DEFRA, we understand, now plans to consult with environmental groups, industry—whatever that might be—and other relevant parties to establish how and when such a ban could be introduced and necessary exemptions early in 2017. When exactly will that happen, Minister? Sadly, despite the manifesto commitments of 2010 and 2015, that consultation has not happened and the UK Government are procrastinating.

An immediate and total ban is desperately required. We must be absolutely clear that the UK market in ivory is connected to the illegal market in post-1947 or modern ivory. The UK Government should be leading action to completely close down the domestic market with immediate effect for both pre and post-1947 ivory. The UK Government’s current proposal to ban sales of post-1947 ivory does not go far enough. Focusing on so-called modern ivory will not significantly reduce the amount of ivory bought and sold in the UK and will do little to stop the illegal wildlife trade across the world. It will, in fact, continue to encourage the slaughter of African elephants and to offer a hiding place for trade in products manufactured from ivory taken from slaughtered animals.

The UK Government’s failure to act is damaging international momentum and undermining the actions taken by other countries. We need effective action on a range of fronts, just as my hon. Friend the Member for Glasgow North (Patrick Grady) explained. The people who signed this e-petition want the UK Government to stop procrastinating and begin acting. The people want the UK Government to join the global effort under way to end the ivory trade and to close down the UK’s ivory market. Our constituents are not interested in excuses, in another round of consultations or in spin. They are interested in protecting one of our planet’s most extraordinary animals. They want to know that the Government will honour their manifesto promises and start to protect these priceless animals. I urge the Minister: for goodness’ sake, get on with the task.

7.8 pm

Mary Glindon (North Tyneside) (Lab): It is a pleasure to serve under your chairmanship in this important debate, Mrs Main. I thank the members of the public who signed the petition and the Petitions Committee for securing this debate. Our thanks must also go to all the organisations, some of which have been mentioned, that are supporting this cause and working to protect elephants and other wildlife in this country and across the world. The hon. Member for Thornbury and Yate (Luke Hall), on behalf of the Petitions Committee, made a very clear case for why the Government need to support the ban set out in the petition. I thank him for that. I commend those who have taken part in the debate, especially my hon. Friend the Members for Bassetlaw (John Mann), for Ellesmere Port and Neston (Justin Madders) and for York Central (Rachael Maskell). They all made an excellent case for ensuring the survival of elephants and, most importantly, why the weight of responsibility is on us here and now.

Throughout the debate, we have heard from hon. Members how the UK, and indeed the EU, must match the action to stop the terrible ivory trade that the US, France, Hong Kong and recently China, the largest global market of all, have taken. The evidence of support for immediate similar action in the UK is clear from the number of people supporting this petition and from opinion polls showing that 85% of the British public want an ivory trade ban.

The main motivation for the UK Government should be the slaughter of elephants by poachers who feed these markets. The Government must recognise that an overwhelming majority of African countries actively campaign to close down ivory markets everywhere. The Government should listen to the African nations who share their lands with the elephant herds and not to the voices of the antique traders, the big game hunters or those who still sit on stored ivory as bullion.

The Government would do well to take notice of Botswana, the largest elephant range state. It is home to 130,000 elephants, almost a third of the total African elephant population. Botswana is a Commonwealth country, a parliamentary democracy and a long-standing friend of our country. Last year, it changed its policy and is now committed to 100% protection of its elephants, which have proved to be a sure asset for the tourist trade there. Botswana’s Environment Minister, Tshekedi Khama, spoke passionately at last year’s CITES conference in favour of appendix 1 status for elephants within his country’s borders, but he was ignored by the EU and the UK Government, who used their block vote to veto it. I have been told that many UK attendees at that conference felt a true sense of shame at this outcome.

Mr Khama and his brother, the President, remain absolutely committed to conservation and to Botswana’s role as a safe haven for migrating elephants under threat in neighbouring countries. Sadly, our Government have shown little commitment to supporting these efforts. Consultation documents, which are overdue and address only a fraction of the ivory trading problem, are certainly not seen as the way forward by Botswana.

Tanzania has also changed its policy on the ivory trade, freezing its stockpile, and trying to address the serious poaching threat that has decimated its elephants in recent years. Last month, the former President, Benjamin Mkapa, called on all nations to ban trade in elephant ivory. He said:

“We need to work together to stop this, our fellows must ban the importation and uses of elephant tusks, this means there will be no market for tusks and nobody will kill elephants.”

His words are clear, and our response as a friendly country should be to close our own ivory markets, not fiddle at the margins with one category of post-1947 modern ivory.

In East Africa, we already have the inspiring example set by Kenya. For many years, that country has led African calls to ban the ivory trade, anticipating the appalling escalation of poaching. Last year, its President publicly destroyed his country’s ivory stockpile of more than 100 tonnes with huge pyres in the Nairobi national park. The action was endorsed by both France and the US, but not by the UK. That is another broken promise by the Government, who advocated the destruction of ivory stockpiles in their 2010 manifesto.

Kenya went on to press successfully for additional international action to protect elephants at the International Union for Conservation of Nature and CITES conferences in September and October 2016. Although CITES appendix I status was blocked by the UK and other EU countries,
those conferences passed resolutions calling for the closure of domestic ivory markets throughout the world. The resolutions are clear. They do not exempt antiques, but make a link between the existence of markets and the illegal killing of and trade in elephants. Again, the UK’s role is weak and ambiguous. We must remember that the EU is the single biggest exporter of ivory and ivory products according to the CITES trade database.

There was a dramatic increase in the number of both raw and worked ivory items exported from the EU in the last two years for which data are available.

At the IUCN conference, many EU countries, including France, Italy and Spain, voted to support the unequivocal call to close domestic markets. Some others abstained but, shamefully, the record shows that the UK abstained by proxy. We sent a postal vote to abstain on the fate of elephants being poached at the rate of four every hour. The sound of the UK dragging its feet in this debate may resonate around the world, as well as in this Chamber.

Only last week, Patrick Omondi, the Kenyan CITES chief and chairman of the African Elephant Coalition of 29 African countries said:

“The CITES recommendation to close domestic ivory markets was a breakthrough. But it will be meaningless if countries ignore it. The EU and its Member States have an opportunity to realign themselves with France, which recently issued strict regulations, and work with China to implement the CITES recommendation. One thing is certain: business as usual is not an option if we want to save elephants for future generations.”

I call on the Minister again, as I did in the debate in December 2016, to step up to the plate and to keep her party’s promise to ban ivory trading altogether in the UK. As my hon. Friend the Member for York Central said in that debate, Labour would support the legal steps needed to implement the ban. We must act before it is too late for the elephants. I urge the Minister to act now, to forget exemptions, to support the petition and to heed the appeal of the 29 member countries of the African Elephant Coalition.

With the European Commission due to issue new guidance on the ivory trade within and exports from the EU, following its CITES management authority’s meeting tomorrow, will the Minister take the opportunity to press for new regulations in Brussels? How can we afford to see these intelligent, beautiful giants of the Earth disappear because our generation failed to save them from extinction?

7.17 pm

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Dr Thérèse Coffey): It is a pleasure to serve under your chairmanship, Mrs Main. As has been pointed out, we last debated this matter in Westminster Hall on 8 December 2016 and since then a further 30,000 people have signed this petition created by Ellen Cobb and chosen for debate by the Petitions Committee. I thank my hon. Friend the Member for Thornbury and Yate (Luke Hall) for opening the debate and I am pleased to have the opportunity to respond.

It is clear that all of us here are united in our goal to stop the poaching of elephants that are being slaughtered for their ivory. Elephant numbers in most African states have seriously declined over the last decade. The brutal actions of criminals are endangering the survival of one of the world’s iconic species. That is why the Government are already taking action to end poaching, involving proposals for legislative action, which I hope will be consulted on very soon. We are working in the international community to provide global leadership to reduce the demand for ivory and direct action on enforcement, tackling the issue at source and through illegal wildlife trade channels.

Illegal wildlife trade is a global issue that can be effectively tackled only with co-ordinated international action. The UK’s rules on ivory have their basis in the international CITES agreements, implemented via EU legislation, although UK rules are already stronger than required by CITES and the EU. We do not permit exports of any ivory tusks given the obvious potential for such international trade to be used to bring illegal, recently poached ivory tusks on to the market. We expect shortly to publish our consultation and a call for evidence on proposals to extend a ban on the domestic sale of ivory and the enforcement of such a ban. I like to think that the House will see then that our initial proposals will be among the toughest in the world.

I recognise that many people want the UK to take an even stronger stance on the ivory trade and, as the petitioners demand, that there be no trade at all in ivory. Let me reassure the House that the Government are open to views on the matter. That is why the consultation will include an open question on this, with a call for views and evidence. I am regularly informed, and have been in this debate, that other nations have banned trade, so why have we not yet done so? I think that it would be helpful to set out to the House what is happening around the world.

The US has introduced what has been described as a near-total ban. The US Government can act only at federal level, and their ban covers trade internationally and between states, although it does not affect trade within states. The ban prohibits trade in ivory items that are under 100 years old and continues to allow the trade...

Rob Marris: The hon. Member for North Ayrshire and Arran (Patricia Gibson) aid that while legal ivory trade in pre-1947 items continues, there will be an illegal ivory trade. That is true, but it is not the right question. The question is—perhaps the Minister can help with this—what is the evidence that if there is no legal ivory trade of pre-1947 items, there will be no illegal trade?

Dr Thérèse Coffey: I understand the argument that people have made about any market at all, and many of the examples cited today still allow a market in ivory. It will be important, in the call for evidence, for people to come forward and demonstrate that point, for the reasons I hope to set out.

Last September, my right hon. Friend the Secretary of State announced plans for a ban on the sale of worked ivory that is less than 70 years old—from 1947 onwards. That demarcation is used across Europe and was chosen because it was 50 years before the EU wildlife trade regulations came into force to regulate trade and protect endangered wildlife. By using that date for their proposed ban on the sale of ivory, the Government are on solid legal ground to bring a near-total ban into effect quickly. For control and enforcement, there are advantages in working with a date already used by the trade and the rest of the EU to draw a dividing line.

I recognise that many people want the UK to take an even stronger stance on the ivory trade and, as the petitioners demand, that there be no trade at all in ivory. Let me reassure the House that the Government are open to views on the matter. That is why the consultation will include an open question on this, with a call for views and evidence. I am regularly informed, and have been in this debate, that other nations have banned trade, so why have we not yet done so? I think that it would be helpful to set out to the House what is happening around the world.

The US has introduced what has been described as a near-total ban. The US Government can act only...
in pieces older than 100 years, as that is the US’s legal definition of an antique. The federal ban also provides for a range of exemptions, including musical instruments and items that contain a small amount of ivory. Four states have so far chosen to apply similar controls within their state. Those restrictions do not seem to apply to establishments for educational or scientific research purposes, which includes museums. My right hon. Friend the Member for North Shropshire (Mr Paterson) referred to action by California, but he will recognise that trade continues.

Mr Owen Paterson: Will the Minister give way?

Dr Coffey: I am really sorry, but my right hon. Friend spoke for nearly half an hour and I have limited time to reply.

Last year, France made the bold announcement that it would permit trade in pre-1975 ivory only on a case-by-case basis, but since then it has consulted on the scope of its ban and is now considering exemptions for pre-1947 items and musical instruments. We look forward to hearing the final outcome of its consultation.

We welcome the announcement by the Chinese Government of their intention to close China’s domestic ivory market by the end of 2017. Again, we look forward to hearing more details of their intentions for the ban, including what the exemption allowing the auction of ivory “relics” will cover. However, the welcome closure of the carving factories this year will be a huge step in stopping the creation of new worked ivory artefacts.

Hong Kong was mentioned. The Hong Kong Government announced plans to phase out the domestic ivory trade, but it is my understanding that, again, there will be an exemption for antiques, which has still to be defined. Domestic sale will be allowed with a licence.

I have met groups on all sides of the debate, from conservation experts to antiques sector representatives, and will continue to do so. It matters that when considering the final outcome of the consultation, including the calls to go further, we know that there is a strong likelihood of legal challenge and so we would require further understanding of the impact on individuals, businesses and cultural institutions that own these items and the interaction with the conservation of elephants today. As has been pointed out, ivory is found in works from the art deco period and in musical instruments, often forming a small proportion of the item. The kind of assessment that we would have to consider would include how prohibiting the sale of a 17th-century ivory carving of the flagellation of Christ prevented the poaching of elephants today.

I note what the hon. Member for Bassetlaw said on a total ban, as indeed have other hon. Members, and what he said on museums. I am not sure whether he would go further and seek the destruction of ivory pieces, including the throne given to Queen Victoria—I am not sure whether he wants to go that far. However, I stand by the comments that I made previously about display, and I was referring particularly to the display of raw tusks, which still happens.

John Mann: The Minister could find out my views if she could tell us when the consultation will take place. On 8 December, we were told “shortly”. She has just said “shortly” again.

Dr Coffey: It is still shortly.

John Mann: We want to know when—

Mrs Anne Main (in the Chair): Order.

Dr Coffey: It is still shortly, and I really hope it will be as soon as possible.

With regard to the reference to CITES and appendices I and II, I think that I answered this in the December debate. CITES relies on scientific evidence. There is no differentiation between appendices I and II, in terms of the extinction rating in the relevant countries. There was reliable intelligence that if what was proposed went through, reservations would be applied by certain countries, thus destroying the ban by CITES.

Laws are only as effective as our action to enforce them, and the House should be proud of its record and global leadership. Enforcement at the UK border is led by Border Force, which makes ivory one of its top priorities. That is reflected by ivory seizures accounting for 40% of seized wildlife products between 2009 and 2014. One seizure alone in 2015—that was referred to—equated to more ivory than was found in the previous 10 years put together. It was more than 100 kg of tusks, beads and bangles that was en route from Angola to Germany and it was detected here in the UK. Enforcement within the UK is supported by the specialist national wildlife crime unit, which provides intelligence, analysis and specialist assistance to individual police forces and other law enforcement agencies. DEFRA has recently provided additional funding to the unit to help it to crack down on illegal trade via the internet—a growing concern.

The UK also shares its wealth of wildlife crime expertise internationally, including in a recent project providing training to customs, police, corruption specialists and parks authorities in Malawi. That has resulted in increased arrests, convictions and custodial sentences for wildlife offences. Initiatives such as those provide a real deterrent to the perpetrators of wildlife smuggling.

Rachael Maskell: Will the Minister give way?

Dr Coffey: I have little time. The UK is working with Interpol to expand its work with key nations, tracking and intercepting illegal shipments of ivory, rhino horn and other illegal wildlife products. Initiatives such as those will make a real impact on the illegal ivory trade by disrupting trafficking routes. Reference was made to sentencing guidelines. It just so happens that I am meeting the Under-Secretary of State for Justice, my hon. Friend the Member for East Surrey (Mr Gyimah), tomorrow to discuss this matter in more detail.

The driver for poaching is the lucrative profits that can be made in trafficking ivory, which is driven by the demand for ivory products. We need to raise awareness with ivory consumers of the devastating impact that they are having on elephant populations, and ultimately change behaviour. That is why the UK has supported work in Asia to increase awareness of the brutal impacts of poaching and reduce demand for ivory. We are providing practical support on the ground, with here is a help, and the British military train anti-poaching rangers on the frontline in Gabon, home of Africa’s largest population of forest elephants. That will be extended to
other crucial countries such as Malawi. Last year, I visited South Africa, where I saw some of the work that we were doing on other animal populations at risk.

We are supporting projects in communities that share a landscape with elephants. Many hon. Members dwelt on the role of the Foreign Office and, in particular, DFID. We recognise that the money to be made from poaching can be a huge temptation to get involved, so we must continue working closely with DFID and the Foreign Office to create viable alternative livelihoods, but hon. Members will be aware that there are tight controls on official development assistance classification.

I reiterate our shared goal of ending poaching and saving elephants. That means taking not just symbolic action on domestic ivory, but action that works. The Government are committed to introducing the most effective ban possible on ivory. That means that we must ensure that our rules are robust and proportionate and will achieve the aim of ending the poaching of elephants. We need to foster truly international action to tackle the demand that drives poaching, enforce rules more effectively and strengthen criminal justice, as well as supporting communities affected by poaching. The UK continues to be a world leader in the fight to protect wildlife, but we know that there is more to be done. Our consultation on plans for even stronger action will soon be launching. That will enable us to ensure even better protection of our majestic wildlife for generations to come.

I have listened carefully to today’s debate and, in particular, the discussion on antiques and verification; there was talk of certification and radiocarbon dating. I encourage hon. Members to contribute to the consultation and call for evidence, so that we can make progress on this matter.

7.28 pm

Luke Hall: Thank you for chairing the debate, Mrs Main. I will keep these remarks extremely brief. The attendance here today reflects the strength of feeling in the House and in the country about this issue. There were many contributions today. I will just thank specifically my hon. Friend the Member for Mid Derbyshire (Pauline Latham), the hon. Member for Bassetlaw (John Mann) and my right hon. Friend the Member for North Shropshire (Mr Paterson) for their passion in this Chamber and their work outside it. I thank the Minister for her update on the Government’s work and her words that the initial proposals will be among the toughest in the world, although I am disappointed that we could not come forward today with a date for the consultation. Most importantly, I thank the 107,000 people who signed the petition to ensure that we were able to hold a second debate on this issue today.

Question put and agreed to.

Resolved.

That this House has considered e-petition 165905 relating to the domestic ivory market in the UK.

7.29 pm

Sitting adjourned.
Wednesday Hall
Tuesday 7 February 2017

[ALBERT OWEN in the Chair]

Serious Fraud Office

9.30 am

Stephen Timms (East Ham) (Lab): I beg to move, that this House has considered funding of the Serious Fraud Office.

It is a pleasure to serve under your chairmanship, Mr Owen. The Serious Fraud Office owes its origins to the work of the fraud trials committee, set up under the chairmanship of Lord Roskill in 1983 after a series of failures to secure convictions in relation to high-profile City of London scandals. The SFO began its work in 1988.

I know from previous discussions on the SFO in the House that the Minister values its work very highly. He said in one debate that the Roskill model on which the SFO operates is “essential when it comes to this type of offending. It works and it must continue to be supported.”

He also said:

“It is important that we give our full-throated support to the work of the SFO”.—[Official Report, 2 July 2015; Vol. 606, c. 1610.]

I very much agree with the view that he expressed and I hope it will be shared by other hon. Members contributing to this important debate. It was in the spirit of wanting the SFO to do the best possible job that I applied for this debate on how it is funded. However, it is worth just revisiting at the outset the case for the SFO, because the model has had its detractors, including the current Prime Minister when she was Home Secretary, so the case needs to continue to be made and the arguments need to be spelt out.

The SFO is unique among UK law enforcement agencies. Under the model recommended by Lord Roskill at the conclusion of the fraud trials committee in 1985, it is both investigator and prosecutor of the cases that it handles. A string of failed City of London fraud cases undermined public trust and inspired the recommendation and decision to break with the usual division between those two roles that we see in most of the rest of the English and Welsh legal system. I want to return to the issue of public confidence that justice will be done in fraud cases when arguing that the Government need to look again at the mechanisms by which the SFO is funded.

Legal cases are often complex, but the cases that the SFO deals with are frequently an order of magnitude more complex than others. They involve thousands of documents and a huge amount of complex financial data. The SFO requires multidisciplinary teams working under its case controllers: they are made up of lawyers, investigators, forensic accountants and so on. Those multidisciplinary teams ensure that legal scrutiny is applied to investigations from their commencement.

The Roskill model also ensures that there is no hand-off point, when specialist knowledge and insight developed by investigators and accountants who have been studying a case may be lost as it is transferred to the barristers.

That does not happen in the SFO model. Institutional memory and continuity are very important in the prosecution of complex fraud cases, and I am concerned that that important virtue of the Roskill model might be being undermined by the way the SFO is funded at the moment.

The Prime Minister, when she was Home Secretary, tried in 2011 and again in 2014 to bring the SFO into the new National Crime Agency. The Financial Times reported on 5 October 2014 that she was “to revive plans to abolish the UK’s main anti-fraud and corruption agency and bring it into her new FBI-style national crime force, according to officials familiar with the situation.”

I am glad to say that that move was resisted. The director of the SFO from 2012 to the present, David Green, QC, was clear in his statement that it would “distract and destabilise the SFO in a really bad way at a time when” it was “grappling with what” was “probably its heaviest-ever workload and making real headway.”

He was not alone in making the case against abolition of the office. Bond, the umbrella organisation representing 370 international development organisations, which welcomed the SFO, has argued that the impact of corporate corruption at the sharp end, with millions lost to public services and community wellbeing in developing countries, should be a top priority for the then Prime Minister in 2015 when he suggested three key tests for the Government on bribery and corruption. First, they stated:

“Investigation and prosecution teams should be combined in the same agency.”

The Roskill model achieves that requirement, and a number of observers think that moving the work into the NCA would probably end that beneficial arrangement. Secondly, the letter stated:

“Corruption must be a top priority for that agency, and not simply one amongst many.”

Thirdly, it stated:

“There must be specialist corruption teams” in the agency.

The current arrangements for the make-up of the SFO meet those requirements, and as a result the UK is one among only four countries that are officially recognised as “active enforcers” of the OECD’s anti-bribery convention. I hope that maintaining that status will be an important concern of the Government and the Minister.

Moving the anti-corruption role of the SFO into another agency would undermine UK leadership in this area. I agree with Transparency International UK, which says that it “strongly opposes the abolition of the SFO unless an alternative is proposed which is demonstrably better. We believe that is highly unlikely given the SFO’s recent success, the instability and damage to caseload that would be caused by abolition, the detailed analysis that went into the creation of the SFO, and the lack of expertise and track record in any other government agencies regarding prosecutions of corporate corruption.”

I therefore hope that the model will be maintained, but how well is the current SFO doing? It is quite difficult to assess its effectiveness. Its case load is deliberately small: under David Green, it has focused its attention, “probably its heaviest-ever workload and making real headway.” at the moment.

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Stephen Timms: The hon. Gentleman is absolutely right. I certainly do not want to argue that the SFO has not been effective; there is good evidence that it has been. The question is whether it is as effective as it could and should be, and that is why I now want to come to the numbers and my concerns about the way it is funded. It receives its funding as a mix of core costs and what is termed “blockbuster” funding.

Stephen Timms: Yes, I do share concerns about that, and I will come to it in a moment. I hope the Minister might tell us a bit more about how the process works and how decisions are made about whether blockbuster funding is provided. I noticed that in the exchange between my hon. Friend and the head of the Serious Fraud Office in the Select Committee on Justice, he made the point:

“I would like to move to less dependence on blockbuster funding and more core funding”.

I think he is on to something and I want to explain why, in my view, that shift would be worth making.

Blockbuster funding is additional funding allocated on a case-by-case basis where individual, high-profile cases are likely to cost more than 5% of the SFO’s core budget—those costing more than around £1.5 million. To access that funding, the SFO has to apply directly to the Treasury. As I understand it—I hope the Minister will tell us a bit more about this—applications bypass the Attorney General’s office. However, as my hon. Friend the Member for St Helens South and Whiston (Marie Rimmer) has pointed out, the basis on which they are approved or denied is not transparent. I certainly do not know—I would be grateful if the Minister could shed some light on this—what the criteria are for allocating the funding. I know the system was renegotiated by Mr Green in 2012.

Stephen Timms: Yes, it inevitably does. We have seen a big shift over time away from core funding towards blockbuster funding. That inevitably means fewer permanent staff at the SFO and more temporary staff. That raises a serious concern about how the SFO is able to function. In 2008, core funding was £52 million. In 2015-16, the total budget was about the same, but core funding was only £34 million. For each of the last three complete financial years, the blockbuster funding element was large: £24 million in 2013-14, £24.5 million in the following year and £28 million in 2015-16. In 2015-16, the blockbuster funding was more than 80% on top of the core funding. The SFO’s total expenditure has been as much—perhaps rather more—in recent years as it was in 2008, before core funding started to be reduced as part of the Government’s efforts to cut public spending, but a big slice of the funding today is in the form of this one-off, exceptional Treasury grant. I am grateful to the hon. Gentleman for drawing attention to the fact that, as a result of that, a large proportion of those working at the SFO are temporary staff brought in for a particular case and then laid off when it is concluded.

I would be grateful for the Minister’s comments on whether that is an effective way to run an organisation as important as the SFO. Her Majesty’s Crown Prosecution Service inspectorate certainly thinks that it is not. In its view, the current model is not satisfactory, and I think it has an important point. In its 2016 report, it stated:

“The blockbuster funding model is not representing value for money and it prevents the SFO building future capability and capacity. Temporary and contract staff are often more expensive than permanent staff and managing surge capacity is a constant drain on Human Resources (HR) and other staff. Increasing core funding would provide the SFO with the ability to build capacity and capability in-house and lead to less reliance on blockbuster funding.”

That is the case that I want to press upon the Minister this morning. The evidence is on the inspectorate’s side. At the time of the inspection, 21% of SFO staff were temporary. As of March 2016, 106 of the 510 staff were there on an agency basis and another 35 were there on a fixed-term basis. That level of instability and impermanence would damage any major organisation.

Stephen Timms: It certainly has been sustained over a lengthy period, although I think I am right in saying that in the most recent year the funding sharply reduced. For me, that accentuates the problem, because once the funding is sharply reduced, a large number of people get sacked or their employment at the SFO ends and the expertise and experience they have built up is dissipated. It seems to me that we should aim to hang on to that expertise and build up the capacity and skills that the SFO can deploy for its future work.
I am not saying that the 106 people who were there on an agency basis in March 2016 were second-rate or anything like that. I am sure that they were talented people, doing good work. However, as temporary staff they are more expensive than permanent staff and the additional expense does not make sense when the blockbuster funding system is consistently higher over an extended period—not permanently, but consistently over a long period. Temporary staff will build up skills and expertise during their work with the SFO, which will then be lost as soon as their contracts expire and they leave. That raises concerns about an inability to ensure consistency across the entire duration of a case and build institutional knowledge in the longer term, which was precisely the aim of setting up the Roskill model in the first place 30 years or so ago. Surely we want the SFO to build up its expertise, and having so many people on temporary contracts makes that a great deal harder. At a time when the Government are, for very good reason, pushing for the public sector to spend less on expensive agency staff in areas such as education, Ministers can surely see that the same considerations apply—I suggest even more powerfully—to the SFO.

Managing the human resources implications of blockbuster funding makes it harder, as the inspectorate points out, for personnel staff to do the other things they ought to be doing. The SFO is the only one of the Law Officers’ departments with fewer than half of its staff positions filled by women and it has less than half the proportion of disabled people working for it than the civil service does as a whole, at only 3.6% of employees. We know that delivering diversity requires focused human resources effort, but with such high levels of turnover and agency staff at the SFO, HR attention is perhaps inevitably turned elsewhere. That weakens the organisation.

I am sure that the Minister will argue in his response that the director of the SFO has spoken favourably about the blockbuster funding system in the past. To an extent, that is true. Last October, he told the Justice Committee in the evidence session that I referred to:

“There are pros and cons to it.”

The SFO’s submission to the Committee prior to the session stated:

“It is a workable mechanism which allows the SFO to respond flexibly to a demand-led workload.”

That may well be the case, but “workable” is not the same as “optimal”.

I am not arguing that we should not have any blockbuster funding. I entirely accept that such a mechanism can enable the department to cope with fluctuations and ensure that it does not have to turn down a case on the basis of cost, but we have funded getting on for half the SFO’s budget for the last three or four financial years in that way. As a result, it has not been possible to build the expert, permanent workforce that I think we all want to see, so the balance must surely be wrong. Judging from the director’s comments to the Justice Committee, that appears to be his view as well.

There is another important issue. In requiring the SFO to ask the Treasury for additional funding on a case-by-case basis through a pretty opaque process, it is impossible to demonstrate independence about decisions on which cases are prosecuted. I do not want to make too much of that point, but being seen to be independent is important. Making the SFO dependent, case by case, on a Treasury sign-off does not provide that important assurance. That problem could be greatly reduced by making core funding a bigger proportion of the overall SFO budget. Another risk presented by the level of blockbuster funding—other Members have raised this matter in the House—is that justice may be delayed if an unnecessary layer of bureaucratic delay is added to the office’s work by its having to apply for blockbuster funding.

The model under which the SFO operates has established the UK as a global leader in tackling corruption, fraud and bribery. That is an important achievement, which we all want to maintain, and I commend the director of the SFO for his progress in focusing the organisation on its core purpose. The recent inspectorate report, however, was right to point out that over-reliance on blockbuster funding makes the SFO less effective than it should be. Will the Minister therefore commit this morning to looking again at the proportion of the SFO’s funding that comes from the blockbuster mechanism? Will he also look again at whether the SFO could do a better job, building up and maintaining better expertise more effectively in the long term, with more permanent staff, if a larger proportion of its funding was in its core budget?

9.53 am

Sir Edward Garnier (Harborough) (Con): I congratulate the right hon. Member for East Ham (Stephen Timms) on initiating the debate. I listened to him with great care and gratitude, because he spoke as a critical friend of the Serious Fraud Office. As he gently pointed out, when the current Prime Minister was Home Secretary, she was perhaps not a friend, even if she was critical, of the SFO. Possibly—who knows?—one reason I remained a Law Officer for two and a half years, but no longer, was because I fell out with the Home Secretary over the independence of the Serious Fraud Office.

There is a misunderstanding among politicians about the Roskill model and its value. However, before I go on further, I declare an interest—as must be obvious—in the SFO and all that it does. I also declare an interest in that, like my hon. Friend the Member for Cheltenham (Alex Chalk), the SFO instructs me from time to time as a member of the private Bar. One of the most recent cases that I have been instructed in was that of Rolls-Royce, which the right hon. Member for East Ham spoke about. Although I do not want to talk too much about my wonderful case load, I want to use the case of Rolls-Royce to illustrate the successful way in which the organisation deals with criminal activity at the corporate and most complex level.

It is a given, certainly among those who know anything about the Serious Fraud Office, that the Roskill model of having a joint investigating and prosecuting system in the organisation works. Although plenty of people criticise the SFO—as the right hon. Gentleman said fairly, it is not beyond criticism, and there are things to be said about the blockbuster system and so forth—it is remarkably successful, given the limited resources under which it has to operate.

When I was shadow Attorney General in the lead-up to the 2010 election, I made quite a study of the way in which the Serious Fraud Office operated, not least
because it was one of the most important aspects of our prosecuting system that came under the supervision of the Attorney General and the Solicitor General. When I got into office in 2010, it was clear that the comprehensive spending review that the new Government introduced would have a pretty direct and possibly damaging effect on the SFO’s ability to carry out its important work. That persuaded me that we needed to find other pragmatic ways of allowing the SFO to get on and catch villains, both human and corporate. I was particularly concerned that we were underperforming on—that we were inhibiting—the prosecution and conviction of corporate crime.

Of course we were, and still are, beset by the Victorian identification principle: in order for a company to be convicted of a crime, a directing mind of sufficient seniority has to be able to be identified in order to fix criminal liability on the company. That was fine in the 1860s, 1870s or the 1880s, when companies had a board of two or three and operated within a town or a county—or possibly even within the country as a whole—but the vast international conglomerates that there are now, with offices in several jurisdictions and boards of sub-boards, national and international boards, make it extremely difficult for the Serious Fraud Office to attach criminal liability on the company. Individual financial directors, country directors, or country managing directors can be prosecuted, as the SFO has—we have seen that happen in a number of the cases that the right hon. Gentleman referred to—but that has proved difficult when dealing with international companies that misconduct themselves.

That is why—this is a slight diversion, but an important one—this House and the Government should develop the “failure to prevent” model. Under section 7 of the Bribery Act 2010, it is a criminal offence for a company to fail to prevent bribery by one of its associated people or bodies. The first deferred prosecution agreement—in which I appeared, as it happened—dealt with the failure of a bank to prevent bribery by one, or a number, of its staff in Dar es Salaam in Tanzania. Under the terms of the deferred prosecution agreement, that brought in from the errant bank about US$25 million in costs and penalties.

As the right hon. Gentleman correctly identified, the Rolls-Royce case brought in something in excess of half a billion pounds sterling, which will be paid by that company over the next five years. Beyond the penalty, it will have to pay interest on the delayed payment. More importantly, as far as funding the Serious Fraud Office is concerned, part of the deferred prosecution agreement is that the respondent company pays the SFO’s costs, which, at the time of the announcement of the agreement before the President of the Queen’s Bench division, Sir Brian Leveson, 10 or so days ago, amounted to about £13 million. Sadly, that £13 million did not go into the Edward Garnier special holiday fund; it went into reimbursing the Serious Fraud Office for what was essentially the biggest investigation that it had ever done since its inception. That investigation required huge international co-operation with the United States Department of Justice and with investigators and prosecutors in a number of other jurisdictions—the criminal allegations against Rolls-Royce covered the company’s activities within seven jurisdictions.

While the Rolls-Royce matter was being brought to an end a fortnight or so ago in this country, it was also being brought to an end in the United States and in Brazil, where the company had to pay the authorities about $176 million and $25 million respectively. That illustrates how the Serious Fraud Office can be pragmatic, efficient and effective now that it has the deferred prosecution agreement model and can use its money wisely to bring international companies to book for international criminal conduct.

Alex Chalk: Now that the SFO has more tools at its disposal, including the DPA model, does my right hon. and learned Friend believe that its workload will increase? Does that make the case for a larger underlying capacity, as the right hon. Member for East Ham indicated?

Sir Edward Garnier: Yes. The DPA system is a new tool—there have been three DPA cases—but if the Serious Fraud Office is to carry out its international investigative work at the highest and most complex level, it will need a bigger budget. That was clear to me when I became Solicitor General in 2010 and it remains clear to me now. In 2010, as I understood it, the revenue budget was about £40 million and was set to go down over the course of the Parliament, under the comprehensive spending review, to something like £29 million.

When I went to the United States to discuss international corporate crime and learn from American prosecutors about the system for prosecuting corporate crime there, one of the federal prosecutors in Manhattan asked me how much our budget was. I said, “It’s about £40 million, going down to just under £30 million.” He laughed and said, “Is that just for one office?” I said, “No, it’s for the entire jurisdiction: England and Wales, and Northern Ireland”—unusually for a prosecuting agency in this country, the Serious Fraud Office covers England, Wales and Northern Ireland, but not Scotland. The American prosecutor found it unbelievable that one of the centres of the financial world had a serious fraud office that ran on that amount of money. He went on to joke that he spent more than that on flowers at home; I do not think that that was quite true, but I would not be at all surprised if he lived pretty well. Good luck to him.

What I want the House to understand is that there is no perfect way to sort this out. The right hon. Member for East Ham is entirely right to say that there are uncertainties and, to some extent, an absence of transparency—or at least prospective transparency—in how the blockbuster system works. There is retrospective transparency, because the Justice Committee, Parliament, the National Audit Office and non-governmental organisations such as Transparency International—to pick one organisation at random—can delve into the SFO’s financial workings. I accept that although the blockbuster system works up to a point, it is not ideal, but the best is often the enemy of the good; I would rather the SFO could apply to the Treasury for blockbuster funding than its being constantly in danger of having its budget slashed and slashed again. The SFO is unusual and not very well known and therefore not terribly politically popular. Obviously its work is often private, because if its investigations are not conducted in privacy, the villains get away—I take the right hon. Gentleman’s point about that.

To assist the SFO in its complicated and difficult work, we need to think hard about how to nail corporate misconduct. Will we be brave enough to move to the
American system of vicarious corporate liability, so that when an employee commits in the course of their work a crime that has a benefit for their company, the company should be liable in criminal law—just as it would be in civil law for the negligence of one of its drivers, for instance? If not, we will have to extend the failure-to-prevent model. The Criminal Finances Bill that is going through the House at the moment will enact a failure-to-prevent tax offence; I have tabled some amendments that would extend the list of failure-to-prevent offences to a far wider collection of financial crimes. My amendments will not be agreed to, but Parliament needs to debate the issue. I look forward to co-operating with the right hon. Gentleman, who not only has experience as a Treasury Minister but can no doubt see the City of London across the road from his constituency office. I hope that the question of developing the criminal law to meet the increased sophistication with which business is done internationally will be cross-party and non-partisan.

On the right hon. Gentleman’s point about staff, I agree that any form of threat to any organisation from the promise or threat of change is distracting and destabilising. Now that the SFO is doing good work and building on its record of success with LIBOR, with the three deferred prosecution agreements and with the cases against Barclays bank, GSK and others, the one thing that it does not need is to be subjected to further interference. That would be destabilising and cause the employment equivalent of planning blight. Imagine a bright young lawyer in a City firm who thinks that it might be good to go and work for the Serious Fraud Office for a while. It would be, and it is, but if they know that the Government want to pull up the pot plant every 20 minutes and have a look at the roots, the SFO is not going to seem like a very stable place to go and work.

I want to see people from the private sector—the big City firms that have expertise in dealing with corporate crime, mergers and acquisitions and the highly complicated banking law that is sometimes involved—coming to work for the SFO for two or three years. I also want permanent members of the SFO staff to go into the City firms and other banking organisations, so that there is proper cross-fertilisation. What I do not want is for the current Whitehall fascination with sticking things with nice initials into great pots of alphabet soup to destroy David Green’s valuable work or distract him with nice initials into great pots of alphabet soup to destroy David Green’s valuable work or distract him from it. I am proud to say that he is a personal friend of mine; he and his organisation have a proud record of demonstrating to the Government that it is worth every penny it gets and that it ought to get yet more money, so that it can catch more and more villains.

The reputation of our country is to a large extent built upon our financial services industry. Our corporations that sustain that industry—be they banks, be they insurance companies, be they whatever—and the people who work in it need to know that if they step beyond the line of acceptable behaviour, there is an investigating prosecuting authority that will not only come and get them but will make sure that they are convicted. That is what our constituents want. They want a vibrant financial services industry, but they also want an honest one, which attracts business, taxation and employment to our constituencies, whether they are in East Ham or Harborough.

Mr Owen, thank you for your patience. I hope that my hon. and learned Friend the Solicitor General can give me the reassurance that the SFO is safe from interference and distraction, and that we can look forward to another period of success, and well-funded success, for this most impressive organisation.

10.10 am

Mark Field (Cities of London and Westminster) (Con): In congratulating the right hon. Member for East Ham (Stephen Timms) on securing this overdue debate on the workings of the Serious Fraud Office, I register my concern that the regular reliance of the SFO on special funding facilities from the Treasury lays it open to the charge that it lacks full and proper independence.

As we know, we live in financially straitened times for those agencies that depend on the public purse. Nevertheless, the sight of the SFO repeatedly having to go cap in hand to the Treasury for supplemental income opens up the Government to the potential accusation that they at least have the ability to close down what might be politically sensitive inquiries by the simple expedient of refusing the SFO funding.

I am not suggesting for one moment that the Government are behaving improperly. However, they must see that there is an inherent conflict of interest, which will persist unless and until the SFO’s funding is placed on a more sustainable and arm’s length basis.

Alex Chalk: Is it not important in this debate to keep a measure of context as well? The sums of money that we are talking about, while not insignificant, need to be set against a wider context. They are less in total, even including blockbuster funding, than the cost of one joint strike fighter and, given the ability of the SFO to protect British interests at home and abroad, that context is worth considering.

Mark Field: My hon. Friend makes a fair point, although in the comparison he draws he also possibly makes a point about the expense of defence procurement.

Those of us of a certain age cannot help but be transported back in time when we learn of the SFO’s requests for so-called blockbuster funding to pay for major investigations. Some Members will know that I am a keen pop music fan, and it is exactly 44 years ago today that the glam rock anthem “Blockbuster” by The Sweet was at No. 1 in the UK charts. Now, I am not sure that the 17-year-old future right hon. Member for East Ham was a great glam rock fan, but I am sure that his hair was fashionably longer back in 1973.

The cost of funding the SFO’s blockbuster investigations now invariably takes the SFO well beyond the Treasury’s year-on-year allocation of funding, as we have heard from other Members. Last year, the SFO’s spending reached some £65 million, which was a 12% uplift on the 2015 figure. Blockbuster funding has been applied for, not on an exceptional basis but for four of the last five years, so presumably that form of funding is here to stay permanently, at least in the eyes of the Solicitor General. I would be interested to hear what he has to say about that.

As my right hon. and learned Friend the Member for Harborough (Sir Edward Garnier) has pointed out, at the end of last year the SFO successfully secured funding
to pursue criminal investigations against the Monaco-based Unaoil, which stands accused of securing complex corrupt contracts for a range of multinationals, including Rolls-Royce. I understand that the ongoing investigations over Barclays in Qatar and a range of potential fraud cases involving foreign exchange may yet have to be subject to special blockbuster funding appeals. Although I accept the Government line that that sort of mechanism allows the SFO great flexibility in the allocation of work, I trust that, as large and complex investigations become the norm, a serious re-evaluation of the pros and cons of the funding system for the SFO will be carried out.

I have to say something else, which I know will lead to my parting company with my right hon. and learned Friend in his paean to how wonderful the SFO is: I deeply regret that the reform of the entire workings of the SFO is overdue, and I believe that was yet another missed opportunity for the coalition Administration who were in office between 2010 and 2015.

For my part, as long ago as the autumn of 2009 I wrote two essays for the Conservative Home website in the aftermath of the financial crisis, setting out what I regarded as a proposed blueprint for the SFO. Then as now, I contend that an effective financial enforcement system requires the promotion of deterrence and competition, in order to boost consumer protection. Even at that time, a year after the financial crisis began, it seemed clear that, despite grandstanding galore from politicians, there was—indeed, there remains—a growing unease at the paucity of substantial change in the aftermath of that crisis.

Nowhere did that feeling resonate more than in the field of enforcement, where the prospect of adopting US-style powers to prosecute alleged wrongdoers in financial services has of course been dashed. Although over the past year or so the SFO has finally secured LIBOR convictions, it is in all honesty a body that I am afraid has long lacked clout and the respect of those who are most engaged in the financial industry.

As the right hon. Member for East Ham has said, the SFO has been operational since 1988 and the Roskill reforms. It is responsible for the detection, investigation and prosecution of serious fraud cases in England, Wales and Northern Ireland. Although it is operationally independent—as it should be—the SFO comes within the remit of the Attorney General, although I very much appreciate that the right hon. Member for East Ham put that arrangement into some sort of historical perspective. Nevertheless, we should now look to place the SFO’s responsibilities within the remit of the Department for Business, Energy and Industrial Strategy, so that the SFO would work alongside the Competition and Markets Authority. By associating consumer protection with fraud and trust-busting, we would give competition its correct place as a central priority in the future commercial landscape.

Sir Edward Garnier: Is it not a problem to place the supervision of a prosecutor with a spending Ministry—a political Ministry? Obviously, the advantage of leaving the SFO and the CPS where they are—that is, under the supervision of the Attorney General—is that, in that respect, the Attorney General and the Solicitor General are not politicians, but protectors of the public interest. As soon as a Cabinet applies pressure upon a political Secretary of State, and we have seen this recently with the—

Albert Owen (in the Chair): Order. Mark Field.

Sir Edward Garnier: I quite agree.

Mark Field: I very much take on board what my right hon. and learned Friend says, and I understand his concerns. He made a powerful point towards the end of his speech about the importance of there being public trust in the financial services sphere if it is to be the success we all hope it will be in the post-Brexit world.

To effect the necessary sea change in attitude and create a body with the powers of its US equivalent, we would need to be able to impose substantial fines on wrongdoers. Such fines could play a role in covering the costs of any new organisation. Clearly, there would be a need for some legislative changes, but measures would
also need to be put in place to protect whistleblowers and offer genuine immunity to those who were aware of anti-competitive practice when they came forward.

The Solicitor General (Robert Buckland): I am very interested in the point that my right hon. Friend outlines. What standard of proof would be applied in the proposed new regime?

Mark Field: I understand the point about moving away from a criminal more to a civil standard of proof. This is a back-of-the-envelope-type suggestion. I am just putting a few broader proposals forward because, as has been referred to elsewhere, the power of deferred prosecution is very much a positive step in the right direction. As Members know, deferred prosecutions will enable proceedings in a criminal case to be delayed for a given period, subject to certain conditions being met by the company in question. At the end of the set period, if all agreed conditions have been met—often, that includes paying a substantial fine along the lines of the one that Rolls-Royce had to pay—charges can be dismissed and the judgment of conviction can be entered. It is a more pragmatic prosecution-related process.

I could go on and on, but I know that at least one other Member wishes to speak and that we all want to hear from the Front-Bench spokespersons. Let me just say this, if I may: the incentives provided by healthy competition and the deterrent of stiff punishments should have formed the backbone to the new era of banking and business in the aftermath of 2008. The past two Administrations have missed the boat in restoring both the confidence of market professionals and the trust of the British public in our financial institutions. I very much hope that in addition to addressing the important issues raised in the thoughtful contributions made by the right hon. Member for East Ham and my right hon. and learned Friend the Member for Harborough, the Government will use this opportunity to take a fresh, broader look when it comes to the overall workings of the SFO, as well as its funding, and ensure that it has its rightful place within the enforcement sphere in the years to come.

Albert Owen (in the Chair): I am grateful to the right hon. Gentleman. I remind Members that I will call the Front-Bench spokespersons at half-past 10. In calling you, Mr Shannon, I point out that it did not escape my notice that you were six minutes late joining us. That is discourteous to the Member leading the debate and to all other Members present. A less generous Chair would have gone straight to the Front-Bench speeches and ignored you. You are running out of excuses, but I ask you to be brief and finish at half-past.

10.23 am

Jim Shannon (Strangford) (DUP): Thank you for calling me, Mr Owen. I apologise for not being here on time. I had a meeting with the—

Albert Owen (in the Chair): No excuses.

Jim Shannon: I am just explaining the reason—

Albert Owen (in the Chair): You are running out of excuses, Mr Shannon. Just carry on.

Jim Shannon: I congratulate the right hon. Member for East Ham (Stephen Timms) on making a very good case with lots of knowledge. His immense knowledge has been tremendous to have.

The role the Serious Fraud Office plays is essential and the House should ensure that it continues. The SFO initially had a financial threshold for its cases of £1 million, which was increased to £5 million. However, such thresholds soon became outdated, and the current director has published a statement of principle to make clear the main factors he takes into account when considering a case. We all know what those are: whether the apparent criminality undermines UK plc commercial or financial interests in general and those of the City of London in particular; whether the actual or potential financial loss involved is high; whether the actual or potential economic harm is significant; whether there is a significant public interest element; and whether there is any new species of fraud.

Current cases include, as other Members have said, investigations into the manipulation of the LIBOR rate; the recapitalisation deal by Barclays bank with Qatar at the height of the financial crisis; alleged bribes paid for the award of contracts relating to Rolls-Royce; alleged false accounting relating to Tesco; alleged bribery of public officials relating to Alstom; and alleged bribes paid to induce customer orders relating to GlaxoSmithKline. The list goes on and on.

Members have mentioned whistleblowing, and I myself have referred a whistleblowing incident to the SFO. Although it did not reach the aforementioned level, it was passed on to the financial regulatory authority. There must be a way to deal with the big firms; the individuals—the whistleblowers of this world—cannot take on such cases themselves. The SFO is essential in helping to take on the big firms. We have all watched or heard of the film “Erin Brockovich”, in which the David is able to take on the Goliath, but that is not the norm. The norm is that litigation costs are out of this world and, as a consequence, wrong is allowed to take place.

I fully support the SFO and hope I have made that clear. Indeed, its ability to look into cases should be much wider, and should include the case that I referred to, which was of major importance at the time. However, there must be value for money and accountability for public spending, and the public must rest assured that there is no way to deal with those issues other than with the funding that is required.

Right hon. and hon. Members have spoken about how the core budget can be supplemented by blockbuster funding, and the right hon. Member for Cities of London and Westminster (Mark Field) mentioned that song from many years ago. He referred to hairstyles; I can refer to the days when I had hair. Indeed, I suspect that you remember those days as well, Mr Owen.

Albert Owen (in the Chair): Absolutely.

Jim Shannon: It is always good to look back and remember what we had in the past.

The core budget can be supplemented by the blockbuster funding—that is clear—but if we are still recovering those large amounts of money, can that money go to the centre and can those recoveries be publicised, Minister, to show value for money? It is all about how the system works and how it works best.
I agree with the report from Her Majesty’s Crown Prosecution Service, which found that the blockbuster funding model does not represent value for money and prevents the SFO from building future capability and capacity. I understand the reasons and the thinking within that. Temporary and contract staff are often more expensive than permanent staff, and managing surge capacity is a constant drain on human resources and other staff. Increased core funding would provide the SFO with the ability to build capacity and capability in-house and lead to less reliance on blockbuster funding. I agree with that reasoning, and I think that other Members have expressed that also. Minister, I look forward to your addressing those issues to our satisfaction.

In a previous life, I worked as a local councillor—for some 26 years—and often queried the use of long-term temporary contracts for staff supplied through agencies because of the cost increase, often going through the pros and cons of the issue. Although I understand the rationale of needing to grow or shrink depending on the size of the case, a larger base to begin with would—would, I believe—save money and provide job security for those with the specialised know-how. There must always be the ability to access blockbuster funding for cases such as LIBOR, which was an extremely transparent case, but there should not be a standard top-up that excuses the need to do what every Department from Health to Work and Pensions has done—cost-cut, look at efficiency measures and see whether staffing arrangements are adequate.

In conclusion, and ever mindful of the timescale that you set me, Mr Owen, I do not believe that what I have just set out is happening in the SFO. I put on record my wholehearted support for the body, but I believe that it must learn to cut costs like the rest of us. I agree that that can be done through a larger core budget—that is where we start, and the Minister might refer to it—and through the ability then to apply for blockbuster funding in exceptional cases, not just as a matter of note or opportunity. Thank you, Mr Owen.

Albert Owen (in the Chair): I now call the Front-Bench spokespersons, starting with Kirsten Oswald.

10.29 am

Kirsten Oswald (East Renfrewshire) (SNP): I thank the right hon. Member for East Ham (Stephen Timms) for securing the debate and for the very considered way in which he approached the topic. In fact, all the speeches we have heard have been considered and thoughtful on the question of how we should move things forward.

The right hon. Gentleman highlighted the complexity and depth of the work of the Serious Fraud Office, and I was pleased that he highlighted the prosecutions for LIBOR rigging. I was also interested in his comments and those of other Members on whether the funding mechanisms allow for the best recruitment of appropriate staff. The right hon. and learned Member for Harborough (Sir Edward Garnier) made a number of useful points relating to that, as did the hon. Member for Strangford (Jim Shannon) and the right hon. Member for Cities of London and Westminster (Mark Field), who made me smile by admitting to a love of glam rock. I entirely agree with him on that. I hope he will agree with me that the SFO has a vital role in prosecuting complex fraud and tackling corruption. I hope he will also join me and the Scottish National party in calling on the Government to increase funding to the SFO to show their commitment to fighting fraud and corruption—adding clout, as he would have it.

The UK Government have indicated that they seek to move towards more of a tax haven economic model, which rings serious alarm bells for combating fraud. The right hon. and learned Member for Harborough spoke about reputation, which is key here. The SNP calls on the UK Government to respond to the findings in the report by the Crown Prosecution Service inspectorate and ensure that future funding arrangements ensure that the SFO provides the very best value for money. As the right hon. and learned Gentleman pointed out, the Crown Office and Procurator Fiscal Service is Scotland’s sole prosecution service, so the SFO does not have jurisdiction to prosecute in Scotland, although its powers may be used to investigate serious or complex fraud that is prosecutable in England, Wales or Northern Ireland. The SFO works with Scottish authorities on UK-wide fraud. I am interested in this issue because it has relevance for some cases that I am dealing with.

As Members may be aware, I have recently taken on chairmanship of the all-party parliamentary group on the Connaught Income Fund. As happens with many cases of its kind, the Connaught case has disappeared into an extended limbo as investigations take place. To the astonishment of many, those investigations are being conducted by the Financial Conduct Authority and not by the SFO or even by the City of London police. When I read the subject of this debate, I wonder whether what we should expect from the SFO as part of its core funding. Why was the Connaught case not quickly elevated to the SFO for investigation? Why has it been dealt with as a matter of regulation, rather than of potential criminality from the start?

The Connaught fund was set up in 2008 and collapsed in 2012. A related case, Connaught v. Hewetts, was heard in the High Court in July last year. Evidence in that case indicated that Connaught had all the hallmarks of being a dishonest enterprise from the start. Instead of gathering funds from a range of investors and lending them on to a wide range of borrowers, the fund made all its loans to a single group of companies, the Tiuta Group. Tiuta immediately started to use the Connaught loans to pay off existing loans and to bankroll dubious projects already sitting on its books. Early in 2011, a very clear allegation of fraudulent behaviour was made to the Financial Services Authority by George Patellis, the newly arrived chief executive of the Tiuta Group. Despite that, Connaught and Tiuta were allowed to continue their activities for many more months, before finally going into liquidation in 2012. It is not even clear if the case was raised with the SFO, which raises the question of just what we are funding the SFO for.

Since I arrived in the House, the Connaught case has been raised on a number of occasions, both in debate and in questions. Ministers and the Financial Conduct Authority have given assurances that the police have been informed of the activities around the fund, but to date there have been no prosecutions. I have written to the City of London police’s economic crime unit, seeking...
assurances that a police investigation is under way. I will let Members know the outcome of that correspondence when I receive a response.

The reason for raising the matter today is that when I looked at the briefing, I decided to return to the question of why the Serious Fraud Office was not at the heart of the Connaught inquiry. The director of the SFO has helpfully provided a statement of principles he uses when considering a case, and I have compared the Connaught case with the factors contained within that statement. If Connaught meets the criteria for cases that the SFO should look into, that suggests that the organisation's core funding should cover at least exploratory investigations in this situation.

The first criterion the SFO uses is whether the actual or potential financial loss involved is high. With more than £100 million lost by investors, the Connaught case clearly meets that threshold. Is it any surprise that investors are surprised that the Connaught case has languished for so long, instead of quickly being elevated to the SFO?

The second criterion used by the SFO is whether the actual or potential economic harm is significant. In this case, it is. Many Connaught investors were looking for an unexciting but steady rate of return on their capital, with no expectation of risk. Indeed, when the fund was launched, it was called the “Guaranteed Low Risk Income Fund”. Not surprisingly, many of the people attracted were looking for a low-risk income fund. Immense damage was caused to the life plans of many. If the core funding of the SFO is not intended to protect such investors, perhaps the Solicitor General can explain why.

The third criterion for SFO involvement is whether there is significant public interest in a case. Again, with Connaught, for many reasons there has been huge public interest and significant public sympathy for those who have lost money. There is also a great deal of interest in the failure of the regulatory system to prevent harm in response to the whistleblowing by Mr Patellis. The information he provided appears to have been simply ignored by the FSA for many months. In a recent report on a complaint by Mr Patellis, the Complaints Commissioner referred to an internal memo within the FSA, acknowledging that there was an opportunity here to prevent harm, rather than simply clear up afterwards. There is a great deal of public interest in why the FSA failed and whether its replacement, the FCA, is any more likely to succeed and if not, why not. Surely the SFO would not be so ineffective in its handling of this kind of complaint.

The last component of public interest is the role of Capita, which is one of the major players in the UK’s financial services sector and a supplier of services to many levels of Government. As the initial operators of the fund, Capita gave Connaught an aura of credibility that it clearly never deserved. People want to know who in Capita knew what and when about the Connaught fund. Is such post-financial disaster investigation not the role of the SFO?

As a prosecuting authority, the SFO clearly has the power to demand papers, but so do the FSA and the FCA. In at least one instance, Connaught’s auditors were asked for papers and responded that it was beyond their remit to produce them. Astonishingly, the regulator simply dropped the request. Would the SFO or the City of London police have reacted in the same way? If there are multiple agencies in the field, yet not one of them seems able to impose on those suspected of economic crimes the kind of scrutiny that is routine in other kinds of investigation, what are we funding all these agencies for?

The fourth criterion for SFO involvement is whether it is a new species of fraud. Well, I am no expert, but I gather that the rules regarding the promotion of unregulated collective investment schemes, such as Connaught, have been changed. That suggests that some new form of fraud was seen to emerge in this case, and steps were taken to cut it off.

The final criterion used in assessing SFO involvement is whether the apparent criminality undermines UK plc commercial or financial interests in general or the City of London in particular. Now, that is tricky. Many of those involved in the Connaught case are suspicious that the lack of action six years after Mr Patellis blew the whistle is because of the damage that full and early revelation of information in the course of a fraud trial might have done to the reputation of Capita and the wider financial services sector. My point in this debate is that after reviewing the rationale for the SFO’s work, I see Connaught as something that should have been accommodated in the agency’s core funding. I am told that an agreement is in place between the FCA and the police to prevent overlapping investigations. Having looked at the protocol between the Attorney General and the director of the prosecuting departments, including the SFO, I was surprised to see no reference to that agreement, at least not explicitly, within the protocol.

Many are concerned that the delay in concluding the Connaught investigation will lead to any criminal charges that emerge being challenged on the grounds of delay. I am not sure whose interests are served by having such a wide number of agencies with apparently overlapping and sometimes clashing interests. It would certainly be in the interests of justice to ensure a great deal more clarity and security of funding for whichever agency is on the frontline of trying to protect the public from deceptions, frauds and scams—the kind of thing perpetrated on Connaught investors. I look forward to hearing from the Solicitor General about the issues of the SFO and, in particular, the Connaught fund.

10.38 am

Nick Thomas-Symonds (Torfaen) (Lab): It is a pleasure to serve under your chairmanship, Mr Owen, for what I believe is the first time. I refer to my relevant entry in the register and the fact that I am a non-practising doctor tenant at Civitas Law in Cardiff. I pay great tribute to my right hon. Friend the Member for East Ham (Stephen Timms) for his measured, carefully phrased contribution. Whenever I listen to him, he always adds a great deal to the quality of the debate, and that has to be said about his contribution this morning. I thought he set out extremely well the emergence and creation of the Serious Fraud Office in the 1980s and the importance of the Roskill model, with investigatory and prosecuting functions under one roof together with all the other necessary skills, including forensic accountancy, that made the SFO’s history extremely well: its emergence from the fraud trials committee and its creation under the Criminal Justice Act 1987.
The contribution from the right hon. and learned Member for Harborough (Sir Edward Garnier) was extraordinarily erudite, if I may say so. He set out extremely well the complexity of the cases, not simply in terms of their scope and scale but in terms of the law itself. We are not in a position where vicarious liability has been extended into the criminal corporate sphere in the UK. We are therefore left with the directing mind concept, which, as he pointed out, was originally devised in the mid-Victorian era, when companies were different from how they are today. Of course, there is the ongoing importance of the failure-to-prevent model under section 7 of the Bribery Act 2010.

The right hon. Member for Cities of London and Westminster (Mark Field) put his finger on one of the key issues in this debate: transparency of the funding model. It was put well by the right hon. and learned Member for Harborough when he talked about prospective and retrospective transparency. Although I am not for a moment suggesting there has been political interference from the Treasury, the truth is that the model lends itself to the appearance of a potential conflict of interest in the way it is set up. The hon. Member for East Renfrewshire (Kirsten Oswald) put it quite well when she talked about the public interest in these cases.

I give the Solicitor General great credit for recently providing a letter requesting additional funding. Transparent though that is, the content of the letter illustrates the complexity, because in fact the parliamentary timetable means that the SFO cannot expect to have access to any additional funding from the supplementary estimates until the third week in March, so there has to be a cash advance from the Contingencies Fund to keep cash flowing until then, which is not the clearest of situations to be able to explain to the public.

The hon. Member for Strangford (Jim Shannon) pointed out very well the importance of value for money, which is what I want to direct my remarks to. Clearly, everyone in this room is united by the desire to see good corporate conduct, and the Serious Fraud Office is an absolutely essential part of that. However, on the funding model, I would press the Solicitor General to look at the balance between core and blockbuster funding and whether we have that precisely right.

It is difficult at times to judge the performance of the Serious Fraud Office. I agree with the right hon. and learned Member for Harborough, in that we are always looking to improve. My right hon. Friend the Member for East Ham was described as a critical friend, and I would put myself in the same category. Looking at prosecution and conviction rates is not the easiest thing to do. In 2015-16, at one point it was down to about 31%. Objectively, that does not look like a good figure, but, looking at the director’s evidence to the Justice Committee, it came about because there were two defendants who ended up not being fit to stand trial, which severely affects the statistics, because we are dealing with such a small number of cases.

Similarly, although the confiscation rates are important, they do not show appreciation for the fact that not every case is as cash-rich as another might be, so even they are not necessarily an essential yardstick. I ask the Solicitor General to look more generally at that and at transparency, which is important, particularly in relation to the use of deferred prosecution agreements and when they are thought appropriate. Cases should be monitored because of the situation I have described of defendants being too ill to stand trial. That may not be within the control of the SFO, but where there can be careful monitoring of whether it is realistic that something will ever come to trial, that should be considered. Over time, we need to look not only at the number of acquittals, because that is not always the best indicator, but at whether, over a long period, there were cases falling at half-time in the criminal courts, which would be a cause for concern.

We could also look at international comparisons. America has a very different legal framework and different corporate culture, but we should still look around the world at how other agencies perform and at how economic crimes are tackled to see whether there can be improvements in that regard.

On the specific model, my right hon. Friend the Member for East Ham quoted the director of the Serious Fraud Office at the Justice Committee in October last year. He said:

“I would like to move to less dependence on blockbuster funding and more core funding.”

Indeed, the investigation by Her Majesty’s Crown Prosecution Service inspectorate concluded that it was not necessarily providing the best value for money. When the Solicitor General comes to address the matter, I am sure he will mention the issue of unused capacity if the budget was set too high for too long. At the same time, we have to acknowledge that we may be preventing the Serious Fraud Office from building future capability and capacity if, as my right hon. Friend the Member for East Ham pointed out, we have staff who build expertise in a certain area and are then, in essence, lost to the SFO. There is also the issue of large surges of temporary staff. Not only does that create a burden on human resources management, but temporary staff are often more expensive than permanent staff.

I appreciate the flexibility of the blockbuster funding model, but I am directing my remarks to the balance between core funding and the additional funding that is available. In some years, such as 2015-16, the blockbuster funding nearly matches the core funding at the start of the year—I think it is £33.8 million versus £28 million. That may be only one year, but it is illustrative of what can happen.

I have a series of questions to pose to the Solicitor General. Could a greater core element of funding increase the in-house capacity and be of benefit to the Serious Fraud Office? Can it enhance the depth and quality of expertise available in-house? Could it increase value for money? In addition, could it increase diversity? The Solicitor General may have more up-to-date figures, but as of 31 December 2015 the Serious Fraud Office was the only one of the Law Officers’ departments with far more men than women. All the others had more women than men, but not the Serious Fraud Office.

There is also the issue of what I have described as the Treasury veto. Is that system necessarily the best sustainable long way forward? Can the Solicitor General look at ways in which that might not be necessary? For example, could there be a contingency fund, with Law Officers having far more authority over additional funds? Is the Treasury necessarily needed to give that specific assurance or permission?
In conclusion, the Serious Fraud Office plays a vital part in good corporate governance across the United Kingdom. Everyone who has made a contribution to this debate, including today—wants to see that but of course we want to see the Serious Fraud Office, even with its achievements, improve. I look forward to hearing what the Solicitor General has to say about that.

10.48 am

The Solicitor General (Robert Buckland): It is a pleasure to serve once again under your chairmanship, Mr Owen. I thank and pay tribute to the right hon. Member for East Ham (Stephen Timms) for securing this debate, which has been wide-ranging and well informed. Perhaps we should expect that when we have a former Chief Secretary to the Treasury in the room and one of my predecessors as Solicitor General, my right hon. and learned Friend the Member for Harborough (Sir Edward Garnier). Indeed, my right hon. Friend the Member for Cities of London and Westminster (Mark Field) also has long expertise in and knowledge of combating financial crime.

The hon. Member for East Renfrewshire (Kirsten Oswald) raised a specific case. I am grateful to her for raising such a serious matter. She is right to say that from the layperson’s point of view, it can be—to borrow a phrase from my right hon. and learned Friend the Member for Harborough—a bit of an alphabet soup when it comes to the investigation of serious crime. I have not had notice of that particular issue. I make no criticism of the hon. Lady for that, but my advice would be to write directly, if she has not already, to the director of the SFO, copying in the Law Officers, so that we can have full and up-to-date knowledge of the serious case she raises.

I will do my best in the 10 minutes or so that I have to answer the questions posed by the right hon. Member for East Ham. I come straight to blockbuster funding. I have to confess that I am too young for glam rock, and perhaps that is a good thing. In my mind, the word “blockbuster” conjures up the golden age of Hollywood. I do not know whether that is an appropriate metaphor because we are dealing with an independent prosecutorial authority that, for the best part of 30 years, has worked in a particularly specialised way, bringing together investigators and prosecutors from the outset. That is the Roskill model to which right hon. and hon. Members have referred. To be scrupulously fair to the right hon. Gentleman, he conceded—I think properly—the point that some element of blockbuster funding is desirable and, indeed, appropriate. When he was in the Treasury, I am sure the same rules were applied to the SFO. The question is not one of principle therefore, but of degree.

I come back to the age old question of balance and how to maintain that from year to year. The particular criterion that is now used by the Treasury was set out back in October 2012, when the then Chief Secretary to the Treasury came to an agreement with the director in relation to the funding of very large cases. Blockbuster funding is applied for when it is expected that costs to investigate and potentially prosecute a case will exceed 5% of the SFO’s core budget, which, at present, are cases likely to exceed £1.7 million. The ability to have recourse to funding for very large cases is a model that the Law Officers fully support. The SFO has to present a business case to the Treasury, but I reassure right hon. and hon. Members that it is not the Treasury’s function to perform the role of gatekeeper and assess the legal merits of a particular case. That is not its function at all. As the right hon. Member for East Ham will well know, its function is to make sure that the case is sound and that there is evidence on which to base that application; that the SFO has demonstrated that there is a real need for the money based on specific investigations or day-to-day needs. It is on that basis that we would see an advance being made.

The hon. Member for Torfaen (Nick Thomas-Symonds) rightly refers to a written ministerial statement that I am laying today to outline the position. I agree with him that it might seem rather inelegant, but, when it comes to the need to be flexible and to recognise the ever-changing demands on the SFO, I am afraid a degree of inelegance is a price worth paying for the practical effect of making sure that the SFO has fleetness of foot for dealing with a case load that varies dramatically year on year.

Nick Thomas-Symonds: I do not think there is any dispute on the principle and the flexibility. The dispute is about the balance. Does the Solicitor General feel that the balance has been right in recent years? Should it be adjusted in favour of core funding?

The Solicitor General: The hon. Gentleman is right to bring me back to balance. From year to year, it is very difficult to predict. There will be times—he cited a year—when the amount of blockbuster funding exceeds the core funding, but there are other years when that is not the case. That underlines more eloquently than I can the essential fluidity of the system.

In replying to the right hon. Member for East Ham, I would deal with the question in this way. It would be troubling if either the Law Officers’ Department—there was once a suggestion that our Department should be the gatekeeper—or the Treasury acted in some way as a second opinion, second-guessing the professional judgments of members of the SFO. That would be wrong and is not what happens when it comes to blockbuster funding. No application for blockbuster funding has ever met with a refusal. That is a very important point to hold on to when it comes to the Government’s understanding of the reputational importance that the fight against economic crime has not just for the Government, but for the United Kingdom generally.

Mark Field rose—

The Solicitor General: I give way to my right hon. Friend, who made that point.

Mark Field: The Solicitor General made a statement on the instances of refusal by the Treasury. I was going to come on to that. Has there been a refusal on the degree of blockbuster funding? It might not have been about the overall amount, but has there been a sense of haggling between the SFO and the Treasury over the amounts that should be given for particular cases?

The Solicitor General: My right hon. Friend invites me down a course that I am perhaps not fully qualified to talk about. There will of course have been discussions about the amounts, but at no time—this is again very
important—has funding been a bar to the proper investigation of cases that are brought before the SFO and meet the criterion that the hon. Member for East Renfrewshire and the hon. Member for Strangford (Jim Shannon) set out. Previous Law Officers, including my right hon. and learned Friend the Member for Havorth, and current Law Officers have made it clear that funding issues will never be a bar to the prosecution of serious fraud in this country. That is why the reputation of the United Kingdom, to which organisations such as Transparency International have attested, is as one of the leaders in the field for the prosecution of economic crime.

In response to my earlier invention, my right hon. Friend the Member for Cities of London and Westminster conceded that his interesting ideas, which I very much hope will be fed into the Cabinet Office review of economic crime, must acknowledge the fact that we are dealing with not a regulatory but a prosecutorial authority. The tests, with which most hon. Members are familiar, of reasonable prospect of success and the public interest, as well as remembering the high standard of proof that needs to be reached, are vital when it comes to the criteria for an independent prosecutorial authority.

Right hon. and hon. Members will know that the Ministry of Justice is conducting a call for evidence on corporate responsibility. The Government have an excellent track record in that area, having supported and brought into force the Bribery Act 2010, particularly section 7, which created a failure to prevent bribery offence. A similar offence in the field of tax evasion is in the Criminal Finances Bill and the Government will seriously consider the outcome of the forthcoming consultation when it comes to failing to prevent economic crime.

I think the question of the attitude of the director to blockbuster funding has been adequately covered. I have described the system as inelegant, or imperfect. Although the director works within the system, at no point has he felt under any improper pressure from the Government, or the Treasury, on applications for funding. That is very important, bearing in mind the current director’s record in improving and enhancing the role of the SFO in our public life. In paying warm tribute to David Green, I also commend him for the creation of a chief operating officer post, which I think will go a long way to dealing with some of the human resources points raised by hon. Members.

On diversity, I am glad to say that when it comes to new starters at the SFO, 51% are female. I accept the diversity figures. However, before I sit down to allow the right hon. Member for East Ham to conclude the debate, I would say that it is tempting to seek to create a permanent cadre of staff at the SFO who might be able to build up expertise, but each large case stands very much on its own facts. The context of each case can vary widely. Therefore, the continuing need for flexibility in employing specialist agency staff who might be familiar with a particular scenario will not go away. I make no apology for the fact that flexibility of funding is important in terms of year-to-year demand, and employing and engaging agency staff can be of real benefit when it comes to the prosecution of specialist crime.

10.59 am

Stephen Timms: I am grateful to everyone who has contributed to the debate. Sadly, I do not think I have time to discuss glam rock. I want to ask the Solicitor General if he will reflect on the fact that everybody who spoke in the debate before him—I think I am right in saying that—agreed that the current heavy reliance on temporary blockbuster funding for the SFO is not the optimal arrangement. He accepted that it was not elegant, but it is not really the elegance that is the concern—it is the fact that it is an expensive way to pay for the SFO’s work and undermines its ability to build up a cadre of long-term, committed expertise.

Motion lapsed (Standing Order No. 10(6)).

11 am

Sitting suspended.
Seagulls

[Mr Gary Streeter in the Chair]

2.30 pm

Oliver Colvile (Plymouth, Sutton and Devonport) (Con): I beg to move,

That this House has considered seagulls in coastal towns and cities.

It is a delight to move the motion, especially under your chairmanship, Mr Streeter. I am pleased to have not only a neighbouring MP in the Chair but another of my neighbours, my hon. Friend the Member for South East Cornwall (Mrs Murray), acting as the Minister's excellent Parliamentary Private Secretary. It is truly a team effort from Devon and parts of Cornwall. I thank the House of Commons authorities for granting me the debate.

I am pleased to have secured this timely debate on seagulls and coastal towns and cities, which gives me an opportunity to talk about an issue that has plagued many people not only in my inner-city constituency but throughout the UK. For context, my constituency houses the city centre, the Barbican and the Hoe, where Smeaton's tower is situated. Thousands of tourists flock to our city every summer to see the historic place where the Mayflower ship set sail 400 years ago to found the American colonies. Indeed, in 2020 Plymouth will be at the centre of commemorations. American tourists do not need to come to Plymouth only to be plagued by sweeping and aggressive seagulls.

I am concerned that increasingly aggressive seagulls could put off more tourists from coming across the world and visiting Plymouth and other coastal towns and cities such as Looe. They are not content to just take to the skies over my city; there is even a Twitter account called @PlymSeagull. I pay tribute to my hon. Friend the Member for South East Cornwall, who is doing a brilliant job as PPS, told me the old saying that each seagull carries the soul of a fisherman who died at sea. As the chairman of the all-party parliamentary fisheries group, I have had a few messages from people asking whether the common fisheries policy has been slightly to blame for the rise in aggressive urban seagulls as we seem to have overfished our waters. However, I will leave the Minister to address that point if she wishes.

In the past 200 years, most species of gull have learned that they no longer need to migrate north or south. That is because the UK holds a variety of relatively mild climate conditions throughout each season and food is readily available from a wide selection of sources, as my right hon. Friend mentioned. Like all wild animals, seagulls have an ingrained will to survive. Much of that comes down to the fact that they are scavengers looking for food scraps wherever they can find them. Indeed, last year a group of psychology students at the University of the West of England launched a research project to study the psyche of the gull, focusing on the nesting of the birds, their feeding habits and how humans interact with them. When my hon. Friend the Minister sums up, I very much hope she will confirm that she has followed that research. When it is published, will her Department respond to it?

Over the weekend, it was widely publicised in the local and national press that the reason I applied for this debate was because my friend had a chip taken away from him by an overly aggressive seagull. We were campaigning in the Torbay mayoral election at the time. He put his fish and chips to one side and a gull swooped down and took them away. I am afraid he did not finish his lunch.

John Woodcock (Barrow and Furness) (Lab/Co-op): I congratulate the hon. Gentleman on bringing this important matter here. Is he aware that not simply chips are at risk? A pensioner was hospitalised by a seagull in Barrow within the past two years. This is a real public safety risk for the people of our coastal towns.

Oliver Colvile: The hon. Gentleman is quite right. Indeed, I will give some examples of where that has happened elsewhere. As I said, a very aggressive seagull came down on my friend's fish and chips. Yes, that happened, but no, that is not the reason why I sought the debate. I did so because I have been contacted by a whole series of people. A number of constituents have contacted me regarding over-zealous and aggressive seagulls. This is not a vendetta; it is an opportunity to ensure that shoppers, residents and tourists feel safe when they are outdoors.

Even my local newspaper, the Plymouth Herald, ran a story last summer titled “Plymouth will belong to seagulls this summer—but this is how you can avoid them”. We see photos in the press of a pensioner with a large cut to...
her scalp. We read stories about a diving seagull killing a pet dog. Things have become so bad and so widely publicised that our former Prime Minister, David Cameron, said that he wanted a “big conversation” about murderous seagulls.

Earlier today, I received an email from my constituent, Graham Steen, who tells me that a few years ago he was attacked by a pair of gulls that were nesting in his chimney. The gulls used their claws and beaks to attack the top of his head, causing a large amount of damage and pain. The gentleman has a bald head, so we can imagine what he was encouraged to go and do.

Real-life cases such as that have brought together Members from across the country to discuss this topic. Despite the anti-seagull sentiment, I am not advocating or supporting a cull of the species. Given the political surprises of the last two years, we should be very wary of polls. However, in 2015, YouGov surveyed more than 1,700 people on their support for a cull of seagulls and, according to the poll, 44% of people support one, while 36% oppose one. In beginning a cull of seagulls, I believe we could set a warning precedent, especially as herring gulls are a protected species under the Wildlife and Countryside Act 1981. I am therefore against the cull.

While we are on the subject of protected wildlife—I hope you will indulge me for a moment, Mr Streeter—Members may know that I have been running a national campaign to save the hedgehog by making it a protected species. I know the Minister will have heard me speaking about that several times over the last year; I realise that I have got quite a reputation around the country for it. I want to ask her this: how can it be that an aggressive bird such as the herring gull is protected when the small, timid hedgehog, whose population has declined by 30% in the last 10 years, is not?

Sir Greg Knight: I know my hon. Friend is a big supporter of the European Union. Is not the answer to his question that the Wildlife and Countryside Act derives from the EU birds directive, which forbids us to have a cull?

Oliver Colvile: My right hon. Friend is quite right. I very much hope that that will be included in the Brexit Bill when it comes forward, so that we can protect our wildlife and, I hope, improve upon it, because that is important.

Back in September, my hon. Friend the Member for Cheltenham (Alex Chalk) tabled a question to the Department for Environment, Food and Rural Affairs asking whether it had made an assessment of the potential effect of removing the protected status of seagulls in urban areas.

Graham Stringer (Blackley and Broughton) (Lab): I congratulate the hon. Gentleman on securing this important debate. There is not only a contradiction between the lack of protection for hedgehogs and the protection for aggressive seagulls. Governments of all colours in the past have agreed to onshore and offshore wind farms, which randomly kill many seabirds. Does he agree that there is a huge contradiction between seagulls being protected, when we could save people from attack, and killing them randomly with wind farms?

Oliver Colvile: I quite understand where the hon. Gentleman is coming from, but I have always been a keen supporter of renewable energy. I have always thought that the more we can do to use tidal and wave technology, the better, but he makes a fair point.

The Minister replied to the written question from my hon. Friend the Member for Cheltenham, stating: “The Wildlife and Countryside Act 1981 already allows for the control of gulls…in the interest of public health and safety or to prevent disease.” I cannot see how a seagull attacking a pensioner, leaving her with a huge and bloody cut on her scalp, is not seen in terms of public health and safety.

Mrs Anne-Marie Trevelyan (Berwick-upon-Tweed) (Con): My hon. Friend brings a really important discussion to the House for debate. In Berwick-upon-Tweed, the most northerly town in my constituency, we are plagued with the seagull problem, to the point where last summer someone took it upon themselves to institute their own cull. While that was appreciated in some quarters, there is a risk that people are having to take the law into their own hands to deal with these difficult and aggressive birds, which means there are people wandering the streets of Berwick with firearms who really should not be doing so. The impact of that frustration is very real.

Oliver Colvile: I would most certainly advise my constituents to ensure they do not seek to break the law.

There are a number of things that the Government can do to make the position much better. Will the Minister consider amending the 1981 Act so that it is easier to control the gull population when such attacks are happening? I also firmly believe that we need greater flexibility in protecting very different species. If population growth occurs, especially to the detriment of another species, it should be made easier to change the list of protected species, but very much on a regional basis.

Just before the last general election, the former Chancellor, my right hon. Friend the Member for Tatton (Mr Osborne), earmarked £250,000 for a study into the life cycle of the urban seagull. Unfortunately, that was scrapped three months later by DEFRA. I would be extremely grateful if the Minister could speak to the Treasury to try to get the money for that study back. I know that many Members who represent coastal towns and cities would be delighted if there were some movement on this, as many of our constituents’ lives are being blighted on a daily basis by seagulls.

Alex Chalk (Cheltenham) (Con): Of course, this does not only affect coastal towns and cities; towns such as mine and the quality of my constituents’ lives are seriously affected. Given that we managed to clear pigeons from Trafalgar Square in a humane way, does my hon. Friend agree that it ought not to be beyond the wit of man to do the same for seagulls, which are such a menace to my constituents?

Oliver Colvile: My hon. Friend makes a fair point. When I was a child, I always believed that if there was a bad storm at sea, the birds had a tendency to come inland. I do not know whether that is still the case.

Studies show that between 2000 and 2015, the number of urban gull colonies in the UK and Ireland doubled from 239 to 473. Indeed, the number of gulls could have
quadrupled in that time, as colonies are now larger than they were 17 years ago. The £250,000 study could mitigate our knowledge gap when it comes to gulls.

As you may know, Mr Streeter, I am the chairman of the all-party parliamentary group for excellence in the built environment. I therefore take a deep interest in how we can use our buildings to combat the scourge of angry seagulls. I believe we can use our built environment to tackle this problem. Commercial buildings should be proofed or built differently when redeveloped. Indeed, there are a number of bird deterrent systems. Bird nets are an effective deterrent system, providing a discreet and impenetrable barrier that protects premises without harming birds. Nets are one of the most effective and long-lasting ways of bird proofing, particularly for large open roofs, and can be used for commercial and industrial buildings such as warehouses.

Alternatively, a pin and wire system could be used to prevent perching without damaging the aesthetics or construction of the building. That system is almost invisible and is widely used across the UK for that reason. By preventing perching, the system makes it much more difficult for a gull to nest and eventually lay eggs.

The most well-known deterrent is spikes, which are used to deter not only gulls but pigeons and other birds. In built-up urban areas such as Plymouth, spikes would be helpful because they would make it very difficult for the birds to land, particularly in high-infestation areas. It has also been suggested to me that councils could paint eggs red, so that gulls think they are on fire and will not sit on top of them to incubate them. From what I understand, gulls see in black and white and not in colour—perhaps because they bought the wrong TV licence.

In terms of what can be done on the ground, there is an element of social responsibility, as my right hon. Friend the Member for East Yorkshire (Sir Greg Knight) said. Takeaways must take much more responsibility to keep their local environment clean, as overflowing bins and fish and chip wrappers are extremely attractive to gulls. Local authorities also need to be more proactive in keeping their streets clean and ensuring that litter bins are free from takeaway boxes and polystyrene containers. Those simple steps could help to take away one of the best sources of food for these birds.

In the 1970s, Restormel Council in Cornwall encouraged residents to leave out their black plastic bags, which were then picked at by the gulls in the local area. Residents would put blankets over the top of the bags to hide them from the gulls. I urge local authorities to use bins with secure lids, so that it is much more difficult for gulls to get into the bins and pick at the bags. I also encourage local authorities to continue their weekly bin collection, especially over the breeding season. I must confess, however, that my own local authority has just proposed a change to fortnightly bin collections.

Another form of contraception could be to replace eggs with dummy or fake eggs. Studies show that gulls welcome dummy eggs into the nest and will try to incubate them. I think that my own local authority in Plymouth used that method for a little while. I am pleased that we have the opportunity to debate such an important issue, which transcends constituencies and affects hundreds and thousands of people across our coastal towns and cities. I hope that the Minister will listen to not only my concerns, but those of many of my constituents and many other Members of Parliament and their constituents. This is an important matter, and I hope that the Government will act before someone is really hurt yet again by an aggressive seagull. As you know, Mr Streeter, I represent a naval constituency, so in that great tradition we should pay tribute to the words of Horatio Nelson: we need action this day.

Several hon. Members rose—

Mr Gary Streeter (in the Chair): Order. Four hon. Members are seeking to catch my eye. The winding-up speeches begin at 3.30 pm. We have 40 minutes and four speakers—do the maths.

2.50 pm

John Woodcock (Barrow and Furness) (Lab/Co-op): May I, too, say what a pleasure it is to serve with you in the Chair, Mr Streeter? It is also a pleasure to be able to contribute to this timely and essential debate—passions have already been stirred by the opening contribution from the hon. Member for Plymouth, Sutton and Devonport (Oliver Colvile). I agree with so much of what he said. I will just add a few thoughts from the perspective of the blighted and besieged people of Barrow and Furness, who have dealt with this threat for many years. I mentioned in my intervention the example of a pensioner, 72-year-old Brian Griffin, who was attacked on the way to the library in Walney and ended up having to be hospitalised.

There is a rather gruesome video on the North West Evening Mail website—I do not recommend that you click on it, Mr Streeter. It shows a large herring gull feasting on a pigeon. There is another example of a gull popping into Greggs on Dalton Road to help itself to the produce. I have with me a photo that I took on my walk to the office a couple of weeks ago. You have rightly reminded me that it cannot be used as a prop, Mr Streeter, but let me take a moment to describe it. It shows, in one of the back alleys in central Barrow, a wheelie bin whose lid has clearly been left ajar, and the gull is pecking at the bags that are on the floor. It is a site for—well, I will not count them now, because that would not be a valuable use of time, but there are at least a dozen seagulls there. This is not just an inconvenience for people; it is a proper health and safety risk to our citizens.

In the four years since I was able locally to bring people together for the Barrow and Furness seagull summit and we instituted a three-point plan to deal with seagulls, there has been some effect. The measures that we all agreed to back then were pursuing contraception for seagulls where that was possible; removing the space where seagulls unfortunately too often congregate and nest in our town; and clearing out waste. There has been some sporadic progress.

Alex Chalk: I commend the hon. Gentleman for his summit and for trying to achieve solutions locally, but does he agree that there is an opportunity for central Government to try to co-ordinate what might be best practice, potentially underpinned by a study, so that we are not having to reinvent the wheel in every location to work out what best practice is? We should know that from the centre.
John Woodcock: Absolutely. That is an excellent idea, and I will come on to what more I think the Government could do in relation to individuals. I, too, was disheartened by the cancellation of the £250,000 project. I am sure that the former Chancellor took inspiration from one of my former employers, the former Prime Minister Gordon Brown, in taking a personal interest in what might otherwise seem insignificant amounts of money at Budget time. That project clearly would have been welcomed in the towns blighted by seagulls. It is a real shame that the Chancellor cancelled it.

Oliver Colvile: Would it not also be a good idea if local authorities were to work with other local authorities around them that have a similar issue? That could also save costs, and I am acutely aware that local authorities are finding it very difficult to make ends meet at the moment.

John Woodcock: Absolutely. These are trying times. We have had the Barrow and Furness seagull summit. Perhaps the time has come for a national seagull summit, so that the blighted populations along our coasts can get together and discuss the issue, perhaps in comparative safety at an inland venue, for their mutual convenience.

BAE has taken action, which reduced many of the nesting sites in our town, and a number of years ago the council distributed a leaflet, but there is still a really significant problem. Certainly in the perception of most citizens in Barrow, Ulverston and across the area, the blight is pretty much as it was. That is not to say that we do not value the South Walney nature reserve, where the seagulls ought to be living their lives, but unfortunately they come into town too often because food supplies are too readily available there. There are clearly things that individuals and businesses can do to lock up those supplies, but I wonder whether there is a limit to the effectiveness even of those measures.

I am very interested in what the hon. Member for Plymouth, Sutton and Devonport says about the potential for reinstating a cull once the United Kingdom has left the European Union. Amid the flurry of worry and concern about downsides, that is possibly one thing that we ought to keep in mind as a real step forward for an independent UK. We will be able to make our own decisions about whether herring gulls, which are hugely preponderant in Barrow town centre, could be taken off the protected species list.

I will finish with a further suggestion as to how the Government could get involved. It is true that herring gulls are on the protected list, so the ability that is available in relation to other species, if they prove to be a health and safety concern, does not exist for gulls, but too often that leads individuals to believe that they can do nothing. Actually, if people go to the Natural England website and read the provisions of its general licence, that makes it clear that someone can take action against a herring gull by removing its nest and taking away its eggs if they are a property owner, there is a clear health and safety danger from failing to do that and other measures have proved ineffective. Many homeowners or managers of public buildings would clearly meet those criteria in the Furness area and, I imagine, in other towns.

Sir Greg Knight: Does the hon. Gentleman accept that many seaside properties are three-storey, not two-storey, and where they are owned by an elderly couple, it is just not possible for them to get up on the roof and remove the eggs?

John Woodcock: Indeed, but let me explain what I strongly believe the provisions of that licence say. Perhaps the Minister will be able to clarify this. I can share with her the terms of the licence if her staff do not have this information and that would be helpful. I am not sure that it requires an elderly person to do the deed themselves. I think that they may be able to employ someone else to do it. Let us hope that there clearly is a role for local authorities. There is a long established role in vermin control. Someone can bring in people to help if they have a rat or mouse infestation. I think that there clearly is a role for local authorities, but where either the local authority or the Government could really make the difference would be in enabling citizens to know what their rights are in these situations.

Alex Chalk: Two things: first, citizens need to know what their rights are; secondly, we need to enable citizens to know what is most effective. All of us—individuals and local authorities—have limited resources and limited time. We need to target resources effectively.

John Woodcock: Absolutely. People need to know they can take action. Yes, they need a licence to take action against herring gulls, but they can obtain the licence by going on the internet and printing it out for themselves. Does the Minister agree that there could be a case for, as I like to put it, mobile licensing awareness points around coastal towns? We would simply need desks with printers and bits of information to tell people what their rights are and to empower them to take back their communities against the blight of seagulls, which so often spoil our towns.

3 pm

Steve Double (St Austell and Newquay) (Con): It is a pleasure to serve under your chairmanship, Mr Streeter. I congratulate my hon. Friend the Member for Plymouth, Sutton and Devonport (Oliver Colvile) on securing this important debate and it is a pleasure to follow the hon. Member for Barrow and Furness (John Woodcock).

I represent St Austell and Newquay in mid-Cornwall, and the issue of seagulls has long been a hot topic in my constituency, particularly in places such as Newquay, Mevagissey and Fowey—coastal towns that rely heavily on tourism. We have seen the growing nuisance of seagulls in recent years. That nuisance is to do with noise and droppings that can damage car paintwork, as well as gutters blocked by nests, which then cause gutters to overflow. There is also the nuisance of rubbish strewn across our streets every time there is a waste collection in the community.

Seagulls are not only a nuisance. Increasingly, there is an issue of danger. We often laugh at tourists in our seaside towns who have their pasty or their ice cream stolen by a pestering seagull, but too frequently that results in injury. Our local A&E in Cornwall reports that every late spring/early summer our seagulls become more aggressive and several people visit A&E as a result of being injured by a seagull.

In 2015, there was the well-publicised case, which my hon. Friend the Member for Plymouth, Sutton and Devonport mentioned, of a family dog in Newquay...
being killed by a seagull. That drew a lot of media attention and was directly responsible for former Prime Minister David Cameron commenting that we needed to have a big conversation about seagulls. Sadly, we never got to have that big conversation. The issue went away, as it does most summers, and we have never really come back to address it in the way that I believe we need to.

**Oliver Colville**: Does my hon. Friend think that a clever idea would be for us to have a debate of this sort annually, especially at this time of year?

**Steve Double**: I am grateful for that comment from my hon. Friend. Friend. However we do it, we need to keep returning to this issue until it is addressed in such a way that seagulls no longer blight our seaside communities. Whether it is an annual debate or whatever the mechanism is, we need to keep focusing on the issue until something is done.

My observation is that we have almost two species of seagulls in this country. The gull we most often refer to is the herring gull, which is a large bird. I understand it can grow to about 55 cm, although now that we are leaving the EU we are allowed to say 22 inches. That bird is the most common cause of nuisance and attacks. As I said, it is now almost two species, as there are the birds that live out on the cliffs as nature intended them to live—by eating from the sea and living in the wild—but increasingly we see the urban seagulls that come into our towns becoming a very different species from those that live in the wild.

We do the seagulls no favour by drawing them into our towns. One of the facts that I discovered when I looked into this matter was that the average life expectancy for a gull that lives in the wild on the cliffs is more than 30 years, but for a gull that has come into the town and lives by scavenging off human waste it is 12 to 15 years. Gulls live more than twice as long when they live in their natural habitat than they do in our towns.

By removing them from our towns, we would do the gulls a favour and help them to live the long and pleasurable lives that nature intended.

Increasingly in our seaside towns in Cornwall the gulls are seen as nothing more than flying rats. They scavenge from our rubbish bins and seek to steal food from us whenever they can.

**Stuart Blair Donaldson** (West Aberdeenshire and Kincardine) (SNP): The hon. Gentleman mentioned stealing food. I am sure he is aware of the video of the Aberdeen seagull shoplifting a packet of Doritos in Aberdeen. Seagulls cause real problems for residents, businesses and tourists. Will he join me in welcoming Aberdeenshire Council’s “Survivor’s Guide to Living with Urban Gulls” to deal with these issues?

**Steve Double**: I am grateful for that intervention. Indeed, I am aware that many local authorities across the country, including Cornwall Council, have issued guidance to residents and businesses on how to minimise the impact of gulls. All that is most welcome, but we are reaching a point where perhaps more direct action needs to be taken. Part of the process is about education and increasing awareness. The point already made by some hon. Members is that a lot of the problems are caused by people feeding gulls or leaving their food waste in such a way that it is easily accessible for gulls. Educating people to minimise that is one of the best ways to reduce the impact of gulls.

I was formerly the Cornwall Council cabinet member responsible for waste management. I am proud of the fact that during my time in the cabinet I introduced seagull sacks across Cornwall, which we made readily available through the local authority at a nominal cost. Residents can put their black bin bag rubbish into seagull-proof sacks. The seagulls cannot access the rubbish within. Encouraging residents to take such practical steps will minimise the impact that seagulls have in our communities. However, more needs to be done.

As my hon. Friend the Member for Plymouth, Sutton and Devonport mentioned, it was regrettable that the Government cancelled the study on seagulls and their life cycles and habits, because we need to make informed decisions. There have been calls for a cull, although I am not convinced that is the answer. I do not completely reject some other measures that have been mentioned, such as taking eggs and such things. All those could work, but we need to make informed decisions about how we tackle this menace. A comprehensive study of and report on seagulls, their impact and their life cycle would help us to form an action plan to address the issue for the long term and help us to minimise the impact that seagulls have.

I would certainly welcome the Minister’s comments and views. Is she prepared to support a call for a new study to be done on how seagulls impact on our coastal communities—as we have heard, increasingly this is not only a coastal issue—so that we can have comprehensive knowledge of the issues and then make informed choices about how we address the problem?

I am grateful to my hon. Friend the Member for Plymouth, Sutton and Devonport for initiating the debate as this is an important issue that many of our communities and constituents want to see us address. I hope this can be the start of not just a big conversation, but some action that might go somewhere and help us to address the issue.

3.9 pm

**Patricia Gibson** (North Ayrshire and Arran) (SNP): It is a pleasure to serve under your chairmanship, Mr Streeter, and I thank the hon. Member for Plymouth, Sutton and Devonport (Oliver Colville) for introducing the debate. It is quite nice to be in a debate where we all agree about what the problem is, and about the fact that we must find some way through it. Indeed, we all agree that seagulls are a menace to our towns and cities, thriving on litter and behaving aggressively towards other birds, and to pets and people. They are increasingly problematic.

I particularly want to speak because seagulls are a problem for the seaside town of Largs, in my constituency. I recommend Largs to those hon. Members who have not yet been fortunate enough to visit—it is a beautiful and picturesque town with much to offer residents and visitors—but the presence of seagulls is a constant challenge. That challenge can range from a simple nuisance to a downright menace. As hon. Members have mentioned, some people have been quite badly injured; others have escaped with just being terrorised.
I think that there has already been mention of the first important instrument that should be used to tackle seagulls in coastal areas, which is for the public to stop feeding them. Feeding only attracts more gulls and builds up their expectation that the food is there for the taking. As we know, seagulls hover in the sky waiting to snatch food from local people who are eating fish and chips on the prom. They have even been known to plague Largs residents sitting in their gardens some distance from the shoreline. It is important for day trippers in seaside towns such as Largs to appreciate that they should not feed seagulls. Largs welcomes thousands of day trippers every year, at high season. If someone took their child there on a visit and the child was viciously attacked by a seagull, it seems logical that they would not choose to return.

The world-famous Largs ice cream outlet Nardini’s has even warned its patrons not to eat the ice cream outdoors, as seagulls will soon appear to claim it as their own. Indeed, nothing can really be safely eaten on the shorefront without risking life and limb at the hands, or should I say beak, of a vicious seagull. I can top the story told by my hon. Friend the Member for West Aberdeenshire and Kincardine (Stuart Blair Donaldson) about the snatching of a packet of Doritos in his constituency. In my constituency, a seagull was bold enough to snatch a £20 note from an unsuspecting visitor’s hand, only to deposit it some distance down the street when it realised that it was not particularly appetising.

The problem of seagulls is not confined to town centres and the sea front, however. They breed and nest on the flat roofs of houses; they squabble with each other; they squawk incessantly at all hours of the day or night, creating a nasty racket; they bombard and soil windows; and they soil washing. That noise and filth, which can only be a health hazard, constitute a serious challenge for residents of even the most picturesque towns, such as Largs.

Largs, however, has been trying to think creatively about the issue. One idea that was mooted, which I do not think has been mentioned today—perhaps there is good reason—is the deployment of birds of prey to control the number of seagulls. That would mean using hawks as a deterrent, working the seagulls away to a much less densely populated area and letting them congregate elsewhere. I understand that that solution has worked in Anglesey, so why not in Largs or other seaside towns? It would also be important to provide a feeding station elsewhere, to move the food source and to keep the seagulls in a designated zone. As the hon. Member for St Austell and Newquay (Steve Double) mentioned, that would be good for the seagulls’ health and lifespan.

Assistance has been sought from local councils, and in Largs that has led to the use of solar seagull-proof bins. The bins in Largs are often filled to overflowing, given the high turnover of visitors in summer. When the town is packed with visitors the bins start to overflow very early in the day, but solar seagull-proof’ bins were installed on the seafront last summer. As well as having improved capacity, they compress the waste and alert the council when they need emptying. That innovation has been warmly welcomed by visitors and residents. I can take no credit for lobbying for those bins; the credit must go to the local MSP. In the interest of family harmony, I should say that that happens to be Kenneth Gibson, my husband.

**Oliver Colville:** I hope that the hon. Lady can help me: I am somewhat confused. We have devolved Assemblies, including the Scottish Assembly. What role does the Scottish Assembly play in all this? Is it a reserved matter for the Westminster and Whitehall Government or is it also a policy issue in the Scottish Parliament?

**Patricia Gibson:** As the hon. Gentleman will know, the matter is ultimately the responsibility of local authorities, but support and guidance on the treatment of species is given by the Scottish Parliament. He may well ask—I suspect, perhaps unfairly, that this is at the core of his question—what I am doing here today. I will enlighten him: it is to share good practice. I came here hoping that his pearls of wisdom would cascade down to me and that I could report some innovations back to Scotland. I hope that, similarly, I can help him.

**Oliver Colville:** I was genuinely concerned to know how the whole thing works. I served on the Select Committee on Northern Ireland Affairs, and every time there was an issue that was thought to be Northern Irish, a Committee member would remind me that it was a reserved matter for the Northern Ireland Executive and nothing to do with us in Westminster. I am therefore grateful to the hon. Lady for taking some time to explain the constitutional impact.

**Patricia Gibson:** I am delighted to be of service to the hon. Gentleman.

How we deal with seagulls and their interference with the town and residents is a long-standing issue. Further measures are needed, and we have not solved the problem yet. Wild birds are protected by law in Scotland, but—the hon. Gentleman anticipated my remarks—local authorities and authorised persons are allowed to control and manage certain birds for the protection of public health and safety, and to prevent the spread of disease. If the problem is believed to have become unmanageable, and it is thought that public health is in serious danger, local authorities can take further measures.

As the hon. Gentleman said, we need to continue to monitor the situation. The public and residents of coastal areas—but not just coastal areas—need protection from this menace. We must work towards a more permanent solution to this difficult issue and continue to seek innovations. I am keen to hear what the Minister has to say and what pearls of wisdom she can offer, so that I can rush back and share them with the people of Scotland, who will be most interested. I hope that I have provided some enlightenment to the good Members here today who do not have the privilege of representing anywhere in Scotland.

**Mr Gary Streeter (in the Chair):** You have also name-checked your husband, which is even more important.

3.18 pm

**Derek Thomas** (St Ives) (Con): I would love to mention my wife, Mr Streeter, but she does not have much to do with this.
I thank my hon. Friend the Member for Plymouth, Sutton and Devonport (Oliver Colvile) for bringing this matter to Westminster Hall. There is no shortage of material from St Ives that I could talk about with reference to seagulls, and their welfare—it is not just about their being pests. St Ives’s fame comes most recently, as many in the House will know, from its neighbourhood plan. Hon. Members can talk to me about it later, if they are interested; it hit the international headlines. St Ives is also famous for Barbara Hepworth, the Tate Gallery, beautiful beaches, and seagulls. In fact last July an 18-year-old girl was airlifted to hospital having fallen off a 15-foot wall because of an incident involving a seagull and an ice cream.

This is a very tricky public debate, as I learnt without even contributing to it. At the same time as David Cameron was making his comments last summer, I was having a surgery in a local pub in Longrock. I came out of the pub with the landlady and she asked me to do something about a seagull that had been injured. It was there by her doorway, causing a problem to people coming in and out of the pub. I bundled it up, put it in my MG, drove it home and gave it some care and attention in our chicken run. After I got into my house having done all that, I opened my email inbox and had a whole host of emails wanting me to be removed from the planet because of our attitude towards seagulls. I am aware how tricky this public debate is, so my hon. Friend the Member for Plymouth, Sutton and Devonport is a very brave man for raising it—this is an emotive issue.

There is no disputing that seagulls are beginning to behave badly. We have mentioned most of the issues today. There is a safety issue for both humans—as I mentioned—and animals; we know of stories in Cornwall of pets and other wildlife being attacked by seagulls. There is also an issue for tourism. Interestingly, my hon. Friend the Member for St Austell and Newquay (Steve Double) referred to the noise that seagulls make, but when I am in my constituency on the phone to anyone anywhere else in the country, they always refer to the lovely sound of seagulls in the background. Many people come to Cornwall because of the contribution that seagulls make.

The truth is that seagulls are getting a bit out of control; however, this is no new problem. My hon. Friend also referred to the work that he did on Cornwall Council to try to solve the problem of seagulls distributing people’s rubbish wherever that rubbish might be on bin day. I was a member of Penwith District Council—we used to have six district councils in Cornwall before we went to a unitary system—and we were the only council to introduce wheelie bins to solve this problem. We had to do that because of our tourism and our local economy. The risk to health was a real problem. People would put their rubbish out late one night and in the morning it was everywhere but where it was intended to be, so wheelie bins were introduced. It is of great concern in other parts of Cornwall that Cornwall Council refuses to distribute them.

Steve Double: To pick up my hon. Friend’s point, and I have some knowledge of this, part of the problem in places such as Cornwall is that in a lot of our very small coastal villages wheelie bins are completely impractical because people do not have the space outside their properties to store them. That is why, when I was a cabinet member, we introduced the sacks, which are a lot easier to store.

Derek Thomas: My hon. Friend is absolutely right. Again, that is exactly the problem in St Ives; I have elderly residents who have had their bins removed for that very reason. We need to understand how to manage the problem of seagulls and other wildlife distributing our rubbish. That is a big debate—perhaps the subject for another Westminster Hall debate.

Oliver Colvile: Does my hon. Friend not also feel that the seagull cause has been helped by the opening of “Desert Island Discs”, which has seagulls calling in the background?

Derek Thomas: When my hon. Friend has the opportunity to go on that programme, I suggest he try to correct that, but I will not go into it.

There are things that we can do and there is some human responsibility in this. First, we really must stop feeding seagulls. There are people in Mousehole, where we have a particular problem, who have their own pet seagulls—or believe they do—and feed them every single morning. People try to explain the situation to them, but they continue to feed the seagulls. There are some really lovely people who think that they are caring for these beautiful birds, but actually they are not being caring at all. We need to get the message out to these people somehow that feeding the seagulls is not good for all concerned—including the seagulls themselves, I believe. We also need to address how we secure our bins and look after rubbish because, again, that is obviously a key tension.

There is some conversation about how we provide contraceptives for seagulls. Rather than cull them, which I assure hon. Members would be a very difficult and unpalatable thing to argue in my constituency, there must be a way that we can introduce contraceptives to seagulls to reduce their ability to reproduce. I imagine that if we did that for three or four years, it would have a significant, positive impact on the number of seagulls. I would not personally be willing to offer to do a drug trial, but I am sure that I can suggest ways that a contraceptive for seagulls can be trialled in that area. I know that it already exists.

Finally, we could remove eggs. I was in the building trade and when I did my apprenticeship I used to go up on high street roofs—mainly those of banks. A colleague of mine, who was considerably older than me and more responsible, would have a yard broom and would wave away the seagulls that were intent on knocking me off the roof because I was removing their eggs. That was part of my apprenticeship in the building trade. We used to go up on roofs at this time of year and a bit later to remove eggs because that was the only way that we could control the problem back then. I understand that we are still able to do that, but there are obviously some safety implications and we need to support communities to do it. In fact, in my building trade I spent a lot of time and lots of people’s money on creating all sorts of nets, wires and the various things we have discussed. We even looked at creating ways of spraying water on seagulls, because apparently they do not nest on roofs if they are sprayed.
3.25 pm

**Kirsty Blackman** (Aberdeen North) (SNP): It is an honour to serve under your chairmanship, Mr Streeter. I really appreciate it that the hon. Member for Plymouth, Sutton and Devonport (Oliver Colvile) has brought this issue to us for debate. I want to start by talking about Aberdeen and the reasons why I feel it is important for me to be here. I was reading the Library briefing—those briefings are really useful for a lot of debates—and about the number of gulls that are apparently in the United Kingdom. Apparently there are 45,000 herring gulls in the United Kingdom. According to the city council’s website, there are 3,500 pairs in Aberdeen. That means we have 15% of the UK’s herring gull population in our city. That seems quite unbelievable, but it comes from the figures provided. Look up internet memes on seagulls—the Aberdeen seagull is the size of a large dog. It is absolutely ginormous and it regularly gets mentioned; people who come to uni in Aberdeen from Glasgow or elsewhere in Scotland or England are shocked at the size of these creatures. They are not like normal seagulls; they are ginormous. We mostly have herring gulls, although we also have some lesser black-backed gulls.

The hon. Member for St Ives (Derek Thomas) talked about gulls beginning to behave badly, but he went on to say that we have been grappling with this problem for a long time. I grew up in Aberdeen and during my entire lifetime there has been a plague of these creatures. In Aberdeen we introduced wheelie bins and on-street bins as well because we have a huge number of tenement properties in the city. There is a huge number of places where people cannot have wheelee bins. We now have a really good on-street bin system with large bins on the streets. Residents have to put up with a slight loss of parking as a result of those big bins, which have big lids on them. The birds cannot access the bins, so they have been pretty successful in deterring the birds’ access to food.

As for the issues caused by seagulls, stealing food and aggression have been mentioned, as has the fact that they used be on land really only between April and September, but increasingly are beginning to winter in cities and towns rather than going out to sea. That causes a real problem because we continue to have these issues throughout the year.

There are a couple of issues that have not really been mentioned, such as noise. A huge amount of the correspondence that I get from constituents on this subject is about the problem of noise. It is about the concern that they are being woken at 3 o’clock in the morning by seagulls fighting with one another. I used to live on the Gallowgate in Aberdeen. There are several multi-storey buildings there and we were on the 13th floor of flats. Without fail, throughout the breeding season, we would be woken throughout the night by the noise of seagulls and that was a real problem.

Gulls cause significant damage to buildings, around chimney stacks, for example. They cause damage to people’s roofs. They cause damage to business buildings. Again, that has not really been mentioned. There is a financial cost associated with this problem, as well as the issue of people being scared of coming into town because of the aggression.

Seagulls also carry diseases. According to a piece of literature from our local authority—it is also called a “Survivor’s Guide”; I think Aberdeen City Council and Aberdeenshire Council got together to compose these survivors’ guides—they can carry salmonella and TB. It is pretty concerning to know that we have these creatures roaming about our city, carrying diseases that can badly affect human beings.

Those are all the issues, and my mailbox indicates that seagulls are never far away from the minds of my constituents. When people come in the door to talk to my office staff, they often mention in passing the problems that they have faced with seagulls. In fact, I wrote to the Scottish Government Minister last September following a spate of emails that residents had sent raising concerns.

It strikes me that there are a few things that can be done and a few things that could be done better. In Scotland, taking action by removing eggs, for example, is licensed by Scottish Natural Heritage. Companies can exercise that option, which ensures that the action is taken humanely and only in circumstances where there is no alternative. Action cannot be taken when spikes could be put up. However, gulls are increasingly managing to navigate a way around spikes. They have more of a problem with nets, but nets cannot be put on all roofs.

**Steve Double:** Does the hon. Lady agree that part of the problem is that gulls are very tenacious and intelligent birds and that no matter what measures we take to deter them, it usually only a matter of time before they find a way around them?

**Kirsty Blackman:** I absolutely agree. One thing about gulls is that they learn from one another, so if one gull manages to find a way around something, they all do, because they observe one another and learn. Such things as removing eggs and oiling eggs work, as does poking holes in them. Dumfries and Galloway Council did a study on the efficacy of those methods, and the results showed that they work.

Other studies have previously been done in Scotland. In 2010, the Scottish Government commissioned a study on using falcons and birds of prey, as my hon. Friend the Member for North Ayrshire and Arran (Patricia Gibson) mentioned, so they have specific details on that. That 10-week study was not quite as successful as it could have been, but the Scottish Government learnt a lot and have a huge amount of recommendations for people. For example, we do not want to have falcons flying around at the same time each day because the gulls get used to it and stop being scared of them. A huge number of useful recommendations came out of the study. Using such things as distress calls, kites, pyrotechnics and lasers was also suggested.
I appreciate having a chance to speak in the debate. To wind up my comments, an issue we face in Aberdeen is that although the Scottish Government have overarching responsibility for the matter and local authorities are then responsible for specific areas of nuisance, the local authority is clear that individual building owners have to take the action. As we see when we are trying to get lights replaced in tenement buildings, it is sometimes very difficult to get owners to take action. If the council is not the majority owner in a property—for example, a tenement building—and we are trying to get eggs removed from it, it is very hard to get that to happen. Although sharing good practice is a good idea and we should do more of it, there is an issue with who is responsible and the lack of compulsion on landlords and property owners to take action. If they are not willing to take action, the noise made by the birds affects everybody around. Again, I thank the hon. Member for Plymouth, Sutton and Devonport for securing the debate.

3.34 pm

Sue Hayman (Workington) (Lab): It is a privilege to serve under your chairmanship, Mr Streeter. I congratulate the hon. Member for Plymouth, Sutton and Devonport (Oliver Colville) on securing this debate on an ongoing issue that is familiar to all of us who represent coastal communities. He made an excellent speech with some really important points for consideration. My hon. Friend the Member for Barrow and Furness (John Woodcock) spoke passionately about how the problem affects his constituents, and there were well informed and important contributions from the hon. Members for St Austell and Newquay (Steve Double), for North Ayrshire and Arran (Patricia Gibson) and for St Ives (Derek Thomas).

Gulls are clearly a real problem in many parts of the country, particularly when they are breeding, but it is also clear that there is no quick-fix solution. We need to understand bird behaviour before deciding on a final course of action. As we have heard, gulls are problematic, particularly when they are breeding and nesting. They are often doing what any parent would do if they felt threatened: they are protecting their young. Urban gulls are often just looking for a nesting site that they see as safe from predators and with a good food supply. They do not know that they are sitting on top of somebody’s house or business.

We have heard that gulls enjoy a protected status in the UK under the Wildlife and Countryside Act 1981, which means that they cannot be intentionally killed or their nests intentionally destroyed. The Royal Society for the Protection of Birds, of which I am a member, notes with concern that the British gull population is in decline, so we have to look at what we can do to solve the problem without contributing to the further decline of the species.

Although there is marginal support for culling gulls, I support the RSPB’s position—and, it seems, that of the majority of hon. Members in the debate—that that should not be the immediate way forward. We should instead look at non-harmful deterrents as a priority. As Natural England has said, many problems associated with gulls can be avoided by taking preventive measures. Hon. Members have talked about the nets and wires that can be installed to deter nesting on buildings, and the need for better food storage and waste facility areas so that the food waste is kept secure and away from gulls. The public also needs to be discouraged from deliberately feeding them.

Gulls live for a long time and are intelligent and have good memories, so they have quickly learned that humans are a reliable source of food. We need to ensure that food is not just dropped and left—people need to be encouraged not to litter. We also need to ensure, as several hon. Members from Cornwall have mentioned, that there are secure bins or sacks in which food can be disposed of.

This problem has been going on for an incredibly long time, and although we could have an annual debate, we just need to crack on with tackling it. It is time that the Government gave councils that are dealing with this problem the resources that they need to manage the gull populations and solutions properly.

We have also heard about noise. Some areas have trialled high-frequency noise emitters—they are not too dissimilar to the Mosquito devices that have been used in areas with high levels of anti-social behaviour—but the results have been mixed. Local residents who can hear the noise have complained that their lives have been blighted and made a misery, so that solution clearly cannot be used everywhere.

As mentioned by the hon. Member for North Ayrshire and Arran, one way of potentially deterring gull populations is through the use of birds such as hawks or falcons. In 2009, an interesting study was conducted by the Scottish Government in Dumfries, just across the Solway from my constituency. I am sure that hon. Members are aware of the Harris hawks that we use on the parliamentary estate to keep down the number of pigeons. It seems that peregrine falcons could play a role in combating certain species of gulls, not by attacking or killing them, but simply by scaring them away. A humane system of deterrence such as that should be encouraged.

As we have heard, this is a serious health and safety issue. Last summer, in Maryport in my constituency, residents were surprised to see a notice come through their door saying that their post could not be delivered due to seagulls.

John Woodcock: How did the notice get through the door?

Mr Gary Streeter (in the Chair): Please continue, Ms Hayman.

Oliver Colville: If I may ask the same question, Mr Streeter, how did the leaflets get through the door, then?

Sue Hayman: My understanding is that the seagulls were extremely aggressive. I do not know how the postman managed to get the notice through the door. That is an extremely good question, and I shall have to go back and find the answer—perhaps he put it in a different box. Anyway, the Royal Mail in Maryport managed the problem by getting a local falconer, Mike Morrison, to offer up his services and his hawks and successfully scare the gulls off so that the postmen could return and deliver the local mail.

Meanwhile, we have also had a problem with dive-bombing gulls on an industrial estate in Carlisle. Local businesses have got together to deploy an army of fake hawks to stop the gulls from nesting on their roofs.
They report that it is working so far, so perhaps local councils could support that approach, providing that the Government give them the funding that they desperately need to buy the fake hawks.

Does the Minister agree that a cull is not the way forward and that we really need to look instead at non-harmful deterrence methods? Much has been said in this debate about the role that local authorities play in managing the problem, but they will only succeed if they are given the funding that they need to implement whichever method they believe is right for their area.

We have heard a lot of good ideas that could solve the problem, but as we know, councils are seriously strapped for cash at the moment. Residents and businesses are being left to fork out their own money or put up with the situation.

I would really like to hear from the Minister how the Government plan to ensure that local authorities are given the financial support they need to tackle the problems caused by gulls. We have heard that the former Prime Minister David Cameron’s suggestion of a way forward was a big conversation, but I reiterate other Members present in saying that now is the time for action.

Mr Gary Streeter (in the Chair): Before I call the Minister, I remind her to leave a few moments for Oliver Colvile to sum up at the end.

3.41 pm

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Dr Thérèse Coffey):

It is a pleasure to serve under your chairmanship, Mr Streeter.

A flock of seagulls can be a very frightening sight for many people when they anticipate being dive-bombed or attacked. Some may have thought that this would be a light-hearted debate, but hon. Members have been assiduous in raising genuine concerns and in painting a vivid picture of the problems caused by the high density of gulls in our coastal towns and cities as well as some places inland. My hon. Friend the Member for Plymouth, Sutton and Devonport (Oliver Colvile) is well known in the House as the saviour of the hedgehog, but now he will be known as the scourge of the seagull.

The Government recognise that gulls can be problematic when found in high densities in urban areas—my hon. Friend mentioned the problems recently experienced in Plymouth. I fully understand that gulls can be a serious nuisance. Sensible and proportionate action should be taken by using the range of measures already available and by raising awareness about what works locally. We have heard many good examples of solutions today, but local councils especially will know best what works in their areas. A falcon may be suitable in one part of the country, but in other places we may need certain kinds of bins or sacks, as my hon. Friend the Member for St Austell and Newquay (Steve Double) pointed out—and as I experienced recently when I holidayed not in his constituency but in Salcombe, where we had certain kinds of waste to deal with.

This debate was headline news today. The hon. Member for Barrow and Furness (John Woodcock) asked what we can do to raise awareness of the issue. Well, it has made “BBC Breakfast”, so that has raised some awareness. People may watch this debate live or on catch-up and headlines may follow in the media to make people realise what they can do.

John Woodcock: Does the Minister agree that it would be totally unacceptable, cruel and messy for people to adopt the solution that has been circulated on the internet of using bicarbonate of soda and bread? That is a completely unacceptable way of dealing with the seagull menace.

Dr Coffey: I completely agree. An hon. Member whom I will not name raised that idea with me this morning and I told them off, because it is not acceptable to endorse such a cruel way of tackling the issue.

Hon. Members have referred to gull behaviour and to the fact that the urban gull is starting to display unacceptable characteristics. A build-up of gull populations is often the result of a readily available food supply and the availability of attractive sites for roosting or breeding. Herring gulls and occasionally lesser black-backed gulls roost and nest on buildings, where—as we have heard—they may become aggressive, particularly when incubating eggs and rearing young. Their protective behaviour can result in attacks on members of the public who are in the street or who need access to roofs for maintenance purposes.

I understand that gull behaviour can have a negative impact on people’s lives in coastal towns and cities, including inland—we have heard about Cheltenham, for instance. However, by using common sense, we can deal with the issue effectively through existing legislation and practical local action. I am particularly keen to draw attention to examples of local authorities taking such positive action to manage gulls, but I first want to set the context of the conservation status of gulls.

My hon. Friend the Member for Plymouth, Sutton and Devonport will understand that although lesser black-backed gulls and herring gulls may cause problems locally, there are serious concerns about their conservation status at a national level. As has been pointed out, gulls, like all wild birds, are protected under the Wildlife and Countryside Act 1981. Despite their appearance of thriving in urban areas throughout the UK, breeding populations of the herring gull have declined sharply and populations of the lesser black-backed gull have declined at a number of important sites. The UK herring gull population fell by 55% between 1970 and 2002, despite increases in some urban populations. As a result, the herring gull is listed as a species of principal importance and has been red-listed as a bird of conservation concern, while the lesser black-backed gull is a conservation priority and is amber-listed. The great black-backed gull is a scarce breeding species in England, with a breeding population of less than 1,500 pairs and wintering populations also in decline; it now meets the qualifying criteria for amber-listing as a bird of conservation concern.

Steve Double: Is the Minister aware of a point that I made earlier? Part of the problem is that a gull living in a town has less than half the life expectancy of a gull living in the wild, and that is one of the reasons for gulls’ diminishing numbers. Getting them out of our towns and back where they belong is one way that we can address the declining population.
Dr Coffey: I agree that that is the outcome we want, but we cannot just wish the issue away by saying, “Let’s get them out of towns.” I also agree that this is a man-made problem, because people are feeding and have lost control of the situation. The messages that we are sending today and that are being sent by councils are important, because we need to get it across to people that by feeding these birds they are worsening the problem, rather than making their “new best friend”, which is how they might see it—it probably does not help that Hastings adverts make seagulls look cute.

We want to see these wonderful birds in their natural habitat, rather than in an urban habitat. When we see large numbers of them in certain urban areas, it may be easy to forget that their conservation status is under threat at a national level. I am sure that hon. Members will understand that, given the decline in breeding populations and the pressures on them, there are no plans to change the legal protection afforded to gulls.

There has been some discussion about research—my hon. Friend the Member for Plymouth, Sutton and Devonport referred to the University of the West of England. The Department for Environment, Food and Rural Affairs looks forward to reading the university’s findings, and I am sure that we will comment on them in due course, if appropriate. As for the £250,000 grant, I am sure that my answer will disappoint my hon. Friends, but I do not believe that such research is currently necessary, because a wide range of tools are already available. However, DEFRA has commissioned research, which is still at an early stage, on the use of immunocontraceptives in a range of species, including birds. There are also possible evidence projects with Natural England, including a key project on gull life that aims to deliver special protection area site action and a full survey of urban nesting gulls. We are waiting to find out whether our bid for EU funding has been successful; we hope to hear by the end of March. A study undertaken in Scotland in 2010. I would appreciate it if the Minister had a look at that. I would also appreciate it if the contrasts the Department of Food and Rural Affairs looks forward to reading the university’s findings, and we will comment on them in due course, if appropriate. As for the £250,000 grant, I am sure that my answer will disappoint my hon. Friends, but I do not believe that such research is currently necessary, because a wide range of tools are already available. However, DEFRA has commissioned research, which is still at an early stage, on the use of immunocontraceptives in a range of species, including birds. There are also possible evidence projects with Natural England, including a key project on gull life that aims to deliver special protection area site action and a full survey of urban nesting gulls. We are waiting to find out whether our bid for EU funding has been successful; we hope to hear by the end of March. A study undertaken in Scotland in 2010.

John Woodcock: The Minister is being generous in giving way, but either we want these gulls in urban areas or we do not—and we are clear that we do not. She is clear on that as well, so is she interested in exploring the idea of a regional protected status for gulls that applies only outside urban areas where they are a menace and are not wanted?

Dr Coffey: I am afraid the law does not allow that—

John Woodcock: Then let us change the law.

Dr Coffey: It certainly will not be possible to do that until we leave the European Union, and I am concerned that opening up elements of regional protection might make the law unworkable. Nevertheless, let us consider that when the opportunity is there, in due course. I am sure the hon. Gentleman will return to this subject, although I am also sure that he will try to ensure that we never again have to debate these measures, by getting on with things.

Kirsty Blackman: Will the Minister give way?

Dr Coffey: I will just make a bit of progress, because I will talk about Scotland and Aberdeen—

Kirsty Blackman: My point was on the studies.

Dr Coffey: Okay; I give way.

Kirsty Blackman: Specifically on the studies, the hon. Member for Workington (Sue Hayman), who spoke from the Labour Front Bench, and I both mentioned the study undertaken in Scotland in 2010. I would appreciate it if the Minister had a look at that. I would also appreciate it if the contrasts the Department of Food and Rural Affairs looks forward to reading the university’s findings, and we will comment on them in due course, if appropriate. As for the £250,000 grant, I am sure that my answer will disappoint my hon. Friends, but I do not believe that such research is currently necessary, because a wide range of tools are already available. However, DEFRA has commissioned research, which is still at an early stage, on the use of immunocontraceptives in a range of species, including birds. There are also possible evidence projects with Natural England, including a key project on gull life that aims to deliver special protection area site action and a full survey of urban nesting gulls. We are waiting to find out whether our bid for EU funding has been successful; we hope to hear by the end of March. A study undertaken in Scotland in 2010.

While licensing control of birds populations can help to control the number of gulls, we should not rely solely on a licensing approach to control gull populations. We
should look at other measures to manage the problem in a sustainable way. Local authorities, businesses and individuals are able to take a range of actions to manage urban gull populations. We encourage all local authorities and businesses to help to address the problem, by, as has largely been pointed out, removing sources of food such as fallen fruit and accessible household waste, using bins with secured lids, ensuring that domestic animals are not fed outside, using birds of prey to scare gulls, and providing local education measures. In all cases, individuals and local authorities concerned about the effects of gulls are recommended to seek advice from Natural England’s wildlife licensing unit, which offers free advice to those experiencing problems with gulls. Local teams have the knowledge and expertise to help.

I am sure that my hon. Friend the Member for Plymouth, Sutton and Devonport is aware of some of the excellent practice across the country. In his own county, East Devon District Council has introduced a range of current control measures—I see that my right hon. Friend (Sir Hugo Swire) is in his place, I think for the next debate. These measures include using litter bins in seaside towns with secure openings to prevent scavenging, displaying posters in seaside towns and distributing them to local food businesses—

Oliver Colvile: Will my hon. Friend give way for a moment?

Dr Coffey: No, I am afraid that I need to make progress. I know that I am pointing out great things that East Devon, rather than Plymouth, has done; nevertheless, I feel I need to say it.

Posters in seaside towns can inform residents and tourists of the risks of feeding seagulls. Other control measures include offering targeted advice to property owners on methods of protecting their own buildings. In addition, East Devon’s seaside towns have their refuse collected earlier in the day during the summer—I say that to answer a point made by the hon. Member for North Ayrshire and Arran (Patricia Gibson). Those towns have their refuse collected earlier in the summer, which successfully reduces littering caused by seagulls.

Sir Hugo Swire (East Devon) (Con): I am grateful to the Minister for mentioning what East Devon is doing. Of course, we have problems in Exmouth, Sidmouth and other seaside holiday towns. Does she think that other local authorities would do well to learn from what East Devon is pioneering?

Dr Coffey: That is a fair point. I also point out the example of Herefordshire, which is not too far away from my right hon. Friend’s constituency. Herefordshire County Council has taken sensible and effective steps, such as removing gulls nests and eggs from April to August, which has meant that the number of pairs of breeding gulls has dropped considerably, from 500 in 2008 to approximately 200 in 2015.

The Local Government Association is well placed to share best practice on this issue. However, I must disappoint the hon. Member for Workington (Sue Hayman) by saying that central Government cannot provide additional resources on this matter. Having said that, it so happens that one of my councillors from Suffolk Coastal Council, Councillor Andy Smith, is chair of the coastal special interest group at the LGA, and I will ask him to consider this matter. I will also make sure that he invites councillors from inland towns as well as from coastal towns to contribute.

I am grateful to all Members for debating this issue and raising their constituency concerns. I encourage local authorities to continue to work together to share examples of methods and techniques that successfully deal with the issue of gulls in seaside towns and cities.

My hon. Friend the Member for Plymouth, Sutton and Devonport referred to “Desert Island Discs”. I insist that he has a record from that excellent Liverpool band, A Flock of Seagulls. My particular favourite is “The More You Live, The More You Love”, but he can refer to my contribution to find more song titles that he might wish to know about.

I hope that my hon. Friend understands that, although this issue is important, a lot of the action to deal with it must be taken locally and individually, and we must strike a balance between protecting species such as gulls and also fulfilling our international commitments, while mitigating the impacts of such species in our towns and cities.

I am sure that many hon. Members will be able to go back to their councils and their constituents over-brimming with the ideas that we have heard about, including those from over the border in Scotland; we heard some great examples from there. In fact, a professor from Leeds University has said that Aberdeen was getting this matter right, including flying a bird of prey around one of the local sports stadiums before matches, such is the prevalence of gulls and the risk of their attacking. So there is plenty of good practice to share.

Mr Streeter, I hope that we never again have to debate this matter. Nevertheless, I am sure that we will return to it. As we have heard, these gulls are clever creatures, but I am sure that we can defeat this menace.

Mr Gary Streeter (in the Chair): Oliver Colvile, you have a few minutes to respond.

3.57 pm

Oliver Colvile: Thank you very much, Mr Streeter, for chairing this debate so well; I am incredibly grateful to you for doing that. I also thank the hon. Members who have participated in this debate; I thank them all very much indeed. I especially thank the Scottish National party Members, for—quite rightly—giving some lectures on how the devolved responsibilities fit in.

I am grateful that the Minister has taken very seriously this whole matter of gull wars; in fact, if I was reapplying for this debate, I would call it a “gull war” debate, rather than necessarily one about seagulls.

A number of issues still need to be addressed. Evidently, we need quite a large amount of research to be done, and I encourage the Select Committee on Environment, Food and Rural Affairs to take this matter up and hold an inquiry into it. There is a lot of knowledge out there about what we should be doing.

I just say to my hon. Friend the Minister that although Plymouth is in the county of Devon, it is a unitary authority. Consequently, it is very independent of what takes place in Exeter county hall. Finally, could the
Minister consider having a page on the DEFRA website that says what people can do to try to deal with this issue? We need to bring together a lot of the information that people have talked about today, so that we can have best practice and get the LGA much more firmly engaged. I am quite keen to ensure that we continue to monitor this issue and hold the Government to account, and I hope to apply for another debate on it next year, when we can see what progress has been made. I also thank my researcher, Stuart Pilcher, who has done an enormous amount of work on this issue and helped me to write my speech.

Question put and agreed to.

Resolved,

That this House has considered seagulls in coastal towns and cities.

Flood Defence Projects: South-west

[Mark Pritchard in the Chair]

4 pm

Mr Ian Liddell-Grainger (Bridgwater and West Somerset) (Con): I beg to move,

That this House has considered management of flood defence projects in the South West.

I am delighted to be working under your chairmanship, Mr Pritchard. I thank the Minister for responding to two debates in a row—seagulls and flooding. There is a sort of synonymy to that. I am grateful for this debate. It is a short one, and I know that my right hon. Friend the Member for East Devon (Sir Hugo Swire) wishes to contribute.

Three years ago, almost to the day, I stood in the Somerset levels in waders, in floodwater, fighting for Government action. We witnessed the most appalling and predictable natural calamity when rain began to fall. It was a relentless season of downpours, and many of my constituents were stranded and made homeless as the riverbanks burst.

My right hon. Friend the Minister for the Armed Forces is present, and I would like to let the Chamber know that at this precise moment there are three battalions in England, one in Scotland and one in Northern Ireland on stand-by for flooding. This is a critical time to have those people, and I am thankful for the work they did last weekend. The work they did in my patch was absolutely phenomenal. I know that they are ready to go.

Returning to what happened in my constituency, some of the sewers gave way and the landscape began to vanish under a feisty, filthy water. At the time, I was very critical of the Environment Agency and its then chairman, Lord Smith. I described him in a couple of TV interviews as a coward for failing to visit the stricken area. When asked what I would do if he turned up, I replied that I was tempted—and I was—to flush his head down the nearest water closet. Forgive my straightforward turn of phrase; they were tense and difficult times as 17 miles of my constituency had become an inland lake. Lives had been ruined. Tempers were at breaking point.

All that is happily behind us, but there is a saying about things destined for the water closet: Lord Smith may have been flushed out of the Environment Agency, but he remains afloat as provost of a Cambridge college and chairman of the Task Force on Shale Gas. How apt and rather sardonic. The good news is that the Environment Agency is in much safer hands these days and plays a far more proactive and constructive role in protecting us from the ravages of flooding. For that, the Government deserve a great deal of credit, and I thank them.

The Minister represents a constituency with flooding challenges of its own, so she fully understands the subject from personal experience. Because of her hard work and the efforts of her predecessors, Bridgwater and West Somerset can now breathe much more easily whenever we hear raindrops.

After the crisis of 2013-14, a new era of flood defence was born, with the creation of the Somerset Rivers Authority. The idea was simple and sensible: take back control of flood defences from the centralised Environment
Agency and base it locally with people who live and work in the area. The agency would use its technical skills to get the job done and the authority would set out the important tasks to be tackled. There were big battles to be fought, of course. There had to be muscle to ensure that the then Prime Minister came up with enough money to pay the large sum we wanted for the initial remedial work, but, with determined arm-twisting, David Cameron delivered. At this point, I must pay tribute to the Minister for her efforts in pushing forward the legislation to secure the SRA future funding. We are all very grateful.

Now I would like to reveal one or two skeletons, unfortunately. It has not been easy getting the SRA set up and running. The authority was designed to bring together all the experts from the old river drainage boards and Somerset's local authorities. The Government provided starter money, but the deal demanded local authority contributions too, some of which were easier to obtain than others. Without doubt, the worst offender was Taunton Deane Borough Council—my neighbour. When it comes to alleviating flooding, Taunton Deane could not be called a big spender. The local authority has failed to deal properly with flood risks in Taunton over many years. It skims. It calls for consultants' reports. It sits on the results. But when the waters rise in Taunton the rivers burst in my constituency, not in that of Taunton Deane. The River Tone snakes its way right past the centre of Taunton and ends up joining the Somerset levels, as the Minister is aware. That is where the worst flooding happened three years ago. Since then, the neighbouring Sedgemoor District Council has worked tirelessly, along with the Government, to get the important parts of the River Parrett properly dredged—grateful thanks again. Much of that great and important job has been done, but it is absolutely pointless if your next-door neighbour leans on his shovel and does next to nothing. I am sorry to report that that is precisely what has been happening in Taunton for almost 60 years—it ain't new.

I hope that the House will forgive me for offering some of the background to this sad state of affairs. Records of flooding in Taunton go back to the late 19th century. Since then, we have been seriously flooded in 1929, 1960, 1968 and 2000, and, of course, more recently. Without a shadow of a doubt, the worst incident was in 1960 when, as the river overflowed, 500 properties in 1929, 1960, 1968 and 2000, and, of course, more of the background to this sad state of affairs.

Today, just as for the past eight years, Taunton Deane is led by Councillor John Williams, a builder with an extravagant plan for the future. By now, I think he probably believes he can walk on water and, if he is not too careful, pretty soon he will have to do just that. Mr Williams wants to grow Taunton by building. His dream is to put up 17,000 new houses by 2028. That is unbelievable growth, higher by a margin of 70% than the average Government prediction for new houses anywhere. It is absolutely impossible. Last year, with the help of Mr Williams's mates in the local building trade—firms such as Summerfield, which seems to own an awful lot of land around there—Taunton Deane Borough Council presided over the construction of just 883 new houses, and that was a record then. If the council carries on at that rate, by the end of 2028 it will be way short of the insane target of 17,000 houses.

But, say what you like about Councillor Williams—a lot of people do—he is nothing if not determined. His absurd new building target was set in 2010 and he is sticking to it. There is a faint chance, and I sincerely hope it is a faint chance, that he might even get the Government to put in money to help him on his way. Mr Williams has charted his plans and submitted a bid for Taunton to build a new garden town. What his glossy documentation fails to point out, however, is that all this manic building will take place on some of the wettest and flood-prone land in the United Kingdom. The much-trumpeted Taunton garden town could well turn out to be tomorrow's Atlantis. The builders might need aqua-lungs and flippers. Does Summerfield employ frogmen? Perhaps Wrencon—Councillor Williams's personal building firm—does.

Those who follow parliamentary affairs will know that I take a dim view of some of Mr Williams's activities. It is wrong for any elected councillor to accept a private building contract on his own patch without declaring it, but Taunton Deane has no rules about that. Even the council leader is immune. That is not just strange; it is downright wrong. It undermines the confidence we deserve to have in local government leaders at any level. No wonder people in Taunton have become highly suspicious of this leader and his empire-building plans.

Before I came to Westminster Hall this afternoon, I took a hard look at the Environment Agency's flood maps for the Taunton area, and I ask the Minister to do the same. The blue bits represent risk, and the blue bits are almost everywhere. I have also read detailed reports compiled by flood experts on behalf of Taunton Deane. They do not go as far as to say, “Stop before it's too late.” They do not go as far as to say, “Stop before it's too late.” But they never minimise the threat and they urge absolute caution unless flood defences are radically improved. Let me quote from one of the latest reports, completed in 2014:

“The town centre and many existing properties rely heavily on the degree of protection resulting from the existing flood defence embankments and structures. The condition of these…is very variable, many will need to be replaced…None of the defences will provide an appropriate standard of protection… and they do not include a ‘safety margin’…which is essential…where so much property and business could be affected by small changes in the predicted flood water levels.”

John Mc Nally (Falkirk) (SNP): As chair of the all-party group on flood prevention, I am undertaking a routine check on all areas throughout the United Kingdom. I started in Tadcaster last week, and I hope
to complete some areas over the next five or six weeks. Is the hon. Gentleman minded to allow me to visit his area to gather some information?

**Mr Liddell-Grainger:** I would welcome the hon. Gentleman. The Minister has been down to look not just at the flooding, but at Hinkley Point nuclear power station—she has Sizewell. My right hon. Friend the Member for East Devon is one of my near neighbours and we welcome anyone coming to look at the flooding. It was a disaster for us all. The Minister’s Parliamentary Private Secretary, my hon. Friend the Member for South East Cornwall (Mrs Murray), is a Cornish MP and therefore knows how much flooding affects our area. I would welcome the hon. Gentleman and personally host him.

I will continue as I have a little bit to go and I know that my right hon. Friend the Member for East Devon wishes to have his say. This is what the flood experts had to say on Councillor Williams’ building bonanza:

> “The proposed new development in the town centre and other sites will increase the volume of water discharging to the Levels and Moors”.

That was the clearest warning that Taunton’s building bonanza could spark floods next door. The report said that “doing nothing is no answer”.

The only way to tackle the issue is with a new water storage facility costing around £15 million, but will it ever happen? I checked the National Rivers Authority programme for the coming year and there was no mention of it. Apart from some maintenance on French weir in the centre of town, Taunton is not scheduled to do any serious flood defence work in the foreseeable future, yet the council leader is boasting that he has the money in next year’s budget to deal with floods. How much? Slightly less than £2 million. That does not make sense. It is not enough.

Once again, Taunton is cutting corners, and it is not using its own cash either. Councillor Williams intends to spend the new homes bonus, which is a grant he gets from central Government, as the Minister is well aware. It is sleight of hand—trickery—and it is cheating the public. Everyone knows that flood prevention costs serious money. We know that. Everyone knows that budgets are tight. That is agreed. Everyone would understand if Taunton simply could not pay, but the council is prepared to spend money like water on totally pointless things.

Last night, the council voted to borrow millions of pounds—you are not going to believe this, Mr Pritchard—to refurbish its office. The Deane House is the council’s headquarters and it is 30 years old. The council would get about £2.5 million if it sold the place. Its advisers said it was not worth a penny, but Councillor Williams, the jobbing builder, intends to fork out £11 million to do it up. For that kind of cash, looking across the Atlantic, he could install gold lifts, marble walls and champagne fountains. Eat your heart out, President Trump; look what President Williams has got! A short step down the street is Somerset County Council’s headquarters, which the Minister knows. Taunton could have moved there to a brand new office for a fraction of the cost. It was offered a building. Does that sound like a good idea? I know a man who thinks so:

> “If Taunton Deane moves to County Hall the Council will form part of a gathering of other public sector services, to create a one-stop shop for our community.”

The writer is none other than the leader of the council: John Raymond Williams, to use his full name. The words are on Taunton Deane Borough Council’s own website, but like the author, they are slightly out of date.

The reputation of any council depends on leadership and management. I do not have to tell anyone here that. Taunton Deane has a leader with bizarre territorial ambitions. He is trying to swallow up West Somerset Council, in my patch. He has an absentee chief executive with the worst sickness record of any local government officer in the whole of England. I am sorry to say that I would not trust either of them to run anything. Least of all, I cannot and will not trust them to look after the flood prevention measures that affect my constituency so badly.

4.12 pm

**Sir Hugo Swire (East Devon) (Con):** I am most grateful to you, Mr Pritchard, for allowing me to take part in this short debate. I cannot aspire to maintain the drive and momentum of my hon. Friend the Member for Bridgwater and West Somerset (Mr Liddell-Grainger), but I want to use this opportunity to raise one specific issue with the Minister. To date, I think she is unaware of it.

I want to talk specifically about a number of properties on The Green in Whimple that are adjacent to a local river and a train line. I have been following the issue for a number of years, not least because one of my councillors, Councillor Peter Bowden of Devon County Council, lives in one of the affected properties. The problem is that for a number of years, his property and the surrounding properties have been beset by flooding. We have identified the solution to the problem, which is clearly to replace the culvert underneath the railway line. There is some funding in place for that work, but Network Rail is unfortunately preventing that crucial work from being carried out. I draw this case to the Minister’s attention because I suspect that it is not the only place in the country where there is a stand-off between the different agencies involved.

I have had meetings on site with representatives of Network Rail, but they have made it clear that in the event of works to replace the culvert overrunning, my local authority, East Devon District Council, could be liable for a fine of £4,000 per minute, which is clearly ridiculous and unaffordable. The theory behind that, presumably, is to ensure that the works are carried out quickly and efficiently so as not to disrupt train times, and I have sympathy with that, but how can a local, hard-pressed district council possibly authorise such a project to be undertaken if it inures a potential liability of £4,000 a minute? That is the reality.

As I said, I suspect that that situation is not unique. Indeed, I can cite another example. In the neighbouring constituency of Tiverton and Honiton is the village of Feniton, and it is affected by the same problem. It would be interesting to know whether the Minister is aware of problems elsewhere in the country. It requires ministerial involvement at this stage. We have tried all the different agencies. We have brought them all together. We have come up with a resolution, but it is impossible for my constituents to be exposed in this way to flooding that will happen time and again until the situation in Whimple is addressed.
Will the Minister please look at this particular situation again and, if necessary, bring all the interested parties together, including Network Rail, the local authority, the Environment Agency and anyone else she wishes to finally resolve this situation? I know that my neighbour, my hon. Friend the Member for Tiverton and Honiton (Neil Parish), who is in his place, would very much welcome a meeting with the Minister, if we can have one, to hear how the situations in Whimple and in Feniton, which I know he cares so desperately about, can be resolved.

4.16 pm

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Dr Thérèse Coffey):

It is a pleasure to serve under your chairmanship, Mr Pritchard. I congratulate my hon. Friend the Member for Bridgwater and West Somerset (Mr Liddell-Grainger) on securing this debate on the management of flood defence projects in the south-west. He has spoken passionately on behalf of his constituents and the wider area. I note with concern his comments on Taunton Deane Borough Council and his long-standing concerns about its performance in regard to flooding. I also note his other specific concerns about possible sites for development. I am sure those words will have been heard clearly in Taunton Deane. He will understand that I am not going to take direct action, but I am sure that in moving forward, those concerns will be taken on board.

My hon. Friend may not be aware of this, but I hope he will join me in acknowledging the dedicated work of the Environment Agency’s flood and coastal risk manager for Wessex, Nick Lyness, who sadly passed away last month. Nick worked for the Environment Agency and its predecessors for more than 30 years. In that time he made a huge impact in helping to better protect the country from flooding. Nick had a personal hand in the Somerset flood action plan. He never lost sight of the fact that we are here to serve the communities and to ensure that we make things safer and better for them. Thousands of people have benefited from his tireless work even though they may not realise it. I am sure that those present today would also like to acknowledge the commitment that Nick made to the management of flood risk in the south-west.

I am aware of the impact that flooding can have on a community. I have supported my constituents in Suffolk following flooding in recent years. My hon. Friend has already acknowledged that I am absolutely committed to reducing the threat of flood risk. He will know that the Government continue to play a key role in improving protection for those at risk of flooding. We are investing £2.5 billion in more than 1,500 flood defences to better protect the country from flooding. That will protect more than 300,000 homes by 2021. We have increased maintenance spending in real terms over this Parliament to more than £1 billion.

In the south-west of the country, the Government spent £169 million in the previous Parliament, providing better protection to more than 15,000 homes. With our current programme of work to 2021, we are investing £176 million, which will provide better protection to more than 26,000 additional homes. I recently saw some of that good work on a visit to Exeter last December, where a new flood defence scheme is being constructed. It will provide better protection for more than 3,000 homes, and includes Government investment of more than £24 million.

My hon. Friend’s constituency is made up of a diverse range of watercourses and coastline, from the fast-flowing rivers and streams that start on Exmoor and in the Quantock hills, to the tidal River Parrett, which makes its way up to the Somerset levels, and the long length of coast from Porlock to the Steart peninsula. As he said, there is a history of flooding in the constituency, including the devastating flood that took place nearby in 1952, when 34 people lost their lives at Lynmouth and a further 420 were made homeless, and the more recent coastal flood in Minehead, in 1990. Everyone is particularly aware of what happened in the winter of 2013-14, when communities on the levels experienced widespread flooding, particularly within the Parrett and Tone river catchments. The Environment Agency estimates that there were 100 million cubic metres of floodwater covering an area of 65 square kilometres.

Following those floods, the Government provided more than £20 million to support actions in the Somerset flood action plan, which included the need for a new locally funded body to bring local flood risk management bodies together to work in partnership and undertake additional flood risk management work. The Somerset Rivers Authority was established in January 2015, bringing together partners to give real control over flood risk in the area. Supported by £1.9 million of start-up funding, the local authorities in Somerset were given the ability to continue to fund the SRA through additional council tax flexibility. We are working with the SRA on its long-term funding arrangements; my hon. Friend knows that I am working hard to make sure that, when parliamentary time allows, we will progress that legislation.

Some of the work that has already been led and carried out by the Environment Agency on behalf of the Somerset Rivers Authority includes improvements to the resilience and operation of both Northmoor and Saltmoor pumping stations and the preparation of an outline design to improve the capacity and flow of the King’s Sedgemoor Drain and the River Sowy, which will help to alleviate the pressure on the River Parrett and across the levels. A project that finished last autumn, adding two new culverts and weirs at Beer Wall, allows for better management of flood levels.

My hon. Friend will be pleased to know that in the last Parliament, the Government invested £25 million in protecting homes. The current planned investment up to 2021 is more than £17 million. The regional flood and coastal committee, which has a majority of local authority members, decides the schemes to prioritise, making local choices and agreeing the final programme, which allows for local input into decisions on where investment should be prioritised.

I want to point out that there have been several other investments, including the Steart managed realignment scheme, the Cannington Outfalls project, the King’s Sedgemoor Drain and planned investment in the Parrett Estuary Cannington Bends project, the Cannington flood defence scheme, and the Curry Moor reservoir. The Environment Agency has also been making good progress looking at the different options for a potential tidal barrier on the River Parrett near Bridgwater. Local
consultation has taken place with stakeholders. Once a preferred option has been chosen, public consultation is expected to start this spring. A barrier would help to ensure that Bridgwater is better protected from the tidal influences of the River Parrett. If the business case gains final approval, it is expected that the barrier will be constructed and in operation by the summer of 2024. We forecast that, if the business case allows, our investment will be £25 million. I hope my hon. Friend is assured that we take his constituency very seriously.

It is also right to point out that the Environment Agency has successfully implemented some natural flood management measures on the National Trust’s Holnicote estate within the Horner Water and River Aller catchments of my hon. Friend’s constituency. It is also supporting the Hills to Levels partnership project, which is endorsed by the Somerset Rivers Authority, the Royal Bath and West of England Society and led by the south-west’s farming and wildlife advisory group. That project is considering the potential for natural flood management measures to slow the flow in some of the tributary catchments of the Rivers Parrett and Tone and west Somerset rivers and will be delivered over the next four years.

New flood defences only form part of the picture for the management of flood risk and the flood action plan for the Somerset moors and levels and dredging has happened along the Rivers Parrett and Tone. In 2016, the Environment Agency dredged a further section of the River Parrett on behalf of the SRA. As a consequence, since 2015, 99 km or 60 miles of desilting was carried out in Somerset by the Environment Agency, jointly with the SRA and the all-important internal drainage board. Although dredging assists in providing some additional relief from high river flows, it is not a solution in its own right and will always be considered carefully with other elements.

I am pleased to see the hon. Member for Falkirk (John Mc Nally) here and am grateful for his interest with regards to work on protection. On the national flood resilience review, it is worth setting out on the record that we continue to follow up on the actions of that review—we were certainly better prepared over this winter to deal with the risks. We continue to invest in mobile flood defences and pumps. As has already been said, 1,200 troops have been on standby if councils need their help, and they were recently deployed in Lincolnshire and Norfolk.

With regard to Bridgwater and West Somerset, the Environment Agency has undertaken a robust assessment of the locations that are suitable for using temporary barriers. It assessed the practical implications such as road closures and flood risk benefit as well as ensuring that they do not make the flood worse. A temporary defence deployment plan is currently being prepared for Croscombe, which was hit by flooding recently.

A key part of the national flood resilience review was having infrastructure providers reviewing the resilience of their key assets. They identified and protected their assets with temporary defences this winter while longer-term solutions are implemented. We have also continued to work with the private sector to develop a new flood resilience action plan, which illustrates to homeowners and business owners some straightforward measures they can take to improve the resilience of their property to flooding, as well as enabling them to get back in far more quickly if they are unfortunately flooded. Those can be simple measures, such as air-brick covers, or more substantial works, such as installing a pump, having solid floors or installing wiring so that plug sockets are higher up the wall.

My right hon. Friend the Member for East Devon (Sir Hugo Swire) referred to the situation in Whimple in his constituency. I understand that he met representatives from Network Rail and the Environment Agency last summer to discuss the issues. I am aware that the project currently under consideration is eligible for £600,000 of Government investment under the partnership funding policy. There is currently a shortfall, which will be required to be secured. I note that the regional flood and coastal committee has provisionally offered to help with a contribution of about a third of that amount from their local levy fund, and I am sure that he will continue to work with local partners to raise the additional funding required.

My right hon. Friend referred to a specific issue with the railway line and the discussions with Network Rail. I will ask the rail Minister to look into this matter with Network Rail. I have been advised that if the construction method chosen avoids the need for a track closure, the threat of the fines is no longer there. I recognise, however—as many of us who deal with Network Rail will do—the challenges of what we think of as common sense getting tied up in bureaucracy. I assure my right hon. Friend that I will refer the matter to the appropriate Minister, who I believe will be able to cut through some of the evident red tape.

This has been a very useful debate to consider the particular situation in the south-west and especially in this very special part of Somerset. I hope I have been able to show my hon. Friend the Member for Bridgwater and West Somerset that plans are under way to address flooding issues. I thank him for his praise of the Environment Agency. I recognise and agree that it is a different beast from what it was several years ago, when I first became an MP. A lot of that has to do with local leadership, which will now sadly be lacking due to Nick’s unfortunate death, but it also stems from the leadership of Sir James Bevan and his team, including people such as John Curtin, in addressing the issue.

Sir Hugo Swire: The Minister has made my point for me. I was going to praise the new chief executive, the former high commissioner to Delhi in India, Sir James Bevan, who has brought a fresh attitude to the Environment Agency.

Dr Coffey: That is why the Government are standing behind the Environment Agency. Although the Select Committee on Environment, Food and Rural Affairs did not entirely welcome our response, I believe that when there is good leadership getting on with the job, disruptive change is unnecessary when we are trying to do our best to protect more homes and more residents, especially when my hon. Friend the Member for Bridgwater and West Somerset recites examples of where he feels that local action could be better than it is and impacts on his own constituency. I assure him that the Environment Agency will continue to work with him and hon. Members from all parties to reduce flood risk and to work collaboratively to help deliver projects in the area.

Question put and agreed to.
**Armed Forces Recruitment: Under-18s**

**4.29 pm**

**Liz Saville Roberts** (Dwyfor Meirionnydd) (PC): I beg to move,

That this House has considered recruitment of under-18s into the armed forces.

It is a pleasure to serve under your chairmanship, Mr Pritchard. This is an emotive and controversial issue, and I recognise the strength of feeling on both sides of the debate. For that reason, I will preface our discussion by saying that I want this to be the beginning of a dialogue on which we can build consensus and uncover the rational facts that should underpin any good policy.

Fundamentally, I sought the debate because I am concerned about the welfare of young people who join the armed forces—in particular, the Army. I have a professional background of more than 20 years of working in the education of young people aged between 14 and 19. The last group I taught were taking level 2 public services at Coleg Menai, many of whom had their sights set on joining the Army. I wish them all the best in their chosen career.

Some of my colleagues appear to believe that any questioning of the armed forces or Ministry of Defence policy is somehow an attack on the institution as a whole, so I would like to emphasise that nothing could be further from the truth. It is not attacking the Army to express the desire that soldiers be treated well and fairly, and that their short and long-term welfare be considered priorities in the recruitment and training process. I do not believe it is a threat to national security to seek the highest standards of welfare and educational attainment for all young people in this country. As we can see all too clearly in the world today, it is essential for the healthy functioning of a true democracy that Government institutions and the policies they make are continually exposed to scrutiny and challenge.

The purpose of the debate is to seek answers from the MOD regarding numerous concerns about the recruitment of young people under the age of 18 to the armed forces and to press for a thorough and independent review. Dozens of religious, military, legal and policy organisations, alongside unions and trusted military professionals, have expressed concerns about this policy. They include the Select Committee on Defence, the Joint Committee on Human Rights, the United Nations Committee on the Rights of the Child, the Children’s Commissioners for all four nations of the UK, the Equality and Human Rights Commission, UNICEF and many more. They seek to ensure the same fundamental standards of welfare and protection that are taken for granted for that age group in any other sphere of life, but the MOD has not yet provided a detailed response to assuage those concerns.

We have heard from the MOD many general assertions about the wider benefits to the individual and society as a whole of early enlistment, anecdotes about individual recruits who have achieved remarkable things, and apocryphal stories about the lad who would have been dead or in prison if he had not joined the Army at 16. We have also heard from many senior Members of the House about their own happy experience of military service—sometimes decades ago, sometimes more recently. Although I respect the insights drawn from the personal experience of many Members, possibly including some in this Chamber, the plural of anecdote is not facts. I and many others want to hear from the MOD hard, objective, empirical evidence and analysis that demonstrates a carefully thought through policy, taking into account both the recruitment requirement of the armed forces and the welfare of those who enlist.

The UK is unique in the developed world in enlisting 16-year-olds into its armed forces. That is not standard practice, it is not a necessity, and it is not a policy shared by our military allies and peers. It does not make me proud to say that our colleagues in this matter are North Korea and Iran.

**George Kerevan** (East Lothian) (SNP): Am I correct in saying that the UK is the only NATO member that recruits at the age of 16?

**Liz Saville Roberts**: It is my understanding that we are indeed the only NATO member and the only standing member of the UN Security Council to do so.

This is a well-rehearsed argument—forgive me—but it is worth reminding the House that 16-year-olds cannot buy a kitchen knife in a shop, although they can be taught to kill with a bayonet. They can enlist and train in the Army, but the law states that they cannot play “Call of Duty” on an Xbox or watch the Channel 5 documentary series “Raw Recruits: Squaddies at 16”. To watch it online, they would have to tick a box to confirm they were over 18. If it were not so serious, it would be laughable.

Our respect for the armed forces as an institution and for the individuals who represent it makes it easy to treat the institution as beyond question, but I propose strongly that that is dangerous and wrong. There has been no thorough review of the enlistment of minors since at least the time of Deepcut, and I hope today that we can restart that conversation to ensure the welfare of our soldiers and young people across the country.

On the matter of education, I am sure we agree that the educational opportunities that we afford our young people must aim to achieve a common baseline, no matter what their background. The armed forces are, however, exempt from the Department for Education’s standard minimum target for all 16 to 18-year-olds of GCSEs in English and maths at grade C or above. I hope the Minister will be able to explain why our young recruits are not provided with those qualifications, which are deemed essential by all educational employment experts.

The MOD claims that the qualifications it offers—functional skills for numeracy and literacy—are equivalent to GCSEs, but they have been labelled as suffering from major and fundamental flaws by the Department for Education’s own expert review of vocational education, the Professor Wolf report. That finding holds true for all young people, including those who are not academically inclined in any traditional sense and are pursuing vocational, rather than academic, education. I am sure my colleagues agree that young soldiers deserve, as a very minimum, the same educational opportunities as their civilian friends, and certainly nothing less.

The MOD frequently refers to the apprenticeships that young recruits undertake, but closer examination of the curriculum and the content of those courses reveals that, although those apprenticeships may be
excellent training for a military career, they are of little value for future civilian employment. Let us bear it in mind that soldiers may be with the infantry until their early 30s, but those young people will need to find work until they are 67, so they need those skills for their long-term welfare.

Those courses consist of modules such as “Tactical advance across battlefield” and “Use of light weaponry”. Young veterans have repeatedly stated that those qualifications were effectively useless in finding employment after they were discharged. That has been borne out repeatedly by Royal British Legion studies on unemployment among ex-service personnel, which show that young veterans are significantly more likely to be unemployed than their civilian peers, and that the lack of qualifications and skills that are transferrable to civilian life is a major factor in that. I hope the Minister will explain how young veterans, the majority of whom are trained for combat roles, not technical ones, can use those highly specialised military skills in future civilian employment.

The MOD has frequently asserted that the Army provides a constructive alternative to young people who otherwise would not be in employment, education or training, or worse. That is an appealing argument, and it would be quite persuasive if there were robust data to support it, but researchers working on my behalf have found none. I regret to say that MOD data indicate quite the opposite.

Tommy Sheppard (Edinburgh East) (SNP): Does the hon. Lady agree that one of the problems appears to be that if the Army recruits at 16, it does not have access to the complete pool of 16-year-olds? In fact, there is now a presumption in public policy that education and training should continue beyond 16 to 18. Therefore, the only people available for recruitment at 16 are, to put it mildly, the ones the system has left behind. That gives rise to statistics such as the fact that three quarters of 16-year-old recruits have a reading age of 11 or less. Does that concern her?

Liz Saville Roberts: It does concern me. I would like to emphasise the long-term welfare of those young men and women, who need to be equipped to leave the armed forces. If they are serving their country, it is our duty to equip them as well as we can with the skills they will need in future life. They may well be working until they are 67, so literacy and numeracy skills are particularly important to that cohort, which I have taught.

More than a third of under-18 recruits drop out of initial training, and 40% of infantry soldiers who enlisted under the age of 18 are discharged within four years as early service leavers. Having left education early to enlist and without having achieved GCSEs in the Army, those young ex-service personnel will be significantly less qualified than their civilian peers and at increased risk of long-term unemployment and social exclusion.

Such findings are again borne out not by anecdotes, but by British Legion studies. According to a major 2012 study of education in the Army by the Department for Business, Innovation and Skills, recruits who enlisted at a young age and who had previously been excluded from school were more likely to drop out of the Army than those with a more positive academic record. The same BIS study showed that 48% of recruits who trained at Army Foundation College Harrogate, the junior entry training site, had left the Army within four years.

Without doubt, individual positive anecdotes exist and will always inspire, but there is scant evidence that, as a rule, the Army can turn around young people who have not engaged well at school. Will the Minister provide any data to support the hypothesis that enlisting disadvantaged adolescents in the Army is an effective way to secure their long-term engagement in education and employment? Will he provide any analysis of how cost-effective that strategy is in comparison with, for example, greater investment in specialised education and social-support services for at-risk young people? We have other institutions such as further education colleges and other training centres to help those young people, who may as well be in the cadets at the same time as receiving a decent education to equip them for future life.

On combat roles and the channelling of the youngest recruits into the most dangerous roles, I intended to discuss the MOD policy to seek under-18s “particularly for the infantry”, which has the highest fatality and injury rate of any major branch of the Army. In the interests of time, however, I simply ask the Minister to explain on what basis his Department decided to restrict the choice of roles for the youngest recruits to frontline combat roles only, rather than giving them the opportunity to enlist in the full range of technical roles.

Following a damning report in October last year by medical charity Medact, I want also to touch briefly on the long-term health impacts on young people recruited under the age of 18. The report revealed such recruits to be more vulnerable to post-traumatic stress disorder, alcohol abuse, self-harm and suicide. There is a 64% increased risk of suicide among men under the age of 20 in the Army as compared with the wider population.

Many in the House and in the country are deeply proud of the armed forces and supportive of the institution as a whole. We would be failing in our duties, however, were we not to hold up their policies to scrutiny. The overwhelming majority of nations worldwide enlist under the age of 18 or above. Welbeck College in Loughborough provides an outstanding residential sixth-form college that, without the burden of formal enlistment before 18, educates young people intending to pursue a military career, with evident advantages to the students and to the institution.

I hope that the debate will open the door to a fruitful, frank and detailed discussion of how improvements can be made to policy. It is not in the interests of young people or of the Army to continue assuming that the status quo is the best possible model without a thorough examination of the evidence and consideration of alternatives.

Only 52% of the population voted to leave the European Union, but today Parliament is acting on it. In 2014, according to a nationwide Ipsos MORI poll, 77% of respondents who expressed a view supported raising the minimum enlistment age to 18 or above. Will the Minister respect the wishes of the population and the recommendations of child rights, health and education experts, and commit to a thorough independent review of policy?
Mrs Anne-Marie Trevelyan (Berwick-upon-Tweed) (Con): I thank the hon. Member for Dwyfor Meirionnydd (Liz Saville Roberts) for bringing this important debate to the House. The Minister is probably having a moment of fear that, because I am standing up to speak on military matters, I might not be entirely in support of Government policy, but he could be no further from the truth. I am an advocate of the armed forces covenant as a real and engaged process throughout our nation.

Recruitment to and training of our young people in the armed forces from the age of 16 can be a hugely positive experience, as the hon. Lady mentioned, and we do it very well and in a variety of ways. In my constituency, the Military Academy at the Kirkle Hill campus of Northumberland College was set up precisely for those young people whom the hon. Lady was thinking of. They not only were in vulnerable family environments and have not been able to make best use of their previous schooling environments, but were not even capable of living the sort of disciplined and ordinary life that joining the Army might provide. The Military Academy has, however, created a framework in which those young people who wish to participate in society and have an interest in the armed forces can develop those basic skills of discipline, leadership, teamwork, communications and personal self-motivation to understand what decisive thinking and such skills can mean for building them up as individuals.

Liz Saville Roberts: Does the hon. Lady not share my concern that basic literacy and numeracy skills are what we need to equip young people with for their lives as adults? Functional skills as a curriculum method does not appear to be sufficient. It was described by Professor Wolf as “fundamentally flawed”.

Mrs Trevelyan: The reality is that school has failed for some young people, and their literacy and numeracy skills are not where we would like them to be—they have not been able to benefit from such a development.

For example, one of my caseworkers spent 25 years in the Army and is now running my association office in Berwick. He left school at 15 functionally illiterate. He was severely dyslexic and throughout his school career he had been told that he was thick, useless and pretty much not good for anything. He joined the Army and within one week it was clear that he was none of those things, but simply dyslexic. That was some time ago, so I hope we are even better now with young people coming into the Army—perhaps the Minister will confirm that.

That new recruit was given intensive tuition to assist his literacy, which improved dramatically, as so often with dyslexic children who need a different way of learning, and he had a fulfilling career in the Army. He represents one of those anecdotes to which the hon. Member for Dwyfor Meirionnydd referred. We need to understand that those young people who choose to join the Army early in their lives, after leaving school where they have often had a poor experience, want to be doing something positive. The framework offered by the armed forces provides that opportunity.

The Medact report to which the hon. Lady referred is clear that 16-year-olds are not exactly being press ganged into our armed forces. After they have spent six weeks on the initial training course, young people may step off. After up to six months, they may again step off, if they feel that that career option is not right for them. Also, up to their 18th birthday, they may step off with three months’ notice. That is pretty similar to an employment framework that one might find after taking a job in a supermarket or on the factory floor. The implication that young people are somehow sucked into the armed forces against their will and cannot develop is wholly unfair to the armed forces and the incredible work of the training programme.

Liz Saville Roberts: I am a little surprised that the hon. Lady has not referred to parental consent, which is necessary under the age of 18. Does she share my concern that once parental consent has been given, parents have no right to revoke it?

Mrs Trevelyan: I am sure the Minister will be able to confirm such details, but a 16-year-old who chooses to leave school and go into employment and training elsewhere is still in charge of their own destiny. I am the mother of an about-to-be-16-year-old and an 18-year-old, and if they choose to step into the workplace, that would be their commitment to take on the responsibilities of adult life. Having supported them to make whatever their choice was, I would be very comfortable with them continuing with their choice. That is what growing up and taking adult decisions is all about.

Those under 18 cannot go out and serve in frontline roles, as was mentioned earlier, but they can participate in what we call national resilience activities. Over the past few years when we have had flooding problems in the north-east, on a number of occasions I have met some really energised and enthusiastic young men and women helping out with the flood defence crises, both in Morpeth in my patch and over in Cumbria. That highlights the many good qualities that joining the armed forces can give to young people—that sense of belonging and of learning to work in a team, which they so often have not had in their own lives.

The report highlights the statistical imbalance in post-traumatic stress disorder and other mental health problems for those who have joined young and come out the other side, but that is a chicken-and-egg argument.

Tommy Sheppard: The hon. Lady makes quite a compelling case about the benefits of early recruitment for 16 and 17-year-olds themselves, some of whom, as I said, may well have been let down by the system elsewhere. I do not choose to dispute any of her examples of those benefits, but I worry about whether that is the Army’s proper role or, in fact, a distraction from providing a good and efficient security service. If the Army waited until those individuals were 18 and other agencies had had the opportunity to try to improve their lot, it might recruit much better and more able people.

Mrs Trevelyan: The hon. Gentleman suggests that because some people might join at 16, others would not join at 18. One does not negate the other. The Army in particular offers young men and women who do not want to be in the education system any more because they found that it failed them—perhaps because they had poor teachers or they have dyslexia, or perhaps due to other issues—a framework within which they can really develop and thrive. I absolutely agree with the hon. Member for Dwyfor Meirionnydd that we need to
I turn to the mental health issues of people who come out of the Army, who so often joined up early. There is a lot of work going on in that field, which I am involved with. Those young people would probably have been unable to find secure long-term employment had they fallen out of school and become NEET; they would have struggled through the system. They had the opportunity to take up an extraordinary career. I have the most enormous respect for anyone who joins the armed forces. It is a choice. To defend our nation and be part of a team of people who will put themselves in harm’s way to protect us and our families is an extraordinary thing to do. We must always bear that in mind.

I was interested in the report by Medact, which promotes disarmament and the abolition of nuclear weapons more broadly. I know quite a lot about that—my father was the leading journalist and specialist in the area in the 1960s, so it is a subject that I grew up with—but we cannot just wipe everything away and say, “Let’s no longer have armed forces. We want the world to be a happy and peaceful place.” I can think of nothing I would like more, but the reality is that we need robust and resilient armed forces, and we have some of the best in the world. Those young men and women, who join earlier than people who go to university with—but we cannot just wipe everything away and say, “Let’s no longer have armed forces. We want the world to be a happy and peaceful place.” I can think of nothing I would like more, but the reality is that we need robust and resilient armed forces, and we have some of the best in the world. Those young men and women, who join earlier than people who go to university and therefore come out of education at higher levels, do so because that brings them the opportunity to be part of a team that they can be proud of, and we can be proud of them.

4.52 pm

**Jim Shannon** (Strangford) (DUP): It is a pleasure to speak in this debate. I congratulate—this will be my first expedition into Welsh—the hon. Member for Dwyfor Meirionnydd (Liz Saville Roberts), who put forward a good case. I spoke to her before the debate, and she knows where I am coming from; my opinion is similar to that of the hon. Member for Berwick-upon-Tweed (Mrs Trevelyan). Although the hon. Member for Dwyfor Meirionnydd clearly set the scene for the issues that she wishes the Minister to respond to, I will give a slightly different opinion about where we are. However, I concur with her request for an uplift in education. I have absolutely no doubt that the Minister, who has a special interest in the issue, will respond with positive steps for the way forward.

I joined the Ulster Defence Regiment at 18 and served in it for three years. I then joined the Royal Artillery in the Territorial Army, which I served in for 11 and a half years. I believe that that helped to shape and mould me as a man. Whether that is to everyone’s liking only the people can answer, but they elected me twice, so I suspect that they like what they see.

**The Minister for the Armed Forces** (Mike Penning): I apologise for interrupting the hon. Gentleman, but I think it should be clarified for others in the room that people could not join the Ulster Defence Regiment before the age of 18, because it was always on operations. We should perhaps pay tribute to it for that.

**Jim Shannon**: I thank the Minister, who is knowledgeable about this subject.

I am the Democratic Unionist party’s representative at Westminster for the Cadet Force. I am proud to hail from Strangford, which has a proud and strong record of military service, including in the Special Air Service—Blair “Paddy” Mayne was born and bred in the constituency’s main town, Newtownards. With that in mind, hon. Members may be able to see where my comments are leading. Joining the armed forces is a vocation, not simply a career. A career does not demand of people what is expected of our soldiers, sailors and Air Force personnel; a vocation does. That calling is felt from a young age. I will give three examples of people who joined at an early age and excelled greatly in their choice of service.

A young lady from my area went to the Army-run youth camp at the age of 15 and on her return decided to join the Army, which she did at 16. She trained up and has completed three tours, some of them in conflict areas. She is now a sergeant. She met and married her husband, who is also a sergeant and lives here on the mainland serving Queen and country. Michelle’s family are so proud of her, as indeed we all are. She was equipped for her life as it is now by the life that she had in the Army at an early age. I know her, so I say that in all honesty.

A young lad from my area was the youngest person ever to be wounded in action on duty in Afghanistan. He was only 18 on his first tour, and he had joined the cadets as a young boy. I had the privilege of meeting him again at the remembrance service just across the road at Westminster Abbey in November last year. He had recuperated quickly from his injury and was raring to get back into uniform. He is no longer a boy; he is now a young man, and he is maturing greatly. I laid the wreath on behalf of the DUP, and it was an honour to see that lovely young fella, who was made in the British Army. The Army has moulded him well, and his family life has been exemplary, too.

The list is endless, but we must also note young Channing Day, who gave her life for Queen and country in the Medical Corps, as the Minister and other Members who were in the House back in 2010 will know. Those of us who know that family know that she always wanted to be in the Army. She was a cadet from a very early age, joined the Medical Corps and served her Queen and country. Her family and her town of Comber were inspired by her.

Although those young adults are indeed young, they have a passion and should be allowed to follow that passion. Let me make it quite clear, by the way, that I understand that the hon. Member for Dwyfor Meirionnydd does not say that they should not. She says that their qualifications and education standards must be lifted, and I am sure that the Minister will respond to that point. I remind Members that there is protection to ensure that young people cannot be sent on tours until they turn 18. To me, that means they have an additional two years’ training to ensure that they are safe and secure in what they do and how they do it.

The major issue is the length of the contract that young people sign, which can last until they turn 22. If they join at 16, that is six years, which is a major commitment. That is a massive concern for people who are so young, but I remind the House that for under-18s...
in the Army and everyone in the Navy and Air Force, the discharge as of right period is between 28 days and six months of service. After those six months are over, an unhappy junior in the armed forces may be discharged at the discretion of their commanding officer. There are several stages at which someone can get out if they so wish. I believe that that discretion is applied as needed, and I understand that the Army in particular tightly controls, monitors and regulates it. If there are issues to address, those must be addressed.

Some 2,180 under-18s were serving in the armed forces in October last year, of whom 170 were female and the other 2,010 were male. Those are people who made the choice to join at a young age, and I believe that that should be encouraged and allowed. The MOD also has apprenticeships, which the Minister no doubt will deal with, too. Those enable young people who join the services at an early age to achieve good educational standards, which is important, and then go beyond uniform into civilian life, as many do. We all know of those who have come through the cadets, gone into the Army at an early stage, served in uniform for a great many years and are now retired.

I understand the argument that no other UN member allows under-18s to join the armed forces, but we lead the way and should not be ashamed of that. We lead the way on many fronts, and there is a reason our armed forces are the best in the world. The US army, which is perhaps the second greatest army in the world after ours, allows recruitment at 17 with parental consent; we are not alone in allowing under-18s to join. And this is not child labour; it is training.

The ability to leave should be protected, but the young people whom I know personally in my constituency are glad that they had the option to join. Other young people should be allowed to make a career and serve Queen and country. I understand fully what the hon. Member for Dwyfor Meirionnydd is putting forward, but I think it is important that we recognise the benefits to those who join at an early age and what they can do. I have mentioned just three of them—there are many more—and they have been exemplary. They have done well, and the Army has helped to build them as people.

Several hon. Members rose—

Mark Pritchard (in the Chair): Order. Let me provide guidance for Members. We have two speakers left, and I want the winding-up speeches to start at about seven or eight minutes past 5, so it is up to Scottish National party colleagues to share the remaining minutes if they wish to do so.

5 pm

Steven Paterson (Stirling) (SNP): I am grateful for the chance to speak and to serve under your chairmanship, Mr Pritchard. The SNP’s position is that we recognise persons who have reached the age of 16 as old enough to leave school, marry, work and pay tax, and, despite scepticism from the other parties in Scotland before the independence referendum, we believe and have long believed that they have the right to vote as well. I am glad to say that we have won over the doubters on that particular campaign and I look forward to that example being followed down here.

Fundamentally, the SNP position on this issue reflects our ambition to empower young people—to trust them with responsibility in these areas and trust that they will take that responsibility seriously. It also reflects the legal position in Scotland under the Age of Legal Capacity (Scotland) Act 1991, which determines that a person has full legal capacity from the age of 16. For those reasons, my party backs the current position on recruitment age for the armed forces for those who are 16 or 17 and choose to serve their country.

The minimum age at which an individual can enlist is set down in the Armed Forces (Enlistment) Regulations 2009. In summary, the current MOD policy is that service personnel under 18 are not deployed on operations outside the UK, except where the operation does not involve personnel becoming engaged in or exposed to hostilities. Humanitarian operations, for example, might qualify. In addition, in line with current UN policy, service personnel under 18 are not deployed on UN peacekeeping operations. As has been mentioned, age restrictions also apply when it comes to Northern Ireland.

It is important that there is recognition that a special duty of care is owed to under-18s who choose to serve in the armed forces—not because they are not old enough to make that decision and take that action, but because inevitably they have less experience in the world of work and in life.

Mike Penning: I do not want the hon. Gentleman to mislead the House unintentionally and I may have misled him. The only unit in Northern Ireland that could not do what we are discussing—it has been disbanded now—was the Ulster Defence Regiment, because it was permanently on operations. There are recruits of 16 and over from Northern Ireland serving in the armed forces today.

Steven Paterson: I am grateful for that clarification—I am skipping through my speech rather quickly, because I do not have the time that I thought I would have.

As I was saying, we have a special duty of care to these young people because of their lack of experience of work and of life in general. Whenever that has been discussed in Parliament before, Ministers have been very clear that they accept that and that safeguards are in place.

I can attest to the excellence of the practice that I witnessed in this area when I visited RAF Halton last year. I was able to meet young recruits, hear about their experiences in initial recruit training and see them being put through their paces by the officers. The recruits were developing a range of practical and problem-solving skills that were no doubt essential for the career in the Royal Air Force that they hoped to pursue, but also transferable skills that could assist employers in other sectors in the future. My visit to RAF Halton and particularly the conversations with those recruits were a very positive experience. I am assured that the welfare of our youngest recruits is taken very seriously.

A number of safeguards are built into the recruitment process for 16 and 17-year-olds. First, parents and guardians are positively encouraged—in fact, required—to be part of that process, and their consent is sought. Once accepted into service, under-18s have the right of automatic discharge at any time until their 18th birthday. It is not in the interests of either the armed forces or the
individuals themselves for people to be there if they do not want to be. I welcome the provisions allowing for early discharge if that is appropriate.

MOD policy is not to deploy personnel under 18 on operations. That is absolutely correct. Service personnel under 18 are not deployed on any operation outside the UK, except where the operation does not involve their becoming engaged in or exposed to hostilities. However, there is a recommendation, I think, that has not been actioned since the 2005 report of the Defence Committee, on armed guard duty. Perhaps that is something we could look at again. My understanding is that that is still allowable.

Finally, I will offer a few thoughts on the Medact report “The Recruitment of Children by the UK Armed Forces: a critique from health professionals”. For the reasons that I have outlined I do not agree with the use of the word “children”. We have taken a decision as a country—certainly in Scotland and, I think, down here too—that 16 is the age at which we consider young people to have moved from adolescence to adulthood. If that is the case, I would argue that it should apply across the board. We choose to draw that arbitrary line at 16. However, it is entirely right that we should ensure that there are safeguards for those for whom the armed forces are not the right choice, or who may not be ready at 16 or 17, and that those safeguards should be taken seriously by commanding officers. That was my experience from visiting the RAF base.

I am open, however, to considering whether more can be done to improve the duty of care for under-18s—I have already mentioned guard duty. I am also open to any review that looks at educational attainment, as has been alluded to. Where we can demonstrate that better outcomes could be achieved, we must build on what there is, and make sure that those outcomes are realised. I would also welcome further consideration of the messages that the Ministry of Defence uses in recruitment drives, so that in addition to the many positive opportunities offered by the armed forces, the reality of the danger that serving can entail is clear and understood. It is because of the danger that members of the armed forces put themselves into on our behalf that we owe them the respect and gratitude that they have from us.

Mark Pritchard (in the Chair): Order. Ronnie Cowan has 30 seconds. I will then call the Front-Bench speakers, which allows five minutes for the Scottish National party, five minutes for the Labour party, and 10 minutes for the Government.

5.7 pm

Ronnie Cowan (Inverclyde) (SNP): Thirty seconds?

Mark Pritchard (in the Chair): Order. Please resume your seat. I advised the hon. Gentleman’s colleague that if he wanted to split the remaining minutes he could; clearly he had a different view. There are now 10 seconds remaining.

Ronnie Cowan: Let us be clear: the SNP supports 16 and 17-year-olds getting a vote and my view is quite simple. Sixteen and 17-year-olds—

Mark Pritchard (in the Chair): Order.
more easily, particularly at that young age, which is hugely important. I would like to hear more from the Minister on that.

I would also like to hear from the Minister on what new measures he would propose to achieve greater post-service employment for young early-service leavers. The figures are not positive there, as I am sure he knows. I would also like to hear more from him on training, transferable skills and qualifications, because a recruit in the armed forces under 18 is essentially training, and it is important that we see that from that perspective.

As well as developing those skills, it is important to be clear on what under-18s must not be doing. They must not be deployed, and it is our position that there must not be any flexibility or room for manoeuvre on that. There cannot be any of the margin of error issues of the past; that would be quite unacceptable.

May we focus on welfare, which is the key issue I have heard today? That must be a key focus, because physical and mental health and pastoral care-wise that could not be more important. I would be interested to hear more from the Minister on the review that my hon. Friend the Member for Dwyfor Meirionnydd referred to. What are its parameters, what is its aim and when will it report? In the interests of transparency and aspiring to make the best progress for young recruits, full detail on that would be welcome.

We support the continued ability for 16 and 17-year-olds to make this choice if that is an informed, positive and open choice. However, it must be based on transparency. There must be a culture of improvement, training and aspiration and an openness to ongoing discussion about how we do the best we can for all our young people.

Mark Pritchard (in the Chair): I call the shadow Minister. You have five minutes.

5.12 pm

Wayne David (Caerphilly) (Lab): I thank the hon. Member for Dwyfor Meirionnydd (Liz Saville Roberts) for initiating this important debate. I have always had a positive attitude towards the recruitment of young people—16 and 17-year-olds—to the armed forces, and the Army in particular. I come from and represent a valleys community in south Wales, and I recognise only too well that many young people are drawn to the armed forces. By and large, they have a positive experience, which sets them up well for a future life in civvy street. However, as the hon. Lady rightly said, various concerns have been raised by a raft of organisations for some time—including recently—and it is only correct that we have a proper debate and dialogue about the appropriateness of such recruitment as we have in this country. I therefore look forward to the Minister’s response to the many points that have been raised.

It is a fact that the British armed forces recruit about 2,000 16 and 17-year-olds each year, and 80% of them are recruited by the Army. I suggest it is significant that fewer than 20 countries throughout the world allow direct recruitment of 16 and 17-year-olds. The United Kingdom is the only member of the United Nations Security Council that does that, and the only member of the European Union that has such recruitment. It has been said that although the Ministry of Defence says that it wants 16 and 17-year-olds, particularly for the infantry, and although minors are no longer routinely deployed to war zones, over their military career they make a disproportionate contribution to frontline combat roles.

It is often said that recruits come from disadvantaged backgrounds, but it is not as straightforward as that. In fact, enlisting at 16 leads to a higher risk of unemployment because of the large drop-out rate among 16 and 17-year-olds. That is a fact. I also want to express concern about the relatively weak safeguards around parental consent. Yes, it is correct to say that recruits need the consent of their adults. However, I suggest that for such a big commitment as joining the armed forces at 16 or 17 there should be an obligation for a face-to-face meeting between the armed forces concerned and the parent whose consent has to be obtained. It is important to have that ongoing dialogue so that the parents, as well as the young person, are fully aware of what is being signed up to.

At a time of austerity, let it be said, this is also a very expensive way to recruit to the armed forces given the relatively high drop-out rate. This country is not that different from many other countries. I suggest that we have the same demographics as many other countries and the same factors apply to like-minded countries and the United Kingdom in terms of the pressures.

I also want to make this broader point. This Government, like all Governments in recent times, have a proud record of being steadfastly opposed to the deployment of child soldiers. That is a reprehensible practice that takes place in some countries, and this country has always been adamant and forthright in its condemnation of it. It has been suggested that the argument we put forward is weakened to some extent because we rely so heavily on 16 and 17-year-olds ourselves. Although I do not consider them to be children, they are nevertheless not fully fledged, mature adults. That is something we ought to be careful of.

My final point is that the Defence Committee prepared a very thorough report in 2005 that made a number of recommendations to the Ministry of Defence. Several of those recommendations have been acted upon, but others have not. I would like to know from the Minister precisely what the Government intend to do next to ensure that they fulfil their rhetorical commitment to improvement.

Mark Pritchard (in the Chair): I call the Minister of State, who will close at 5.27 pm, which will allow the mover of the motion two minutes.

5.17 pm

The Minister for the Armed Forces (Mike Penning): As usual, it is a pleasure to serve under your chairmanship, Mr Pritchard. I know what it feels like to get stuck within the time—we have all been there—and why the hon. Member for Inverclyde (Ronnie Cowan) probably does not feel great. We are where we are, but we have all done that.

It is a pleasure to discuss this for many reasons, as I will explain, and to see the—near enough—wide support for the young servicemen and women. I understand the concerns, particularly following Deepcut, for those of us who are interested in the armed forces, as I have been...
for many years. Lessons had to be learned from the terrible situation out in Deepcut, but we must not in any way look at Deepcut as what is happening in 2017.

I absolutely agree with the hon. Member for Dwyfor Meirionnydd (Liz Saville Roberts) about facts, but we cannot get away from some anecdotes, and I will use some anecdotes and some facts. As the hon. Member for Strangford (Jim Shannon) said, someone can serve in the American armed forces at 17; at 17 and a day they can serve with their parents’ consent. It is not true to say that there are no young servicemen in other NATO countries—they are there.

It is also very important to look at some of the figures as to why the armed forces invest so much time and money in recruiting young adults. Probably one of the most obvious ones, which goes completely against some of the evidence given by the hon. Lady, is that of those who were under 18 on enlistment between 2007 and 2013, 60% made warrant officer level 1—senior NCO. That is 60% of those who came through. It is also not true to say that the majority, in percentage terms, are from the infantry, or even from the Army, because the numbers are different. We have to look at this in context. As of October ’16 there were 32,500 personnel in the Navy and 8% of them were former junior servicemen. In the Royal Air Force on the same date, there were 33,270 and 5%. In the Army it was 8.7%, because the Army is much larger and thus the proportion is different.

Let us have a bit of anecdote. In 1974, a young man of 16 had been told by his headmaster three or four years earlier that he was too dim to take his 11-plus. He struggled educationally when he went for assessment and grandfather had served in the armed forces—most of my generation’s grandparents had served in the second world war—and he applied to go into the Army. He struggled educationally when he went for assessment at Sutton Coldfield, but got into the Army and went as a boy soldier to Pirbright.

At the time, there were junior leaders and apprentices, and junior guardsmen, as there were junior infantry in other units. At no time did that junior soldier do armed guard. At no time did he do anything different in military terms from when he was in the cadets. He went on the ranges and thoroughly enjoyed it and went on exercises and thoroughly enjoyed them. At 16, that young person who had been written off by society did the dispatch rider’s course and got a full motorbike licence. In civvy street, the age for a motorbike licence was 17, but at 17 he got a full car licence and was sent on a medic course—not just a first-aid course, but as a battlefield runner. He was still not available for operations, but was gathering skills.

**Liz Saville Roberts**: Will the Minister give way?

**Mike Penning**: I will not give way. The hon. Lady will have three minutes at the end and she has intervened quite a lot.

No one gets things perfectly right and there have been mistakes, but I believe passionately that it is wrong to say to a young person of 16 that they cannot go into the armed forces because they will become a trained killer. Tell that to the medics who are training as I was. I am proudly wearing a 23 Parachute Field Ambulance tie, which was presented to me by the regiment only a couple of days ago. Medics are there to save lives and their training is worth while. We are also desperately short of qualified Marine and RAF engineers. We need people with those skills, and the sooner we start to train them, the better. Of course, as I said earlier, if they want to leave at the age of 18, they can. As for the leaving rate, the figure of four years has always been there—it was about four years when I was in the armed forces many years ago, and it still is today.

I went to RAF Halton only the other day. It is the shortest journey that I have done as a Minister, because it is right on the edge of my constituency. What a fantastic facility for training young people, building them up and showing them what they can do! A lot of those young people will go on to be cooks, chefs, medics or firemen. They are not being trained as killers; they are being told, “We value you in our armed forces and we are giving you skills that can be used when you leave.”

I am absolutely passionate about ensuring that we never have another Deepcut or anything like it ever again, but as the hon. Lady said, we must use facts. I am afraid that, on some of the so-called facts that she gave earlier on, I will have to write to her specifically about the points she raised.
We continue to review how we do this. Ofsted inspects all the premises, which is important. We make sure that welfare support is there for those young people at a vulnerable age. For instance, I admit that when I was a young 16-year-old soldier, I went to see the lady from the Women's Royal Voluntary Service regularly, because I wanted the comfort of talking to a mature lady who was not my sergeant, my warrant officer or one of the other officers. Those services are still there—I was at Pirbright the other day, and the facilities are there. Nor must we forget the work that the padres do, particularly at a junior level, because no matter what faith someone belongs to or whether they have no faith at all, having that comforting facility is crucial.

I am passionate that we need, and should have, a junior entry. These are young adults whose aspirations and life skills we can build so that they can actually get on in life slightly, as I myself have done—rather than writing them off, as some people seem to want to.

Liz Saville Roberts: I appreciate the hon. Members who have contributed today. There has been a general agreement that a duty of care is owed to our young recruits and that welfare and educational attainment is important to us all.

I am disappointed by the Minister's response. I expected more of an answer to the specific questions I asked, although I welcome his offer to write to me. Although I was interested in his personal history, I have to bear in mind that as Minister he is also the person who is chiefly responsible for the welfare of young recruits.

I will end with the words of an early-day motion from 2005:

"That this House notes that those currently entering the army at the age of 16 years are committed for four years beyond their eighteenth birthday; welcomes the recommendation of the Defence Select Committee that the Ministry of Defence consider raising the age of recruitment into the armed forces to 18 years; further welcomes the finding of the Joint Committee on Human Rights that the UK Government's declaration on ratifying the UN Optional Protocol to the Rights of the Child is overly broad, thereby undermining the UK's commitment not to deploy under-18s in conflict zones; and urges the Government to withdraw its declaration and to raise the age at which young recruits can be enlisted into the armed forces to 18 years and thereby set an example of good practice internationally."

The Minister signed that early-day motion in 2005. When did he change his mind?

Mike Penning: They're not on ops.

Mark Pritchard (in the Chair): Order. I am putting the Question, Minister.

Question put and agreed to.

Resolved.

That this House has considered recruitment of under-18s into the armed forces.

5.28 pm

Sitting adjourned.
Westminster Hall

Wednesday 8 February 2017

[Mrs Cheryl Gillan in the Chair]

Low-Cost housing

9.30 am

John Penrose (Weston-super-Mare) (Con): I beg to move,

That this House has considered low cost housing.

It is good to have you looking after us this morning, Mrs Gillan. It is also good to see the departmental Whip in her place—she is a fully-fledged Minister in her own right anyway. As a former Whip, I feel it is always good to see a Whip temporarily released from the office's vow of omerta and allowed to show their knowledge of the area they cover for the Whips Office.

Housing, whether rent or mortgage payments, is probably the single biggest monthly bill that most of us face and because we have not, as a country, built enough new houses for decades, no matter who has been in Government, the costs have been getting steadily steeper. The result is less living space, longer commutes, less cash left over at the end of each month for other things and, overall, a lower quality of life for all of us. We need to increase the number of new homes that are built and yesterday’s welcome White Paper contains some important steps towards that goal. Most important, from my point of view, were the ideas to make it easier to build up, not out, in urban areas—greater housing density, in the jargon.

Anyone walking around most British town centres, passing train stations or high street shops, should look upwards. The chances are that they will mostly see fresh air—skyline. British towns and cities are some of the most low-rise in Europe, which seems bonkers for a country that is also one of the most crowded. Much of this is self-inflicted. For many Brits taller buildings create instant mental images of 1960s brutalist concrete tower blocks, although they have their admirers, but for elegant, well-proportioned apartment blocks and terraces where the design stands the test of time.

As the hon. Gentleman said, it depends on how the design stands the test of time. There are places such as four or five-storey Regency terraces and Victorian town houses, which people still want to live in and walk past a century or two after they were built, or their slightly taller and more modern equivalents, which provide trendy new city centre living space for young professionals or well-designed retirement homes for older folk. We do not need to be scared of these buildings. One of the densest urban areas in Britain is Kensington and Chelsea, which is hardly a byword for inner-city decay. Elegant continental cities such as Paris and Madrid are far denser than almost anywhere in Britain too.

Dr Rupa Huq (Ealing Central and Acton) (Lab): I am grateful to the hon. Gentleman for giving way; he is giving a very powerful speech so I am loth to interrupt him. He mentioned the international comparisons and Kensington and Chelsea, but I think he is missing the point. I represent a suburban seat. He said that housing is the single biggest bill, but it is also the single biggest issue in surgeries. I had a candidate stand against me as a “no to tall buildings” person. His slogan was, “We want to be living in Acton, not in Manhattan.” Has the hon. Gentleman had similar experiences as a constituency MP? People just do not like these buildings; they crowd out light and are not in keeping with the suburban landscape.

Mrs Cheryl Gillan (in the Chair): Order. May I remind Members that interventions are supposed to be short and not too discursive?

John Penrose: The hon. Lady just gave a classic example of this instinctive British fear. I have discovered that in general if people see a beautiful building that is well-designed and moderately, but not too enormously, tall—Manhattan being an example of where things are incredibly tall—many of those concerns are greatly reduced. The taller something is the more impact it has on everybody else for miles and miles around and therefore the greater care we have to take. There is a middle ground that I will talk about in a minute, which will provide us with a great deal of building and housing opportunity to reduce the cost of housing without having to make everywhere look like Manhattan, if I can put it that way.

The hon. Lady’s intervention leads me to say that we need to throw off these mental shackles—these 50-year-old emotional architectural scars—and instead count the blessings of building up, not out.

Jim Shannon (Strangford) (DUP): I thank the hon. Gentleman for bringing forward this important issue of how we better utilise our space. He will know—I am sure this is the case in his constituency, as it is in mine—that people have the opportunity to live above...
shops. That is a special scheme brought in by local councils and local departments and is a way of utilising the space that is there. Does he agree that that is one method for addressing the issue of low-cost housing?

John Penrose: That is a very good example—a classic example—of the kind of thing we need to look at. Many British high streets are two storeys, or perhaps three storeys, tall. Not only are those upper storeys lightly used, and in some cases unused, but there are two or three further storeys of fresh air above them that could be developed into housing as well. The crucial point that was made yesterday in the White Paper, but has been more broadly accepted for years, is that the only way to bring down the overall cost of housing in this country is by increasing the supply. We have to make sure that more of this stuff is built and finding those right, convenient locations near social and physical infrastructure is crucial. I will expand on that point a little more in a minute, but the hon. Gentleman has touched on a particularly good example.

I was about to number the blessings of building up, not out and I shall now carry on doing so. First, it will attract much needed new investment to regenerate and save tired or rundown town and city centres, bringing fresh life, a broader mix of businesses and longer trading hours to high streets that—as the hon. Member for Central Suffolk and North Ipswich (Dr Poulter) mentioned—are suffering under the twin attack of out-of-town shopping centres and online retailers.

Secondly, building up, not out could help break the stranglehold of large house building firms over the number of new homes that are built. Those firms tend to focus on larger sites, whether greenfield or in towns, and rarely pick up smaller plots where an individual bungalow or two-storey shop could be redeveloped into four or even eight smart new apartments on the same site. By releasing lots of overlooked smaller urban plots we can create a fast-growing cadre of insurgent new developers, adding much needed new capacity and competition to the sector and its supply chains and speeding up the too comfortable, cosily slow rate at which the big firms currently convert their land banks and planning permissions into completed homes.

Thirdly, building up, not out will reduce urban sprawl by cutting the pressure from builders to concrete over green fields and green belts at the edges of towns and villages across the country. Given the strain and pressure on our green spaces, they should be our last building resort, not our first. Fourthly, it will cut commuting by allowing people to live closer to work, shops and other community hubs from libraries to GP surgeries. The reductions in emissions, and the effects on both our quality of life and the wider environment, will be very significant indeed.

Finally, building up, not out would release huge numbers of new urban house building sites to solve the housing shortage. As the Secretary of State said yesterday in his new White Paper, the only way to make homes more affordable for everybody is to build a lot more of them. Whether we are talking about renting or buying, the basic laws of price and demand mean that the prices will never stabilise, much less fall, unless the supply of housing increases dramatically.
urban living in towns and cities is fashionable again, because, even in our highly connected, distance-defying online world, it turns out that there is huge value in people clustering together. Ideas flow more freely; skills and knowledge too. Firms in similar sectors create clusters that feed off their neighbours’ energy, hire each other’s staff and drive each other on. Building up, not out helps those things to happen more easily, so more wealth can be created. It is greener and cheaper, and it makes us richer and improves our quality of life, so clearly, the idea’s time has come.

To their eternal credit, I think the Government get that. The new White Paper has much to say about developing smaller sites of half a hectare or less, and subdividing large sites so that smaller developers can get in on the act as well. Local development orders and area-wide design codes, which streamline planning permission if people want to build particular pre-approved types or styles of property in a specified area, make a strong showing too. There is a range of new permitted development rights, which allow everyone from hospitals to brownfield site owners to build without all the red tape, heartache and uncertainty of getting planning permission.

Dr Huq: From a design point of view, I completely get the hon. Gentleman’s argument, but how would he inject affordability? The rate in London has been at up to 80% of market rates, and units in high-rise buildings in my constituency seem to be bought off-plan by people at property fairs in Singapore and by Russian oligarchs—the lights are always off—so how would he make that link and build affordability in?

John Penrose: The hon. Lady tempts me into a slightly wider area of discussion than the one I was focusing on. However, my broad point at least is that we will not be able to make all housing more affordable, whether that is for those on lower or middle incomes, unless we dramatically increase the supply of new homes of whatever tenure—whether we are talking about homes for rent or for buying. Only by doing that over the longer term will we manage to reduce the cost of housing for everybody at all income levels. The hon. Lady might like to propose some additional measures and, if so, I am sure that she will make some remarks later to turbo-charge some other opportunities for those on lower incomes as well. However, as a starting point and a fundamental, we are kidding ourselves if we think we can get away without increasing the overall level of new homes that are being created in the first place.

Alan Brown (Kilmarnock and Loudoun) (SNP): I congratulate the hon. Gentleman on securing the debate. One aspect concerns me slightly about the London model: is there not a risk that people being allowed to build upwards will lead to the creation of single town centre properties when the final result is still below the treeline or other buildings in the same block. Converting existing shops or offices would still require planning permission, but building new apartments within those height limits above them, or above existing housing, would not. It would not apply to substantial new buildings or major developments, nor to listed heritage buildings or conservation zones.

That measure is safe, sensible and proportionate and should not scare anyone—certainly not those worried about Manhattan-style buildings. It would offer a little piece of freedom from the cold and clamy hand of bureaucracy: a chance for every householder to help solve the nation’s housing problems by extending the size, and value, of their property by adding extra bedrooms or perhaps an entire apartment on top of what is there already. It would provide an opportunity for energy and ideas to have their head, without being diverted, amended or discouraged by official objections, rooted in the very British fear of any building that is taller than two storeys high.

Without the measure, officialdom will be too slow to change. They will not be forced to look upwards, and will carry on thinking the same way as they have for the last 50 years. We need change immediately, not at some distant future time. Without a shock—a stimulus—and some creative development yeast, the White Paper’s dough will never rise. Many valuable town and city centre sites will continue to be ignored.

The new permitted development right could be that stimulus—that little piece of freedom. It could be a creative spark that lights the blue touch paper of Britain’s stodgy, slow-paced, costly comfortable housing market so that it takes off like a rocket. It would improve our economy and our quality of life, make our homes more affordable and reduce development pressure on greenfield and green belt sites. I hope the Minister will agree.

9.50 am

Alan Brown (Kilmarnock and Loudoun) (SNP): It is a pleasure to serve under your chairmanship, Mrs Gillan. As a Back Bencher, it is certainly unusual for me to be second in the speaking order.
I congratulate the hon. Member for Weston-super-Mare (John Penrose) on securing the debate. He has campaigned on this issue and raised it in Parliament before, so it is clearly something that he is keen to see progress. I agree in principle with much of what he said about ensuring vibrancy in main streets at night. If that can be done by building upwards above shops, that is a good thing, but in the long run we really need to be careful. I have already touched on my concerns that the proposal might open the door for the construction of large town houses without delivering low-cost housing, which is the thrust of this debate. I am also slightly concerned that there may be a rush by too many people to do it. We need to ensure that the right controls are in place, including building standards and building controls, and that the processes can be inspected. Clearly some low-rise buildings were only ever designed to be low-rise buildings, even though they may be adjacent to higher buildings.

John Penrose: Just to clarify, nothing in the proposals that I have made today would affect building control or building regulations. Clearly we would need all the usual checks to ensure that buildings will stay up and be safe once they have been constructed.

Alan Brown: I fully accept that. I know that is the premise; I am just saying that we need to ensure that the resources are there to keep an eye on things. We have heard stories about properties in London getting built in the rear of gardens and so on, which is done without planning consent or building standards consent. It is a question of ensuring that procedures are properly followed. Foundations need to be checked and may need to be strengthened, and buildings that are structurally tied to adjoining buildings need proper structural design. I recognise the hon. Gentleman’s good point about controls, listed buildings and exemptions, and I agree that a controlled method of allowing building up can work.

Let me return to low-cost housing, which is the title of this debate. We need to do more to make low-cost housing available. I welcome the UK Government’s White Paper, but neither I nor my party think it goes far enough. As was raised yesterday, the elephant in the room for low-cost housing is the right-to-buy model. In the long run, the extended right-to-buy model for social housing will eat into the availability of low-cost housing. Subsidies from the public sector to allow people to buy properties use money that could otherwise be going directly into stimulating housing growth or be put towards brownfield development. Members have raised concerns about building outwards and eating into the green belt. Clearly brownfield regeneration is a good thing, especially in the urban environment. The money being taken out of the system for right to buy could be put to better use, either directly for building new social housing or for stimulating new brownfield development.

By ending right to buy, the Scottish Government have protected 15,500 properties that would otherwise have been sold from stock. Quite often, houses that are sold end up in the buy-to-let market, which pushes rents up because social rents are always lower than private rents, and that has an impact on the housing benefit bill. Again, that means more money from the public purse that could otherwise be going towards housing.

The Scottish Government are making a record investment in council house building. I request that the UK Government consider going back to that model and funding the construction of public housing. Because there is no right to buy for housing in Scotland, housing associations have more confidence to build housing. They can also get subsidies from the Scottish Government. The Scottish Government delivered 30,000 affordable homes in the last Parliament and have a target of 50,000 for this Parliament.

I recognise that the White Paper targets affordable homes, but the argument goes full circle: for the UK Government to deliver affordable homes, they need to put public money to the best possible use, not subsidise the purchase of properties for people who already have one and who do not need a discount to become a homeowner. I know that a lot of people have aspirations to become homeowners, but the No. 1 thing is to ensure that there are enough homes for everybody. We can look to further drive home ownership once there are enough homes for everybody, but once that happens the market will even out and we will not see the continued push on prices.

The hon. Gentleman said that there would be controls on listed buildings. My other concern is that we would need tight controls on the aesthetics of buildings to ensure that they blended in with the surrounding environment. Where there are permitted development rights rather than planning controls, there still need to be tight guidelines.

John Penrose: May I press the hon. Gentleman a little on that point? I take his point with respect to areas that have a homogeneous architectural style and that therefore have conservation of one kind or another, but not areas that have no such homogeneous style and no conservation control or anything like it. Most British cities are a hotch-potch of things built over several centuries, and that is fine. I am concerned that he is trying to create a sort of clamy bureaucratic control where historically there has been none and everyone has been happy with the outcome.

Alan Brown: I take the hon. Gentleman’s point. Perhaps, as always, the truth is somewhere in the middle. However, I would have real concerns if people were just able to throw up these buildings. There could be real issues with the materials used, with long-term maintenance and with the aesthetics of buildings. For instance, if people use the wrong materials for wood fascias and do not maintain them, they become a real eyesore in the long run. I am just putting that out there; I think those issues should be considered within permitted development rights. Local areas might not have a completely homogeneous style; as he says, cities may have developed as a hotch-potch, but that is not always an attractive look, and if we do not watch out, it can become even less attractive. Clearly that is not the desire behind the hon. Gentleman’s proposal, but I conclude by congratulating him on advancing it.

9.58 am

Ruth Cadbury (Brentford and Isleworth) (Lab): It is an honour to serve under you again, Ms Gillan. I thank the hon. Member for Weston-super-Mare (John Penrose) for securing the debate.
I wondered whether there had been a mix-up by the Chairman of Ways and Means, who decides on these debates, but knowing him and understanding the process as I now do, I know that that is not possible. Hon. Members may have attended this debate and people may have watched it in anticipation of a debate on low-cost housing, perhaps hoping to hear some more detail about the White Paper that the Government released yesterday or some more meat put on the bones of the essential topic of low-cost housing. Instead, this debate has been about a small proposal to tweak the planning system.

I will address the proposal from the hon. Member for Weston-super-Mare in a moment, but first I will address low-cost housing, which is the topic of the debate and is what I expected to be speaking on. Of course the overall supply of housing—which the hon. Gentleman states it is the intention of his policy to address—is important, because we have a shortage of housing in this country, as the Secretary of State said yesterday. In a pure supply and demand curve, one expects more supply to mean lower cost, and the obverse—shortage of supply—means higher cost, which is exactly what has happened in the open market; so housing becomes more and more unaffordable for more and more people.

That has happened in the last seven years. Under David Cameron, the UK built fewer homes than under any peacetime Prime Minister since 1923. The number of home-owning households rose by a million under the 1997 to 2010 Government, but it has fallen by 200,000 since 2010, and this shortage has meant that the price of home-owning households rose by 200,000 since 2010, and this shortage has meant that the price of housing to counteract all this.

Dr Huq: I am grateful to my hon. Friend and constituency neighbour for giving way. I agree with what she is saying, that this “Pile ’em high, sell ’em cheap and leave it to market forces” solution does not sound like it is enough. When it is left to market forces, in a place such as Ealing, people seem to use these high-rise homes that are going up as a very expensive piggybank; they are not even living in them. Obviously we need more social housing to counteract this.

Ruth Cadbury: My hon. Friend and constituency neighbour is absolutely right. I have experienced that in my own constituency. We still have newly built homes that are never let, because they are seen as nothing more than an investment, and many of them are very high in price.

As I have said, the latest affordable housing statistics have fallen to their lowest levels in 24 years. Of course I welcome any credible initiatives to provide low-cost housing, but where is the evidence that this well-meaning initiative to extend permitted development rights, which the hon. Member for Weston-super-Mare has discussed today, will actually deliver low-cost housing?

Between February and April in 2016, the Government consulted jointly with the Mayor of London on proposals to deliver more homes in London by allowing a limited number of additional storeys on existing buildings through a permitted development right, local development orders or development plan policies, which is exactly what the hon. Gentleman is seeking. That was part of the Government’s commitment to explore how more homes could be built on brownfield land, in order to reduce the pressure on greenfield or metropolitan open land. The Government summary of the responses that they received to that proposal says:

“More than half of those were not supportive of the proposal, with a one-size-fits-all permitted development right approach considered unworkable. While it was noted that it could support town centres and deliver more homes, it was recognised that the complex prior approval that would be required to protect neighbours and the character and amenity of an area would result in a permitted development right that is no less onerous than a planning application.”

Specifically, a couple of the consultees—the Planning Officers Society and Historic England—did not support the proposals. I am well aware that the British Property Federation welcomed them.

John Penrose: I just wish to clarify something for the hon. Lady. I have read the document she is quoting and learned of the concerns surrounding the proposed permitted development right, which has been consulted on already, but my proposal is different. It starts from the same premise, but is designed to avoid the criticisms that were levelled, which she has rightly pointed out. I have endeavoured to modify my proposal in a way that will allow it to sidestep those issues.
Ruth Cadbury: I thank the hon. Gentleman for that clarification. Nevertheless, with any consideration of extending permitted development rights, there are always unintended consequences. That is why the Planning Officers Society, Historic England and other organisations did not see the merit of, and therefore did not make the case for, extending them. In fact, it was not only permitted development rights that were considered, but other methods.

As I say, the British Property Federation welcomed the proposal for an extension to permitted development rights, but even the BPF said that “it is unlikely to deliver a significant amount of new homes”, which, as the hon. Gentleman said in his speech, is one of his key aims.

What are the reasons to retain the status quo, which is what I am suggesting? Proposals to develop upwards can go through the planning application process. What is wrong with that? A planning application provides notification, consultation, transparency and accountability, whereas extending permitted development rights does not. If any proposal to build higher makes sense in a town or village centre; if it works with neighbouring buildings; if the space standards and design provide good quality housing in which people will thrive, it should be granted planning permission. However, to deny a community or a parish council the ability to comment, to deny planning officers the ability to negotiate improvements to a proposal, and to deny locally elected councillors the opportunity to determine the application would just open the gates to unpopular, unwanted and possibly bad developments.

If a local council makes a bad planning decision—possibly in the face of fierce local opposition to an application—there is always the opportunity to appeal to the impartial Planning Inspectorate. Nobody denies that enabling more homes to be built in a town or village centre is a good thing for the life and vibrancy of that place.

Dr Poulter: I certainly agree with the hon. Lady’s sentiment. However, is it not very difficult for the types of people my hon. Friend the Member for Weston-super-Mare (John Penrose) has spoken about today—people who want to carry out small extensions or build small buildings—to bring the sorts of planning appeals that she just talked about? Sometimes bad decisions are made because around the time of elections, planning issues can become very contentious in local authorities.

Ruth Cadbury: Having been a councillor myself for many, many years, I am well aware of that pressure, which is why we have the appeals system—it is why we have that check and balance. Let us remember that one can only get away with refusing a planning application if the refusal is made on good planning grounds. Officers are there to advise councillors, and if councillors ignore officers, the application will go to appeal, and if it is a good application that was refused for the wrong reasons, the Planning Inspectorate will overturn the refusal and the application will be granted.

The planning system is there for a reason. It is there to protect communities and ensure good development. It ensures that there are appropriate facilities, amenities, space standards, parking provision and so on. When permitted development rights are extended, a lot of that is lost. I am sure that the hon. Member for Weston-super-Mare does not want to see a load of high-rise buildings going up that do not meet basic standards and do not provide a basic quality of life for the people living in those dwellings and in surrounding dwellings.

John Penrose: I repeat that I am not proposing huge high-rise dwellings at all; I am proposing things that can be built up to the height of the local treeline, for example, which is four or five storeys at the most. I gently say to the hon. Lady that if the planning system works so bleedin’ brilliantly, we would have four or five-storey developments in market towns and seaside towns around the country, but we do not. I doubt very strongly that that is because communities everywhere have roundly decided that they cannot live with anything taller than two storeys. I suspect that it is because there is a chilling effect. People are being discouraged from putting such applications in because of officialdom knocking them back all the time.

Ruth Cadbury: With the greatest respect to the hon. Gentleman, I believe he was in the same meeting as me last week, where we talked about converting empty space above flats into residential. In that interesting and informative roundtable, we heard that there is a whole host of barriers to converting empty space above shops, and the same applies to the proposal to increase heights. The planning system was not suggested as the main barrier. There are other barriers, such as structural ones, security ones, issues of funding and whether it is worth the cost. Except in very high-price property areas, such as those that my hon. Friend the Member for Ealing Central and Acton (Dr Huq) and I represent, it is just not worth landowners’ while to do it. There is a range of barriers.

No one denies that enabling more homes in town centres is a good thing for the life and vibrancy of those town centres. I wholeheartedly agree with that sentiment, but the hon. Member for Weston-super-Mare could do better than blaming the planning system for the lack of delivery. The planning system can deliver what he wants now. He has brought no evidence that this little tweak of the planning system will deliver more housing, let alone more affordable housing. He has made circumstantial links between more supply, of which the proposal would provide a tiny amount, and a crashing fall in housing prices. There is no evidence.

We have seen problems when permitted development rights are extended, such as with the coalition Government’s policy, which has now been enshrined permanently, of allowing employment space to be converted into residential without planning permission. In Hounslow—I represent half of the borough—we have seen poor-quality housing, poor space standards, inadequate parking and issues with everything from refuse disposal to access. That policy is not providing good-quality housing or affordable housing.

The other extension of permitted development rights that was enacted under the coalition Government allowed homeowners to extend the rear of their homes by 6 metres, rather than the 3 metres it had been previously. Those developments have a massive impact on the neighbours. That is why we have to be careful about extending permitted development rights, and the Opposition do not support such extensions.
Building can be done at height with good design, but there is no reason why that cannot be done through the normal, transparent and accountable planning application process. In the years I was a planning committee member—some of those were as chair—we granted many applications for increasing the height of buildings and homes or for building new higher ones. We refused some terrible applications. The system allows for that to happen. We have a massive housing shortage in west London, but the prices are high enough that it is worth the developers’ while. We saw the applications; we approved the good ones and refused the bad ones. The market in west London is doing exactly what the hon. Gentleman desires.

John Penrose: I thank the hon. Lady for giving way yet again. She is being very generous and kind. I gently say to her that the London economic microclimate is not typical of the rest of Britain. I am rather reassured by some of the things she has said about what is happening in parts of London and how these things are being handled, but I do not think those incentives, processes or habits of mind among councils and council officials are broadly spread across the country.

Ruth Cadbury: In which case, the hon. Gentleman is effectively admitting that it is not the planning system that is the problem, but the state of the property market and other barriers to development. The market in west London is doing exactly what he wants, and I suggest he looks elsewhere for the cause of the problem and, therefore, for the solution.

The hon. Gentleman wants beautiful buildings; that is why a planning system is needed. He is proposing a solution that removes local oversight, but there is no evidence it will work and it could create unintended consequences. Furthermore, his proposal does not address the subject of the debate: low-cost housing. I am almost inclined to dissent when the Question is put at the end of the debate as to whether we have considered low-cost housing, but I will leave that for then.

10.16 am

Jackie Doyle-Price (Thurrock) (Con): It is a pleasure to serve under your chairmanship, Mrs Gillan. It is a great pleasure to respond to the debate introduced by the hon. Member for Grantham and Stamford (Nick Boles)—I think we were all impressed by his courage in turning up for the vote yesterday—came to my constituency when he was housing Minister. He did me no favours because he described one of my riverfront housing developments as pig ugly. It was a four-storey housing development on the river, and people want to live on the river, but his point was that if the planners had been a little more adventurous, we could have built something higher and more beautiful. When one visits places such as Greenwich in south-east London, one can see that they have shown imagination. They have opened up the river and created nice places to live, so I very much welcome my hon. Friend’s interest in this.

To give my hon. Friend the Member for Weston-super-Mare some comfort, the White Paper sets out clearly the importance of high-density brownfield development, which is a part of his proposal. We propose changes to national policy to make it clear that local plans and individual development proposals should encourage building up where acceptable. We also propose to make better use of public land. The Department would welcome my hon. Friend’s response to the White Paper so that we can take this forward. It is incumbent on all of us, and it is very easy. We all react to our postbags—Mr Grumpy always complains about the planning application that is proposed—but we have a role now, because this is such an important issue, to sell what will really deliver more housing, so I encourage my hon. Friend to make his submission as robust and as forthright as he wishes.

The Government welcome the opportunity to discuss low-cost housing in its wider sense. The hon. Member for Brentford and Isleworth (Ruth Cadbury) made some excellent points, but we need to recognise that the problem has been in the making for decades and the issues are complex. We do not say that the White Paper has all the answers or all the solutions. There is no silver bullet. If there was, the previous Labour Government...
would have delivered it, as would we in the last Parliament. Let us get real here. This is a serious problem, and unless we have a grown-up discussion about it, we will not solve it and we will let down future generations.

**Dr Huq:** There is some stuff in the White Paper that was nicked out of the Ed Miliband playbook—we are pleased to see that there will be a ban on letting fees—but it could have been a little more aggressive on the “Use it or lose it” idea. I apologise, Mrs Gillan; I should have said my right hon. Friend the Member for Doncaster North (Edward Miliband). In Ealing we have a site, which my 12-year-old remembers as a building site for most of his life—it was a cinema—that is going to be rebuilt for residential use, but it has been land-banked for the best part of a decade. What does the White Paper say about that, and how can we be more aggressive with developers who simply sit on land while the value goes up?

**Jackie Doyle-Price:** The hon. Lady has hit on a major structural problem that is inhibiting the ability to supply. There are many examples of what she talks about. Some developers are bringing forward a supply of housing and others are sitting on the land.

The White Paper on housing that we published yesterday advocates shortening timescales for the implementation of planning permissions where appropriate. That is very much on our agenda. We are considering legislative changes to simplify and speed up completion notices, which will encourage developers to build out or face losing the site. I am a big fan of naming and shaming. Transparency is an effective tool. Sunlight is the best disinfectant. Where we have developers clearly engaging in predatory behaviour and exploiting the marketplace, we should be prepared to name and shame them. Every one of us in this room has a voice. Where we see bad behaviour by developers, let us shout out about it, because we have to deliver more houses. It is that simple.

I trust that hon. Members have had the opportunity to digest some of the housing White Paper, if not all of it, and I hope that they will engage with the debate. I want to make it incredibly clear how committed the Government are to grappling with this problem. We want to make sure that all hard-working families have the housing that they need at a price they can afford. The root cause of the problem is that demand outstrips supply. Only by increasing supply substantially will we stop the increasing spiralling of house prices and rents.

**Alan Brown:** If all options are on the table in the White Paper, will the Government reconsider the right to buy and extended the discount? Have the Government put a cost against how much money has been paid out in the extended right-to-buy scheme and how many properties might have been delivered had the money gone directly to house building?

**Jackie Doyle-Price:** The hon. Gentleman will not be surprised to hear that I disagree with his point about right to buy. We are firmly committed to it. We want to encourage the aspiration for everyone to own their own home. We want to enable that, and right to buy is very much a part of it. He made very thoughtful remarks in his earlier contribution, and we have answers. We are firmly committed to making sure that, for every additional home sold, another social home will be provided—nationwide. There is a rolling three-year deadline for councils to deliver the affordable homes to replace right to buy. We must also remember that when someone exercises their right to buy, the house is not removed from the stock. They still have a housing need. Again, the issue comes back to making sure that we increase the supply of houses.

Perhaps I can give the hon. Gentleman a little more comfort. It was said by the hon. Member for Brentford and Isleworth that councils were not building more homes. Actually, they are. Some councils are showing considerable imagination in unlocking new homes. They are establishing local housing companies and we are encouraging them to do that. We see local councils as part of the partnership to help to increase supply.

**Ruth Cadbury:** I am sorry if the hon. Lady feels that I said councils are not building new homes. They are building new homes, but they are having to use other resources now that there is no Government funding. They could build an awful lot more if they could be released from the borrowing cap. My own council is building about 400 new council homes. The problem is that councils are losing their own stock at a faster rate through the right to buy than they can build new council homes. They are building them using capital funds that could also be used for other infrastructure such as schools and so on.

**Jackie Doyle-Price:** I am not sure I entirely accept that. Certainly local authorities have the powers to borrow using their general power of competence, and they have established local housing companies to do that. There is an obligation to replace one for one, following the right to buy being exercised. Ultimately, we see local authorities as a partner in delivering more housing. That is the message I want to press home today.

Our broken housing market is one of the greatest barriers to progress in Britain today. If we are really serious about building a fairer society for everyone, we need to tackle that. We need to fix this to make sure that housing is more affordable. As has been mentioned, many people spend significant amounts of their income on rent or mortgage payments. Building more homes will slow the rise in housing costs so that many more families will be able to afford to buy a home or enjoy the benefits of lower rents.

To summarise and put what the housing White Paper proposes in context, first, we will insist that every area has an up-to-date plan, because development is about far more than just building homes. This is where the challenge is for local authorities. The planning process and building a vision of where new homes will be built and what the future will be for a local economy is so important. It is about getting community buy-in. It will help to tackle some of the cultural prejudices that we discussed earlier in the debate. If communities have ownership of a local plan for their local area, they will get the attractive homes that they want and need. My challenge is for local authorities to step up and deliver. We are all aware that there are far too many local
authorities that have not risen to the challenge of identifying where houses are needed. There are still too many councils that do not have a local plan, and they need to show leadership and deliver.

Secondly, and as the hon. Member for Ealing Central and Acton (Dr Huq) noted, we need to ensure that homes are built quickly once planning permission is granted. We will make sure that the planning system is much more open and accessible. We will improve the co-ordination of public investment infrastructure to encourage that, and we will support timely connections to utilities to tackle unnecessary delays, but the real issue is developers. We will give councils and developers the tools they need to build more swiftly and we will expect them to use them. I suspect that this is an issue that we will look at as reactions to the White Paper unfold and we consider whether there is a need for further legislative change.

We will also diversify the market. We want to bring new players in to the supply of housing. We need to give support to small and medium-sized builders and custom builders and to champion modern methods of construction to support new investment to build to rent. Those measures could be transformational. The idea of institutional investment that builds property estates or residential blocks that are specifically for rent, which people can rent for a long time, could transform the housing market and make renting much more affordable.

The White Paper also sets out how we will support housing associations to build more and explores options to encourage local authorities to build again. As I have said, we will also encourage further institutional investment in the private rented sector. Finally, because we recognise that building the homes we need takes time, we will also take more steps now to improve safeguards in the private rented sector. Hon. Members who represent constituencies in London will be particularly concerned about that.

We have seen the need to do more to prevent homelessness. I am very pleased that the Government have committed to fully funding the Homelessness Reduction Bill introduced by my hon. Friend the Member for Harrow East (Bob Blackman). We will provide £61 million to local government to meet the costs of the new burdens associated with that Bill over the course of the spending review period.

We could easily trade statistics, but I do not think there is any value in playing the blame game about where we are now. We need to look at how we fix it. Everybody has a role to play in that—including the former Leader of the Opposition, the right hon. Member for Doncaster North (Edward Miliband), who the hon. Member for Ealing Central and Acton mentioned. The Government are very clear that fixing the problem is a real priority.

We have already delivered 313,000 affordable homes in England since 2010. The affordable homes programme alone delivered 193,000 affordable homes, exceeding expectations by 23,000. At the autumn statement, the Chancellor announced the expansion of the affordable homes programme with an additional £1.4 billion, which increased the overall budget to £7.1 billion. That is a significant investment from the Government in tackling the problem. The expanded programme also allows a wider range of products to help people on the pathway to home ownership and to continue to provide support for those who need it. Those products include shared ownership, rent to buy and affordable rent.

Opening up the programme in that way will help to meet the housing needs of a wider range of people in different circumstances and at different stages in their lives. We have to recognise that there are different problems in different areas of the country, but also different problems hitting people at different stages of their lives. We need to make sure that we have a solution for all of those.

Affordable rent was a policy introduced to get more bang for our buck in providing social rent models. It allows rent to be set at 80% of market rents so that we can unlock more supply. Those tenants will still benefit from a sub-market rent. This is a particular issue in London, where the affordable rent can be set even lower.

Home ownership, however, continues to be the aspiration for most people, which is why we have looked at the Help to Buy products, right to buy and shared ownership. Shared ownership offers a route through the part-buy/part-rent model to enable people to get on the housing ladder sooner than if they were saving for a deposit. Purchasers buy a minimum 20% share in the new-build property at market value, pay a controlled rent on the remainder and may continue to buy further shares until the property is owned outright. We will continue to use that tool to expand home ownership. Since 2010, around 45,000 new shared ownership schemes have been delivered and we will continue to deliver more.

Help to Buy has already helped more than 200,000 households to buy a home, including through the equity loan scheme, which has benefited 100,000 households—81% of whom were first-time buyers. We have also committed £8.6 billion for the Help to Buy equity loan scheme to 2021, to ensure that it continues to support homebuyers and stimulate supply. We understand the need to create certainty for prospective homeowners so we will work with the sector to deliver that.

I come back to the issue of the planning regime and how we can speed up its ability to help to deliver the volume of supply. My hon. Friend the Member for Weston-super-Mare is quite right to look at tools for how we can do that. He highlighted the importance of increasing brownfield development and building to higher densities to deliver more homes. If widely adopted, that could reduce the need for green-belt development. What excites me about the idea is the ability to regenerate our high streets. I am sure I am not alone, given the way that retail is moving today, in seeing some of my high streets really struggling. The idea that we could create a new, mixed-use high street, rather than a retail-dependent one—one where people can live above the shops or behind the shops in new high-rise developments and be able to go downstairs and visit cafes and restaurants—is quite an exciting concept, which would particularly appeal to the younger generations coming through. There is massive potential, and I encourage my hon. Friend to carry on trying to open people’s eyes to the potential of this initiative.

The Department has been engaging with my hon. Friend on his work and he has taken up his proposals. We consulted last February on proposals to allow limited upward extensions in London, no higher than the height of an adjoining roofline. Following that consultation,
we recognise that there is potential to deliver more homes nationally, not just in London, through a change to national planning policy to support upward extensions in suitable locations. As set out in the housing White Paper, we propose to amend the national planning policy framework to make it clear that local plans and individual development proposals should address the particular scope for higher-density housing in urban locations where buildings can be extended upwards by using the airspace above them.

In the White Paper, we have committed to reviewing the nationally described space standards, because of feedback from the sector that in certain places, space standards make it hard to use land efficiently and stop cheaper houses being built, which more people now want to rent or buy, such as Pocket Homes. We have to recognise the limitations. When we write planning law, we write it at a given time, in a given set of circumstances. When the world changes, we need to be prepared to be fleet of foot in dealing with new opportunities to address the issues we face. However, this is not a race to the bottom, and Government are clear that in assessing the options we will be looking for a solution that combines greater local housing choice with good quality and with decent places to live.

As I have set out, in the past few years we have seen over 300,000 affordable homes built in England. We now need to go much, much further and meet our obligation to build many more houses, of the type people want to live in, in the places they want to live and at a price they can afford. Doing that will give those growing up in society today more chance to enjoy the same opportunities as their parents and grandparents. I am struck by the fact that this is the first time that this is central to that.

We will ensure that the housing market is as fair for those who do not own their own home as it is for those who do, and we will continue to look at what is happening in the private rented sector. All that is a vital part of our plan for a stronger, fairer Britain, and a critical step along the road to fulfilling the Government’s mission to make Britain a country that works for everyone.

10.39 am

John Penrose: I would like to extend my thanks to everybody who participated in this debate, in particular my hon. Friend the Minister—and Whip—for responding so constructively and helpfully. As she said, the timing of this debate was slightly fortuitous. As everyone here will appreciate, when we put in for debates we have little control over precisely when our names will come up, so I had no idea that it would take place 24 hours after the publication of the housing White Paper.

As the Minister said, I have been campaigning on this issue for some time, so this is at least partially a celebration of victory, because I am pleased to say that the Government have listened. There is a great deal in the White Paper about building up, not out, and it contains some very welcome steps. The Government deserve full credit for taking some major steps in the right direction. Therefore, my modest proposal, as the hon. Member for Brentford and Isleworth (Ruth Cadbury) called it, is a final flourish or a final capstone—a residual step to ensure that it is done well and fully, rather than only partially. I think I am very close to the summit of achieving what we need to do, and I want to take this final step. This is, at least in part, a celebration of victory as much as a request for further activity.

I want to pick up on the Minister’s comments about there being a slightly miserable tone to the debate. She is absolutely right that there is no silver bullet to this problem, but it is perhaps a little reductive to say that because one particular proposal—in this case, my final step—does not solve all the complicated, deep-rooted and long-lasting housing problems that this country faces, it should therefore be opposed. If we let the best be the enemy of the good, we will get nowhere. This is a far broader issue than we can possibly cover in one debate, but I am pleased to say that we will make some progress.

I will finish on this point, which I direct to the Labour party and the hon. Member for Brentford and Isleworth in particular. My hon. Friend the Minister said there was a cultural divide over tall buildings, but I think that in this Chamber there has been a cultural divide over the approach to regulation, too. I accept that the planning permission and planning regulation process plays an important role in preventing substandard building and inappropriate large-scale building—the hon. Member for Brentford and Isleworth was right to point at all those things out. However, when it comes to regulating our fellow citizens in a free society, the burden of proof is on us to show why what we are doing to take away their freedoms is right, not on them to explain why they should have them back. Therefore, if I have a modest suggestion for an extension of those freedoms—a rolling back that will not impact on the broader points that the planning system is rightly geared to prevent abuses of—then it is up to us to justify why that should not happen. The burden of proof should be on us.

Ruth Cadbury: I call the hon. Member for Brentford and Isleworth.

Ruth Cadbury rose—

Mrs Cheryl Gillan (in the Chair): Can I check that the hon. Gentleman is not giving way?

John Penrose: I have finished my remarks.

Question put and agreed to.

Resolved.

That this House has considered low cost housing.

10.43 am

Sitting suspended.
Unauthorised Overdrafts

11 am

Rachel Reeves (Leeds West) (Lab): I beg to move, That this House has considered fees and charges on unauthorised overdrafts.

Overdrafts are one of the most widely used credit products in the market. Almost three in 10 people in the UK with personal current accounts have been overdrawn in the past year. Overdrafts can be a flexible form of borrowing, and most people use theirs for only a couple of months each year. However, a significant minority of people—around 10%—are much more frequent users and regularly go overdrawn for nine months or more each year. There are also people who regularly go over their overdraft limit and are hit by exorbitant and disproportionate charges. The major banks make more than £1 billion per year from charges on unauthorised overdrafts—the majority, according to the head of the Competition and Markets Authority, from financially vulnerable customers.

StepChange Debt Charity estimates that 1.7 million people in the UK are trapped in an overdraft cycle and consistently use overdrafts to meet essential and emergency costs. For many vulnerable customers who are already struggling, regularly having to go into an overdraft or over their overdraft limit can lead to financial difficulties each month. Many hard-working families live constantly on their overdrafts, and those in chronic financial difficulties often face impossible choices between meeting the costs of essential bills and going further overdrawn or over their overdraft limit. Those people can struggle to get out of their overdrafts, as fees and interest build up over time and make it increasingly difficult to get out of the red. Those households are also more likely to be on the edge of their overdrafts, and if they go over, they face substantial and punitive charges that push them into difficulties. If people do not have the means to get out of their unarranged overdrafts, that can lead to persistent charges, which make it successively harder for them to avoid financial difficulties each month.

Last year, StepChange surveyed its clients with overdraft debt to explore their experiences of overdraft charges. It found that people with overdraft debt who contact the charity regularly go into the red. On average, those people had been in an unarranged overdraft for 11 of the past 12 months. Almost two thirds—62%—of the people StepChange helps with overdraft debt regularly exceed their arranged overdraft limit as they struggle to make ends meet: they did so on average in five of the past 12 months. Borrowers face average charges of £45 a time for slipping into an unauthorised overdraft. That adds up to a massive £225 a year of unauthorised overdraft charges on average.

Yvonne Fovargue (Makerfield) (Lab): Does my hon. Friend agree that the cap on payday lending has actually worked quite well and stopped unaffordable charges, so in its review of high-cost credit, the Financial Conduct Authority should look at introducing a similar cap on overdraft charges and more affordable ways of paying down debt?

Rachel Reeves: My hon. Friend has done a lot of work in this area, both as a Member of Parliament and before she came to this place, and she is absolutely right. I will come on to the difference between caps on overdraft charges and those on payday lending.

Research published today by Which? found that consumers needing as little as £100 could be charged up to £156 more by some major high street banks than the Financial Conduct Authority allows payday loan companies to charge when lending the same amount for the same period. For example, Which? compared the cost of borrowing £100 for 30 days and found that some high street banks’ unarranged overdraft charges were as much as seven and a half times higher than the maximum charge of £24 on a payday loan for the same period. And because bank overdraft charges apply to monthly billing periods, not the number of days money is borrowed for, consumers who need £100 could pay up to £180 in fees if they borrow over two calendar months from their high street bank in the form of an unarranged overdraft.

Gloria De Piero (Ashfield) (Lab): A constituent of mine was made redundant and wanted to get back on his feet, so he set up a small business—a soft play area for kids, which was essentially a cash business. For every direct debit he paid, he had to pay 40p. Every time a payment was made to his account, he was charged 66p. Those are obscene amounts for what is essentially a cash business. I thank my hon. Friend for allowing me to put that on the record.

Rachel Reeves: I thank my hon. Friend for speaking on behalf of her constituent. We have all experienced people in our patches being ripped off by banks. Frankly, that is not what people expect. They expect to be able to trust their high street bank to give them a good deal and treat them fairly, yet in my hon. Friend’s constituent’s case, that just is not happening.

Yasmin Qureshi (Bolton South East) (Lab): I congratulate my hon. Friend on securing this excellent debate. She talked about the Which? report. She will be aware that NatWest customers face fees of £180 for exceeding their limit by £100 for 30 days, and that Lloyds and Santander demand £160. That is completely uncalled for.

Mrs Cheryl Gillan (in the Chair): Order. I remind Members that interventions need to be very short and punchy, particularly when we have only half an hour.

Rachel Reeves: My hon. Friend is absolutely right. We have a situation where people can be charged £5 or more per day by many high street banks for going just a few pence overdrawn. Those charges rack up very quickly. The issue is that they are totally disproportionate to the offence. Going just a few pence over an overdraft limit in one month could mean £100 of charges, and as she says, the charge for doing so over two calendar months is potentially £180.

It is simply not acceptable that banks are making large profits at the expense of pushing the most financially vulnerable people deeper into debt spirals. My hon. Friend the Member for Ashfield (Gloria De Piero) gave one example, and StepChange has told me about two other cases. The first is of a 42-year-old man who racked up overdraft charges after losing his job. Interest on his overdraft and persistent charges for going over his limit meant that on average, £80 a month was added to his debt. Over a year, his overdraft debt increased by more than £1,000 because of interest and unauthorised
overdraft charges. The second case is of a 38-year-old woman who faced spiralling overdraft debt after getting divorced. The increased burden of managing financial commitments on her own meant that she slipped into an unplanned overdraft by £90. That led to a cycle in which she was constantly in and out of an unarranged overdraft, and her overdraft debt increased to £1,000 due to interest and charges.

Those people, like so many others, were already in difficulty and trying to manage their debt from day to day. The banks should have a responsibility to help them manage their finances and help them out of their cycle of debt rather than sending them deeper into crisis with extortionate charges. The banks know that those customers are financially vulnerable and struggling, yet they do nothing to help—in fact, they do the exact opposite by making it harder for them to get a grip of their finances.

Chris Evans (Islwyn) (Lab/Co-op): I thank my hon. Friend for securing this timely debate. Does she agree that it is sometimes in the banks’ interest to allow customers to run massive overdrafts so that they can push them on to even higher personal loans and other products, which they might not need and might not be right for them in the circumstances?

Rachel Reeves: I agree. What really worries me is that most of the £1 billion that is made every year from unauthorised charges is made on the backs of those who are most financially vulnerable. It is a bitter irony that it is now a better deal for some people who need short-term credit to go to a payday lender rather than their high street bank. Most of us regard banks as more reputable and fairer to customers, yet for many people that is just not the case.

Huge progress has been made on the charges faced by people who access finance through payday lenders, as my hon. Friend the Member for Makerfield (Yvonne Fovargue) mentioned, with the introduction of a cap following great work by my hon. Friend the Member for Walthamstow (Stella Creasy), so why are banks still allowed to get away with these unfair practices? There was some hope last year that this problem would be addressed when the Competition and Markets Authority undertook a review of the retail banking market. The CMA recognised the issue and the inquiry’s chair subsequently told the Treasury Committee that unauthorised overdrafts are “the biggest single problem in the personal banking market”.

The CMA published its review of retail banking on 9 August, but frankly its conclusions and proposals were a missed opportunity. It found that overdraft users make up almost half of those with personal current accounts and that many find it hard to keep on top of their arranged or unarranged overdrafts. It acknowledged that failing to do so can be costly, since overdraft users can accumulate high costs from the complicated mix of interest, fees and charges.

The review goes on to say that overdraft users, like other personal current account customers, have very low switching rates, which is particularly striking given that they often have the most to gain from switching. One reason for that is that overdraft users can be uncertain about whether they will be able to obtain an overdraft facility from a different bank or when such a facility would be made available to them and are therefore worried about moving accounts. Anyway, none of the major high street banks has a great offer for customers who are financially vulnerable.

When it came to remedies, the CMA’s proposals, quite frankly, fell well short of the mark. Some measures will go some way to addressing problems for some people, but not for those who most need support. One proposal says that customers need to be given clear notice when they are going overdrawn and that banks will be required to notify customers when they are going into an unarranged overdraft. Customers also need to be given the opportunity to avoid incurring charges, and the alerts that banks will be required to provide will inform them of a grace period during which they have an opportunity to avoid charges by paying more money into their account.

Critically, the CMA fell short of proposing an independently set maximum cap on the charges on overdrafts, as we have with payday loans. Instead, the report said that banks will be required to set their own ceilings on their unarranged overdraft charges in the form of a monthly maximum charge. However, most banks already have that. The problem is not that banks do not have a maximum charge—they do, and it might be £5 a day or £90 a month—but that the maximum charge is much too high.

The major four high street banks, which make up 77% of the current account market, already set their own caps on charges, and those charges can be up to £100 a month. The CMA’s proposals represent little more than business as usual for those banks. Competition in this section of the market is weak, and in the past few years it has got weaker still with the merger of many of our high street banks. Heavy unarranged overdraft users are the least likely to switch banks accounts. Banks make more than £1 billion from unarranged overdraft charges and, given the substantial revenues they generate, there is little financial incentive to lower existing charges.

Ultimately, the proposals in the CMA report might take small steps towards helping some, but for the majority of people who are already struggling and do not have the means to prevent unauthorised overdrafts, even if they are alerted to them, they will do little, if anything, to help. The monthly maximum cap as proposed by the CMA will likely do nothing to stop the deepening of a person’s debt crisis, with punitive and disproportionate charges.

I do not want to deny the banks the right to charge for the services they provide, but I do want some fairness and proportionality. It is not fair to charge £5 a day or £90 a month for being a few pence over an overdraft limit, and it is not fair to whack charges on customers who are struggling with debt, in the knowledge that the charges will make their problems worse, not better. Banks need to take some responsibility for their customers.

As the Competition and Markets Authority admitted at a meeting of the Treasury Committee, the measures proposed in the report are geared at everybody and not in particular those who are financially vulnerable, for whom no direct action is proposed. When I asked whether the banks were taking advantage of financially vulnerable customers, banks said that those customers who are least likely to switch are a “captive audience” for the banks and their excessive charges.
Ultimately, the Competition and Markets Authority report was a huge opportunity finally to put an end to what it calls “uncomfortably high” charges and to address what it said was the “biggest single problem in the personal banking market".
However, the opportunity was squandered. In effect, it passed the buck by asking the Financial Conduct Authority to respond to the recommendations. Peter Vicary-Smith, the chief executive of Which?, said to the Treasury Committee that the Competition and Markets Authority had left the heavy lifting and the difficult decisions for the Financial Conduct Authority to make. In response to that buck-passing, the new chief executive of the Financial Conduct Authority, Andrew Bailey, has made the welcome decision to include this issue in its ongoing review of high-cost short-term credit, which will report later this year.

The Financial Conduct Authority needs to do more to tackle the detriment caused by persistent overdraft use. I have been pleased by the focus that the FCA has placed on this issue so far, picking up where unfortunately the CMA left off. StepChange Debt Charity says that the review “should include looking at what more can be done by lenders to support people who are trapped in an overdraft cycle and give them better and more affordable ways of paying back their debts.”

Yasmin Qureshi: Does my hon. Friend consider that what the banks are doing is insidious, bearing in mind that they and the Government can borrow at very low rates of interest?

Rachel Reeves: My hon. Friend is right. The bank rate is so low and banks are being given access to money at such low rates from the Bank of England. The problem is that they are not passing that on to their customers, and certainly not to those who most need it. The banks should be doing much more to ensure that those low interest rates are passed on, because that would give the whole economy a boost as well as helping those people who most need it.

I have been calling on and will continue to urge the Financial Conduct Authority to look at setting a cap for banks on unauthorised overdrafts as has already been done for payday lenders. It must look at such lending by banks in exactly the same way and not shy away from setting a cap for banks, too.

I also urge the Government to take action, because while the Financial Conduct Authority undertakes its review, every single day more financially vulnerable customers are being exploited and more and more are being pushed further into a cycle of debt. That is simply not acceptable. The justification for a cap in these markets has been made with the introduction of a cap in the payday lending market, and those are two different sources for the same short-term credit for people who need it immediately. They can either go to a payday lender or go into an unarranged overdraft. Whichever option they decide on to meet their short-term needs, they should not be exploited. The Government recognised that for payday lending and now need to recognise that on unarranged overdraft charges.

Frankly, it is a disgrace that the banks are charging more than payday lenders for short-term lending and getting away with it, so the Government should take action. That is why I am calling on the Minister and the Government to legislate for a cap on overdraft fees and charges, as they have already done for payday lending through the Financial Services (Banking Reform) Act 2013. That would allow the FCA to implement such a cap without delay and without the risk of the banks taking the matter to the courts.

It is not right that the banks are making huge profits at the expense of the most vulnerable. Anything less than an independently set cap on overdraft charges will not be enough. I urge the Minister and the Government to act now, and I ask that as a first step the Minister will agree to meet me and representatives of Which? and StepChange to discuss this issue further so that we can ensure that all customers are afforded the protection they deserve.

The Financial Secretary to the Treasury (Simon Kirby): What a pleasure it is to serve under your chairmanship, Mrs Gillan. I thank the hon. Member for Leeds West (Rachel Reeves) for securing this important debate on an issue that we share a keen interest in. I am here to listen and, hopefully, to be helpful.

It is clear that we all share a commitment to ensuring that people across our society can rely on the financial services that they need to manage their money effectively, securely and confidently. We want an economy that works for everyone. For most people, the bedrock of that is a transactional bank account that enables them to manage their personal finances on a day-to-day basis. Access to credit, including the use of an overdraft facility, is an important part of that.

For that reason, the Government are committed to doing two things. First, we will support and encourage competition among financial services providers, not only so that people have more choice over who they bank with, but because we know that more competition inevitably means better options on offer for customers, who can then vote with their feet. Secondly, we want to make sure that British customers are supported in the important financial decisions they make.

The hon. Members who have spoken have expressed the same aims, and I want to discuss the key issues that have been raised. I thank the hon. Members for Ashfield (Gloria De Piero), for Makerfield (Yvonne Fovargue), for Bolton South East (Yasmin Qureshi) and for Islwyn (Chris Evans) for making some thoughtful points, sharing their constituents’ stories and making some more general observations. I am sure that the FCA, which is reviewing high-cost credit, will listen carefully to the debate.

The hon. Member for Leeds West rightly discussed the Competition and Markets Authority. A key question is how to ensure that there is competition. That is why we set up the CMA in the first place as a single stronger and independent competition regulator. It is the CMA’s role to review the market, assess how effectively competition is working and, where appropriate, propose remedies to address any issues. Hon. Members have referred to the CMA’s retail banking market investigation, which was published last summer. I am aware of the variety of opinions on that. It represented a thorough analysis of how competition is working in retail banking, including the role of both unarranged and arranged overdrafts.
The CMA concluded that the retail banking market is not working well for overdraft users. To tackle that, it is imposing remedies to improve overdraft transparency, including setting a monthly maximum charge for unarranged overdraft charges. It also looked closely at whether a hard cap on overdraft fees was necessary on competition grounds, and reached the conclusion that it was not. However, as hon. Members may know, it also recommended that the FCA should assess the ongoing effectiveness of the monthly maximum charge and consider whether other measures, including the introduction of rules, could be taken to enhance its effectiveness further.

The hon. Members for Leeds West and for Makerfield mentioned the action of the Financial Conduct Authority. It is true that the FCA has an important role to play in relation to overdrafts. It is worth pointing out, of course, that it has a much broader set of statutory objectives in relation to financial services, duties, powers and tools than the CMA. It has the power to cap the cost of all forms of consumer credit if that is deemed necessary and proportionate to tackle risks to consumers.

Rachel Reeves: I thank the Minister for his response to the substantive points that I and my hon. Friends have made. Does he think it is inconsistent that the Government have set a monthly maximum charge for payday lenders, but not for high street banks in relation to unarranged overdraft charges? If he does, is it time for the Government to act by setting a monthly maximum charge for unarranged overdrafts as well?

Simon Kirby: I understand the point that the hon. Lady is making. What I think is appropriate is for the Government to listen carefully to what the FCA comes up with later in the year, and to act in consumers’ best interests. I am sure we both agree on that. There is clearly an inconsistency; otherwise we would not be having this debate.

The Government welcome the fact that the FCA is looking closely at what action might be necessary on overdrafts, considering the twin objectives of enhancing competition and protecting customers. That is why, in the light of the CMA’s recommendations last November, the FCA launched a consultation on high-cost credit, including high-cost, short-term credit—payday loans—and overdrafts. The FCA’s call for contributions remains open for another week—until next Wednesday, 15 February. I encourage those watching or listening to the debate, or reading it afterwards, to contribute to that, so that the FCA will be fully informed of the variety of opinion.

Today’s debate is timely, in view of that. It has—and I thank the hon. Member for Leeds West for this—attracted quite a lot of press interest; the subject is obviously of interest out in the real world. I am certain that hon. Members’ views will be heard clearly.

Rachel Reeves: I get the idea that the Minister is wrapping up. At the end of my speech, I asked whether he would meet me and representatives of Which? and StepChange. I hope that he will accept that invitation and that the meeting can be arranged soon.

Simon Kirby: I am not quite ready to wrap up yet; I have a few things to say that I am sure the hon. Lady will be pleased to hear. I should be delighted to meet her and representatives of Which? at an appropriate point—the most constructive time, when we can make the most difference. Obviously, while the FCA is considering the matter and the consultation is still open, the appropriate time may not be next week, but I should be delighted to work with her to come up with a solution that benefits everyone.

I think it is safe to say that the Government will be working alongside the FCA to understand the issues in the market. We will continue to do so, to ensure that it has all the appropriate tools at its disposal to take action where problems are identified. We have heard about some of the issues that people face when taking on overdrafts or other forms of high-cost credit. I can reassure hon. Members that the Government will closely monitor the work of the FCA in looking at that area. I am sure that the views expressed by hon. Members this morning will be taken into consideration as the regulator carries out its work.

We in the Government will also continue our efforts, complementing the work of the FCA. We have taken steps to encourage competition, to support credit unions and to improve financial education. The Government will, through that comprehensive approach, continue to take steps to make sure that British customers have quality choices, good information and strong protection.

It may be helpful if I say, in closing, that the CMA is not the final word in competition. There are important areas outside the scope of its work and the Government will keep a keen eye on the entire area. The Government will take the necessary action to ensure that our banking sector is not only the most competitive and innovative in the world, but fair.

Question put and agreed to.

11.28 am

Sitting suspended.
National Shipbuilding Strategy

[Mr Nigel Evans in the Chair]

2.30 pm

Douglas Chapman (Dunfermline and West Fife) (SNP):

I beg to move,

That this House has considered the National Shipbuilding Strategy.

It is a pleasure to serve under your chairmanship, Mr Evans. I stand before you with the sense that we have been here before, and indeed we have. It is déjà vu on a grand scale, because at Defence questions, during Westminster Hall debates, in answers to urgent questions and in ministerial statements, the Government have had the chance to put at rest the minds of the various parties interested in the shipbuilding strategy. Yet again, we find ourselves hoping that the Minister will give us something more than the usual scorn sometimes reserved for SNP Members.

Any time I tire of waiting for answers, I simply remind myself that many people have been waiting much longer, whether they be the men and women who serve us in the Royal Navy or those in the yards on the Clyde and at Rosyth. That is not to mention the average taxpayer, who demands nothing more from the Government than that their money is well spent on equipment that actually works and the assurance that the Government are doing their utmost to fulfil their most basic duty—defending our homeland.

In 2021, it will be two decades since HMS St Albans slipped from Yarrows on the Clyde and became the last-of-class Type 23 frigate, meaning that the state that has always prided itself on being a maritime power will not have built a single frigate for the best part of 20 years. Furthermore, as the first-of-class Type 23, HMS Norfolk, left that same shipyard in 1990, it found that the mission for which it had been specifically designed had all but ended. It is quite incredible that in 20 years. Furthermore, as the first-of-class Type 23, HMS Norfolk, left that same shipyard in 1990, it found that the mission for which it had been specifically designed had all but ended. It is quite incredible that in 2017, we are still unable to see a signed contract to begin the replacement of the Type 23s, which are a cold war platform. No one I have spoken to through my work on the Select Committee on Defence, whether fellow members, academics, shipbuilders, trade unionists or even civil servants, sees that as an acceptable way forward, yet here we are.

Its cold war mission may have ended, but the Type 23 has certainly done all that was asked of it, and more. Let us not forget that the range of tasks the Royal Navy has undertaken in the post-cold war era has dramatically increased, yet paradoxically, as the senior service’s task list is increasing, the number of frigates and destroyers available to it has sunk to an historic low. It is that paradox that I hope the Minister will help me with today. Although the Ministry of Defence has long been able to exploit the convoluted and confusing history of the Type 26s and Type 31s, there is no way to hide its failings. I will make it easy for the Government by posing three straightforward questions that I hope they will take in good faith and respond to appropriately.

First, and most simply, when will we see the national shipbuilding strategy as part of the 2015 strategic defence and security review, many of us thought we were reaching the end of a long journey with respect to the modernisation of the Royal Navy. How wrong we were. Early studies of what in 1994 was called the “future surface combatant” certainly thought outside the box. A whole range of options were considered, including a radical trimaran hull design. After a decade, the FSC had become the “sustained surface combatant capability”, which had as many as three designs. It was not a concept that would survive the financial crash. Indeed, by 2009, it was possible for my friend the right hon. Member for New Forest East (Dr Lewis), who chairs the Defence Committee, to call for a future surface combatant that was as “cheap as chips”. How did we get from as “cheap as chips” to building £1 billion frigates in less than a decade?

I contend that the blame lies squarely at the door of the MOD. One thing has become clear from the numerous conversations I have had with both management and unions at BAE Systems: it is a global company with a world-class workforce that is able to turn its hand to whatever design and specification is provided by the MOD. Up to this point, it has done that. Quite simply, the MOD’s unerring ability to change horses midstream has added to the cost, timescales and uncertainty of the ongoing naval procurement programme.

That continued after the shipbuilding strategy announcement in 2015. The initial reassurances we were given were replaced with disquiet last spring, when no contract for the Type 26s was signed. When The Guardian broke the story in April about potential job losses at the Clyde yards, there was a crushing realisation that, yes, it had happened again. Any hope that a refreshed team in the main building over the summer would lead to clarity on the Type 26 or the shipbuilding strategy did not last long. When the Minister repeatedly assured us in the Chamber that we would see a strategy by the autumn statement, we knew she was using alternative facts. When my colleagues and I on the Defence Committee released a report that concluded “it is now time for the MoD to deliver on its promises”, I imagine we already knew that it had no intention of doing so—although I am interested to know if that report played any part in delaying the strategy, or if Ministers simply chose not to tell Parliament of their intentions.

It was not entirely clear, when Sir John Parker’s independent report was announced, whether informing Parliament was part of the original strategy. When the report was finalised, we thought that it would be the formal strategy going forward. There is plenty to agree with in Sir John’s report. Many of its findings chime with my experiences of MOD procurement, namely that there was a “vicious cycle of fewer and much more expensive ships being ordered late and entering service years later than first planned”, becomes fully operational. Will the Minister reassure us that the Royal Navy will be able to form a fully functioning carrier group with Type 26s, Type 45s and the requisite Royal Auxiliary Service ships? Thirdly, on a related note, various media outlets have reported in recent days on the bandwidth problems in the procurement budget, which were highlighted in a National Audit Office report. So far as the equipment plan is concerned, how will the shipbuilding strategy ensure that surface naval ships are prioritised in procurement decisions?

When the Government committed to the national shipbuilding strategy as part of the 2015 strategic defence and security review, many of us thought we were reaching the end of a long journey with respect to the modernisation of the Royal Navy. How wrong we were. Early studies of what in 1994 was called the “future surface combatant” certainly thought outside the box. A whole range of options were considered, including a radical trimaran hull design. After a decade, the FSC had become the “sustained surface combatant capability”, which had as many as three designs. It was not a concept that would survive the financial crash. Indeed, by 2009, it was possible for my friend the right hon. Member for New Forest East (Dr Lewis), who chairs the Defence Committee, to call for a future surface combatant that was as “cheap as chips”. How did we get from as “cheap as chips” to building £1 billion frigates in less than a decade?

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and:

“The Government must drive cultural and governance changes in Defence that inject genuine pace into the procurement process with a clear grip over requirements, cost and time.”

However, we are now getting to a stage at which the report, far from being too little, too late, is too much, much too late. It will once more allow Ministers to take us around the houses and hope that we forget that they are running out of time to fulfil previous promises made to the House, the Royal Navy and the men and women on the Clyde.

While there is

“no precedent for building two ‘first of class’ RN frigates in one location in the UK”,

there appears to be no real alternative to the Clyde, as I am sure we will hear from my hon. Friend the Member for Glasgow South West (Chris Stephens). Let us get on with signing the Type 26 contract and ensure that the Type 31 is ready to go as soon as possible.

Mr Kevan Jones (North Durham) (Lab): Can the hon. Gentleman shed any light on what the Type 31 is? There have been generalised views of what it will do and what it will be, but I understand that there are no plans and no actual specification. Is the Type 31 not one of those pipedreams that seems to be put out there to reassure the industry, when actually there is a lot of work to be done not only to design it, but to find out where it fits into the broader naval strategy?

Douglas Chapman: The hon. Gentleman makes a good point. We are constantly told that the Type 31s are also for the export market. I have asked parliamentary questions on whether the Government could provide details of their homework on what that export market might look like. I am afraid that, to date, there are no answers. We need to make progress with the information we have, which is why we are questioning the Minister today.

Anyone who has taken an interest in this matter will know that BAE Systems has two possible designs. It is important that we get on with picking one, so that we can ensure—to follow up on the hon. Gentleman’s point—that we have an exportable product that we can take to market. However, we are falling behind. The Franco-Italian Aquitaine class frigates are already in service with La Royale and have been exported to Egypt and Morocco, so we are already missing the export boat with regard to the Type 31s.

Martin Docherty-Hughes (West Dunbartonshire) (SNP): My hon. Friend should also note the Danish Absalon class frigates, which have proved to be very versatile, reliable and affordable ships for a valuable ally’s navy.

Douglas Chapman: Of course. That just makes the point that while the Government sit back, dither and try to work out what the strategy might be, we have great examples of other countries—small countries—that are able to export their own products into the markets that they want to serve.

Quite simply, we have been waiting for the future surface combatant, be it the Type 26 or the Type 31, since 1994. Sir John’s report may seek a “sea change” in naval procurement, but the fact is that we had a defence industry strategy in 2005, a 15-year terms of business agreement signed by BAE Systems in 2009 and a consolidated shipbuilding plan for the Clyde, with support from the Government and the trade unions, in 2013. How on earth has it taken the Government so long to get to a strategy? Why do they still not have one by 2017? Surely that is a damning indictment of their competence to run the country. Again, I plead with the Minister: let us get on with it.

My second question for the Minister is about ensuring that when HMS Queen Elizabeth enters service, it will do so with a carrier group worthy of a next-generation Navy. Those carriers—the largest ships ever built for the Royal Navy—are being built on time and on budget in my constituency by the superb workforce in Rosyth. It would be a great disappointment to those workers, those men and women—

Mr Stephen Hepburn (Jarrow) (Lab): I congratulate the hon. Gentleman on securing this debate on a very important issue. He mentions the aircraft carriers. Let me respectfully advise the Minister that shipbuilding and ship repairs are still very much alive on the Tyne and that my local yard, A&P Tyne, has played a key role in getting those ships on time, within budget and with excellent quality. In the light of John Parker’s report, which identified that commercial yards have a great role to play in supporting traditional naval yards in providing the MOD’s requirements, I ask the Minister to ensure that when any lucrative contracts come forward in the future, commercial yards such as A&P are taken into consideration, bearing in mind their record.

Douglas Chapman: I thank the hon. Gentleman. That is a bit of a non-question for me, but I am sure the Minister will be happy to add it to her extensive list of questions already put.

The ships in Rosyth are the biggest that the Royal Navy has ever built, and various people have been involved in building them from day one and bringing the parts from all areas of the UK to Rosyth, but we must ensure that when those ships sail down the Forth, they are adequately protected. At the moment, I struggle to see how that battle group will fit together.

As I said, although 2017 may be the year of the Navy, 2023 will be far more significant, because in 2023 we will know whether the strategy has done what it set out to do in the first place. By 2023, the initial tranche of 24 F-35Bs should be in place to fly operations from the carriers, and the first Type 26 should be entering service to replace HMS Argyll, which will be the first Type 23 to leave service.

The Defence Committee highlighted the question of the carrier group in our November report and I hope we will press the Minister further on it, but quite simply the Government are running out of time to uphold their end of the bargain. Quite honestly, I am not holding my breath.

I expect many right hon. and hon. Members will talk today about the state of the Navy, but going over some of the history again might be worthwhile. At the time of the infamous Nott report, the Royal Navy had 60 frigates and destroyers, and even by the end of the Falklands conflict, it still had 50. In the 1998 strategic defence review, long after the cold war had ended, a floor of 32 ships was constructed. However, the Government now crow about their commitment to 19 frigates and destroyers.
Even as we move to an era of fewer and more powerful ships, 19 is still too low a number and has seen the UK fail in many of its commitments to its allies. I am not alone in finding it unacceptable that the UK has often been unable to provide a ship for NATO’s standing maritime groups; that we had to miss the recent anniversary celebrations of the New Zealand navy because a suitable ship was not available; and that offshore patrol vessels are having to fill in on tasks relating to the fleet ready escort and the Royal Navy’s presence in the Caribbean.

Martin Docherty-Hughes: My hon. Friend makes a good point about the 75th-anniversary celebrations for the royal navy of New Zealand. In November, our allies the United States, Canada and Australia sent ships to the international naval review—even Tonga and the Cook Islands sent ships to the naval review—but the United Kingdom Navy sent nothing. That is not exactly the best start to a brave Brexit diplomatic offensive, is it?

Douglas Chapman: Again, I cannot help but agree with my hon. Friend. He makes a very valid and good point, but if our backs were to the wall and we needed to provide ships for NATO, that would be a much more serious commitment that the UK would have to make. If we do not have enough ships to fulfil those commitments, that is even more concerning.

I said that the current fleet was 19 in number. Two ships, HMS Diamond and HMS Lancaster, are being used as training ships, so that reduces the number from 19 to 17 usable frigates and destroyers.

I hope that the Minister will break the habit of a lifetime today and actually give us the answers to the questions that we have asked. Quite simply, the Royal Navy and the carrier programme demand that. It starts with a contract for the Type 26 programme being signed, so let me reintroduce an old slogan: “We want eight and we won’t wait!” If we were to add anything to that, it would be that we cannot afford to wait any longer.

I hope that the Minister can also answer my last question. How can we ensure that surface shipbuilding does not suffer as a result of the proliferation of big-ticket items going through the order book over the next decade? The headline from Monday’s Financial Times says it all: “Spiralling cost of UK defence projects signals hard choices”. I raised this issue at the most recent Defence questions. With the years 2020 to 2023 being the most critical in the equipment procurement plan, I fear what Professor Malcolm Chalmers of the Royal United Services Institute highlighted in the FT article: “the historic response at MoD has simply been to push programmes to the right and allow service dates to slip.”

That story followed last month’s excellent National Audit Office report, which highlighted, among other things, that the “headroom” used to account for any potential overspend had already been spent. The report stated that “any further capability requirements during the lifetime of the Plan period will have to be met through a reprioritisation”.

I know that all those situations put the Minister in a really difficult position, but the clear questions that I must ask again are these. When will we see the national shipbuilding strategy? Can the Minister assure us that, by 2023, the Royal Navy will be able to form a fully functioning carrier group, with Type 26s, Type 45s and the requisite Royal Fleet Auxiliary ships? Finally, how will the shipbuilding strategy ensure that surface naval ships are prioritised in future procurement decisions?

Let us hope that today we get some answers and that 2017 does become the year of the Navy, not the year that the Navy wants to forget.

Several hon. Members rose—

Mr Nigel Evans (in the Chair): Order. I remind everyone that the winding-up speeches will start at half-past 3. That should give Members an idea of how much time they have to speak.

2.48 pm

Mr Kevan Jones (North Durham) (Lab): It is a pleasure to serve under your chairmanship, Mr Evans. I congratulate the hon. Member for Dunfermline and West Fife (Douglas Chapman) on securing this very important debate. He raises some very interesting points. Certainly I have been trying to get answers to them through parliamentary questions, but we are getting the usual stonewalling from the Ministry of Defence, which has become a habit in recent times.

The important thing is to ask this question: what is the status of Sir John Parker’s report? It was announced in the 2016 Budget, which stated: “The government has appointed Sir John Parker to lead the national shipbuilding strategy, which was confirmed in the Strategic Defence and Security Review 2015.” It also stated that the report would be published in the autumn of 2016, which in MOD-speak means anytime between December and the following June. The press release stated that it was a Treasury-led, not a MOD-led review. That is important. It was announced by the right hon. Member for Tatton (Mr Osborne) when he visited Portsmouth naval base.

The report was published, strangely, not as a Government report but as Sir John Parker’s own report. The jungle drums in the MOD tell me that there was a bit of concern about whether the Secretary of State would put his name to this report, and he decided not to. That has left the report in limbo in terms of what influence and status it will have in the forward thinking about not only our naval shipbuilding strategy, but our wider industrial strategy.

I am also concerned about how this matter fits into broader defence industrial strategy. I asked the Minister on 12 January when we would publish a defence industrial strategy, only to be told that there are no plans to publish a separate defence industrial strategy, but that the national shipbuilding strategy—Sir John Parker’s report—would be added into a broader cross-Government piece of work on industrial strategy. That is important because we have basically abandoned having a separate industrial policy and strategy in this country. That is important because of the jobs that are relied upon and the important capabilities that we need in this country. The Government seem to have just mashed that into the rest of wider industrial policy.

A basic question needs to be asked about shipbuilding: do we want sovereign capability to produce complex warships in this country—yes or no? It is a very simple question that the Government need to answer to give reassurance about the future of the jobs—which the hon. Member for Dunfermline and West Fife raised—and the technical expertise. The problem is that people look at a warship and think that the bulk of the cost and
expertise has been met on the outside. It has not. The main value and technology in it are the skills that go into designing it and into systems integration. Our supply chain goes way beyond the Clyde—there is a national footprint of companies in leading-edge technologies. We need to ask whether we want those skills in this country or whether we will just buy from abroad.

When I was first involved in shipbuilding in the late 1980s, the then Government competed at different yards. We had Swan Hunter, Yarrows and Cammell Laird around the country and the Government used to compete contracts between them. At the end of the day, it was pork barrel politics as to who got the contract and that ultimately meant that Swan Hunter closed. Clearly, the strategy after that was to concentrate complex warship building in one yard. That made absolute sense. That one yard is on the Clyde, whether we like it or not. There is no other way of doing it.

The concern I have about Sir John Parker’s report—there are some points in it that I agree with—is that it is a bit naive. It has looked at building the carriers, which are on a huge scale in terms of block modular build, and then more or less said that we can start building Type 26s and others in a modular format. Well, I am sorry but I do not think we can—no disrespect to my hon. Friend the Member for Jarrow (Mr Hepburn). These ships are on a different scale. We need one yard to do the integration—the actual build. The idea that we are going to build them around the country to try to get some competition goes back to an argument we had in the late 1990s. I come back to the basic question of whether we actually want complex warship building in this country.

The issue is not just the capability. There is naivety among some people who think that they can order these ships like ordering their next car. They decide what colour they want, go to the showroom and say, “I will have a blue one and we will have a yellow one next.” That is not how this happens. These are very complex warships and pieces of defence equipment. We need to retain not only the technological capability but the skill base in the yards and in industry, and we need a drumbeat of work going through to ensure that we do that. A classic example of when we got that wrong is when the Conservative Government in the 1990s took us out of submarine building. That led to all the problems we had trying to regenerate the capacity in Barrow for the Astute programme. Unless we keep that drumbeat going, we will get into a situation whereby we cannot rely on the fact that when we need a complex warship, there is one there to be delivered. We cannot turn these skills and capabilities on and off like a tap when they are needed.

Carol Monaghan (Glasgow North West) (SNP): One of the real dangers is exactly what the hon. Gentleman describes. As the yards in Glasgow await the commencement of the Type 26 project, engineers—highly skilled workers who can work in many different fields—will not wait around forever.

Mr Jones: The hon. Lady makes a very good point. The issue is not just about generating the skills in the first place—the key investment that companies need to make in apprenticeships and other things. This is now an international market. There are perhaps engineers working on the Clyde who, if there is no work, will move elsewhere in the world. In some cases, they will not come back to the industry. We found that with the Astute programme; nuclear engineers left and trying to get them back, or regenerating those skills and expertise, was very difficult.

Martin Docherty-Hughes: The hon. Gentleman is making an excellent point. Critically, the Canadian suppliers were actually in Glasgow the other week looking for such people to take to north America.

Mr Jones: Again, the hon. Gentleman makes a very good point. This is an international market and these skills are very sought after. This comes back to my point that if we want this capability in the UK, we have to nurture and protect it and the only way to do that is by having a throughput of work.

The hon. Member for Dunfermline and West Fife raised the issue of the Type 26. The delay is adding to that uncertainty. The wider piece really concerns me. To give the impression that we are going to have that drumbeat of work, we have had the Type 31 inserted into the programme. I have studied in detail to try to find out what the Type 31 actually is; no one has been able to tell me yet. It is a bit like the mythical unicorn—everybody thinks it exists, but no one has ever seen one. If the MOD can say that there is a budget line for it, it should please identify that—in the current procurement there is no budget line for it at all in the programme.

Chris Stephens (Glasgow South West) (SNP): Was the hon. Gentleman concerned, as I was, to read in an article in The Daily Telegraph a suggestion from a Ministry of Defence source that there is no budget for Type 31s and that they might not even happen?

Mr Jones: As people know, I am a bit of an anorak on this subject and I actually study the MOD accounts, but I still cannot find where this budget line is. Another point that has never been answered is what this ship will actually be used for. I am not sure where it fits into any naval strategy. Will it be able to meet, for example, Britain’s NATO capabilities? Will it have capability to fulfil those roles? If it has not got the air defence capability, it will not. The other thing that people have completely missed is that this is about not just building the ship, but running it afterwards. We all know that there is a crisis in recruitment and manpower in the Royal Navy. Again, where is the budget line for not only building but running this generation of ships?

The hon. Member for Dunfermline and West Fife makes a very important point. The Government say that the great thing about the ships is that they are exportable: I am sorry, but we are bit behind the game on this. He rightly identifies at least two other nations that have product out there.

There is another point about strategy. This is about not only skills but the defence of our country, because if we have the gap between the Type 23s going out and the Type 26s coming in, there will also be a gap in the nation’s capability. I understand that there is an ongoing extension programme for some Type 23s, but we need clarity, because if there is a gap, we will not be able to protect the carrier groups or some of our other capabilities.
That leads me to the wider piece about the Government’s strategy in this area. The Prime Minister argues that she is batting for Britain and that Britain is the key market, but the process in which the Ministry of Defence, obviously leant on heavily by the Treasury, is happy to have multimillion-pound contracts with the United States—the Apache and P-8 contracts, to name just two—with no commitment whatever that proportionate workshare will come back to the UK economy. I asked the Minister a written question about the Apaches, and I think Boeing said that 5% of the programme’s value will come back into our supply chain. That point is important not just for the number of jobs, but to keep the capability that we need in this country. I cannot imagine for one minute the United States doing something similar, even before President Trump took office, and things will get even worse now. Exporting highly paid jobs and capability from this country is inexcusable. I do not want to see the same thing happening in shipbuilding, so that we will perhaps just buy ships off the shelf from the United States or anywhere else.

A few weeks ago I asked the Minister in a parliamentary question what she was doing to monitor whether Boeing, for example, would put enough jobs into the economy. She fudged the answer, saying, “We don’t monitor this area.” I am sorry, but that is inexcusable. What really irritates me is that if a British company sold a piece of defence kit to the United States of America, there is no way that we would not have to give guarantees about workshare and jobs in the United States. My fear is that without joined-up thinking on shipbuilding, if we are not careful, a time will come when the Treasury says, “Isn’t it cheaper just to buy these from abroad—from the United States or somewhere else?” We would then lose not only the sovereign capability that is so important to this country, but the skill base and jobs that come with that.

I come to my final point. It is about time that the Ministry of Defence fessed up that it has a huge problem, which is only partly of the MOD’s making, because this is actually a Treasury issue. The National Audit Office report is clear about the procurement budget. The Ministry of Defence is falling into an old habit—as a former Minister in the Ministry of Defence, I know this is easy to do—of just pushing the budget sideways, which is what has happened with the defence budget. However, there are other pressures on the day-to-day in-service budgets. Ships are being laid up, for example, because the cash is not available to run in-service services. In addition, there is a huge black hole—it was highlighted in the NAO report—that the MOD has to deal with. We are not talking about separate money; it will have to find £8 billion over the next 10 years for the defence estate. All that falls within the defence budget, so if does not come out of one place, it will come out of another.

The Government need to be honest about where they are with the equipment budget. The Opposition got lectures from the incoming coalition Government about how frugal they would be, in terms of ensuring that they did not over-commit on defence, but they are clearly doing that now. The shipbuilding strategy needs to be published soon. If we are going to answer yes to the question, “Do we want a sovereign capability for shipbuilding in this country?”, we will have to put the money behind it and ensure that the work is of a nature that allows the industry to develop its skills and retain that capability.

3.4 pm

Chris Stephens (Glasgow South West) (SNP): It is a pleasure to follow the hon. Member for North Durham (Mr Jones) and to have listened to his technical expertise in this area. I very much appreciated his speech and particularly his support for the Clyde shipyards. I congratulate my hon. Friend the Member for Dunfermline and West Fife (Douglas Chapman) on securing the debate, and it is always a pleasure to see you in the Chair, Mr Evans.

I shall start, as the hon. Member for North Durham did, with the extraordinary process regarding the strategy. He is not the only one who thought that Sir John Parker’s report would be the national shipbuilding strategy; I and other hon. Members of the House did too, as did trade unions and the defence industry.

Martin Docherty-Hughes: The Minister said that a signed copy would be sent to my hon. Friend the Member for Argyll and Bute (Brendan O’Hara), but we are still waiting for it. Clearly that means that the actual statement has not been produced.

Chris Stephens: I remember that exchange, and there was clearly confusion about the report. I also find it extraordinary that although Sir John Parker’s report was sent to the Ministry of Defence on 3 November 2016, this is the first opportunity that hon. Members have had to discuss it in detail. In November or December, there should have been a debate, or a series of debates, on the report, so that hon. Members could give their views on it and feed into the process. I shall come to that later.

I was very concerned when it was pointed out to me that on 2 January in The Daily Telegraph—not necessarily a newspaper that I subscribe to—MOD sources were not only saying that there is no budget for the Type 31, but that it will not happen and the plan will not be realised. We need to go back to the former Prime Minister’s announcement on the Clyde in my constituency in 2014, when he promised that 13 Type 26 frigates would be built on the Clyde. We were then told that there would be eight Type 26 frigates and five general-purpose frigates. As the hon. Member for North Durham outlined, we do not know exactly what that capability is, but we were told, “It’s okay; relax, because eight plus five equals 13.” We are still awaiting the final sign-off, not only for the eight Type 26 frigates but for the five general-purpose frigates. I hope that the Minister will tell us, if there is indeed a budget for Type 31 frigates, what it is and what the procurement timetable is for Type 26 and Type 31 frigates.

Douglas Chapman: If what my hon. Friend is saying is anywhere near the truth and the Type 31s will not exist, what does that say about the drumbeat for Govan and Scotstoun?

Chris Stephens: I would be very concerned about that, and I will come to the effects of that later. Sir John Parker’s report is an honest attempt to end the “feast and famine” procurement processes by the Ministry of Defence that have often plagued the shipbuilding industry. If any other public services carried out procurement processes in the way that the Ministry of Defence does, there would be uproar in the streets—imagine if it was equipment for the health service or education, and so on.
[Chris Stephens]

I am pleased that Sir John Parker’s report also recognises the capability and skills of shipyard workers on the Clyde—in my constituency, in the Govan shipyard, and in Scotstoun, in the constituency of my hon. Friend the Member for Glasgow North West (Carol Monaghan)—working on digital technology adapted from the automotive sector and with new working practices that have increased productivity. It is an honour and a privilege to represent them in this Parliament. The shipyard workers are also supported by trade unions and are represented at shop-floor level by representatives who have campaigned tenaciously over the years to ensure that future work is secured. Any announcements that come from the Government are a victory for them more than anyone else. However, as someone who had family members in Yarrows who were made redundant under a Tory Government, I always view such commitments from this Government with suspicion when it comes to shipbuilding.

Sir John Parker’s report also recognises that the Royal Fleet Auxiliary ships should be assembled in the UK. It really is a nonsense that that work has been farmed out elsewhere. I would hope that Rosyth, to cite one example, would have that opportunity. Failure to ensure that Rosyth, to cite one example, would have that opportunity. Failure to ensure that work on the 13 Type 26s, where is that guarantee from the Scottish Parliament have said that there will be work on the 13 Type 26s, where is that guarantee from the Government?

Chris Stephens: I hope we will get that today. I hope the Minister will give us that commitment.

There is one fatal flaw, however, in Sir John Parker’s report, which needs to be tackled. His assumption that there is no precedent for building different first-class naval ships concurrently is wrong. In the 1990s, Yarrow shipyards were building and constructing Royal Navy ships as well as exporting ships to Malaysia. This precedent was envisaged by the Clyde shipyard taskforce in 2002, chaired by the then Scottish Executive Minister, Wendy Alexander, and the former Scottish Office Minister, Brian Wilson, which ensured that the Govan shipyard was responsible for the steelworks and that Scotstoun was to become the centre for excellence.

There is therefore reason to argue that Govan could construct the Type 26 frigates and Scotstoun could develop the new Type 31 frigate, using the specialist design capability to ensure that it could be exported to other countries. Such technical expertise to carry out the work is already there on the Clyde, but it will require investment. MOD pressure not to invest in the frigate factory—promises that led to the demolition of the covered berth and module hall at Scotstoun—has meant that we still have a constrained capacity and that the full potential for shipbuilding on the Clyde has not yet been realised. I want to hear from the Government about progressive plans with respect to shipyard reconstruction to unlock significant long-term advances and savings for the industry so that it can win more orders, not only here but from overseas.

Sacrifices have been made by shipyard workers on the Clyde. Let us not forget that to get to where we are now, workers on the Clyde took redundancy to ensure that the rest would be kept and that they would be match-fit to build the 13 Type 26 frigates. I hope that today the Minister will confirm procurement processes for the Type 26 and Type 31 frigates. The trade unions have said that failure to ensure that the Clyde leads on the general-purpose frigates would be a betrayal.

3.13 pm

Jim Shannon (Strangford) (DUP): It is a pleasure to speak in this debate, Mr Evans. I am conscious of the time and will make sure that we all get a chance to participate.

I thank the hon. Member for Dunfermline and West Fife (Douglas Chapman) for bringing the issue forward today. He spoke very well, as he always does. He has been an advocate for shipbuilding across the United Kingdom of Great Britain and Northern Ireland, where we are all better together, as I often say, Mr Evans—I am sure that in this case you would probably say, “Yes, you’re probably right on that.” [Laughter.] I digress slightly, Mr Evans; I apologise for doing so.

This is an issue that I have given much thought to and had much discussion about, having just come off the Select Committee on Defence. I am pleased to see my hon. Friend the Member for Belfast East (Gavin Robinson) here. He took over my position on the Defence Committee and is already much involved in the issues. It is good to see him here and involved in the work on that Committee.

We have what is undoubtedly the finest Navy in the world. That is a recognised fact. That is no surprise, given that we are a small group of islands. At one stage we were described as the empire on whom the sun never set, as we controlled so much of the world. Our Navy was a major reason for that and our Navy retains a major role in the strength of the United Kingdom of Great Britain and Northern Ireland today.

A strong army needs a strong fleet, and this is where the national shipbuilding strategy must play its part in the process. These are the facts: the Ministry of Defence is in the middle of an ambitious recapitalisation programme for its naval surface fleet. The Government plan to spend some £19 billion over the next decade on surface ships for the Royal Navy and Royal Fleet Auxiliary.

The Royal Navy designates a class of frigates and destroyers as a Type. The Navy has a fleet of 13 frigates, all Type 23s, which will begin to leave service from 2023 onwards. Hon. Members who have spoken so far have expressed concern—it is my concern as well—about the delays and the timescale, and about the quantity and numbers as well. We look to the Minister today for a response that can put our minds at ease and allay our fears.

Plans to replace the fleet changed significantly in 2015, when the Government dropped proposals to replace it on a one-to-one basis with the yet-to-be-built Type 26 frigates. Only eight Type 26 frigates will be ordered, and a new class of general-purpose frigate, unofficially known
as the Type 31s, will be developed. We spoke on the topic of the Type 26 in October, and my stance today is as it was then, when I said:

“It is my desire...to see the new British fleet built in Britain. As we have said, we are marching to the steady drumbeat of orders, and that must be the way we move.”—[Official Report, 18 October 2016; Vol. 615, c. 308WH.]

Hon. Members have suggested that although the drumbeat of orders is on paper, we need to have it confirmed and the timescale needs to be in place.

BAE Systems is the prime industry partner for naval warships and submarines. I welcome the Government’s confirmation that the steel is to be cut on the Type 26 in summer 2017, although as the hon. Member for North Durham (Mr Jones) said earlier, summer can develop into autumn—or indeed winter, whatever the case may be. The work will be at BAE’s two remaining shipyards, both located on the Clyde. Again, I can say it is within the United Kingdom of Great Britain and Northern Ireland. I welcome the commitment, but the Government have not gone far enough and there is much uncertainty about what the highly anticipated report will bring.

I read an interesting report—Members have referred to it—on a website called Save the Royal Navy. Its opinion on the Parker report states:

“On 29th November Sir John Parker’s report to inform the UK National Shipbuilding Strategy...was published. Commissioned by the Treasury, exasperated with decades of continual delays and cost increases to warship construction, the report is concise and written in clear layman’s language. The 34 recommendations are eminently sensible and the report has generated at least temporarily, a warm and fuzzy feeling of consensus and optimism.”

That is a positive response looking towards the future. However, that report goes on to say:

“Amongst independent observers there is cynicism about whether any of the recommendations of the report will be implemented at all. Most of the issues highlighted have long been known but nothing has been done for years. By commissioning the report, the Treasury has at least created a roadmap to escape the current shipbuilding malaise which will be difficult to ignore.”

Perhaps the Minister will respond to that. The report continues:

“It is now up to government to properly fund, endorse and enforce the recommendations when it formulates and implements the actual shipbuilding strategy next year. Should those in power be bold enough to do so, it would go a long way to reviving the RN and have great benefits to UK industry.”

This is exactly the phrase we want to see:

“It is now up to government to properly fund, endorse”

and fulfill the recommendations—and, I would say, their obligations as well. That is why we are here this afternoon. These are matters of national importance and we need to impress upon our Ministers, particularly the Minister who is here, the importance of implementing the review and incorporating the recommendations for shipbuilding for our Navy.

We do not always get full details from the Library, but on this occasion we have oodles of information, which has been very helpful to inform our speeches. One thing that has not been mentioned is the issue of logistics ships. We have heard much about frigates, but I want to mention logistics ships on the record, because—the Minister will know this—it seems that South Korea is going to build them, and I want to know: why are we not building them here? I mean no disrespect to South Korea—it has a lot to do and is very expert in what it does—but I would like our people to have the opportunity.

There has been a suggestion that conversions from commercial shipping might be the right solution. If it is the solution, let it happen at home, using our own shipbuilding expertise. We have shipbuilders throughout the UK and they must benefit from Government contracts. A Ministry of Defence principle ensuring that only home firms get the work is a must. It is important to entire communities that rely on the work and the money. More importantly, however, we do not ask for ships to be built only to save jobs; we need those ships for the security of the nation. Sometimes that point is lost in the debate. We are thinking about the security of the nation, to make sure that we are okay. We have a duty and responsibility. I should like to say that I have every confidence—provided that the Minister gives a good response today. We must impress on her how vital it is to have a strong, fully functioning Navy. That can happen only with proper frigates and the right types of ships.

I implore the Minister to set our minds at ease and ensure that the report takes into consideration all that has been said, in the valuable contributions made by all Members to the debate. Certain things cannot be scaled back, and one of those is our defence capability. The Navy is an essential component of that, which must be recognised in the forthcoming national shipbuilding strategy. I thank the hon. Member for Dunfermline and West Fife (Douglas Chapman) for setting the scene, and all other hon. Members who have spoken. We look to the Minister for the response that we need.

3.21 pm

Steven Paterson (Stirling) (SNP): It is a pleasure to serve under your chairmanship, Mr Evans. I congratulate my hon. Friend the Member for Dunfermline and West Fife (Douglas Chapman) on securing this important debate. The timing could not be better, given the revelations about the cost of UK defence projects in all forces, not only the Navy. I want to raise two points. The first is about our priorities. They are set in the national security strategies and should flow into the strategic defence and security review and the Government’s priorities in this area. The second is the effect of the recent National Audit Office report on procurement for large defence projects and the affordability of the national shipbuilding strategy that we anticipate.

The national security strategy and the SDSR should inform the procurement process and, because of that, the national shipbuilding strategy. However, there seems to be a logical inconsistency in how that is applied. In paragraph 75 of the SDSR, the Ministry of Defence is quoted as saying that the document will “determine priorities for investment to ensure that the UK has a full suite of capabilities with which to respond to defence and security threats”.

Page 67 identifies the three tiers of domestic and overseas risks, grading them as tier 1, 2 or 3 threats, “based on a judgement of the combination of both likelihood and impact.”

Taking that at face value, the National Security Council has identified terrorism, international military conflict, cyber, public health, major natural hazards and instability overseas as the tier 1 threats facing the UK. That exercise having been undertaken, one would have thought the
resources would follow the perceived threats and their perceived likelihood, but that does not seem to be the approach followed by the Ministry of Defence, particularly in the present case.

Douglas Chapman: Does my hon. Friend feel that the amount of resource going into the Dreadnought programme is skewing all other budgets and making the Minister’s job of preserving our surface ship fleet much more difficult?

Steven Paterson: Yes, I think that is a concern that many of us have—that the priorities identified in the risk assessment done for the document I have quoted are not being followed in Government spending. Perhaps that is why there has been delay after delay in the project.

Mr Kevan Jones: Does the hon. Gentleman also recognise that the Dreadnought programme is putting money into the Scottish economy? A success story in that regard is that Babcock is doing the missile tubes at Rosyth.

Steven Paterson: If we are going to take the SDSR process seriously and look at the assessment of what we need for the defence of the country, we must deal with tier 1 threats first—that is why they are tier 1 threats. Clearly, if we are to meet the threats identified, the shipbuilding programme is essential.

As my hon. Friend the Member for Glasgow South West (Chris Stephens) noted, the Government promised that 13 Type 26 frigates would be built on the Clyde, then revised that substantially, to eight, with five multi-purpose frigates. At paragraph 90 of its report on the 2% level of spending by the Government, the Defence Committee correctly identifies the risk to the Type 31 programme:

“Should...the ‘concept study’ to investigate the potential for a new class of lighter, flexible general purpose frigate be unsuccessful, we wish to be informed at the earliest opportunity of the MoD’s contingency plans to deliver the extra ships to satisfy the total originally promised.”

The Government’s response to those concerns merely indicates a willingness to keep the Committee informed. We are looking for some more concrete answers from the Minister today. Furthermore, we still await confirmation that the frigates will be built on the Clyde. Should that not occur, it will be a betrayal of the Clyde workers, as my hon. Friend said. They would be entitled to feel betrayed; it would threaten the yards’ capacity to deliver complex warships in the future and undermine the UK’s ability to meet the challenges identified in its own national security strategy and the SDSR.

My second concern is that the shipbuilding strategy will not be affordable. I am concerned that there will be further backtracking on the commitments. It is fine to have a strategy, with many large new procurement projects, but if there is no money to actualise the strategy, what is the point of the exercise? According to the National Audit Office’s report “The Equipment Plan 2016 to 2026”—which the hon. Member for North Durham (Mr Jones), among others, has already alluded to—the price of the plan has ballooned by 20%, to £82 billion, in a single year. That means that the Department has allocated all headroom previously set aside in the plan, removing all the flexibility to accommodate additional capability requirements. That is why we need reassurance today.

Given that the Type 26 project started at a projected cost of £343 million per hull, according to the 2015 major projects report, and is now £1 billion per hull, according to oral evidence to the Defence Committee, the MOD does not have, and never has had, a proven track record of acquiring big-ticket items on time and on budget. Rather than dealing with those pressures in the past, it has pushed the programmes further down the list and allowed service dates to slip, exactly as has been described today.

Mr Jones: Does the hon. Gentleman agree that there is added pressure on the defence budget because of Brexit, in terms of the value of the dollar, which is made worse when we procure large-ticket items from the United States?

Steven Paterson: The hon. Gentleman must have read my mind, because I am coming on to say that point 18 of the NAO report summary states:

“Changes in foreign exchange rates, such as those that happened after the EU referendum, can pose a significant risk to the Plan’s affordability in the future. As at 10 January 2017, the pound was 21.4% below the exchange rate with the US dollar and 4.2% below the exchange rate for the euro used in the Department’s planning assumptions. Approximately £18.6 billion of the Plan is denominated in US dollars and £2.6 billion in euros over 10 years.”

That will have a major impact.

I understand that the Department has a certain amount of protection against foreign exchange rates in arranging its finances, but does it not worry the Minister that such a large amount of the plan is predicated on foreign exchange rates, with the Government appearing to be gambling that the rate will not go up further? Given the Government position that economists cannot be trusted, which is what many current Ministers said during the recent referendum—and going by even a cursory look at the financial predictions before Brexit—can we really have any confidence that the envisaged programme can be afforded? That is why we need reassurance today.

The shipbuilding strategy is long overdue and, given the current state of the Department’s books, it is badly needed to provide clarity for those working in shipbuilding and those monitoring our national defence readiness going forward.

Martin Docherty-Hughes: My hon. Friend will correct me if I am wrong but, to take F-35s as an example, they are 85% built in the United States, and therefore bought in dollars. That is critical when we reflect on the impact of the fall in the pound compared with the dollar.

Steven Paterson: Absolutely. That illustrates the point very well. I hope that the Minister will reassure us today about the Type 26 programme and the Type 31 programme, about the ships being built on the Clyde as promised, and on the affordability of the shipbuilding strategy that the Government has hopefully soon promised. Finally, I hope that by the end of the debate we shall know with certainty when the overdue shipbuilding strategy will be published.
3.29 pm

Brendan O’Hara (Argyll and Bute) (SNP): It is a pleasure to serve under your chairmanship, Mr Evans. I sincerely thank my hon. Friend the Member for Dunfermline and West Fife (Douglas Chapman) for securing this important debate.

I am pleased to see that all the constituent parts of the United Kingdom are represented here today, but I have to ask: with the honourable exceptions of the Minister and the hon. Member for Bury St Edmunds (Jo Churchill), where are all the Government Members? On the day we debated the royal yacht Britannia, one could not get one’s nose through the door for Government Members wishing to contribute. Yet here we are, discussing the national shipbuilding strategy, and apart from the honourable exceptions I mentioned, not a single Government Member is here to take part or even listen.

I commend my hon. Friend the Member for Dunfermline and West Fife; as always, he has hit the nail on the head. I join him in seeking an assurance from the Ministry of Defence that it will be able to form the functioning carrier group that he mentioned. I also join him in seeking a cast-iron guarantee that the building of surface ships will not suffer as the big-ticket items begin to come on to the books over the next decade or so. I look forward to the Minister addressing those questions.

I recognise the contribution of my hon. Friend the Member for Stirling (Steven Paterson), who questioned—rightly, in the light of the National Audit Office report—how the Government intend to pay for this equipment, given that we have been told that there is no headroom whatever, the contingency funds have gone and the costs are ballooning.

I commend the tenacity of my hon. Friend the Member for Glasgow South West (Chris Stephens), who has been a tireless campaigner on behalf of the shipbuilders of his constituency and of workers the length and breadth of the country. I hope the Minister was listening carefully when he articulated the fears of workers on the Clyde at Scotstoun and Govan.

The hon. Member for North Durham (Mr Jones) was correct to refer to the status of Sir John Parker’s report. We were told that the strategy would be delivered; then, after it was not delivered, we were told that Sir John Parker’s report was merely for information. I would like to know when that was decided—I will return to that point in a moment. The hon. Gentleman also raised the vital question of the status of the Type 31s. I hope that the Minister will clarify the exact role that the Type 31s will play. Will she give cast-iron guarantees that they will actually happen?

My hon. Friends the Members for West Dunbartonshire (Martin Docherty-Hughes), and for Glasgow North West (Carol Monaghan) raised an incredibly important point: the delays and uncertainty caused by holding up the national shipbuilding strategy are in danger of producing a skills flight from Scotland, particularly from the Clyde. As we have heard, Canadian shipbuilders are already advertising locally in and around Glasgow, promising jobs in Halifax, Nova Scotia. That is deeply worrying.

The contributions from Scottish National party Members can be summed up with a single question: when will the Government finally publish the national shipbuilding strategy? As so many of us have said, it has been much discussed in this House. It has been talked about, promised and threatened; as my hon. Friend the Member for West Dunbartonshire said, we were even told on one occasion that it had actually been published, only for it to disappear again. The hon. Member for North Durham described the national shipbuilding strategy as a unicorn, and in many ways he is right. However, I tend to look at it as the Maris Crane or the Mrs Mainwaring of UK politics—a central character in a long-running series who is much talked about and around whom entire storylines may be based, but who is never, ever seen. Sadly, while Maris Crane or Mrs Mainwaring are cleverly constructed comedic devices, the national shipbuilding strategy is descending into farce.

I look forward to the Minister’s attempt to use smoke and mirrors to explain why the House and the people whose livelihoods depend on the report are still waiting for it in February 2017, when it was promised many times that it would be here before the autumn statement. My first memory of the national shipbuilding strategy being promised goes back to 12 September, when the Minister said that it would be delivered in November. In a letter to my hon. Friend the Member for Glasgow South West on 18 October, she repeated that statement: “the national shipbuilding strategy will report by the autumn statement.”—[Official Report, 18 October 2016; Vol. 615, c. 318WH.]

There were no caveats, qualifications or stipulations—nothing to suggest that that would not happen. It was a clear and unequivocal promise that the strategy—not a report that would inform the strategy, but the strategy itself—would be delivered before the autumn statement.

The Minister then told me at Defence questions on 7 November that “the national shipbuilding strategy…will be announced nearer to the autumn statement… I am sure that there will be great news for shipbuilding across Scotland and the whole of the UK.”—[Official Report, 7 November 2016; Vol. 616, c. 1237.]

How would we know? We have never seen the strategy. It has not appeared.

We were given false hope on 12 December when I asked the Minister directly why the national shipbuilding strategy had not appeared, despite all the promises. She told me that I was “complaining about the lack of publication of a report that has not been published”—[Official Report, 12 December 2016; Vol. 618, c. 485.]

She even offered to send me a signed copy of it. Needless to say, signing, gift-wrappping and sending something that did not actually exist proved a step too far, even for the not inconsiderable skills of the Minister.

Wayne David (Caerphilly) (Lab): Has the hon. Gentleman received a copy of it?

Brendan O’Hara: Sadly, it is a will-o’-the-wisp—it does not exist. Perhaps it will come when Brigadoon next appears.

The rest of the country and I remain without the national shipbuilding strategy, signed or unsigned. Five months after the first recorded promise that it would be delivered, we are still waiting. I fully concur with my hon. Friend the Member for Dunfermline and West Fife that our frustration at being led a merry dance by the Government over the shipbuilding strategy must be as nothing compared with the frustration of the shipbuilding workers and the servicemen and women of the Royal Navy who depend on the strategy for their livelihoods.
We may poke fun at the Minister, but let us never forget that we are dealing with people's lives and people's jobs. Those people deserve respect, and when their Government say that something will appear on a given date, they should be able to trust that it will.

The Minister has a lot to address in her reply, but I ask her to address the following questions in particular. When will we see the national shipbuilding strategy? Will there be a full carrier group capability in 2023, as my hon. Friend the Member for Dunfermline and West Fife asked? Can she guarantee that surface shipbuilding will not be squeezed as the cost of Trident soars, the economy shrinks and the pound loses value? What is the status of the Type 31 frigates, as the hon. Member for North Durham asked? Can the Minister guarantee that they will be built? Will she give a timetable for the construction of the Type 26, as she has been asked? Is she aware of the levels of concern that have been caused by these delays, and will she act accordingly?

There is so much about the national shipbuilding strategy that needs to be discussed. At the risk of repeating myself, I am sorry that so few Government Members are here to listen to this vital national debate. I look forward to the Minister's reply.

3.39 pm

Wayne David (Caerphilly) (Lab): It is a pleasure to serve under your chairmanship, Mr Evans. I congratulate the hon. Member for North Durham (Mr Jones), who showed his expertise in this area. However, it is a great shame—a crying shame—that there are no Conservative Members of Parliament present, apart from the Minister and, rather belatedly, somebody else who I think has come in for another debate. It is a great shame that we have not had a full Chamber and that we have not all been able to debate collectively what is a fundamentally important issue for this country.

I will focus my comments on the situation regarding the strategy from the Ministry of Defence. My starting point, of course, is what the Government themselves declared in 2015 in their strategic defence and security review. They said that they were committed to maintaining a fleet of 19 frigates and destroyers, and that they intended to complement that force with a new class of lighter and flexible general purpose frigates. At that time, they correctly made the link between the need to develop our national security and the promotion of our domestic prosperity. The Government proudly announced then that a new national shipbuilding strategy “will lay the foundations for a modern and efficient sector capable of meeting the country's future defence and security needs.”

In the Budget of 2016, the Government proudly announced that they had appointed the eminent Sir John Parker to lead and write a national shipbuilding strategy, and it was promised that a report would be prepared and presented to this House in 2016.

However, there has been genuine confusion and I hope that the Minister will take this opportunity to clarify the situation. On 29 November 2016, we had a report from Sir John Parker, but it was not, as we had been promised, the Government’s national shipbuilding strategy. Many people thought that it was—some Ministers thought that it was—but it was not. Instead, we had an “independent report” on the UK’s national shipbuilding strategy from Sir John Parker.

My questions are quite simple. How did that metamorphosis take place? Why did it take place? Why is there confusion? What contact was there between the different Departments; and who is taking the lead on this issue? Those are very important questions about something as fundamental as the strategy for our future warships, which is not an issue that can be lightly dismissed. I echo what other Members have said: we would all like answers from the Minister about what on earth has happened and what on earth is going on.

Of course, Sir John’s report is very radical and extremely scathing about how things work, or rather do not work, within the Ministry of Defence regarding Royal Navy programmes. The report has a very interesting, informative and worrying chart about the length of time it takes for projects to develop to fruition. For example, Sir John points out that it was in 1967 that the conceptual start of the Type 21 frigates began and they were delivered nine years later. As for the Type 23 frigates, the conceptual start date was in 1978, but it took 17 years for that project to come to fruition. Goodness knows how long it will take for the Type 26 frigates.

Sir John asks why there have been such long delays. Why has this process taken such a long period of time? In some ways, the demands upon the frigates have changed. The world has changed and defence requirements have changed, but there is still that laborious project time before us. Why has that happened?

Chris Stephens: Does the hon. Gentleman agree that these delays not only impact on the Royal Navy but on the local economy in Scotland? He may be aware of the GMB report on Scottish shipbuilding and the value of shipbuilding to the Scottish economy.

Wayne David: Indeed, I fully support those points. The situation is very worrying for all concerned, not least the people who are employed in the shipbuilding industry and the local communities from which they are drawn.

Sir John gives a number of reasons why the long delays have occurred. He makes 11 points. I will not go through all of them, but will just pick out some of the reasons he suggests. He says that there has been “A lack of assured Capital budget per RN ship series, subject to annual arbitrary change, with cumulative negative impact on time and cost with accompanying increased risk of obsolescence”. That is very worrying. He also says that there have been “Poor linkages across the ‘Total Enterprise’ including industrial capability and capacity”.

He goes on to say: “Senior decision-makers have, previously, been engaged too late in the process and not always with high quality information and costing data.”

He adds: “The MOD has lost expertise in both design and project contract management”.

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Chris Stephens: Does the hon. Gentleman agree that these delays not only impact on the Royal Navy but on the local economy in Scotland? He may be aware of the GMB report on Scottish shipbuilding and the value of shipbuilding to the Scottish economy.

Wayne David: Indeed, I fully support those points. The situation is very worrying for all concerned, not least the people who are employed in the shipbuilding industry and the local communities from which they are drawn.

Sir John gives a number of reasons why the long delays have occurred. He makes 11 points. I will not go through all of them, but will just pick out some of the reasons he suggests. He says that there has been “A lack of assured Capital budget per RN ship series, subject to annual arbitrary change, with cumulative negative impact on time and cost with accompanying increased risk of obsolescence”. That is very worrying. He also says that there have been “Poor linkages across the ‘Total Enterprise’ including industrial capability and capacity”.

He goes on to say: “Senior decision-makers have, previously, been engaged too late in the process and not always with high quality information and costing data.”

He adds: “The MOD has lost expertise in both design and project contract management”.

However, there has been genuine confusion and I hope that the Minister will take this opportunity to clarify the situation. On 29 November 2016, we had a report from Sir John Parker, but it was not, as we had been promised, the Government’s national shipbuilding strategy. Many people thought that it was—some Ministers thought that it was—but it was not. Instead, we had an “independent report” on the UK’s national shipbuilding strategy from Sir John Parker.

My questions are quite simple. How did that metamorphosis take place? Why did it take place? Why is there confusion? What contact was there between the different Departments; and who is taking the lead on this issue? Those are very important questions about something as fundamental as the strategy for our future warships, which is not an issue that can be lightly dismissed. I echo what other Members have said: we would all like answers from the Minister about what on earth has happened and what on earth is going on.

Of course, Sir John's report is very radical and extremely scathing about how things work, or rather do not work, within the Ministry of Defence regarding Royal Navy programmes. The report has a very interesting, informative and worrying chart about the length of time it takes for projects to develop to fruition. For example, Sir John points out that it was in 1967 that the conceptual start of the Type 21 frigates began and they were delivered nine years later. As for the Type 23 frigates, the conceptual start date was in 1978, but it took 17 years for that project to come to fruition. Goodness knows how long it will take for the Type 26 frigates.

Sir John asks why there have been such long delays. Why has this process taken such a long period of time? In some ways, the demands upon the frigates have changed. The world has changed and defence requirements have changed, but there is still that laborious project time before us. Why has that happened?
He says that there has been
“Inadequate evaluation of risk contingency in each project”.
Those are some of the damning reasons why Sir John
says there have been delays. I suggest that they are an
indictment of the MOD, which really must sort things
out once and for all regarding its procurement and
governance strategy for warships.

Once the strategy has been written by the Government,
when will it be published? I will not ask for the exact
day or week, but will it be published in March, April,
May, or whenever? We would like some sort of indication:
Once it is published, we would like to know what sort of
consultation there will be and how long it will last. I ask
that because we want to have a full debate on every dot
and comma of that important policy document.

I recognise that the Minister will not say very much
about what might or might not be in that report.
Nevertheless, I have a number of questions for her.
First, will the Government sort out, once and for all,
their procurement and governance systems for warship
construction in this country? There really ought to be a
masterplan that should be reviewed at each SDSR, and
as part of that approach there should be a partnership
with both the industry and the trade unions. As Sir
John has suggested, a shipyard trade union representative
ought to be appointed to attend regular meetings,
to enhance the transparency and efficiency of the processes
that are under way.

Secondly, will the Government commit to working
with their industry partners and trade unions to enhance
the training and educational capabilities and facilities,
so that there is the correct mix of skills and competence,
particularly with regard to the new digital systems that
are coming on stream!

Thirdly, will the Government commit to having a
small but highly specialised virtual innovation centre to
force through, among other things, advances in design,
new materials and productivity improvements? As Sir John
has argued, such an innovation centre is necessary if we
are to oversee the new “global competitiveness plans”,
which I believe the Government want to see being created.

Finally, will the Government commit to placing a
greater emphasis on the exporting of British-built ships,
as well as British project management, design, equipment
and sub-systems? Will they not only engage in general
rhetoric, but commit to specifics, as part of a great
national effort to ensure not just that British-built ships
are used for British defence, but that the expertise in this
country is sold for the benefit of navies throughout the
world?

I look forward to hearing the Minister’s response to
my questions.

3.49 pm

The Parliamentary Under-Secretary of State for Defence
(Harriett Baldwin): In the short time available to me—I
want to leave a bit of time for the hon. Member for
Dunfermline and West Fife (Douglas Chapman) to say
a few more words at the end of the debate—I will
attempt to answer all the questions that hon. Members
have put this afternoon, to the extent that I can.

The 2015 strategic defence and security review set out
a clear plan for the Royal Navy. For the first time in a
generation, we are growing our Royal Navy, and this
major programme of investment will increase our nation’s
power and reach. There seems to have been quite a lot
of discussion in the debate about the exact timings for
various different documents. We made it clear in the
Budget last year—I will quote the exact wording—that:
“The government has appointed Sir John Parker to lead the
national shipbuilding strategy, which was confirmed in the Strategic
Defence and Security Review 2015. He will report by Autumn
Statement 2016.”

In the end, it was 29 November. My office assures me
that a copy of the report was sent to the hon. Member
for Argyll and Bute (Brendan O’Hara). I am happy to
take bids on whether it has been suitably autographed.
If he has not received it, he should have, by this stage.

Brendan O’Hara: Will the Minister give way?

Harriett Baldwin: I will, if he has not received a copy.

Brendan O’Hara: I have not received a copy. I look
forward to a signed copy; it would be far more valuable.
If what she is now saying is right, why did she say on no
fewer than four occasions that the national shipbuilding
strategy will be delivered by the autumn statement? It
was unequivocal.

Harriett Baldwin: It is about the distinction between
the report and the Government’s publication of the
national shipbuilding strategy. A range of people raised
this issue, so I make it clear that we are considering
Sir John’s recommendations, and we will provide a full
response, which will be what we can all call the national
shipbuilding strategy. It will be published in spring 2017.
I am sure Members will appreciate that I cannot be
more precise than that in terms of a specific date.

Chris Stephens rose—

Gavin Robinson (Belfast East) (DUP) rose—

Kirsten Oswald (East Renfrewshire) (SNP) rose—

Harriett Baldwin: If Members want to take up my
time, I will give way.

Chris Stephens: Will the Minister outline the process?
A few Members have mentioned that, including the
hon. Member for Caerphilly (Wayne David). Once the
Government publish the national shipbuilding strategy
and its response to Sir John Parker, what is the process?
Who feeds into that response?

Harriett Baldwin: I will be talking a little more about
that in my speech.

Gavin Robinson: In previous engagements at the Defence
Select Committee, the Minister has indicated her willingness
to travel throughout the United Kingdom to see the other
opportunities that are available. Given that the largest
dry dock and the second largest dry dock in the United
Kingdom are in my constituency at Harland and Wolff,
I look forward not only to the Minister visiting, but to
formulating plans that can feed in to her final report and
considerations.

Harriett Baldwin: I thank the hon. Gentleman for
an obviously irresistible invitation. I hope I will be able
to take him up on it in the not-so-distant future.
[Harriett Baldwin]

For the record, I say to the hon. Member for Jarrow (Mr Hepburn) that I am in Newcastle tomorrow. I look forward to meeting a range of manufacturers. I will not specifically be meeting A&P Tyne on this occasion, but I met A&P in Falmouth only last week.

In the SDSR we announced our plans for a naval programme of investment. We are investing in two new aircraft carriers, which are currently being completed at Rosyth. We are investing in new submarines to be based in Scotland at Faslane. We have announced our plans for frigates. We are building five new offshore patrol vessels on the Clyde at the moment. We have ordered new aircraft, including the maritime patrol aircraft, the P-8, which will be based at Lossiemouth. Scotland is clearly doing well out of defence, and the UK is doing well in defence with Scotland, and 2017 is the start of a new era of maritime power, projecting the UK’s influence globally and delivering security at home. I do not have time in this debate to list all the different ships we have deployed across the world’s oceans.

I know the appetite of Members for publications. They will have all read the 2016 equipment plan, which we published last month. It laid out the plans in more detail and announced that the total amount that will be spent on the procurement and support of surface ships and submarines over the next decade amounts to some £63 billion. It is all part of the continued modernisation of the Royal Navy in the coming years, which will be underpinned by our national shipbuilding strategy. It is very much our intention that the strategy will be a radical, fundamental reappraisal of shipbuilding in the UK, with the aim of placing UK naval shipbuilding on a sustainable long-term footing. It will set the foundations for a modern, efficient and competitive sector, capable of meeting the country’s future defence and security needs.

Mr Kevan Jones: Can the Minister point out in the Budget where the budget line is for the Type 31?

Harriett Baldwin: The hon. Gentleman will have read the equipment plan. I do not have the exact quote here, but clearly we have a very ambitious equipment plan. We are expecting to spend some £63 billion on ships, support and submarines.

I want to convey to Sir John Parker the thanks of all Members who have spoken today for his excellent report. He has clearly done a lot of research. Importantly, he has taken an independent approach to the report. He has had a high level of engagement with stakeholders. Members asked about his engagement. He has visited all key industry leaders and all the companies across the UK that design and build ships, including in Northern Ireland. He has visited small and medium-sized businesses in the supply chain. Industry stakeholders were engaged at all levels. He brought strong strategic direction and guidance to the work, for which we are immensely grateful.

He also met trade bodies, trade unions, Ministers, civilian and military officials and, indeed, the hon. Members for Glasgow North West (Carol Monaghan) and for Glasgow South West (Chris Stephens). He has been thoroughly engaged with everyone.

I have not got much time left, so I will speak very briefly about exports, which a range of Members raised.

The report makes an important recommendation about exports. We have already started that work, working closely with the Defence and Security Organisation in the Department for International Trade. Members can expect to hear more about that in the coming weeks and months.

The Type 26 programme is a key element of our investment plans. To meet our needs, we require eight to replace the eight anti-submarine-focused Type 23 frigates. Members will be aware that the Defence Secretary announced in November last year that, assuming successful completion of the negotiations, we expect to sign a contract for the first batch of the eight planned Type 26s and cut steel on the first ship this summer. That would give BAE Systems on the Clyde work until the early to mid-2030s. Commercial contract negotiations are intense and ongoing, so I cannot make any more information available to the House today. The investment will sustain shipbuilding skills at the shipyards on the Clyde and continue to provide opportunities in the wider supply chain around the UK. The ships will provide an anti-submarine warfare capability, which is essential for the protection of our nuclear deterrent. SNP Members had a bit of a political pop at me, but they would do well to remember what I have just said. Their two political obsessions—Scottish independence and ending our obsession with nuclear power—would be two of the worst things that could befall the Scottish shipbuilding industry.

Briefly on the Type 31e, Sir John recommended that a new class of lighter general purpose frigate should be given priority. He was clear that it should be designed to be exportable, but capable of incorporating the needs of the Royal Navy. A lot of work is under way on that in the MOD. It is in the pre-concept phase, and further information will be made available in the national shipbuilding strategy.

In summary, the MOD is working with colleagues across Government and with industry to examine Sir John Parker’s report and its recommendations in full. I recognise that Members value the shipbuilding jobs in their constituencies, and I assure them that the Government are committed to an industrial strategy that will increase economic growth across the country and refresh our defence industrial policy.

3.59 pm

Douglas Chapman: I opened the debate by talking about déjà vu, but the debate has been déjà vu writ large. I asked when we could expect an announcement on the national shipbuilding strategy. There was no reply from the Minister. We asked how the carrier group will be secured when it is at sea. There was no reply from the Minister. We asked whether surface ships would be prioritised in the budget, and again, there was no commitment from the Minister. What we did discuss was whether a signature was on a document. What we really need to see is her signature on contracts to ensure that jobs on the Clyde are safe and secure for the years to come.

Question put and agreed to.

Resolved,

That this House has considered the national shipbuilding strategy.
Construction Industry: Blacklisting

[SIR ALAN MEALE in the Chair]

4 pm

Mr Chuka Umunna (Streatham) (Lab): I beg to move, That this House has considered blacklisting in the construction industry.

This debate relates to a secretive, insidious and shoddy practice that has brought shame on our construction industry. As shadow Secretary of State for Business, I initiated a lengthy debate in the main Chamber on the issue in January 2013. I return to it publicly today because it is my strong view that those who were responsible for it have yet to be properly held to account for their actions and the matter has fallen off the radar in this place. My intention is to put it firmly back on the national agenda.

Chris Stephens (Glasgow South West) (SNP): Does the hon. Gentleman support early-day motion 47, which calls for a full public inquiry into the blacklisting practice in the construction industry?

Mr Umunna: The hon. Gentleman must be telepathic because he pre-empts what I will come on to. I will address that issue later.

First, it is important to state that although the issue has brought shame on the construction sector, there is still much to be proud of in the sector—look at the Olympic Park venues, Heathrow Terminal 5 and the new buildings that we see springing up around us on time and on budget in so many different communities. Let us also never forget why the sector is the success it is: primarily because of its construction workers. They build the offices and factories we work in. They build the homes in which we live. As a nation, we owe them a debt of gratitude, particularly when we consider those who have lost their lives working on construction sites in this country.

There is also a dark side to the sector—anyone who has worked in it knows this only too well—that leads to good people being subject to the most terrible injustices. As a result, lives have been ruined, families have been torn apart and many have been forced out of the industry.

What am I talking about? What is blacklisting? For the record, it involves systematically compiling information on workers, which is then used by employers or recruiters to discriminate against them, not because of their ability to do the job, but because they have raised health and safety issues or been active trade union members. It has meant that people cannot find work and therefore cannot support their families—they cannot put food on their children’s plates—and the result is all the stress and upheaval that come with that.

Gloria De Piero (Ashfield) (Lab): My hon. Friend talks about many lives being ruined by the blacklisting of workers. Does he agree that it is time we put on record the work that the Union of Construction, Allied Trades and Technicians, Unite and the GMB have done in securing settlements for the workers who were treated so badly?

Mr Umunna: I completely agree with my hon. Friend. She, too, must be telepathic. Not only am I a member of Unite and the GMB, and proud to be so, but UCATT, which is now part of Unite, is headquartered in the centre of the universe: my constituency. The work that the unions have done is so important. I practised for almost a decade as an employment law solicitor before being elected by my constituents and I have seen injustice in the workplace, but I have never seen injustice on this scale.

The extent of the blacklisting activity in the construction sector was exposed for all to see following the raid in 2009 by the Information Commissioner’s Office on the shadowy and secretive organisation called the Consulting Association. Further details emerged in the last Parliament, during an excellent and extensive inquiry into blacklisting carried out by the Select Committee on Scottish Affairs. My hon. Friend the Member for Ashfield (Gloria De Piero) mentioned the work of the unions, and a lot of the evidence provided to that Select Committee was provided by those trade unions, which also worked with the ICO, as well as by the blacklisting support group.

The Consulting Association was born out of a right-wing organisation called the Economic League, which was set up in 1919 to promote free enterprise and to fight left-wing thinking, to which it objected. That included Members of this House. The former Prime Minister, Gordon Brown, had information collected on him. The league, which blacklisted more than 10,000 people, was wound up in 1993, but its construction sector member companies wanted to continue this unforgivable practice and its activities, so the Consulting Association was born.

According to the Information Commissioner, 44 construction companies made up the hall of shame that was the membership of the Consulting Association at the time of the 2009 raid, including five companies in the Amec group, Amey Construction Ltd, six Balfour Beatty companies, BAM Construction Ltd, Carillion plc, Kier Ltd, Laing O’Rourke Services Ltd, Morgan Est and Morgan Ashurst, which are now known as Morgan Sindall, Sir Robert McAlpine Ltd, Skanska UK plc, Taylor Woodrow Construction, and VINCI plc—to name just a few of the companies listed. In 2009, half of the 20 biggest construction companies were all named as being involved in the association.

Chris Elmore (Ogmore) (Lab/Co-op): Skanska has a base in Pencoed in my constituency. It blacklisted more than 111 workers or families. Will my hon. Friend join me in condemning that company for its actions? I echo any statement that he makes calling for a public inquiry, which I fully support.

Mr Umunna: I completely endorse my hon. Friend’s comments. Let us put what the Consulting Association was doing into context. It did not just maintain lists and files on thousands of construction workers; the material that it collected included personal information, such as information on workers’ private relationships, in addition to whether they had raised health and safety issues, their trade union activities and so on.

It is worth reflecting on this: member companies were charged a £3,000 annual fee to be part of the Consulting Association and then had to pay £2.20 on top of that for each blacklist check on a construction worker. For the cost of £2.20, the association would be able to dictate whether a worker got a job and whether they could put food on the table that week. Worse still,
taxpayers’ money was being used to inflict that misery on people. Blacklisting checks were carried out on workers on publicly funded projects, ranging from airport runways, the Jubilee line, the millennium dome, hospitals, schools, roads and Portcullis House on the parliamentary estate—I could go on.

In addition to the blacklist checks, David Clancy, the Information Commissioner’s investigations manager, who carried out the raid in 2009 and is himself a former police officer, gave evidence to the Scottish Affairs Committee that he believed that some of the information held by the association would have come from the police or security services, because of the nature of that information. I mentioned the private information that was collected—for example, one file features an in-depth analysis of an individual’s home circumstances and what his neighbours thought about him. I have seen some of those records, and it is clear that they contained information based on the surveillance of individuals away from construction sites. It is improbable that such information came exclusively from the construction firms themselves.

What about the legal protections for construction workers and the system of redress for victims? Although it was and remains unlawful to refuse employment on the grounds of trade union membership alone, at the time of the 2009 raid on the Consultancy Association there was not a specific prohibition on blacklisting. Following the raid and the emergence of the blacklist, the Labour Government acted to outlaw blacklisting and introduced the Employment Relations Act 1999 (Blacklists) Regulations 2010, which allow individuals to bring civil claims against those found guilty of blacklisting in employment tribunals. If successful, that can lead to compensation of between £5,000 and £65,300. However, the regulations were not retrospective, and there is no criminal sanction. In truth, I believe the Labour Government should have acted much earlier, because that was too late for many victims.

Perhaps more shocking still is the fact that the firms that set up the association and supplied the information to and accessed the blacklist were neither charged with any offence nor ordered to pay compensation to the workers. To date, not one director of any of those companies has been brought to book for what happened. That is an outrage.

In October 2013—shortly after we had the debate on this issue in the main Chamber—a number of construction firms announced that they intended to establish a compensation scheme for workers who had been blacklisted. On the surface, such a move should be welcome, but there are many problems with the Construction Workers Compensation Scheme. It was brought together without reaching prior agreement with the trade unions—which, as I said, have been absolutely critical in all this—and it provides inadequate compensation. Applicants to the scheme are required to waive any future legal claims, and the companies involved do not have to admit liability or give an apology as part of the process. In fact, the workers were able to get a public apology only by dragging the construction firms kicking and screaming through the courts. I again pay tribute to the Blacklist Support Group, some of whose members are here today, which secured an apology from the firms involved in the Consulting Association in the High Court, although many victims feel that the apology was half-hearted and insincere.

Serious questions remain about the role of the police services in the collection and passing of information to the Economic League and the Consulting Association. I know that the undercover policing inquiry chaired by Sir Christopher Pitchford has said that blacklisting is potentially a matter within its scope. That is welcome, but not enough. It should be within the scope of that inquiry. There are many unanswered questions, and we cannot let this matter go.

What am I asking for from the Minister? Let me deal with the law first. As cases have progressed through the courts, it has become apparent that the blacklisting regulations need to be strengthened. For example, the extent to which it is possible for those who are not employed in the strict sense of the word but are self-employed to bring claims under the regulations if they have been refused work is unclear. That is important, because we know that full self-employment is an endemic problem and is rampant in the construction sector. Claims can be brought in employment tribunals or county courts, but the cap on compensation in a tribunal is £65,300. There is no cap in a county court, but to bring a claim in a county court there are added risks for a potential claimant because of the costs involved, and they need more resources. It is easier to do it in an employment tribunal, as there are not the costs consequences, but the claim has to be brought within three months of the alleged unlawful conduct, and sometimes people who have been blacklisted do not realise it for some time.

The upshot of all that is that the only legal remedy for some is a complaint to the European Court of Human Rights, based on the right to privacy in article 8 and the freedom of association in article 11. For all those reasons—I would go on, but I will not go back to being a lawyer and bore people—the Secretary of State needs to carry out a review of the law in this area to look at how it might be tightened up.

The second issue is public procurement. I want the Government to adopt the Scottish Affairs Committee’s recommendation that all UK Government agencies and devolved Governments must require firms that have been involved in blacklisting to demonstrate how they have “self-cleaned”, as the Committee put it, before being allowed to tender for future public contracts. Those that have not done so should not be allowed to tender. The Welsh Government have introduced that measure, and I think it should be introduced across the whole of the UK.

There are lots of unanswered questions. Pitchford does not pick up on all of them, and nor do the cases we have seen. Were the intelligence services involved? We need a full public inquiry into this issue because people have not seen justice and we do not know exactly what happened. We cannot allow a climate of fear to hang over our construction sites. No worker on any building or in any other workplace up and down this land should hesitate before reporting an unsafe site or a dangerous working situation. The bottom line is this: if people do not report their concerns and do not highlight dangers, people could lose their lives, so this issue is very serious indeed. I look forward to hearing what the Minister has to say.
The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Margot James): It is a pleasure to serve under your chairmanship, Sir Alan. I congratulate the hon. Member for Streatham (Mr Umunna) on securing this debate and on speaking with such knowledge and passion about this terrible blight—this terrible indirectness of companies in the construction sector, particularly during the 1990s.

I share the hon. Gentleman’s view that the blacklisting of trade union members and activists is an indefensible practice. What I have heard today really horrified me. However, I think we have an appropriate legislative framework for dealing with any further attempts at blacklisting, which is why we are not in favour of a public inquiry at the moment. Such an inquiry would perhaps have had an effect 20 years ago, and I regret very much that one was not held then.

The Information Commissioner intends to undertake a call for evidence later this year to develop her understanding of the underlying issues, building on her office’s observations from its extensive investigations into blacklisting complaints. In an area where there have been many allegations, that is an important step forward in establishing a true picture of the level of blacklisting that may or may not take place now.

Following the 2009 investigation of the Consulting Association—a case that Members are all too familiar with, thanks to the hon. Gentleman—the Government strengthened the legal protections in this area. The Employment Relations Act 1999 (Blacklists) Regulations 2010, which the hon. Gentleman referred to, make it unlawful for an individual or organisation to compile, sell, use or supply a blacklist of trade union members or those who have taken part in trade union activities. Individuals can enforce the rights contained in the regulations through employment tribunals or the county court, as the hon. Gentleman said.

I am not aware of any evidence that the blacklists regulations are not doing their job, but should any new information come to light to suggest otherwise, we will certainly consider it.

Chris Stephens: In July 2016, the Minister told me in a written answer that the Information Commissioner was investigating some allegations of blacklisting. She committed to consider any further action that might need to be taken as a result. Will she give me an update, please?

Margot James: There is no further update. The Information Commissioner’s Office is undertaking such inquiries and when it reports to me I will consider the contents of what has been found.

The Information Commissioner’s Office is an independent regulatory body that was set up to investigate breaches of the Data Protection Act 1998. It has the power to take enforcement action, including searching premises and issuing enforcement notices and fines. Since April 2010, it has also had the power to issue a civil monetary penalty of up to £500,000 for serious breaches of the Act. That is a significant deterrent and a vast improvement on the previous rules, which allowed a maximum penalty of only £5,000. Data protection law is undergoing reform as a result of the general data protection regulation, which is to take effect on 25 May 2018. The powers of the Information Commissioner’s Office to impose fines will substantially increase as a result.

In 2009, the Information Commissioner’s Office established a fast-track helpline for those who thought that they might have been affected by the Consulting Association case. I congratulate the trade unions mentioned by the hon. Member for Ashfield (Gloria De Piero), which campaigned for and won compensation, and the Blacklist Support Group, members of whom are in the Public Gallery today, on their work on this matter.

When the Information Commissioner’s Office considered that a person might appear on the Consulting Association list, they were asked to provide further documentation. It has continued to run that service and to respond to written requests for information. To date, the helpline has received and responded to about 5,700 calls and 3,000 written requests. The nature of blacklisting is that it is secretive and discriminatory, however, and it can be difficult for individuals to know whether they have been affected by the practice. If people suspect that they have been blacklisted, they can report their concerns to the Information Commissioner’s Office, which will provide advice on how an individual may choose to take the matter further. The Information Commissioner has also attempted proactively to contact individuals who might have been affected, although that is only possible where up-to-date contact details are available.

Mr Umunna: The Minister is coughing so I will intervene to allow her to take a swig of water. While she is doing so, I will ask three questions. First, on a public inquiry, I understand what she says about the history, but the fact that events happened in the past has not stopped other big public inquiries, such as those into Bloody Sunday and Hillsborough. Will she explain why that should stand in the way of a public inquiry into blacklisting? Secondly, does she accept that it is difficult for the self-employed to use the legislative framework?

Finally, will she answer this point that has been made to me by people in the sector: there is a feeling that the Leveson inquiry into media behaviour came about in part because powerful, important people were subject to an abuse of media power and that, because we are talking about construction workers, the Government and the establishment are not taking the blacklisting matter as seriously. What does she say to people with that view?

Margot James: I will come back to the hon. Gentleman. Gentleman’s third question in a minute. On the second question, the self-employed are covered by the legislation. I accept that it may be more difficult for them to exercise any powers, but they are covered by the Data Protection Act. A self-employed individual may make a complaint to the Information Commissioner’s Office.

On the more vexed question asked by the hon. Gentleman, there have been public inquiries in the past to do with people without power who have been affected by dreadful instances. That we are talking about a group of workers who are traditionally not very powerful and perhaps do not earn huge amounts of money has nothing to do with the matter. Personally, I think that such individuals are more entitled to protection and safeguarding than the wealthy and powerful.
The compensation on offer is, absolutely, for serious amounts of money. The Information Commissioner’s Office has taken action, and approximately £100 million has been extracted from the industry for a compensation scheme and to satisfy the results of court actions. The matters we are discussing are being taken very seriously.

Mr Alistair Carmichael (Orkney and Shetland) (LD): On the question of a public inquiry, is not the point that much of the information that has come into the public domain has done so in an utterly random way? That is why there is a need for a powerful and systematic examination of whatever evidence might be out there.

Margot James: We are now in a position where compensation and redress are available, and there is an absolute law against anything similar happening again. For the time being, we are not considering a public inquiry because action was taken back in 2010, as I mentioned. The Information Commissioner has also now announced a call for evidence. Pending the outcome of that, we will consider the framework and whether it is still appropriate. For now, no public inquiry is under consideration, but we will see what happens after the Information Commissioner’s call for evidence and its subsequent report.

I encourage anyone who thinks that they might have been blacklisted by the awful Consulting Association and who has not already done so to get in touch with the Information Commissioner’s Office through its helpline. Furthermore, the Trade Union and Labour Relations (Consolidation) Act 1992 prohibits an employer from refusing employment because someone is a union member, so that is illegal. Individuals who believe that they have been discriminated against can, as I said, bring a claim at an employment tribunal. Dismissal for such a reason would automatically be unfair.

I understand the desire for the blacklists regulations to be applied retrospectively, but in 2010 the Government decided that that was not appropriate. The compensation package is available, blacklisting is now against the law and the Government’s response to the consultation was clear about a new, specific criminal sanction not being proportionate. The Government will ensure that any allegations of blacklisting are investigated by the appropriate authorities.

Chris Stephens: Will the Minister say something about potential changes to procurement, as was asked for by the hon. Member for Streatham (Mr Umunna)? Are the Government minded to look at the procurement rules in that regard?

Margot James: We already have procurement rules that allow the Government not to enter into a contract with a company found guilty of a criminal offence or found wanting in ethical standards. It may well be that blacklisting can be shoehorned into that. Certainly, any company guilty of a criminal offence would not be considered for a public contract under the public contracting guidelines.

I think that I have answered the other points, so if there are no further interventions, I will sit down.

Question put and agreed to.

Private Renting: Homeless and Vulnerable People

4.29 pm

Richard Benyon (Newbury) (Con): I beg to move, That this House has considered private renting solutions for homeless and vulnerable people.

It is a pleasure to serve under your chairmanship, Sir Alan. I refer hon. Members to my entry in the Register of Members’ Financial Interests. I will talk about the housing problems around the country, but of course every area is different, and I concede that some of the ideas and statistics that I apply to my arguments may help the situation differently in different parts of the country.

The private rented sector is an increasingly important route out of homelessness. When renting works for homeless people, it can be life changing. It is often a huge step towards finding a job, reconnecting with family and rebuilding lives.

Siobhain McDonagh (Mitcham and Morden) (Lab): Is the hon. Gentleman aware that the single biggest reason for homelessness in the UK, particularly in London, is eviction from assured shorthold tenancies in the private rented sector?

Richard Benyon: I am well aware that the hon. Lady is correct. Home and her colleagues frequently deal with cases in which people were made homeless for precisely that reason, which is an increasing problem. I will come on to talk about some of those issues, and I hope that the Minister can add some flesh to the bones of the White Paper that was published yesterday and the work that he is doing on tenure with the private rented sector.

Finding a home in the private rented sector can be difficult, and we all know that despite the Government’s welcome move to ban letting agent fees, up-front costs often act as a barrier for people trying to access the private rented sector. Research by Crisis shows that 16% of landlords report increasing the deposit when renting to homeless people, 12% increase the rent required and 16% of landlords report increasing the deposit when renting to homeless people, 12% increase the rent required and 16% of landlords report increasing the deposit when renting to homeless people, 12% increase the rent required. When renting to homeless people, it can be life changing. It is often a huge step towards finding a job, reconnecting with family and rebuilding lives.

By way of example, I want to pay tribute to a constituent of mine, Adrian Smith, who runs Swift Logistics in Newbury. He discovered that one of his temporary agency workers had collapsed due to epilepsy, because he was finding it difficult to manage his medication as he was homeless and living in a tent. Adrian stepped in, gave him a clean uniform, offered him a permanent position and talked to him about his situation—things that I am sure he would do for any of his employees who were going through a rough patch. Adrian then started to look for accommodation for that employee. There was very little affordable accommodation in Newbury that suited that individual, and anything that Adrian found was made impossible because once the landlord or his agent discovered that the prospective tenant had debt problems—he had a county court judgment against him—they demanded six months’ rent up front. We can see the vicious circle here. I see some of the ideas put forward by organisations such as Crisis, which I will come on to talk about, as possible solutions to such cases.
Daniel Kawczynski (Shrewbury and Atcham) (Con): My hon. Friend will come on to talk about various organisations that help people with homelessness. Shrewsbury Homes for All in my constituency does a good job of trying to help homeless people. Does he agree that the Government ought to do more to help such organisations?

Richard Benyon: Unless we are extremely hard-hearted, we are all moved not only by the huddled figures in doorways and the cases that come to us of people who are either homeless or likely to be homeless but by organisations in our constituencies such as the one my hon. Friend mentions. It is when those organisations work with local authorities and a Government and all point in the same direction that we can get real solutions to this problem, and I am sure that that happens in his constituency.

The Centre for Regional Economic and Social Research found that 55% of landlords said they were unwilling to let to tenants in receipt of housing benefit, and even more—82%—were unwilling to rent to homeless people. The majority of local authorities agree that it has become more difficult for single homeless people to access private rented accommodation.

Neil Gray (Airdrie and Shotts) (SNP): I pay tribute to the hon. Gentleman for securing the debate. Does he acknowledge that the number of private landlords who turn away housing benefit claimants is partly to do with cuts to housing benefit and the fact that it is more of a struggle for tenants to pay the difference to their landlords?

Richard Benyon: It is for a multitude of reasons, but the hon. Gentleman is right that that factor has contributed in certain areas. I applaud private landlords who take housing benefit tenants. Not all of them do, and they need to be supported in trying to do so. I recognise that that is part of the problem, and some of the solutions that I will talk about go precisely to that point.

Mr David Burrowes (Enfield, Southgate) (Con): The all-party parliamentary group on refugees has found that landlords increasingly are not taking another category of people: newly recognised refugees. They are unable to provide sufficient documentation to prove their status and struggle to get a deposit and first month’s rent in the 28-day move-on period to ensure that they get the tenancy that they deserve.

Richard Benyon: Many local authorities are doing noble work in trying to provide accommodation for the refugees—particularly the Syrian refugees—who we have taken in. I pay tribute to my hon. Friend’s local authority for doing its best. However, there will be several problems at the next stage, because we want those people to be assimilated into our society, get work and be able to function like any other person. We want to ensure that we have systems in place to allow them to transition from the support that they get at the moment. I have direct experience of that in several areas, and I am keen to talk to him about trying to find longer-term solutions to the issue.

The problem that we are talking about is coupled with the capping of local housing allowance and the shortage of available accommodation at the shared accommodation rate. Those burdens can result in people ending up on the street. However, I believe that there are ways of making the private rented sector work for vulnerable people, and innovative solutions are being delivered every day. Homeless and vulnerable people are being helped and even the housing market and, most importantly, given the tools and support that they need to sustain lengthy tenancies. Creative change in the market has the potential to improve not only access but standards in the private rented sector.

Stephen Timms (East Ham) (Lab): On standards, does the hon. Gentleman agree that there is potentially an important role for private rented sector licensing schemes, such as the one in my borough of Newham, in helping to tackle the minority of landlords whose accommodation is below standard?

Richard Benyon: I am glad that the right hon. Gentleman, whom I respect greatly for his understanding of this problem, says that it exists among a minority of private rented sector landlords. One could have got the impression from yesterday’s statement that nearly every private landlord was a rogue who managed substandard accommodation. As he says, that is far from the truth. I entirely accept that in many cases, local solutions are better suited, but the Government should be given credit for really trying to move things on through a variety of measures, which are sometimes extremely burdensome to landlords but seek to raise the standard of accommodation and improve the way that landlords treat their tenants.

Evidence shows that when a vulnerable person is in secure and safe rented accommodation, they can leave their homelessness behind them and make a fresh start. That also makes good economic sense, which I hope will be a theme of the debate. If we get this right, there will be an entirely virtuous circle. Both the Residential Landlords Association and the National Landlords Association believe that, with the right support, financial risks can be reduced and letting to vulnerable people can be a viable business model. Even if hon. Members forget everything else that I say today, I hope that that will resonate with them. By changing perceptions, we can truly make the private rented sector work for all.

Siobhain McDonagh: How does the hon. Gentleman feel that the private rented sector will become a viable alternative for vulnerable tenants when rental claims under universal credit are taking an estimated nine weeks—in reality, it is three months in my part of south London—to be assessed?

Richard Benyon: I recognise that that is a problem. If the hon. Lady will allow me, I will come on to talk about that. If I do not, I am sure she will intervene again. I very much want to talk about the variety of different factors that influence homelessness.

I want to tell the Minister about two potential solutions that may be of help. A lot of work on this has been done by the homelessness charity Crisis, which I cannot praise enough. It is totally focused on outcomes, working with us, whatever side of the House we sit on, to try to find solutions that work. There is nothing particularly new in the two schemes I am proposing, and they will be familiar to some. The first is a help to rent scheme and the second is a national rent deposit guarantee scheme.
WPI Economics developed a model to assess the cost-benefits of the services over a three-year period and identified that £31 million would be required per annum over that period. That would be made up of £6.7 million for the rent deposit guarantee scheme and £24.1 million for a help to rent project. In a time of cash-strapped Treasury forecasts, I want to show—if the Treasury is listening—that this makes economic sense, because it will reduce the cost of the burden of homelessness that sits on the taxpayer.

From 2010 to 2014, Crisis, with funding from the Department for Communities and Local Government, ran the private rented sector access development programme, which funded specific help to rent schemes across the country, which helped homeless and vulnerable people access affordable and secure accommodation in the private rented sector. I have seen that work in my constituency in a different scheme run by the Two Saints hostel in Newbury, which moves people from the wayfarer beds and being the huddled figures in the doorway I described earlier through to supported accommodation and then on to independent living. That works only because all the complex problems that we know exist in homelessness, particularly in rough sleeping—mental illness, relationship breakdown and alcohol and drug abuse—are dealt with throughout the process, which allows a sustainable solution to each individual’s problems.

Dr Daniel Poulter (Central Suffolk and North Ipswich) (Con): I congratulate my hon. Friend on securing the debate. I agree with many of the points he has made. However, those people with chronic and enduring mental ill health find it very difficult to access any suitable social housing accommodation, particularly in big cities. That group has been let down badly by the private sector and I am not sure whether the solutions he is proposing will change that, given that those people are often going in and out of mental health hospitals. What thoughts does he have on helping that particularly vulnerable group?

Richard Benyon: Mental health problems can cause homelessness and homelessness can cause mental health problems. In this place we think of things only in silos. We have a very good Minister here from one Department, but if we really are to deal with this problem we ought to have a whole range of Ministers from the Department of Health, the Ministry of Defence and people from all the organisations who care for people sitting down on the equivalent of the Treasury Bench here so that we can do so in in a much more cohesive way.

The schemes I have been talking about matched tenants with landlords and provided financial guarantees for deposits and rent, with ongoing support for both parties. They provided the landlord with a deposit and insurance throughout the tenancy were problems to arise. They also offered the tenant training in budgeting and help to gain and sustain employment. During the programme, more than 8,000 tenancies were created with a 90% sustainment rate, which is an incredible achievement.

Another person we should have here is an Education Minister. One statistic I find fascinating is from the Centre for Social Justice, which showed that while the national average of educational attainment is that 60% achieve five A* to C grades at GCSE, the figure is only 27% among those who have to move more than three times during their secondary school education. We can therefore see the knock-on problems caused by people having to move frequently, and that sustainability in one home is so important.

The schemes also saved the Government money. In just three months of operation, 92 schemes saved almost £14,000 in non-housing costs. The schemes created homes for those who need them most and helped some of the most vulnerable navigate a complex market. With the security of a home and the floating support from a help to rent scheme, a vulnerable person is less likely to need assistance from other services. That is a point that my hon. Friend the Member for Central Suffolk and North Ipswich (Dr Poulter) will appreciate. Schemes varying in geography and specialisms still exist, yet without the funding they need they are unable to deliver all the services they would like to the number of people who need them. By working with landlords, such schemes have the potential to unlock the supply of private rented sector properties, which could particularly benefit areas where housing demand is highest. Local authorities could also incentivise good practice through the schemes as well as eliminate bad practice through enforcement policies.

Crisis is also calling for the second project I want to touch on: a national rent deposit guarantee scheme. To reduce up-front costs, help to rent schemes often offer bonds or guarantees to landlords in place of deposits, which cover certain types of costs that the landlord may incur at the end of a tenancy including damages and, in some cases, rent arrears. That was the case in the example from my constituency that I outlined earlier, where private sector landlords were demanding six months’ rent in advance. That means that vital funds are tied up in admin costs and reserves in case those guarantees are called in rather than in going into funding the support that helps vulnerable tenants sustain their tenancies. If the Government established a national rent deposit guarantee scheme, that would provide help to rent projects with greater financial security, with landlords safe in the knowledge that their property is protected and that the help to rent projects are providing the right support to help tenants maintain rent.

Crisis has found claims on bonds by existing schemes to be relatively low, within the 15% to 20% margin. That is one of the reasons why the schemes are attractive to the private sector trade bodies. It seems only fair that, along with help to buy, there is a similar scheme to help those who are just about managing and for whom purchasing a home is just not realistic. Crucially, both the Residential Landlords Association and the National Landlords Association support those asks of the Government.

Currently, schemes attract landlords through the development of a suite of services to mitigate the risks associated with letting to a vulnerable or homeless person or family. We could, and should, actively encourage more landlords to view working with those schemes as an effective business model. The moral argument aside, there are fiscal incentives to working with such schemes. For example, a targeted intervention by a scheme and a national rent deposit guarantee reduces the financial risks for landlords. Also, clients using the access support who have a history of homelessness are much more
likely to be deemed vulnerable under universal credit and therefore they should be offered universal credit direct payments for a limited period, which landlords may welcome. I think that goes a little of the way to addressing the concerns of the hon. Member for Mitcham and Morden (Siobhain McDonagh).

Help to rent schemes give landlords a layer of security that they do not currently receive from letting agents or the local authority. Such interventions could significantly increase the landlord’s confidence to let to this vulnerable sector or to those in housing need, and that could be part of an agreed longer-term tenancy. Among landlords with experience of letting to homeless people, 59% said they would consider letting to homeless households only if that were backed by such interventions. I therefore believe that the rationale for Government is clear to see. These policies are cost-effective schemes that will provide stability in the private rented sector for the most vulnerable, helping to prevent and tackle homelessness. Investment in the private rented sector access support would build on the Government’s recent announcement for homelessness prevention trailblazers and the Prime Minister’s welcome commitment to put prevention at the heart of a new approach.

Government investment has the potential to reduce spending on temporary accommodation and the costs of rough sleeping. This would allow cash-strapped local authorities, such as mine in West Berkshire, to allocate more of their homelessness budget in a more targeted way—for example, West Berkshire Council continuing to support the mental health triage service, which is doing great work. Independent analysis commissioned by Crisis estimates that if access were available to all households approaching their local authority for homelessness assistance, some 32,000 people could receive support annually. The model assumed that if 60% of people leave temporary accommodation as a result of the scheme being available, savings amounting to between £175 million and £595 million could be realised from one year of the scheme.

Investing in the private rented sector access support fits with the Government’s wider agenda on universal credit and homelessness prevention. I was pleased to support the Bill promoted by my hon. Friend the Member for Harrow East (Bob Blackman) and will continue to do so. It will make a difference. My worry is that unless parallel schemes, such as those I have outlined, are introduced and accompany a review of the impact of the freeze on local housing allowances in certain areas, we could get into the mad situation where inadvertent actions by the Government create one problem on the one hand that my hon. Friend’s Bill has to solve on the other. I am pleased that the Prime Minister has made housing a priority in her wish to lead a Government that help those people left behind who have not benefited from recent economic growth. The White Paper is an important indication of that intent. I suggest to the Minister that here are two possible schemes that would work and put the private rental sector at the heart of achieving the Government’s ambitions.

Several hon. Members rose—

Sir Alan Meale (in the Chair): Order. I intend to call the Front-Bench speakers at 5.10 pm so there is not much time left and a number of Members have indicated that they want to be called. If you could look at the clock and try to be as sparing as possible in your own contributions, that would help the general debate.

4.52 pm

Siobhain McDonagh (Mitcham and Morden) (Lab): I congratulate the hon. Member for Newbury (Richard Benyon) on securing this debate. I am here because I am full of rage. I am full of rage at the number of homeless families I see on a weekly basis who do nothing worse than work for their living and raise their children and who find themselves homeless because of a lack of security of tenure in the private sector. It is about time that MPs from all parties address the issue as it is, rather than as they might like it to be. Our constituents—the people out there—look incredulously at us as we seem to consider that, somehow, things are okay. They are not okay.

When I had a proper job, before I entered this House almost 20 years ago, I worked in the homelessness and housing association sector. Today, I see things in my suburban constituency that I never thought possible. The major reason for homelessness in my constituency—and, I am sure, in others in London—is mature families being evicted from assured shorthold tenancies in the private sector. These are not tenants who have been there a short while, abused the property or not paid their rent. In my experience—I am willing to share with any hon. Member the 147 cases that I have seen since 1 September that fall into this category—they are families with children at the top of primary school and the middle of secondary school. They are simply being evicted because the landlords can get more rent from somebody else and can realise the value of their assets. Neither of those things makes them bad individuals, but it makes for a very bad housing situation for someone to find themselves in.

There are consequences to this. I sit there and I go through the process. I say, “They’ll issue you with a section 21, then they’ll go off to the county court, then they’ll get a possession order and then you must wait through the process.” I say, “They’ll issue you with a bailiff’s warrant. You will get 10 days’ notice of the bailiff’s warrant, and when that comes, the council will put you in temporary accommodation in Luton.” We live in south-west London. Some of the people I have talked to did not know that a place called Luton existed, but they will soon find out. I am sure that Luton is a fine place, but if someone works in south-west London and their children go to school in south-west London, it is not the place where they want to live.

Mr Burrowes: I have had similar experiences in my constituency surgery. Does the hon. Lady hope that the ambition, not least behind the Homelessness Reduction Bill, to deal with this matter might be realised? Sadly, responsibility is sometimes triggered only once the bailiff notices have been served. There is also the issue of the inappropriate placements in Luton. The ambition needs to be fulfilled by the housing White Paper—by ensuring that there is sufficient supply, but also that prevention duties are in place that actually mean something for the 147 families to whom she refers.

Siobhain McDonagh: I have a controversial view on the prevention of homelessness Bill. I believe that it is a sticking plaster and does not resolve the problem. It simply puts more demand on local authorities, which
cannot cope with what they have at the moment. At the heart of the matter is supply. At the heart of it is control, whether that is control over how much rent people have to pay, some control over landlords who are not prepared to maintain their properties or some control in terms of security of tenure. Unless those things are addressed, and addressed in numbers, the problem will not be resolved.

What are we doing to the children who find themselves in this position, who find themselves moving year on year, or six months on six months? These are kids who do well at school and want to be ambitious at school, but who never know or never experience the simple security of living in the same place for a reasonable length of time. That is life for people in my constituency, and the scary thing is that it is life for an ever growing proportion of people, not just people in poor, low-paid work—

Dr Poulter: Will the hon. Lady give way?

Siobhain McDonagh: I will not.

Increasingly, that is life for people in middle-class jobs who simply cannot get on the housing ladder and cannot rent something that is in any way affordable.

When the White Paper was presented to the House yesterday, the Minister talked of families for whom rent is 50% of their income. I regularly see working families whose rent is 200% of their family income. We have a crisis. I realise that everyone wants to speak and I do not want to prevent anyone from speaking. It is about time that we stopped pussyfooting around. We have to do something about it, and it is not helped by people being homeless. I am delighted that we have a hostel in my patch, where a lot of the homeless end up going, but I am appalled that the national health service has decided to close one of the GP surgeries in my constituency that deals with homeless people who live in that kind of hostel accommodation.

Dr Poulter: I was particularly distressed to read about that in my hon. Friend’s local paper because I think I opened that GP surgery for him. However, the point is that hostels are not the answer to the problem, particularly for vulnerable people with mental illness, because they need to be properly housed, and they are not being properly housed due to a lack of housing supply, particularly in the social sector. Hostels must not be—and are not—the answer.

Oliver Colvile: I thank my hon. Friend for that intervention. However, it is better for someone to be living in dry conditions than on the streets, and I think that is important.

Graham Jones (Hyndburn) (Lab): Will the hon. Gentleman give way?

Oliver Colvile: I will not, because I am acutely aware that the right hon. Member for East Ham also wants to speak and it would be wrong of me not to leave him enough time.

On Christmas day, I spent the morning visiting several places that were providing lunch for the homeless. They included Hamoaze House, the Shekinah Mission, Stoke Damerel church and Davie hall in north Plymouth, where a number of events were being held for the homeless and I was able to hear for myself what was going on. It is very important that we provide the homeless not only with accommodation, but with access to GP surgeries. I thank my hon. Friend the Member for Central Suffolk and North Ipswich (Dr Poulter) for all the work that he did in opening that GP surgery. I feel real frustration that NHS England has decided to try and close it.

Next week I will be doing a surgery at the food bank, because it is important that people should use my offices to try to make sure we can sort out their benefits too. Without further ado, I am going to shut up, because I want to make sure that the right hon. Member for East Ham can speak as well. Next time, however, we need longer to debate this issue.

Stephen Timms (East Ham) (Lab): I am grateful to the hon. Member for Plymouth, Sutton and Devonport (Oliver Colvile) for his considerateness.

My hon. Friend the Member for Mitcham and Morden (Siobhain McDonagh) is right that the problem is growing. In 2001, 17% of the residents in my borough—Newham—lived in the private rented sector, whereas today almost half do. That rapid growth is continuing and has led to problems. Regulation in this area is weak. The hon. Member for Newbury (Richard Benyon), whom I congratulate on securing the debate, was absolutely right to make the point that the great...
majority of landlords do a perfectly good job and provide decent accommodation, but a minority do not.

The private rented sector has a number of virtues, as we have rightly been reminded. However, when there are problems, vulnerable people suffer disproportionately. They frequently do not know what their rights are and get a very bad deal, which was why my local authority—it was the first in the country to do so—introduced borough-wide private rented sector licensing in 2013.

Jim Shannon (Strangford) (DUP): I, too, congratulate the hon. Member for Newbury (Richard Benyon) on securing the debate. I will make a few quick points. There is hesitancy among private landlords about renting out property to homeless people. They want long-term tenants; however, the most important thing is the benefit system. If things are not in place when people have to reapply for housing benefit, they then have to be reassessed and can fall behind. Landlords in many places worry about that, as do tenants in particular.

Stephen Timms: The hon. Gentleman is right about that. My hon. Friend the Member for Mitcham and Morden made the point that universal credit is making the problem worse because of the long delays before any payment is made.

I want to make a point to the Minister about the Newham private rented sector licensing scheme, which will end in December. The London borough of Newham is asking Ministers to allow the scheme to be extended for another five years. I would ask him to look sympathetically at that proposal and allow the scheme to go forward.

Graham Jones: My right hon. Friend makes a powerful point. Will he comment on two points relevant to that? Landlord licensing deals with antisocial behaviour and other conditions, but not stock condition. Stock condition in the north is poor, and conditions in landlord licensing should be allowed to deal with that. If the Government were on people’s side, they would allow licensing conditions to include elements to do with stock condition.

Furthermore, as my right hon. Friend said, the private rented sector has grown, but it has also grown into former social housing, which existed to help poor people to rent. I find, as I am sure do many other Members, that former council housing is being offered in the private rented sector at twice the rent of properties that former social housing, which existed to help poor people, are currently renting. That should be stopped.

Stephen Timms: I am grateful to my hon. Friend. In the Newham scheme, licence holders are bound by conditions, as he described, to prevent overcrowding and deal with antisocial behaviour, and to make sure that properties are well managed and safe. He is right to say that wider stock issues are outside the scope of the scheme.

Perhaps I can give an example from my constituency of what has happened. In Waterloo Road there is a typical terraced house with three rooms on the first floor and two on the ground floor. All five were being used for people to sleep in. In the main bedroom upstairs, which by ordinary standards is appropriate for a couple to sleep in, four single, unrelated people were sleeping. There were six others staying elsewhere in the house. That was 10 people in total, no doubt with a number of cars between them and, as my hon. Friend the Member for Hyndburn (Graham Jones) pointed out, there were antisocial behaviour problems for the neighbours as well as grim conditions for those living in the house. Because the scheme was in place, the local authority was able to intervene. There was a fine of more than £8,000 and the position was brought under control.

Altogether, licences have been issued for 38,880 private sector properties in the borough and there have been 1,000 prosecutions since the scheme was introduced. Just 28 landlords have been banned for failing to meet the borough’s “fit and proper” test, in relation to 230 properties. The places where enforcement action is necessary are a small proportion of the total, but the fact that it is possible for the council to intervene in serious, problem cases is an important help to vulnerable people and others living in the borough. For that reason as well, I would particularly ask the Minister to respond sympathetically to the approach that I think he has already received—at least informally—requesting that the scheme should be extended for a further five years after it ends in December.

5.7 pm

Neil Gray (Airdrie and Shotts) (SNP): It is a pleasure to take part in the debate with you in the Chair, Sir Alan. I congratulate the hon. Member for Newbury (Richard Benyon) on securing the debate. I thought his speech was an honest assessment of the country’s current situation. It was refreshing and followed on from the honest title of the White Paper presented yesterday: I remind hon. Members that that is based on the situation in England.

The hon. Member for Mitcham and Morden (Siobhain McDonagh) made a passionate speech and touched on short-term tenancies and tenancy insecurity, and on the building of homes. What she said is right: it is the only way we shall get around the housing supply problems we face across these isles. I understand what the hon. Member for Plymouth, Sutton and Devonport (Oliver Colvile) was saying about hostels, but we must surely be capable of providing something more secure and dignified to homeless people in this day and age. The constituency example outlined by the right hon. Member for East Ham (Stephen Timms) reminds me of looking at census data from Victorian times. It is shocking and highlights the desperate situation that people find themselves in, particularly in London. Action must be taken on that.

The private rented sector has a clear role to play in assisting those experiencing or facing the prospect of homelessness. However, the problems it creates are also well known: affordability, landlords’ reluctance to rent to housing benefit recipients, a lack of security of tenure, poor quality housing and a lack of support for vulnerable people. All these make what is a potential source of vital support for homeless and vulnerable people more difficult for them to obtain.

The focus on seeking private rented solutions for homeless and vulnerable people presents challenges. Although there has been a growth in the private rented sector, changes to housing benefit entitlement since 2010 mean that it is more difficult for housing benefit claimants to cover the full amount of rent due, as I said in an earlier intervention. That is especially so for young people, who are seeing their support cut away. In the
light of all of the UK-wide issues caused by the Government’s social security policies, I believe that the effective approach being taken in Scotland should be commended and articulated.

All local authorities in Scotland have a duty towards all unintentionally homeless households, regardless of whether they are classed as being in priority need. That is one reason why, in April 2016, Crisis recorded that Scotland has been on a “marked downward path” for the past five years in relation to homelessness. That downward path can be seen in the Scottish Government’s statistics from 2016, which indicate that 81% of unintentionally homeless households in Scotland that had an outcome between April and September of that year secured settled accommodation—not only in social housing but in private rented tenancies as well.

Mr Burrowes: I welcome what the hon. Gentleman says about that progress, but I was in Edinburgh over the weekend and I was particularly shocked by the level of street homelessness. I am a London MP and have sadly seen an increase in that on our streets in London, but in Edinburgh it was extremely significant.

Neil Gray: I would not for a minute even begin to suggest that we have all the answers in Scotland, nor that, just because the evidence from organisations such as Crisis suggests that things are going the right way, we cannot do more. Clearly, more can be done. I live near Edinburgh and know the situation there very well, which is a smaller version of what we see here in London. That is why some of the Scottish Government’s interventions, which I will touch on, are directed at that.

If private rented accommodation is to be a viable solution for homeless people, it is clearly imperative that protections are put in place to ensure that it is secure and affordable and provides an acceptable standard of living conditions. I will focus on some of the measures introduced in Scotland in the past decade that help to address some of those issues. In 2006, Scotland was the first part of the UK to introduce a mandatory landlord registration scheme, which we touched on earlier, in terms of licensing. The local authority must be satisfied that the owner of the property and the agent are fit and proper persons to let the residential property before registering them.

Commencement of the Private Housing (Tenancies) (Scotland) Act 2016 will remove the “no fault” grounds for repossession, and should mean that there is no risk of a retaliatory eviction in Scotland. When commenced, that Act will also introduce a new type of tenancy for the private rented sector in Scotland to replace short assured and assured tenancies for all future lets. The new tenancy will be known as a “private residential tenancy”, which will be open ended and will not have a “no fault” ground for possession equivalent to the current notice that can be given under section 33 of the Housing (Scotland) Act 1988.

Finally, the 2016 Act will allow local authorities to implement rent caps in designated areas—“rent pressure zones”; one such zone is in Edinburgh—where there are excessive rent increases. Applications must be made to Scottish Ministers, who will then lay regulations before the Scottish Parliament. Tenants unhappy with the proposed rent increase will also be able to refer a case to a rent officer for adjudication. Each of those rules and pieces of legislation help in different ways to ensure that the private rented sector is up to standard when used as an option for homeless and vulnerable people. There is clearly no point in placing homeless people in privately rented accommodation when it will only lead to an unaffordable rent, unacceptable standard of housing or an insecure tenure.

Sir Alan Meale (in the Chair): Mr Jones, you have literally one minute. I am allowing you to speak only because I did not see your indication that you wanted to do so.

5.14 pm

Graham Jones (Hyndburn) (Lab): Thank you, Sir Alan. I quickly say to the Minister that there should be a slight review of landlord licensing to include the stock condition of individual properties, because that is not in the legislation. One issue that we need to tackle is sofa sleeping—the hidden homelessness. We talk about building new housing being the answer. It largely is, but not in my area; we have plenty of empty properties because of a lack of skills and a poor economy. We have to address skills in the economy if we want to get people into housing. The houses are there.

Finally, I want to raise housing benefit for under-21s. The cuts will start in April, but the Government have still not been clear what they will be or where they will apply. That affects supported housing. I know youngsters in Crossroads in Accrington, which is a fantastic resource. They are really vulnerable 16 to 19-year-olds from troubled families, who have tried to find a way for themselves. The situation they are in is not their fault. They rely on housing benefit. Even if housing benefit is not cut, Crossroads may close because Lancashire County Council may pull the funding. Local authority cuts may undermine supported housing even if housing benefit for under-21s is protected. I ask the Minister to clarify what he is going to do about housing benefit for under-21s to prevent further homelessness.

5.15 pm

Andy Slaughter (Hammersmith) (Lab): It is a pleasure to serve under your chairmanship this afternoon, Sir Alan. I thank the hon. Member for Newbury (Richard Benyon) for raising this important subject. I will say a little more at the end of my speech about his specific proposals, which are worth while and which I commend to the Government—we will see what the Minister says about them.

However, I hope the hon. Gentleman will not mind if I take my cue more from the contribution of my hon. Friend the Member for Mitcham and Morden (Siobhain McDonagh), who spoke with extraordinary passion and knowledge. I have known her long enough to know that she is one of the most assiduous constituency MPs in the House and that she speaks from absolute experience. I am sure that her experiences have been shared by all London Members, including my right hon. Friend the Member for East Ham (Stephen Timms), and increasingly by other Members from around the country.

Let us start by making it clear where the problem started. It started, to a large extent, with the Localism Act 2011 and the permanent discharge of homelessness
responsibilities into the private rented sector, alongside lack of security for social housing and an almost complete cut of capital expenditure. Suddenly, the private rented sector was on the frontline, faced with problems that it was neither ready nor able to deal with.

In an intervention, the hon. Member for Airdrie and Shotts (Neil Gray) mentioned housing benefit cuts. We could add the benefit cap or the freeze on the local housing allowance, which the hon. Member for Newbury himself acknowledged. Those are among the reasons why, as my hon. Friend the Member for Mitcham and Morden said, more than 40% of homelessness cases are principally caused by the eviction of people on assured shorthold tenancies, largely because of landlords simply wanting higher rents or not wanting to deal with people who are on benefits. Those are the real problems.

There is also the problem of shared accommodation. In 2012, the shared accommodation rate for under-25s was extended to under-35s. In its briefing for this debate, Barnardo’s asked that those who are leaving care be protected from that at least until the age of 25. The Minister may respond to that request, but it will still not resolve the principal problem.

The budget of the Supporting People programme for vulnerable people was cut by 45% between 2010 and 2015. These are huge sums. I appreciate that the hon. Member for Newbury is asking for relatively modest sums by comparison, but they will have relatively modest results.

Richard Benyon: Does the hon. Gentleman concede that there are some landlords in London—I speak with a little experience—who are in it for the long term? They want to build a relationship with their tenants and they have never evicted somebody at the end of their lease, because they want to continue that relationship. I want to work with Members on both sides of the House to create a longer-term offer to tenants so that they can have certainty, whether it is about the education of their children or about their own retirement. There are opportunities to work together to find solutions.

Andy Slaughter: Nobody denies that the majority of landlords are good landlords, but I ask the hon. Gentleman: why has rough sleeping more than doubled—it has gone up by 133% since 2010—and why is statutory homelessness increasing hugely? He mentioned that the White Paper might give some detail. I do not know whether he has had time to look at what the White Paper says about the private rented sector, but he will not get much detail from it. There are five paragraphs with three proposals, two of which are ideas pinched from us but watered down, and one of which the Secretary of State has already pooh-poohed.

On letting fees, which are an important issue, the White Paper states:

“We will consult early this year, ahead of bringing forward legislation as soon as Parliamentary time allows”.

I thought that we were going to get something rather more quickly than that. The White Paper also states:

“The Government will implement measures introduced in the Housing and Planning Act 2016, which will introduce banning orders to remove the worst landlords”.

Again, that is good, but I heard the Secretary of State say in the House yesterday that looking for greater restrictions to deny houses unfit for human habitation was “frivolous”. I think that was the word he used. That does not show particularly good intentions. What on earth does it mean that we are simply going to encourage landlords to have longer tenancies? We need to legislate. We need longer tenancies if we are to stop the terrible curse of insecure accommodation.

The Homelessness Reduction Bill has the support of the Opposition, but we are waiting and taking our cue from local authorities, who know what they are talking about in this respect, on whether the funding will be adequate to the task. All the indications are that that will not be the case, despite the funding that the Minister announced. As my hon. Friend the Member for Mitcham and Morden said, we are just putting more burden on local authorities, which are already charged with the responsibility without having the resources to deal with the problem.

This is a real housing crisis. I appreciate the intention of the debate and the specific measures. We are blessed with some extremely good, very sophisticated organisations now. I have a lot of facilities from what used to be Broadway and is now St Mungo’s Broadway in my constituency. It previously ran a scheme very much of this kind off its own bat. People went out and identified private sector accommodation, took vulnerable people and matched the landlord to the tenant. They gave that degree of support, as well as supporting people with deposits. That is an excellent thing to do and it is what the organisations do well, but it does need support and some funding.

I fear that we are not going to address the key issues. It is not just I who think that. Yesterday, at the launch of the White Paper, I did media with the former housing Minister, the right hon. Member for Welwyn Hatfield (Grant Shapps). I never thought that I would agree with him on any matters in relation to housing, but his view did not differ much from mine, which is that the Government proposals are a sticking plaster and a missed opportunity. I do not say that with any pleasure, because this is the biggest social problem of our age. It is a problem that has accumulated over time. It is extraordinarily difficult for everybody, but it is particularly difficult for vulnerable people, young people and people who are made homeless through no fault of their own.

I hope that we are going to hear something from the Minister today. I welcome the engagement of all parties, including the landlord organisations. [Interruption.] I do not particularly want to be heckled; I am taking half of my time, which I am entitled to do. If the hon. Member for Newbury thinks that I am dealing with “frivolous” issues, as the Secretary of State does, he is welcome to say that, but let us have some home truths about what the real problems of the housing crisis in this country are.

Sir Alan Meale (in the Chair): Minister, I know time is going to be very tight, but if you could leave a minute for Mr Benyon to wind up, I am sure Members would be appreciative.

5.23 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr Marcus Jones): I will do my best, Sir Alan. It is a pleasure to serve under your chairmanship. I congratulate my hon. Friend the Member for Newbury (Richard Benyon) on securing this important debate. I know that tackling homelessness
is a priority for him. It is certainly a priority for me and the Government. I say at the outset that nobody should find themselves without a roof over their head.

Yesterday, the Government’s housing White Paper was published, which makes it clear that we are determined to make the private rented sector more affordable and secure for people. We have taken action to increase the supply of affordable and secure rented properties through the promotion of Build to Rent homes. That and other measures proposed in the White Paper will ensure that local authorities put more emphasis on planning for those rental schemes. We will certainly encourage the take-up of longer-term tenancies.

On the point made by my hon. Friend the Member for Newbury about securing private rented sector accommodation, as he set out in his speech, we have made a significant investment of £14 million from 2010 to 2016, working with Crisis, to develop a programme for single people to access private rented accommodation. More than 9,000 people were helped and 90% of those maintained a tenancy for more than six months.

My hon. Friend also mentioned the banning of letting agents’ fees for tenants. As he knows, we have brought forward proposals on that in the White Paper. We will consult on those proposals before we bring the policy forward. We have also set up a private rented sector affordability and security working group. On that working group, we have Shelter, Crisis, Generation Rent and landlord and letting agent representatives, and it is in the process of finalising its report. We have asked those organisations to work with us to see how we can reduce the costs and barriers people face in accessing private rented accommodation.

Homelessness, as has been discussed, is not just a housing issue. I am proud that we are giving our full support as a Government to the Homelessness Reduction Bill, the private Member’s Bill brought forward by my hon. Friend the Member for Harrow East (Bob Blackman). The Bill has benefited from the support of Members, many of whom are here today. My hon. Friend the Member for Newbury spoke passionately about the Bill on Second Reading. We are also bringing forward £50 million of homelessness prevention funding. That money has been awarded to 84 projects that will work across 225 local authority areas in England. A number of those projects include working with the private rented sector. We hope, through that funding, to support more than 1,000 private rented tenants and help those who are at risk of losing their tenancies.

Turning to some of the specific questions that have been asked, my hon. Friend the Member for Newbury mentioned the complexity of homelessness, particularly in terms of mental health. He rightly said that there should be a line of Ministers here to respond to the issues. In that spirit, I chair a ministerial working group that brings together various Departments and Ministers to see what more we can do to deal with the underlying issues that relate to homelessness. My hon. Friend will know that in the Homelessness Reduction Bill is a duty to refer. That is an important first step in putting an obligation on public sector bodies to refer people who may be at risk of becoming homeless to the relevant local authority.

My hon. Friend mentioned schemes and the proposals from Crisis. We continue to discuss a number of issues with Crisis on an ongoing basis. He also mentioned giving areas the ability to get people into private rented tenancies and out of temporary accommodation. That was a very good point. We are devolving the temporary accommodation management fee, which we believe will help local authorities to move people out of temporary accommodation and into settled accommodation more quickly.

My hon. Friend the Member for Central Suffolk and North Ipswich (Dr Poulter) mentioned tenancies. The average tenancy is four years, but there are challenges in areas where affordability is an issue. The bottom line is that we need to significantly increase supply, and we are doing that in London, as she will know, by giving £3.15 billion to the Mayor to bring forward a significant number of affordable housing units.

To conclude, I will write to Members who have asked any other questions, in particular the right hon. Member for East Ham (Stephen Timms), who made a very good point about licensing schemes. I will leave it there, but we are absolutely committed to tackling this important issue. I thank my hon. Friend the Member for Newbury for the debate, albeit a short one, although that was not his fault.

Sir Alan Meale (in the Chair): Mr Benyon, I understand that you have ceded your one minute to Mr Burrowes behind you.

5.29 pm

Richard Benyon: No, Sir Alan, I was conceding the time to the Minister, but if I may have the 30 seconds I would appreciate it.

There is an all-party group in this House called the all-party group for ending homelessness. Some people roll their eyes when we talk about ending homelessness, but it is only with such ambition that we can address the kind of outrage we all feel when we see someone who is homeless. I am grateful to the Minister for what he said. I hope he will work with Crisis, the Centre for Social Justice and other organisations to try to bring some of the ideas forward. Together, we can achieve a lasting solution.

5.30 pm

Motion lapsed, and sitting adjourned without Question put (Standing Order No. 10(14)).
Westminster Hall

Thursday 9 February 2017

[Mr Andrew Turner in the Chair]

Smart Metering: Electricity and Gas


1.30 pm

Stephen Metcalfe (South Basildon and East Thurrock) (Con): I beg to move,

That this House has considered the Sixth Report of the Science and Technology Committee, Evidene Check: Smart metering of electricity and gas, HC 161, and the Government response, HC 846.

It is a pleasure to serve under your chairmanship, Mr Turner. It is good to see some fellow Committee members here for what I am sure will be an interesting debate for us, and hopefully for the Minister and shadow Minister.

By way of background, the Government’s smart metering implementation programme requires energy suppliers to offer smart electricity and gas meters to all homes and small businesses in Great Britain by 2020. The idea behind smart metering is that the meter communicates directly with the supplier using wireless technologies, removing the need for meter readings or estimated bills and allowing price information to be transmitted to the home. Through an in-home display, the customer can see in pounds and pence how much electricity or gas is being used, nearly in real time.

The smart meter roll-out is a major project, with total costs of nearly £11 billion and projected benefits of around £16 billion. Millions of people already have some experience of the roll-out of smart meters, and millions more will be offered one in the next few years. It should be no surprise, then, that the Select Committee on Science and Technology was not the first to look at smart metering. Colleagues on what was then the Select Committee on Science and Technology was not the first to look at the evidence behind the smart metering, as opposed to those for the individual consumer; thirdly, the need for excellent consumer engagement to realise the benefits of smart metering before, during and after installation.

We learned during our inquiry that the roll-out began in 2013 with a foundation phase of smart meters built to a specification known as SMETS 1, if Members will excuse the ugly acronym. The latest quarterly figures from the Department for Business, Energy and Industrial Strategy show that there are now more than 4 million such meters in homes across Britain. We are now moving towards the mass roll-out phase, which will use meters described as SMETS 2. However, SMETS 2 meters rely on the implementation of a piece of national infrastructure, the Data Communications Company, which has been delayed several times in going live.

During our inquiry, we heard that the early SMETS 1 meters had some unfortunate technical limitations. One relates to interoperability among suppliers: customers who switch their energy supplier after installation run the risk of losing the meters’ smart functionality. Depending which supplier they switch from and to, the meter could revert to being a “dumb”—or, perhaps more kindly, a traditional—meter. Last year, The Daily Telegraph reported that more than 130,000 smart meters were now operating in dumb mode as a result of switching.

It appears that it might be technically possible to modify the early meters to work with the national communications infrastructure—the phrase is “adopt them into DCC”—to ensure that smart functionality is retained when the customer switches supplier. The DCC has been commissioned to undertake a feasibility project to assess the options, but at present, the Government merely have an intention to sort it all out by 2020. The problem is that the scale of the task of adopting the early meters into the DCC is growing by the day.

As the Minister will know, the DCC finally went live in November, but the delays mean that suppliers will still be installing SMETS 1 meters for some time to come while the DCC undergoes testing. The latest cost-benefit analysis suggests that 8 million SMETS 1 meters will be installed in total during the roll-out, far more than the 5.4 million estimated during our inquiry and double the 4 million installed so far. In fact, the DCC estimates that there could be more than 10 million SMETS 1 meters, affecting more than 6 million households. From a consumer point of view, that means that 6 million households, or around one in five, will effectively have to choose between smart and switch. If they switch supplier to get a better deal, they risk losing smart functionality, but if they stay with a bad tariff, they get a better idea of what their bills will be and are more able to take action to reduce them.

I am sure that hon. Members will agree that it is a difficult choice. Those who wait for SMETS 2 can have it all, but until the problem is solved, those with
SMETS 1 meters will be forced to choose. The most extreme scenario is the early adopter who received a meter in 2013 but must put up with the situation until 2020, or perhaps even longer if the Government’s ambition is not met. I am sure that we would all agree that seven years of waiting for the full benefits of smart is a long time. I would not blame someone in that situation for being somewhat unimpressed with the roll-out.

Our report recommended timely action, not least because the problem was known at the very start of the programme. The Government’s response to us was essentially that it is a work in progress, but we know that the scale of the problem has grown. In his remarks at the end of this debate, will the Minister address the need for greater urgency to prevent a poor experience for up to 6 million households? Moreover, will he consider setting a hard deadline by which suppliers must take necessary steps for their SMETS 1 meters to work with the DCC system?

The Government also told us that they had put in place protection “to ensure consumers are appropriately informed that they may lose smart services”.

Effectively, it is a condition of suppliers’ licences that they provide that information at the point of installation, and when the supplier gains a customer through switching. However, in a Citizens Advice survey last year, just 3% of consumers said that they had received information about the limitations of SMETS 1 before installation and only 13% thought that their meter functionality would be affected if they switched. Is the Minister confident that customers are receiving information about the limitations of SMETS 1 and that they understand that information?

The second theme that I would like to explore is the need to better communicate the national benefits of smart metering. Put simply, one of the advantages of the communications link between the supplier and the meter is the scope for offering time-of-use tariffs. Some hon. Members may be familiar with the idea of economy 7 meters, which have a day rate and a night rate. Smart metering enables a concept that is broadly similar but much more flexible. Broadly speaking, if suppliers can incentivise customers to run their dishwashers while the sun is shining or their washing machines when the wind is blowing, they can take advantage of renewables without the network cost of having to store the electricity until it is needed. As a result, they may be able to avoid having to build a new fossil fuel plant. As we know, there is a problem with peak demand; if we can smooth out electricity use and lower the peak, we will not need quite so much fossil fuel capacity in the energy network to keep the lights on.

There is also an element of future-proofing. In coming years, we may all be driving electric vehicles. The first thing someone will do after coming home from work will be to begin charging the car so that it is ready for the morning commute the next day, which could mean a huge spike in demand in the early evening. Smart meters could pave the way for smart charging—charging in the sense of replenishing the battery—to balance the total demand on the network, and hence the price, against when cars need to be charged. They may not need to be charged straight away to get to 100% capacity by 8 o’clock the following morning. Optimising when they are charged may mean being able to avoid having to fire up gas plants to deal with the evening surge in demand.

That is my very general description, with no numbers attached, of some of the national benefits of the smart metering project. The Committee concluded that, without a proper description, “there is a risk that the project will become viewed solely as an inefficient way of helping consumers to make small savings on their energy bills.”

When the Committee published its report, the estimated saving for the average dual fuel bill through smart metering or through the behaviour change that it prompts was £26 per year by 2020—about 50p per week. That is the national figure, although I accept that for some people the saving may be considerably greater because they have used the installation of a smart meter to change their own habits at home. The latest assessment downgrades that benefit to only £11 per year by 2020. Surely that is a harder sell to a consumer if the Government cannot explain why smart metering is good for the country too and why it is a valuable investment for the future.

The Committee was clear that the national benefits of smart metering need to be communicated “alongside emphasising savings for individual customers.” Unfortunately, the Government dismissed that recommendation on the basis that successful smart metering projects in other countries “have messages focussed on benefits that are immediately relevant to consumers and not complicated by references to longer-term benefits.”

Will the Minister confirm whether that is still the Government’s view?

We asked the Government to provide us with more information on the national benefits. Disappointingly, that information took the form of a list of three items, which were, “reduced need for new generation capacity to be built...more efficient use of existing generation assets...and,...avoided investment in transmission and distribution networks.”

I think we would all agree that there is a distinct lack of specifics there. Perhaps we are wrong and the national benefits are not of any significance, but if so, the analysis needs a rethink.

If hon. Members had time last week, which I suspect they did not, they may have watched an ITV documentary on smart meters, which concluded that “the only ones who are sure to benefit are the power companies themselves—and to millions of hard-pressed bill payers, that will sound all too familiar.”

Is it any wonder that reporters are focusing on the tensions between benefits to the individual and to the suppliers, when there appears to have been little attempt to communicate the much wider national benefits of smart metering? If the project is considered only in such simple terms, the Government may have millions of annoyed consumers on their hands. I ask the Minister to address in his remarks the need to explain the national benefit as well as the saving to individual households of £11 a year.

The final theme that I would like to highlight from the report is the need for consumer engagement in order to realise the benefits of smart metering. Witnesses to our inquiry told us that “fit and forget” was not an
appropriate approach, because the smartness lies not in the technology itself but in what can be done with it. We told the Government that there must be no compromise on consumer engagement in the rush to meet the roll-out deadline of 2020. If suppliers skimp on their obligations to get as many meters on the wall as possible, consumers will not have the confidence to make use of the information that they provide. I was encouraged by the Government’s response:

“The Government agrees with this recommendation. Consumer engagement is at the heart of the smart meter roll-out in Great Britain. It is central to ensuring consumers realise the benefits of smart metering... The Government is... carrying out further work to assess the provision of post-installation support for vulnerable and pre-payment consumers and will seek to ensure good practice is shared across industry.”

Will the Minister tell us a little more about how that work is going?

Does the Minister think that there is adequate aftercare for consumers? What form is it taking? After all, a new gadget can be quite intimidating for some people. If that gadget ends up in a drawer, it has all been a waste of effort. Vulnerable and pre-payment customers have the most to gain from smart meters, but they strike me as the ones who are most at risk of being neglected after installation. What does the Minister think is the minimum standard of aftercare that we should look for? Is he confident that it is being delivered at the moment?

To allow other hon. Members plenty of time to speak, I will draw my remarks to a close, although the Committee’s report explores many other interesting themes that I am sure will be touched on in the debate. I will conclude with the words of one of the Committee’s final recommendations, which might provide a helpful segue into many other aspects of the project:

“The Government has invested in trialling smart meters and in studies of their impact. Smart Energy GB is also making use of evidence in understanding consumer behaviour. Despite the growing evidence base underpinning the project, there are a number of areas where the Government clearly believes there are misconceptions and misunderstandings about the utility, impact, and security of smart metering. The Government should reflect on these in the context of the mass rollout and consider how best to communicate with consumers on some of these topics.”

Today’s debate could serve as a helpful way of communicating with Members and the wider public on these topics, given that people may already have concerns about the smart metering programme. I look forward to contributions from other hon. Members and to the Minister’s response, which I am sure will address many of the concerns that have been raised.

Mr Andrew Turner (in the Chair): Members have about 10 minutes each. I call Patricia Gibson to speak.

1.50 pm

Patricia Gibson (North Ayrshire and Arran) (SNP): Thank you, Mr Turner, for calling me to speak, and I also thank the hon. Member for South Basildon and East Thurrock (Stephen Metcalfe) for introducing this debate.

I have always been very supportive of the programme to install smart meters. I always believed that smart meters gave consumers control over, and information about, the energy they are using, in near to real time. Smart meters enable the transmission of readings for the amount of gas or electricity being used in each property, as well as the transmission of information from suppliers to consumers, such as current tariff rates. What could possibly go wrong? An in-home display, or IHD, connects with the smart meter and shows consumers exactly how much their bills will be. The Government’s smart metering implementation programme requires energy suppliers to offer 53 million meters to homes and small businesses in Great Britain by 2020. For all these reasons, I was always very supportive of this initiative.

I had understood that high levels of satisfaction with smart meters had been recorded and that consumers were using the technology to help them to gain some control over their energy consumption. I believed that smart meters supported households as they tried to change their behaviour and conserve energy, which would be good for the environment as well as the purse.

Smart Energy GB found that 82% of smart meter users had taken at least one step to use less energy, that 80% of smart meters were checking their IHD regularly and that 81% of users said they would recommend smart meters to other people.

Smart Energy GB’s campaign seemed to be creating a positive shift in the levels of understanding of smart meters and the propensity to have them installed. Research suggested that the number of people who understood in detail what a smart meter was, what it did and what it could do had risen to 33%, and of those people 71% said that they would be interested in having a smart meter installed if they did not have one already.

However, like the hon. Member for South Basildon and East Thurrock, who spoke before me, I have learned—with some concern—that the Science and Technology Committee has found that the Government do not appear to be clear on the benefits of smart meters. The Government listed 11 different objectives for the project, including saving customers money on energy bills, and yet the amount of money saved by individual consumers is, it seems, expected to be small.

The Committee’s report said that the Committee would continue to monitor the implementation of the smart meter programme. I am very interested in longer-term monitoring of it, because the contradictory pictures that are emerging are confusing for consumers. I have been deeply alarmed by some of the findings of the report, which has pointed out that the cost of providing smart meters, some £10.9 billion, is being borne by consumers through their energy bills—an average of £215 per home, including installation costs.

Concern has also been expressed that the smart meters currently being installed are not of the highest specification in terms of function and data security. Indeed, the Committee took evidence that “the smart meter network is being installed before its requirements as an Internet-connected energy system have been fully determined”.

In addition, in March last year the Financial Times reported that GCHQ had “intervened” in smart metering security and that the agency had discovered glaring loopholes in meter designs. That poses real questions, and consumers need to be reassured that their data and security are robustly protected in the course of this roll-out.

In Scotland, the priority of the Scottish Government is to press the UK Government to ensure that the programme is delivered to the greatest number of Scottish
consumers at the lowest possible cost, while enhancing the benefits to the most vulnerable in our communities and those at risk of fuel poverty.

Concerns have also been addressed that the smart meter roll-out may be hindered by a lack of focus and clarity about its purpose. At the heart of this programme, we need consumer satisfaction and a genuine, hard commitment to tackling fuel poverty. If the documentary referred to by the hon. Member for South Basildon and East Thurrock is correct that the biggest beneficiaries of smart meters are the power companies themselves, that would be most alarming.

Of course we want consumers to be more energy wise, to be more informed and to have greater control over their energy use, and we want to use all the means at our disposal to tackle fuel poverty. However, this report by the Science and Technology Committee on the costs and benefits of smart meters for consumers can only be described as alarming. It is to be hoped that the recommendations of the report are acted upon as soon as possible.

If smart meters genuinely empower consumers, help them to save money and help to tackle fuel poverty, we await longer-term independent analysis, which will help to illustrate these things unequivocally. I hope that analysis is forthcoming. Consumers are waiting; we are all waiting.

1.55 pm

Derek Thomas (St Ives) (Con): I am glad to have the opportunity to talk about smart meters. I remember when we did the inquiry; it was something that I thoroughly enjoyed and learned a great deal from. I thank my hon. Friend the Member for South Basildon and East Thurrock (Stephen Metcalfe), who is the Chair of the Science and Technology Committee, for introducing the debate today.

There is no doubt that we should welcome the roll-out of smart meters, and we do welcome it. There is a genuine opportunity to bring an end to physical meter reading. I live down a very long lane and twice a year some very delightful gentleman finds his way down to where I live, to read the meter. I will talk a little about how successful that has been later on.

I am not looking to put people out of jobs, but where technology helps us to get accurate information and manage our energy use, as well as to provide data that can help to manage the nation’s energy supply and planning, it needs to be welcomed, and I think the smart meter roll-out is welcome.

As we have heard, smart meters have clear benefits. Their introduction has the potential to help consumers to reduce their energy consumption, shift their energy demand away from peak periods, which the Chairman of our Committee referred to earlier, and improve customer choice. Choice is a particularly interesting angle; if smart meters allow people to switch suppliers quickly and to access better tariffs, they must be welcome.

All of these measures will help constituents in west Cornwall and on the Isles of Scilly. We already know that 80% of smart meter owners are taking steps to reduce their energy consumption. According to Smart Energy GB, individuals are turning off lights, switching off the heating at certain times and changing the way in which certain household appliances are used, all in a proactive effort to engage with their energy usage.

I was pleased to hear the hon. Member for North Ayrshire and Arran (Patricia Gibson) mention fuel poverty. My concern is that once people on limited budgets realise how much energy different appliances use, they will start to behave in a way that is harmful to them—particularly older people during winter months. So we need to be very careful about how we communicate with people and empower them to get the best out of their homes.

The smart meter roll-out on its own is not really good enough. I know that this is a slightly separate issue, but the Government must consider how we can improve the efficiency of people’s homes, particularly those of vulnerable people. Otherwise, the smart meter roll-out might actually be detrimental for those households.

Dr Sarah Darby of the Environmental Change Institute has said that smart meters are effective, smart systems that bring together every-day human intelligence and technical ingenuity. We are beginning to hear about some problems with the roll-out, and I am glad that we conducted the inquiry last year. We are well into the programme for 2020. As an elected representative in my first Parliament, I reconoced that the futility of the customer involvement and the costs and benefits of smart meters for consumers can only be described as alarming. It is to be hoped that the recommendations of the report are acted upon as soon as possible.

If smart meters genuinely empower consumers, help them to save money and help to tackle fuel poverty, we await longer-term independent analysis, which will help to illustrate these things unequivocally. I hope that analysis is forthcoming. Consumers are waiting; we are all waiting.
Additionally, part of the changes to the DCC functionality has removed the ability of consumers to switch between credit and prepay modes. In the inquiry, I remember talking about those with prepay meters and the kind of revolution that smart meters would bring for them. Prepay customers pay more for their energy, and they pay up front. Some of the people I meet have no choice; they are in properties that belong to other people. When I talk to social landlords, they see the roll-out of smart meters as an opportunity to help their tenants reduce their bills and manage their finances more easily. What we are finding is that they are not able to switch between credit and prepay modes. The meters cannot deliver in the way we expected. That is a disadvantage for millions of prepay meter customers across the country as they cannot gain access to the market.

Dr Sarah Darby’s definition of smart meters also pointed to the importance of shaping human behaviours. We have already heard about that today. Improving energy use practices and consumer’s energy know-how are essential to ensuring that the full benefits of smart meters are realised. Data from the “Smart energy outlook” showed that awareness of smart metering and its benefits rose by only 7% in the past year. That needs to be improved, and that is despite Gaz and Leccy. Gaz and Leccy are enormous role models for my children. We watch their adverts regularly. If you do not know Gaz and Leccy, Mr Turner, you must go home and do the research. It will add value to your life. I share an office with three other MPs, and they have spent considerable time in research, watching Gaz and Leccy. They are fantastic adverts. They are absolutely worth watching, and they help to get across the point that we are not in control of the energy we use. However, if we are seeing only a 7% increase in awareness, despite that brilliant media campaign, we are not getting the information out in the way we should. Unless consumers understand the benefit of smart metering, we are not going to win the battle.

I was a builder before I came here. I used to do barn conversions. For many years, in every barn conversion I completed, a smart meter was installed, but often concerns about how the data would be used meant that it was never used. Instead, it was just left on the side. Because it was not integral to the structure of the building, it would just be unplugged. Customers would tell me, “I don’t want my energy supplier knowing when I am making a cup of tea or when I’m getting out of bed or when I’m doing this or something else.” There is a real need to make customers aware of what data are collected, why they are collected, for whose benefit and how they are used. That is a battle we have not yet fully dealt with or addressed.

Smart metering will improve the temporal resolution of energy data, but it will still not differentiate between heating and other energy demand, nor will it show where in the building energy is used so the need to address energy efficiency in the home remains.

There are some connectivity issues with smart meters, and I want to talk about my experience. We did the inquiry last year. I explained that the gentleman walks or drives down my lane a couple of times a year. On an unusual occasion I met him, and he said, “Do you know, your meter is still showing ‘blank’”—I had an old-fashioned meter—“so I have not been able to take a reading for four years?” I said, “Okay. What can I do about it?” He said, “I don’t want to tell you this, because it will put me out of a job, but you ought to put a smart meter in.” I applied for a smart meter and had one fitted. The energy company had estimated how much energy I had used in the past four years. I disputed it and, with the help of my children, managed to reduce the estimate. The energy company gave me a new bill that was considerably less, although that is a matter for another debate altogether.

The smart meter was fitted. Once a month, I have to go outside and take a photo of my smart meter and send that photo over broadband to the supplier, because I do not have connectivity. My smart meter is not connected to anything, because I do not have mobile phone signal. That will be a challenge if we are going to provide 20 million smart meters—or however many we are supplying; it is quite a lot—by 2020.

I am the local MP and, interestingly, the local BBC presenter recently emailed me to say that he had a smart meter fitted, and he has to do exactly the same thing. It is a bit worrying if we are to win public support for smart meters if the local MP and the local BBC presenter have meters that do not work. Clearly, this is a private meeting, so I am not telling the world that my smart meter does not work, but I do enjoy telling the story.

Graham Stringer (Blackley and Broughton) (Lab): I have no idea where the hon. Gentleman lives in Cornwall—he is clearly not getting a signal—but it is a much more general problem. At the present time, the smart meters are not functional in tall buildings. Does he consider that to be as big a problem as the one facing those living in the remoter parts of Cornwall?

Derek Thomas: The hon. Gentleman is absolutely right, and I thank him for that intervention. I raised the issue because I am wedded to the idea of getting smart meters. If we get them right, they are a fantastic thing, and we should be ambitious, but the roll-out will be flawed and difficult to recover if we cannot deal with the connectivity issues. The issue is not just for the Minister; it is for the whole of Government to recognise the challenge of giving each of us the best available modern-day technology. I will move on, because I am probably taking too long.

The roll-out of smart meters will undoubtedly help my constituents in west Cornwall and the Isles of Scilly, but there is work to do to convince them of the benefits and how smart meters can help them manage their energy better and in a different way, so that we do not place such a demand on, dare I say it, fossil and nuclear power. In Cornwall, we generate more energy than we use, such that wind turbines are turned off. If we get it right, and we learn to store energy, we will get people moving to electricity and away from oil for heating. We will be able to be much smarter about the generation and use of energy.

Smart meters have an important part to play, but the Government need to look at the challenge of delivering the programme by 2020. There is a real need for an independent review of the safety, cost and deliverability of the roll-out of smart meters. We must consider the pressure that suppliers are under to find and retain qualified engineers, to source the meters that will do the job and to ensure that they are fitted in a way that helps rather than hinders the consumer. The 2020 deadline is
too ambitious. The cost and expertise required for installing smart meters has been underestimated, and if we stick to the current deadline, the impact on consumer experience will undoubtedly be negative. That is a shame, because this is a once-in-a-lifetime opportunity to get it right.

To conclude, it is clear that the intentions behind the roll-out of smart meters are good. I am absolutely a fan of the ambition, but we have to accept that the timetable is over-ambitious and potentially harmful to consumers. We therefore must use caution, re-evaluate the timetable and draw on the words of Benjamin Franklin—we must prepare properly, or prepare for smart meters to fail. I did not write that last bit, and I am not sure that it is the best bit of my speech. Thank you very much, Mr Turner.

2.9 pm

Graham Stringer (Blackley and Broughton) (Lab): It is a pleasure to serve under your chairmanship, Mr Turner.

I think there is something in the pathology of Government in this country—civil servants and Ministers—that means that we do not seem to learn from every new IT or technology project that goes wrong; we just wait for the next one to come along and that goes wrong. I think it was as long ago as 2000 that the then Minister of State in the Cabinet Office, Sir Ian McCartney, produced a special report, which, from memory, covered 12 IT projects that had gone wrong at terrific cost. Everybody said what a good report it was—which it was—but have Government learned from that? No. One could go through NHS recordkeeping, the Home Office, national insurance record systems, Libra—there are a whole series of IT projects that have put huge costs on the public accounts.

There are some real difficulties with smart meters, and I agree with the hon. Member for North Ayrshire and Arran (Patricia Gibson). We have good reason to be alarmed, however sensible it is to be in support of people having more real-time information about the energy they are consuming. Who could disagree with that as a reasonable objective? But let us look first at the Government’s cost-benefit figures, which the hon. Member for South Basildon and East Thurrock (Stephen Metcalfe), the Chair of the Select Committee on Science and Technology, referred to.

Written evidence to the Committee said that the process the Government had used to get a cost of £12.1 billion and a net benefit of £4 billion was intellectual slosh, when compared to eight other international studies, and asked some fairly fundamental questions. Why, when Texas has 350 pages of regulations to cover its smart meter system, does our system have 7,000 pages? I have not only had the pleasure of taking part in the Science and Technology Committee’s report; I also sat on the Select Committee on Energy and Climate Change with the shadow Minister, my hon. Friend the Member for Southampton, Test (Dr Whitehead). We asked just how many pages there were on the SMETS 2 meters, and it was a huge number of pages. One has to ask why there is no comparison. Why is it that in Italy and Spain the individual cost of meters is about half the price that they are in this country? The hon. Member for North Ayrshire and Arran pointed to one of the reasons. There are 11 objectives and in anything with 11 objectives, things will get lost.

One of the major objectives, however it is stated, is to stabilise the energy network. It can be destabilised because we are using intermittent sources of energy, such as photovoltaics and wind farms. When there is a big change in the wind or sunshine, that can destabilise the network. Smart meters can help to stabilise that. That is one objective. It is a national objective, the costs of which have been put on the individual energy consumer. I do not think that is fair. The German assessment—one of the eight other studies referred to—found that there was really only a benefit of moving to smart meters when individual consumption was more than 6,500 kwh per annum. That means there would only be a benefit for 10% of consumers.

There is a great deal to be worried about, including the background, the assessments and the principles. The incompatibility between the SMETS 1 and SMETS 2 systems, which has also already been referred to, is a real problem that is yet to be solved. An even bigger problem is that when Ministers were asked by the Energy and Climate Change Committee—my hon. Friend the Member for Southampton, Test may well have asked the question—what will keep the costs of the project down, because the Government have no control over that, the answer was “competition”. When British Gas are the near-monopoly supplier of the meters, that is not good enough.

The costs are going up, there is no compatibility between SMETS 1 and SMETS 2 meters, and if someone changes energy supplier, the meter will not work, so all the benefits of knowing the level of consumption disappear. That points to a fundamental flaw in the design. The meters should have been supplied, owned and paid for by the network supply companies, not directly by the electricity suppliers. If competition is what is going to keep price down, but a customer cannot move easily and get the benefit of a smart meter, it simply will not work.

I would almost guarantee without asking that every person in this room has a smartphone—we meet some people without smartphones, but very few indeed. In a common-sense world, a sensible system of trying to get immediate information—I accept it would not work at the moment in the more remote parts of Cornwall and perhaps Scotland—would be for someone to get the information directly to their smartphone and to have the control on their smartphone as well. That would solve the problem of the system not working if they changed supplier and of having to go somewhere to look at the meter.

I was in the British Embassy in Finland nearly 17 years ago, when a representative of Nokia showed me how he could close the curtains in his house and change which electrical appliances were working. Yet we started 10 years later, putting in systems that are less good than that Nokia system was then. We have to answer the question of why the system we are putting in is essentially obsolete, and chunky. It does not seem sensible.

One point that has not yet been made is that of security. We had a private briefing from GCHQ, which was quite reassuring, but we also got contradictory evidence from the Royal Academy of Engineering, which told us: “The smart meter network is being installed before its requirements as an Internet-connected energy system have been fully determined”,
and that
"the threat of cyber attacks—either to gain information, ‘steal’ electricity or disrupt supply—is real and pressing...Disruption to energy and gas supplies at a massive scale is possible, either from cyber attack or errors in software.”

It went on to say that those are not the only threats to the system, and that it could be threatened by rogue programmers.

I think the idea of having complete knowledge of the energy that one consumes is a desirable objective, but we are doing this in a way that will be not appreciated by the consumer and will probably cost them money. I have one final question for the Minister. There has been a large assessment of this scheme, and I understand that there were four years of freedom of information requests before the document was published. Will the Minister put it into the House of Commons Library? If he will not, will he explain why?

2.20 pm

Carol Monaghan (Glasgow North West) (SNP): It is a pleasure to serve under your chairmanship, Mr Turner. I thank the hon. Member for South Basildon and East Thurrock (Stephen Metcalfe) for securing this debate. I have learned this afternoon that there are two things I need to see: first, the ITV documentary, if I can get it on catch up; and, secondly, Gaz and Leccy, which I have not seen, but then again I do not watch television—that is my excuse and I will stick to it. It is interesting that the documentary said that energy companies have so far been the biggest beneficiaries of smart meters. That fact was reflected in the comments of several hon. Members.

Smart meters were billed as transformational—they were going to revolutionise the way we use and monitor energy—but, a number of years into the smart meter roll-out, it seems that the benefits to consumers are limited and amount to a few pounds a year. The cost of the roll-out—£10.9 billion, or £215 per household—certainly seems far greater than any of the benefits. The hon. Member for Blackley and Broughton (Graham Stringer) talked about the different price in parts of Europe that was reflected in the comments of several hon. Members.

There are great benefits to using smart meters. Up-to-date billing allows consumers to spread the cost of their energy use, which can be very important in tackling fuel poverty, and the real-time usage information allows consumers to monitor what is going on. One of the things we do with our smart meter at home—these are the great games that we play as we do not have a television—is to see how we can reduce the house’s energy consumption by going round switching things off and seeing what difference it makes. It is incredible to see the difference that switching on a kettle can make. Things such as that can make consumers think more carefully about how they use energy, so it does have benefits. Meter data can be used to smooth demand on the grid, as the hon. Member for South Basildon and East Thurrock spoke about in detail.

There are lots of challenges to the roll-out. The fact that the mobile phone network is being used to relay the information to the energy companies is problematic in some areas, and completely restrictive to the point of not working, as we have heard, in others. We know that that is a problem in rural areas—the hon. Member for St Ives (Derek Thomas) said that he has to take a photograph and send it to the energy company. The roll-out will obviously be more challenging in rural areas—I am thinking about the highlands and islands of Scotland in particular. It is easy to install a lot of meters in an area of high population density, but it is more difficult when people are scattered widely across an area.

The hon. Member for Blackley and Broughton mentioned flats and offices. That is an ongoing issue, which has to be looked at far more seriously than it is at the moment. The lack of qualified installers means it will be a challenge to reach the 2020 target, which the hon. Member for St Ives spoke about. I visited Scottish Gas’s training centre in Hamilton near Glasgow a few months ago. I saw smart meter installers being trained, and I looked at the equipment they use. Scottish Gas has lots of apprentices, and they are being trained not only in installation but in customer service and engagement. I am not sure every consumer gets service as good as those installers are being trained to provide.

A number of hon. Members mentioned the issue of data. Obviously, data can be used by energy companies to monitor consumption, but in our inquiry the Science and Technology Committee looked at the issue of who, other than the energy companies, is able to access the data. We asked whether, for example, somebody would be able to see that a person’s energy consumption had dropped, and therefore infer that they were not at home or on holiday. My hon. Friend the Member for North Ayrshire and Arran (Patricia Gibson) raised the issue of GCHQ’s intervention in smart meter technology.

We know that certain demographics are more reluctant to engage with technology—I am thinking of elderly people in particular. Some of these meters are extremely user-friendly, but that is not always the case. The hon. Member for South Basildon and East Thurrock talked in great detail about the difficulties with SMETS 1 meters—first-generation meters. The problem is not just the incompatibility of those meters. There is also the issue that some of the new meters being installed are of a far lower standard than others. There is great variety in the meters that are being installed. The ones that I saw at Scottish Gas were all-singing, all-dancing, and could probably make a cup of tea as well, but the meter I have got is far less interactive. There is a real danger—we have seen this happen—that after a short time people toss the meter, or at least the display unit, in a drawer or a cupboard somewhere.

Dr Tania Mathias (Twickenham) (Con): I agree with all the hon. Lady’s points. I do not think this issue was covered in our Committee’s report, but is she concerned that the cost of a second meter falls on the customer? The report shows that there is not enough advantage for the customer, compared with the energy companies.

Carol Monaghan: Absolutely. As I said at the start of my speech, the energy companies are the biggest beneficiaries of the smart metering programme. If a customer has to pay another £250 for a second meter because they have changed suppliers, it makes changing too costly. The hon. Member for Blackley and Broughton talked about the use of smartphones as a display, instead of using the units. Perhaps that is something for the future.
Fuel poverty was mentioned by a number of speakers, including my hon. Friend the Member for North Ayrshire and Arran and the hon. Member for St Ives. The hon. Gentleman talked about vulnerable consumers seeing the amount of energy they were using and possibly being unwilling to heat their homes. That is a danger, but the biggest danger in that case is possibly the cost of energy and fuel poverty, rather than the meter.

To finish, I have a few questions for the Minister. First, what support will there be for people who have first-generation meters that could be obsolete even before the 2020 roll-out? Secondly, what will the Government do to increase consumer engagement, to make people more energy savvy and allow them to see how best to use their meter? Thirdly, will the Minister reassure all of us that the 2020 target for smart meter roll-out must not be met at the expense of the consumer?

2.31 pm

Dr Alan Whitehead (Southampton, Test) (Lab): I congratulate the Science and Technology Committee on its excellent report, which has been the subject of our discussions this afternoon. I also congratulate the hon. Member for South Basildon and East Thurrock (Stephen Metcalfe) on his success in obtaining the debate and on his presentation of the Committee’s concerns, which started an exceptionally well-informed debate about smart meters and their roll-out. I add a caveat, however: the problem is that the more we are informed about the subject, the more questions arise about what has happened, what will happen and what is going on with smart meter roll-out.

A number of those questions arise from what the Select Committee characterised as the multiplicity of aims set out by the Government for smart meter roll-out, and from the dissonance between what are presented as the benefits of the roll-out and what the various benefits actually are. Across this Chamber, I think we would say that the benefits from smart meters are real and considerable over a period time, but they are not necessarily cast as much for the public’s benefit as they are presented.

We do not need to look at a television documentary to tell us where and how the benefits fall, because the Select Committee report provides a helpful breakdown, derived from the 2014 impact assessment of the smart meter balance of benefits. The report sets out, perhaps more widely than in some of our discussion, what range of benefits occurs to what section of the industry and to consumers as a result of the smart meter roll-out.

For example, the Select Committee report sets out the estimated total benefits of smart meters, once they have been installed completely: more than £5 billion accrues to consumers from energy saving and micro-generation; but supplier benefits—the big six energy companies and others—come in at £8 billion, arising from avoided site visits, fewer inquiries and other such things related to the management of energy supply. The benefits also spray out to the rest of the energy industry: network benefits from reduced losses, reduced outage notification calls, fault fixing and so on come in at an estimated £2 billion and generation benefits from avoided investment in generation from peak shifting through time-of-use arrangements and so on are getting on for another £1 billion.

That picture of the estimated benefits—based on Government figures—clearly shows that the consumer benefit is a fraction of the overall figure. The entire cost of the smart meter roll-out, however, will clearly be borne by that first group I mentioned, the consumers. I worry a little that that continues to be obfuscated in any presentation of what is happening with smart meters.

For example, the 2016 impact assessment—which by the way considerably downgrades the total benefits available and substantially increases the amount for the costs engaged in the system, in particular for DCC—insists on stating:

“Energy suppliers will be required to fund the capital costs of smart meters and IHDs. They will also pay for the installation, operation and maintenance of this equipment plus the communications hub (which links the smart meters to the supplier via the DCC).”

I imagine that that paragraph looks okay from the Government point of view, because it emphasises that the Government are not paying. At the other end, however, consumers are.

Consumers will probably pay somewhere between £130 and £200 on their bills to recover the costs of the installation of a smart meter on their property. Just this week two of the big six companies announced sky-high increases in their bills. They stated that the increase is as a result of the price surge in rising wholesale energy prices and—admitting this, I think, for the first time—the Government’s smart meter policy. They specifically state that of the 10% increase, a substantial element is because of the smart meter policy.

Among other things I would like to hear from the Minister this afternoon—it would save me some time, because I sent him a written question on this precise issue, so perhaps we will short-circuit the reply process—is, what are energy companies doing about their recovery of money from smart meters? If what is being said about the recent price rises is an accurate depiction of where the increases come from, at the very least energy companies are seeking to recover the cost of smart meters up-front in tariffs, rather than spreading it over a longer period. If that is the case, the £100 increase on the fuel bill as a result of price increases by the two companies can be depicted as a recovery of between £30 and £40 of smart meter costs in that price alone, which looks like a substantially greater amount of recovery than should have been the case given the spread out nature of the installation of smart meters and what is meant to be the recovery of costs over a period of time.

Has the Minister had any discussions with the energy companies about their policy for the recovery of the cost of smart meter introduction? How will they do that and what will be the impact on bills, bearing in mind that we know that consumers will be paying for it?

I have a great deal of sympathy with the point that my hon. Friend the Member for Blackley and Broughton (Graham Stringer) made that it does not seem right for consumers to bear the whole cost of the introduction and roll-out of smart meters in the way that has been described, particularly given that the benefits are spread across the industry.

The other point that worries me on the basis of better information is the progress of smart meter roll-out. The Select Committee drew attention to that issue, but it is also apparent from the most recent impact assessment, which came out in late 2016, and the announcement at
the end of 2016, which the Chair of the Select Committee pointed out, that DCC had finally gone live-ish at the end of November. I make two points about the significance of DCC going live. First, it announced that it had gone live on precisely the last day before it would have started paying penalties for not going live. It announced that it was going live in only two out of the three areas that it operated in, and that it would go live in the third area a month later.

Secondly, the going-live document contained pages and pages of “workarounds”—in English, that means “things we haven’t resolved yet”—and those appear still to be substantially outstanding. I understand from talking to people who rely on DCC going live to get going with SMETS 2 meters in a coherent way that a good proportion of those workarounds and the way things are presently configured render it difficult reliably to go live on those meters. So, to paraphrase a phrase that we have heard recently, is DCC going live actually DCC going live? Are there still issues with DCC, and particularly SMETS 2 roll-out, that we need to look at?

Finally, one of the consequences of roll-out not having started very quickly and SMETS 1 meters having been rolled out that may well be obsolete and need to be replaced in the second phase of roll-out is that in the 2016 impact assessment, there is a curve for roll-out—not just the roll-out itself but the speed of the roll-out—with a gradient that bears no resemblance to the gradient of the curve in the 2014 impact assessment. Contrary to previous suggestions that about a million and a bit meters per year would be installed between 2017-18 and 2018-19 before the finishing date of 2020, it is now suggested that 2.5 million meters should be installed per year. The industry says that it will be impossible to do that over that period.

All that adds up to the suggestion that the hon. Member for St Ives (Derek Thomas) made that it may be time for a review of what is going on, so that we are clear that we can achieve the roll-out on time and it will have the expected benefits for customers, on the basis of a fair distribution of costs and benefits.

Mr Andrew Turner (in the Chair): I call the Minister, who has until 2.58 pm.

2.44 pm

The Minister for Climate Change and Industry (Mr Nick Hurd): It is a great pleasure to serve under your chairmanship, Mr Turner. I hope that you have got something out of the debate. At the very least, we have had an introduction to Gaz and Leccy, courtesy of my hon. Friend the Member for St Ives (Derek Thomas).

I congratulate the Chairman of the Science and Technology Committee, my hon. Friend the Member for South Basildon and East Thurrock (Stephen Metcalfe), his Committee and its previous Chairman for an extremely useful report and debate. He described our commitment to ensure that every household and small business is offered a smart meter by the end of 2020 as a “major project”. I think he rather underestimates it, and we need to bear that in mind.

It is absolutely right and a central part of a functional democracy that Select Committees and Opposition parties probe, prod, ask tough questions and even, in our view, tip over the line into spreading alarm. That is how we operate, and it is entirely right, particularly when we are faced with a project on this scale, not least as the past is littered with good intention and bad execution, as the hon. Member for Blackley and Broughton (Graham Stringer) pointed out. I therefore entirely welcome the challenge that we have heard during the debate, but I urge hon. Members not to lose sight of the context.

We are talking about an upgrade of a significant part of our infrastructure—a 100-year-old technology that means that far too many people receive bills on which their consumption is estimated. We do not tolerate that in the supermarket, so why on earth, in 2017, should we tolerate it at home? Our energy system is absolutely functional to a smart and prosperous economy, so why should people continue to be dependent on a technology that is so out of date? That is the context: it is about upgrading out-of-date infrastructure as part of a bigger transformation and transition process in our energy system.

I think there is cross-party agreement about the opportunity and need to move to a smart system that is more flexible and ultimately cheaper, and which our constituents feel they have more control over. I do not think there is any real resistance to the direction of travel, but the debate sits in that important context. Hon. Members have posed tough questions and challenges, which I will do my best to respond to, but those who know anything about system change and consumer behaviour change should recognise that some of the momentum is genuinely encouraging, and we must not lose sight of that. Almost 5 million customers now have smart meters, and the economic analysis continues to suggest that they will have a net benefit of £5.7 billion. We do not obfuscate about that in any way, and that analysis is regularly updated.

[Robert Flello in the Chair]

The Chairman of the Select Committee talked about the benefit to consumers. I know the point he was trying to make, but we are all aware that consumers are concerned about costs. Evidence from British Gas surveys suggests that consumers with smart meters save 3% or so on their energy bills, which, in my experience, is material, and I think he also knows that those savings will grow as we move towards 2030.

One important piece of information that has been missing from this debate is that consumers like smart meters. Surveys suggest that something like eight out of 10 people with smart meters would recommend them to their friends. There are of course big challenges around implementing them—how could there not be?—but we are driving hard a process that our constituents like and which is an important part of upgrading the country’s infrastructure.

I will do my best to address the issues that have been raised, particularly by the Chairman of the Select Committee, whose points were valid. He quite rightly presses us on the need to tackle the technical limitations, which are real. A conscious decision was taken to proceed with SMETS 1, because first-stage smart meters do deliver some benefits and were an essential part of the process of getting a supplier system moving and helping to prepare for installation. Of course, we do not want our constituents to trade off the opportunity to get a better tariff against the opportunity to retain smart functionality. That is clear.
I assure my hon. Friend the Member for South Basildon and East Thurrock that the DCC has begun the project to enrol the SMETS 1 smart meters from 2018 in order to make them usable by all energy suppliers rather than just the one that initially installed them. This is an issue I feel strongly about and the Government will be watching extremely carefully. There has been a consultation. Nothing I have heard gives me cause for alarm at this stage but it is extremely important that we end up at a destination where the early smart meters are usable by all energy suppliers and constituents do not face trade-offs between tariff and functionality.

My hon. Friend pressed me on national benefits and the need to make a broader case than the simple proposition, “This will save you money.” That is an interesting debate, and it is the same kind of debate and challenge that I am wrestling with, as Minister for Climate Change, in engaging people with climate change. Do we try to frame it in language that talks simply about things that are closer to home and more relevant to our constituents, or do we try to put it into a bigger picture of public good? Most of the advice suggests that when trying to propose something to a consumer or our constituents, it is better to focus on the issues and concerns most directly relevant to them.

I would draw a distinction between, as it were, a marketing proposition to a consumer and our constituents, and the need for this place, with its processes of accountability, transparency and scrutiny, to be clear about what we are trying to do and what the wider benefits are. That is entirely valid. My hon. Friend wanted more information about the system benefits, which are a clear part of the net benefits analysis, and I think they are real. They fit into the broader strategic thrust that the Department is now leading on, in moving towards a smarter system. He may be aware that we put out a call for evidence recently and we are receiving information on that. That information about how smart meters fit into a broader strategic thrust to make the system more smart and flexible will be transparent and open to accountability and scrutiny.

My hon. Friend asked about consumer engagement. He is entirely right about that, because ultimately smart meters must be a fantastic consumer experience; otherwise, these things will sit in drawers and get ignored—everything that the contributors to the debate have rightly pointed to. That is why we mandated the setting up of Smart Energy GB and mandated energy suppliers to engage with their consumers before, during and after installation. Smart Energy GB is working with trusted third parties, including Citizens Advice, National Energy Action, the National Housing Federation and Age UK, among many others, to ensure that customers can access advice about the roll-out. I should add that we are conducting our own research into consumers’ experience about the service they get after installation, which is a point he made specifically.

Dr Mathias: I am concerned about the exaggeration of the benefit for customers. In the Select Committee we found that we have one of the smallest variations between peak and standard demand of almost any country in the world. I put it to the Minister that we should be honest with consumers and say, “No, it is the companies and the Government, in policy making, who will benefit from this most.”

Mr Hurd: I am not sure that is entirely right. My hon. Friend is right that the benefits are not restricted entirely to consumers, but that has been made public; we have been open about that. Missing from the debate is an acknowledgment that suppliers face costs associated with installing the meters, which need to be recovered. Yes, there are system benefits, but this is not something that does not benefit our constituents and consumers. We want less cost in the system and a smarter system, and if the meters contribute to that, that is good. I come back to—not estimates, but actuals, if we believe it—the large British Gas survey of their customers, who are achieving 3% savings. That is not immaterial, particularly because, as she well knows—she is close to her constituents’ concerns—we are in a climate where people are concerned about rising energy costs, as we saw the other day.

Dr Mathias: This is not what we investigated, but, as the Minister knows, the direct debit monthly bills for customers with smart meters still use estimates.

Mr Hurd: We need to move on from estimates—that is part of the point. We do not make purchases or pay estimated bills in other areas, so why should we in this area? The whole point is to move to a system where we can pay for what we use. The point I am labouring is that the actual data, not the estimates or predictions, suggest that people are saving money now, and not in an immaterial way. If the projections are right, that will grow.

I want to say something briefly about privacy and reach, which I know from having tackled this in a previous debate is a particular concern for many communities in Scotland. Suppliers must take all reasonable steps to reach all households in Great Britain, islands included. Privacy has been an important issue from the start; in fact, I remember constituents raising it with me. Let me assure the House that a robust privacy framework is in place. The central principle of the framework is that consumers have control over who can access their consumption data and only authorised parties can access consumption data through the Data Communications Company.

I hope that I have addressed some of the principal concerns. Let me address a point made by my hon. Friend the Member for St Ives and others, questioning the ambition and pace. We hear that point, not least from suppliers, and we tend to hear it from those suppliers who are performing less well than others. I think the House is savvy enough to know that some of the motives behind such questioning and challenge may be mixed. Our position is that we recognise that the situation is challenging, but we are driving system change and it needs to be driven hard. We review the situation and will continue to do so and to listen.

I do not see any argument at this stage that the Government should send a signal of weakening ambition. Far from it. Actually, given the prizes attached to this, if we want to get it right—a lot is at stake in tackling some of the thorny, difficult issues that underlie it—it is not right to send any signal of slipping ambition. For that reason, I come back to my main point, Mr Fello
—it is good to see you in the Chair. This is not a trivial issue; it is a fundamental piece in the broader picture of how we upgrade our critical energy infrastructure to deliver a better system for our constituents.

2.58 pm

Stephen Metcalfe: Welcome to the Chair, Mr Fello. I thank the Minister for his words and for some of his assurances. Forgive me if I failed to recognise the scale of the challenge. I do not; I get that it is a huge undertaking. However, he will agree that the role of the Science and Technology Committee is to provide challenge where possible. We all recognise that there are huge potential benefits to be found through smart metering. We want those benefits to be available as quickly as possible and for them to be rolled out in a way that we can all understand.

We heard praise and concern in all the contributions. I have a long list of people, which I will not have time to go through, but they covered issues around fuel poverty and who actually gains: the consumer or the supplier? The one issue I had not imagined would come up this afternoon was using a smart meter as a replacement for a television, running around the house, seeing what to switch off. However, from my experience, I know when someone has left their straighteners or a television on in the house, because the meter goes into the red, and we do benefit from that.

We all want this programme to work, and with enough effort I am sure we will get it to work. We will continue to keep an eye on it, and I am sure that the Minister will also—

Robert Fello (in the Chair): Order.

Motion lapsed (Standing Order No. 10(6)).

State Pension: Working-class Women

3 pm

Chi Onwurah (Newcastle upon Tyne Central) (Lab): I beg to move,

That this House has considered the effect of state pension changes on working-class women.

It is a pleasure to serve under your chairmanship, Mr Fello—particularly for such an important debate. When I heard that I had been successful in securing the debate, I posted on Facebook and Twitter asking working-class women to share their experiences with me. I was overwhelmed by the response; I received tweets, emails and posts from women the length and breadth of the country. Every hon. Member has constituents who are directly affected by this issue, and I am sure more hon. Members would be present were it not the last day before the recess.

This is a complex subject, but basic issues of fairness, justice and dignity in old age are at its heart. The Pensions Act 1995, brought in by the then Conservative Government, raised the women’s state pension age from 60 to 65, making it the same as men’s. I am proud to call myself a feminist, and as such, I agree with that equalisation, so long as those women have equal opportunities and life chances; unfortunately, as we will see, that is not the case. I also agree with raising the retirement age. We are living almost a decade longer than our grandparents on average, so it is right that we should also work longer and still be able to enjoy many years in healthy retirement. However, that does not mean that I must agree with the unfair way in which these changes have been implemented.

As the Women Against State Pension Inequality campaign has highlighted—I am glad to see so many of its representatives in the Gallery—the changes have hit hundreds of thousands of women born in the 1950s particularly hard. There is real anger among those women at their unfair treatment because of the month in which they were born. There is anger about the lack of appropriate notification, despite recommendations from independent bodies, such as the Turner Commission, that the affected women deserved 15 years’ notice. There is anger that the pace of change has been much faster than that promised when the changes were initiated in 1995. There is anger that some women have been hit by multiple increases in their state pension age; the Prime Minister’s saying that no woman had seen an increase multiple times to their expected pension age of more than 18 months was a patent injustice to the many women who have seen multiple increases.

These issues have been debated previously, and the Labour party has called for transitional arrangements for the WASPI women. We have laid out a fully costed plan to return their eligibility for pension credits to the timetable of the 1995 Act—but that proposal has fallen on deaf ears. One particular aspect that has not been adequately considered is the effect that the changes have had on working-class women, the subject of today’s debate, which was inspired by a constituent of mine. Like many Members, I am sure, I am often moved by the spirit and basic decency of so many of my constituents in the face of almost unbelievably bad treatment, but Mrs Tennison’s story moved me almost to tears.

Mrs Tenniswood is 60, and has worked as a dressmaker since she was 15. I emphasise that point: before 1972, the school-leaving age in this country was 15. Few working-class women went on to further education—only
6% in the late 1970s, for example—so many of the women we are talking about left school and started full-time work many years before they would be allowed to today. They will therefore have worked for longer than any other retirement group now or in the future.

Last year, Mrs Tenniswood asked for her pension statement, and she learned that she had 42 qualifying years, yet she is not entitled to a state pension until she reaches the age of 66. By then, she will have been working in a manual job for around 50 years—half a century—with a likely number of 48 qualifying years, which is significantly higher than the 35 years usually required to reach the maximum state pension. That is especially the experience of working-class women of that generation, who are more likely to have started work immediately after leaving school at 15, and who are also more likely to be in manual trades, which take a greater toll on the body as it ages.

Mrs Tenniswood is a dressmaker. As such, she is often required to get down on her knees to pin and check fittings, and sharp eyesight is essential, given the detailed stitching required. Having done that physically demanding job for 42 years, she was suddenly told she would have to wait another six years for her state pension, during which the condition of her eyesight and joints will worsen as her profession takes its toll on her body. I do not know about you, Mr Flello, but I find bobbing to catch the Speaker’s eye quite tiring; I certainly would not want to be working on my knees in my 60s.

Ian Blackford (Ross, Skye and Lochaber) (SNP): The hon. Lady is giving a graphic account of the difficulties that Mrs Tenniswood and many other women have faced. Mrs Tenniswood has paid national insurance contributions for 42 years. Is it not the case that somebody in her situation was doing that under the impression that that was a contract with the Government—an entitlement to a pension? The hon. Lady has described how Mrs Tenniswood has had to write and ask for her pension statement, but the Government should have communicated with Mrs Tenniswood. That failure of communication has not allowed people the time to properly prepare, which is the real damage caused by the changes.

Chi Onwurah: The hon. Gentleman is quite right—that is a sense of a broken contract between the state and hard-working citizens. The failure to give adequate notice means that the changes could not have been planned for. The consequences of many life decisions that WASPI women have taken are now that they face many years of reduced income that they could not have anticipated.

Mrs Tenniswood’s experience is far from unique. One woman told me that she has a neck injury and spondylitis—two debilitating diseases that would exclude her from many jobs. She said:

“I do not want to be forced to work until I drop.”

Why should she be? Another woman told me that she had recently been diagnosed with osteophytic lipping in her hips. She said:

“I am not so mobile as I once was. I cannot possibly carry on getting in and out of a car with the chemist’s deliveries...”

that is her job—

“30 to 50 times a day.”

Nic Dakin (Scunthorpe) (Lab): I congratulate my hon. Friend on securing this debate. Constituents of mine have been in exactly the same position as Mrs Tenniswood, and her case is not exceptional, but unfortunately very much the norm. These women have paid in year after year and then, when they come to take back something that they thought they would receive, it is not there. Not only that, but they cannot get other entitlements that are linked to the age of retirement, so it makes things very difficult for them. Sometimes, if they fall on hard times, the Department for Work and Pensions deals with them in a way that is demeaning, which also does not help.

Chi Onwurah: My hon. Friend is absolutely right. As I said, part of the debate is about dignity in old age. It is also about the contract with the state. In fact, he has anticipated what I was going to say. In the case of Mrs Tenniswood, one bureaucratic letter took away the certainty that she had had for most of her working life in a very hard trade. The belief that the state would provide her with a pension in her old age—one she had earned—was torn to shreds.

Because Mrs Tenniswood is working class, her life expectancy is lower. In Newcastle, the gap in average life expectancy between inner-city Byker and more affluent South Gosforth is 12.6 years, and the gap is rising under this Government. This pattern is repeated across the country. Owing to the health inequalities from which we still suffer, working-class women are on average expected to die seven years earlier than their peers from more affluent backgrounds. When Mrs Tenniswood finally receives her pension, she can expect to have less time to enjoy it than other women of her age, and she is likely to have a worse experience of old age.

A quarter of Newcastle’s neighbourhoods are in the 10% most deprived in the country. In Newcastle, we are more likely to die earlier from cancer, heart disease and strokes. We suffer from the diseases of our industrial legacy, such as asbestosis. Heart attacks are responsible for 1,100 premature deaths in the north-east every year, which is higher than the national average because of the income disparity. Such inequality is replicated in regions across the country. Data from the Office for National Statistics tell us that, compared with women who live in more affluent areas, working-class women will live for 19 years longer in poor health. So they live shorter lives and a higher proportion of their time is spent in poor health before they die. That is also true of working-class men; I recognise that. They also suffer from significant health inequalities, but, as we have heard, they have not had their expectations of retirement overturned without any attempt to ease the transition.

Our pension system, and the wider system of social security of which it is a part, was founded on the principles of reciprocity, justice and fairness. I fail to see anything just, fair or reciprocal in the treatment of the WASPI women by the Department for Work and Pensions. The Government have rejected many opportunities to deliver a fair settlement for WASPI women, and by accelerating the changes they have embedded unfairness. To add insult to injury, they insist on ignoring and trivialising the issue.

Last week the Minister, who is with us today, refused to use the phrase “working-class” in what passed for an answer to my question on the subject, and argued that
I called this debate on behalf of all women whose lives have been blighted owing to the ill-considered and discriminatory nature of the changes. As I started with the example of a constituent, I would now like to end with the experience of another working-class woman who, to my great regret, did not live long enough to be a constituent of mine: my mother.

My mother was born in the 1920s in the depths of another great depression when there was no national health service. She grew up in Newcastle in great poverty. Of her six siblings, only one survived into adulthood. Five died of the diseases of poverty: diseases that, in the absence of the national health service, destroyed the lives of so many and had consequences much later in life, causing health inequalities that the health service cannot eradicate—certainly not one as underfunded as the NHS is now. I am sure that that childhood poverty influenced her life expectancy. She died before her 70th birthday, but had lived—cheerfully—with ill health and disability for two decades previously.

It is absolutely iniquitous to imagine that my mother would have had perhaps just three or four years of pension—and that in great ill health—because the Government cannot recognise a fundamental injustice, and, indeed, do not even recognise the existence of working-class women. The debate is, however, not about my mother’s experience, or even Mrs Tenniswood’s experience; it is about the experiences of tens of thousands of working-class women whose lives and retirement have been blighted by changes that were ill-advised and poorly implemented, and in which they and their experiences were not considered.

I want to close my remarks with a small selection of quotations from the appeals that I received. One woman said:

“Stress has made me so ill, physically exhausted and mentally struggling to survive.”

Another said:

“Being too disabled to work is humiliating enough without being made to suffer further humiliation at my age. Hopes, dreams and careful plans to enjoy our retirement shattered. Savings all gone, future bleak! No letter, no notice.”

This came from another woman:

“I am at times very depressed as it felt like I had done a prison sentence for 44 years then, just before my release date, it was extended another six years.”

I came into politics to fight for people like those women, but I am not simply fighting on their behalf. I am fighting with them, side by side.

Another WASPI woman said:

“My mother welded fan blades for Ford Dagenham and it was women who all stood shoulder to shoulder that achieved equal pay for women.

Nothing is ever impossible if women are united in their cause.”

I believe that to be the case and I plead with the Minister to heed the voices of the thousands of working-class WASPI women who are crying out for justice.

3.21 pm

Patricia Gibson (North Ayrshire and Arran) (SNP): I thank the hon. Member for Newcastle upon Tyne Central (Chi Onwurah) and congratulate her on bringing the debate forward today. We are again focusing on the effect of the state pension age on working-class women. The motion of course concerns those women who were informed, with little notice, that the pension they expected
to receive at 60 had moved further away from them, upset their plans for retirement, and perhaps interfering to receive at 60 had moved further away from them, perhaps physical strength is required.

As we have heard quite graphically, many women in their 60s cannot easily do such jobs. When we are in our 60s, like it or not, we are past our physical best. We expect to be able to take our lives a little easier after a lifetime of work—and why should the women in question not expect that, given that their contract with the state was, “Pay in and you will get paid out at 60”? Any change to that has to be planned well in advance. The women were not paid that courtesy or afforded that justice. This is the sixth or seventh debate—I have lost count. Women are justified in being enraged by the changes. They are angry, because those controlling the levers of power seem not to be listening, because those with the power to put things right are stonewalling them and those speaking up for them, and because they are having to fight, organise, march, demonstrate and agitate to win back what was so wrongfully and cruelly taken from them, in some cases with shockingly—appallingly—little notice.

I believe that the women are right to be angry. I suspect that many of those taking part in the debate are angry on their behalf. Amid all the important and tragic things on the political agenda—all the carry-on about Brexit, the use of EU nationals as bargaining chips, the turning away of child refugees from war-torn countries, and nuclear missiles that do not appear to project in the direction in which they are fired—the women are determined that their voices will not be drowned out. The UK Government appear to believe that if they sit tight, the women will go away. They will not; they have nowhere to go. They need their pensions so that they can live with dignity and some kind of peace of mind. It is not pin money that they seek; it is their rightful pension, which they need to pay their bills, put food on the table and keep a roof over their heads. The Government hope and believe that they will go away. Where should they go—and where can they go, without justice?

Thousands of pounds have been robbed from those women, who must have seemed an easy target for the austerity agenda. If the Government want to equalise pensions, fine. No one here is arguing against that, but it should have been done properly, by which I mean that the Government should have given all the women fair and proper notice. That is it. It is not complicated and it should not be controversial. As it is, women who have worked all their lives, often suffering pay discrimination relative to their male counterparts, are in the appallingly cruel situation of being denied the dignity and financial support that they need and deserve in retirement—the pensions that they contributed to.

If those contracts with the state can be so easily disregarded or altered without proper notice, what does it say about citizens’ relationship with the state? I am sure that if a private pension provider had behaved as the Government are doing now, the pensions ombudsman would have something to say on the matter. It looks as if the only recourse to the women who have been robbed of their rightful pensions is through the courts. It is a disgrace that they have been left with that option in the face of an intractable, stubborn and heartless lack of movement from the Government. I wish all the women well in their fight for justice, and I and my party will stand beside them as long as justice is denied them.

The dispute is not about affordability, as the UK Government often like to pretend. The women contributed to the state, paid their taxes and did all the things that they believed they should as good citizens. If every global organisation, every business and every individual in the UK paid their taxes—instead of which, so many of them do all they can to avoid it—there would be more money to go round. Instead, as too often happens, ordinary citizens at the bottom of the heap are punished, while those who actively avoid contributing to the Treasury appear to be protected. People are alienated from politics. They feel that the system is always stacked against ordinary, hard-working, decent folk who go quietly about their business. There is no starker example of that than the treatment of the women born in the 1950s.

The WASPI women will not be quiet. They will continue to raise their voices to cry out against the injustice, and we in the Scottish National party will cry out with them. These women will not allow their quest for justice to be dismissed. Wasps can sting and the Government need to watch out. All that is required is for justice, decency and honesty to prevail, and the argument will end. It is not too late for the Government to do the right thing—giving the women the pensions they are due; no more, no less. Then let us put the whole sorry, awful business behind us, so that they can enjoy their well-deserved retirement, after a lifetime of work.

3.28 pm

Alison Thewliss (Glasgow Central) (SNP): I had not intended to speak this afternoon, Mr Flello, because I expected the debate to be over-subscribed. I am sad that more hon. Members are not here to speak on behalf of working-class women. I have looked into the figures, and I understand that 2,410 women in my constituency are affected by the changes. The figure for the whole city of Glasgow is 23,100 women. That is a huge number; it is a huge number, in a city that has had heavy industry and long-standing economic deprivation. Those women have worked damn hard for that money and they deserve the pension they thought they would get. I am hugely disappointed that successive Governments did not do more to notify them. Those who got in touch with me at my surgeries and through my office spoke of their shock that they were not told that they would not have the life they had planned for their expected retirement after working so hard in so many heavy industries for low pay, sometimes with pay discrimination. They were shocked not to be told and to find themselves without the retirement they had expected.

The number of women who have been in touch with me is nowhere near 2,410. We can all do more every day to make sure all the women affected know that we are on their side and fighting for them. I pay tribute to the WASPI campaign in Glasgow, which is doing so much to achieve that. I was proud to go to the demonstration in George Square last year, but there were not 23,000 people there that day. This is the tip of the iceberg. The women
are finding out not from the Government, but through the WASPI campaign, social media, their families and friends and their own networks. That is the sad thing. The campaign is great, but it demonstrates how much these women have been let down.

One woman I must mention—or I will be in serious trouble—is my mother-in-law. She has worked all her life and has had the goalposts moved not once but twice, with loss of access to her pension for six years. She had planned and worked hard for her pension and it is hugely disappointing that the Government have left her in this situation.

Ian Blackford: One thing that annoys me is that the Government keep saying that no woman has suffered an increase in their pensionable age of more than 18 months. That is patently not true. As my hon. Friend has just said, some women have seen a six-year increase in their pensionable age. The Government should start telling the truth.

Alison Thewliss: My hon. Friend is absolutely right, and I commend his campaigning on this issue. Women have been cheated and it is entirely unfair. The Government expect many of them to seek work. I met a constituent outside Bridgeton Jobcentre a few weeks ago when campaigning against its closure. She was 62 and she was in absolute pieces because she had been called to the jobcentre. She had moved between employment support allowance and jobseeker’s allowance. She is not fit to work. She had been through a traumatic experience. Her daughter had died. She has poor physical and mental health and she told me about her pension age, which has added insult to injury. She has been through enough in her life. She deserves peace of mind and time to enjoy the retirement she should have.

Instead, at the age of 62, the Government expect that woman to go out and seek work, which, given the condition she is in, is pretty unlikely. Having spoken to her, I cannot see that many employers would consider her a good employee prospect, given her circumstances and the experience she has had in life. What employer will say, “Yes, we will take her on. She may be here for a couple of years, if that, because her health is poor, so she might not be here for long.”? Sadly, she is not a good prospect. She has worked all her life and she is tired. She is done and she deserves the time and peace she thought she would have. She deserves a dignified retirement.

Life expectancy in the east end of Glasgow is significantly lower than in other parts of the country and other parts of Glasgow. On the train from Bridge to the west end, there is a huge gap of eight to 10 years in the life expectancy of people on the same train line because the heavy industry and its legacy has meant that some women have suffered ill health all their lives. Some have suffered as a result of the industries their husbands worked in. Women were expected to launder their husband’s clothes and have suffered asbestos-related conditions. That has not been recognised well enough. These women have worked very hard and they deserve a dignified retirement.

Mims Davies (Eastleigh) (Con): I congratulate the hon. Member for Newcastle upon Tyne Central (Chi Onwurah) on securing this important debate. I, too, have WASPI women in my constituency with poorer health and shorter lives who are worried about their future and have health inequalities or caring issues.

The Government have looked at transitional arrangements and want to provide dignity in old age. However, I am slightly concerned that the tone of this debate is writing off women at the age of 62 from having hope and opportunity. I have met some great women in my constituency surgeries who, with help and support, have found opportunities. I am looking for some balance in the argument, much as I have great sympathy with many of my constituents.

Alison Thewliss: The hon. Lady is correct. Some women are able to work, want to work and do work. Some do not want to retire, but want to keep working, and that is great for them. I knew women when I was a councillor for eight years before becoming an MP who want to work, are part of their community and want to contribute. That is fine if they are able to, but not all women are able to. We must think of them and look after them all the more, because they have given so much during their lives.

Chi Onwurah: The hon. Lady is absolutely right. Some women have had opportunities stifled throughout their lives. They were not given the chance to go off and have the careers they wanted. My grandmother was forced to leave school. I have her school report and she was one of the brightest in her class, but her family said she had to go out and work and not stay on at school or go on to further education.

That has been the life path for many women. It is what they have done. During their working lives they have not spent as much time as they would have liked with their children, but they saw their retirement as an opportunity to get that back, to look after their grandchildren and to enjoy that experience instead of being forced to go out to work at all hours to try to bring in a wage. The Government should at least acknowledge the impact of that, particularly on families in poorer areas where childcare is not as available or is too expensive. These are women who were hoping to make a contribution to their families, providing childcare so that their children could go out to work and bring in an income.

We need to think about the contribution those women have made to society in the round and the debt we owe them. I urge the Government in the Budget in a few weeks to see what transitional arrangements can be put in place and what can be done to give those women the fair retirement they deserve.

3.37 pm

Ian Blackford (Ross, Skye and Lochaber) (SNP): It is a great pleasure to serve under your chairmanship, Mr Fello. I thank the hon. Member for Newcastle
upon Tyne Central (Chi Onwurah) for securing this debate and putting across vividly the impact on women in her constituency. My hon. Friends the Members for North Ayrshire and Arran (Patricia Gibson) and for Glasgow Central (Alison Thewliss) spoke about the human cost of what has happened and the fact that so many women have been denied what is rightfully theirs.

I dearly wish that none of us were here today because the case has been made time after time, and it is time that the Government started to take notice. The phrase, “doing the right thing” has been used, but when reflecting on all that has gone on, not just all our debates but the 245 Members of Parliament who have lodged petitions on behalf of the WASPI women, the Government must respond to the pressures those women have been under.

What we cannot get away from is that the women rightly feel let down and that they have not had adequate communication. The point has been made, and no one disagrees that equalisation should take place, but it must happen fairly. This affects so many women—2.6 million throughout the UK and 243,900 in my own country of Scotland. Many of those women are working-class and have faced particular pressures. There is an opportunity here today for the Government to admit that a wrong has been done and that effective notice was not given of an increase in pensionable age, and to recognise that the process of increasing pensionable age must be slowed down. It must be slowed down before it is too late.

I want to pick up on the issue of a pension being a right. Frankly, I am sick fed up of hearing the Government say that this is not a right but a benefit. They cannot get away with weasel words, because that is all they are, Minister. All these women, including many of the women sitting here and the women from Newcastle upon Tyne Central, have paid 42 years-worth of national insurance contributions. If that does not give them a right to a pension, I do not know what does. It really is about time that the Government accepted their moral and ethical responsibilities and stopped hiding behind the language that this is not a contractual obligation.

As my hon. Friend the Member for North Ayrshire and Arran said, if what has been done had been done by private pension providers, you can bet your boots that the ombudsman would have been involved. You can bet your boots that those pension providers would have been taken to court, so for once, when you stand up this afternoon—I appreciate that you are not the Pensions Minister and are here in another guise. I ask the Minister to recognise that this is not about benefits. It is about women who have paid in, and it is about time that they got their just rewards.

We often hear that the issue is affordability, and the point was made about austerity. The Government cannot run away from the fact that there is a national insurance fund and that fund is sitting, in year 2016-17, with a surplus of more than £30 billion. We have heard about mitigation, and different proposals have been made. We in the SNP have tried to contribute to that by commissioning our own research—the Landman Economics report, which was published last year—and it has been ridiculed and brought into question by the Government.

I have always made it clear that our favoured option, option 2 in the report, which calls for the slowing down of the increase in pensionable age, which would take a further two and a half years, would cost, in the lifetime of this Parliament—I stress “in this Parliament”—an additional £8 billion, but the Government have told us that we are wrong and the figure is £30 billion. The Government should sit down with me and go through our calculations, which are based on the Treasury model. They need to stop traducing the SNP and admit that the £8 billion figure is correct and that they can meet that cost out of the surplus that they have today in the national insurance fund. I say that because the payments into the national insurance fund have come from these women. This is about their entitlement and the fact that in the course of this Parliament, the Government could easily meet that obligation. When will the Government start to listen and actually do the right thing?

Thanks to freedom of information requests, we learnt that the DWP began writing to women born between April 1950 and April 1955 only in April 2009 and did not complete that process until February 2012. It wrote to women to inform them about changes in legislation going back to the Pensions Act 1995, but they had taken 14 years to start the formal notification process. It was 14 years after the legislation had been passed before the Government bothered to write to people. Taking 14 years to begin informing women that a pension that they had paid for was to be deferred is quite something. Can we imagine the outcry if a private pension provider behaved in such a manner? There would be an outcry in this House. Considering that entitlement to a state pension is based on national insurance contributions, the Government have an obligation to act in a fair manner. They have changed the entitlement to something women have paid in with an expectation of retiring at age 60, and when the goalposts were moved, the Government could not get round to informing the women in a timely manner.

A woman born on 6 April 1953, who under the previous legislation would have retired on 6 April 2013, would have received a letter from the DWP in January 2012 with the bombshell that she would now be retiring on 6 July 2016—three years and three months later than she might have expected, but with only 15 months’ notice. We are talking about 15 months’ written notice that what she thought was a contract the Government had willingly ripped up. That is exactly why the Government have a duty to act: women born in the 1950s have not been fairly treated.

The lawyers Bindmans have published a guide to DWP maladministration in the WASPI women’s case, and let us be in no doubt that it is maladministration that we are talking about in this instance. The paper is a damning indictment of a failure to communicate effectively and directly with the women involved. It refers to the events that led to a change in women’s pensionable age, beginning with a White Paper in December 1993 that stated:

“In developing its proposals for implementing the change the Government has paid particular attention to the need to give people enough time to plan ahead and to phase the change in gradually.”

There is not much there I would not agree with, but when we accept the need for people to plan ahead, we need to write and tell them. The intent was there in the White Paper in 1993, yet it was 2009 before the Government acted.
Then there is the issue of phasing in gradually. I would not define that as increasing women’s pensionable age by three months for each month that now passes. The pensionable age will increase by three months in the month of February and by another three months in March. That is not gradual. It is scandalous that women’s pensionable age is increasing so rapidly. It is not within the spirit of what the Government outlined in their original White Paper.

In October 2002, while giving evidence to a Select Committee, the DWP suggested that the role of the state was

“to provide clear and accurate information about what pensions will provide so that people will understand how much they can expect at retirement before it is too late to do something about it”.

How does the statement “before it is too late to do something about it” equate with the 15 months’ notice that women were given? It was far too late, and the DWP must accept that women were not given appropriate notice, and must put in place mitigation. I might add that it was stated that the lead-in time in the original White Paper in 1993 allowed plenty of time for people to adjust their plans, but people can do so only if they are aware of it.

We also had the DWP public policy statement from March 2002, which stated:

“It is widely accepted that the department has a duty to give information or advice to inform the public about any new policies and developments that may affect them and crucially keep them informed on a continuing basis on their rights and responsibilities. It would be unreasonable for the department not to do this.”

I could not agree more. Where, then, were the letters to the women to inform them of the changes? This was 2002. The DWP has to take responsibility for that failure to communicate and, crucially, for the lack of time that women have had to prepare for an increase in their state pension age. Rather than recognising that women deserved to be communicated with directly, the DWP issued leaflets headlined “Equality in State Pension Age”. Can anybody in this Chamber remember those leaflets? No? I did not think so. I do not recall seeing them.

Mark Pawsey (Rugby) (Con): You’re not a woman!

Ian Blackford: It is interesting that a Government Member is actually laughing about this, because that defines what the problem is. There are women who are really struggling, and the Government laugh. You should apologise and you should accept responsibility for this and stop demeaning the women—

Robert Fello (in the Chair): Order. The word “you” refers to the occupant of the Chair.

Ian Blackford: I apologise, Mr Fello, but you can understand the anger that the women feel. A Member of Parliament on the Government Benches laughing when we are discussing this important issue is beneath contempt, and the Member should actually stand and apologise to the women who have been affected by this, rather than sitting there smugly as he is.

As I mentioned, it is no surprise that women were unaware of the changes because when the DWP commissioned research in 2004 it highlighted that only 2% of respondents mentioned that they had been notified of changes to the state pension age via a leaflet. Perhaps the hon. Member for Rugby (Mark Pawsey) wants to rise and try to defend that—quite frankly, it is indefensible. It is an insult that the Government at the time thought that changes affecting a woman’s retirement age could be dealt with by a leaflet. That is an abrogation of responsibility and each and every Member who refuses to do something is culpable.

We should all receive an annual statement from the DWP on our expected entitlement, just as we do from private pension providers. Why has that not been happening? Do the Government not know where we all live? [Laughter.] It is a fair question. Why were the women not written to? Why have we not had an answer to that question? Why did it take all the years that it did? The case is not defensible—it is shameful—and the way the Government still refuse to accept responsibility is shameful.

The failure to communicate was highlighted by a DWP publication in 2004 called “Public awareness of State Pension age equalisation”, which found that only 43% of all women affected by the increase in state pensionable age were aware of the impact on them. If the Government accept that women were not informed in a timely manner and therefore did not have time to react, why do the Government not accept their responsibilities?

We also know—you couldn’t make this up—that the Government sent out 17.8 million letters to men and women between May 2003 and November 2006 on automatic state pension forecasts but, wait for it, they did not contain any information about the state pension age. That is quite remarkable. Letters were written, but they were just the wrong letters—they did not have the important information. They said, “To find out more about the state pension age for women, please see ‘Pensions to wind up because I realise that time is pressing. Research in 2011 by the English Longitudinal Study of Ageing found that by 2008 only 43% of women affected by the change were aware of it. Just think about this: over half of women who were expecting a pension at age 60 were going to be denied that. I cannot imagine getting what they thought was rightfully theirs. It is not the women who are at fault; they have paid in, expecting a pension. It is the Government who have let them down and it is the Government who have a moral and ethical responsibility to do something about it.

Mr Jim Cunningham (Coventry South) (Lab): Will the hon. Gentleman give way?

Ian Blackford: I will happily give way.

Robert Fello (in the Chair): Order. May I gently suggest to hon. Members that, while I appreciate that there has been other business in the Chamber, we are on the wind-ups and Members really ought to be here for the debate rather than coming for the wind-ups? I will allow...
my hon. Friend a very brief intervention on this one occasion, because I am sure he has been in the Chamber previously up until now, but I remind Members that they really need to be in for the entirety of the debate.

Mr Jim Cunningham: I will be very brief. I apologise, Mr Fello; I was actually over in the Chamber because there were some important debates there as well and I cannot be in two places at once even if I would like to be. This is a timely debate because next month we will have the Budget. If the Chancellor can find billions for high-speed rail and other issues, surely he can find a couple of billion to give these women a decent life.

Ian Blackford: That is a very good point. We can find the money for high-speed rail. We can find, at the drop of a hat, £170 billion or more for Trident renewal. We are even due to debate the renewal of this place. If I were given a choice, I would want to make sure that the WASPI women were compensated and not that £7 billion was spent on reforming this place. That can wait, but the WASPI women need their money and they need it today.

The DWP told the Select Committee on Work and Pensions last year:

“Until 2009, direct communication with people affected by increases in state pension age was very limited.”

The Government must reflect on that and on the fact that women have not been properly informed. The Pensions Minister, in a parliamentary answer to me on 23 November last year, stated:

“The Government has committed not to change the legislation relating to State Pension age for those people who are within 10 years of reaching it. This provides these individuals with the certainty they need to plan for the future. We recognise the importance of ensuring people are aware of any changes to their State Pension age”.

We have put an option to the Government that is affordable and is about doing the right thing. The Government should agree with us. Frankly, I do not want to see any of us back here again. It really is about time that when the Minister rises today, she recognises the wrong that has been done. For the love of God, do something—do the right thing.

Robert Fello (in the Chair): Order. May I remind the Front-Bench speakers that in 90-minute debates it is customary to make 10-minute speeches? I am being more generous because we are not so pushed for time, but 10 minutes is expected and not what we just had. Thank you.

3.55 pm

Carolyn Harris (Swansea East) (Lab): I thank you, Mr Fello, for your excellent chairmanship—very stern, but firm. I thank my hon. Friend the Member for Newcastle upon Tyne Central (Chi Onwurah) for securing this vital debate, which is so essential for securing a dignified retirement for some 2.5 million women. Her speech was factual, relevant and presented the arguments succinctly. I also congratulate the hon. Members who are here from the SNP for their elegant speeches and the contribution they have made today.

The injustices currently being experienced by women born in the 1950s at the hands of the Government are a travesty and it is right that they are discussed here today and at every other given opportunity. We must not allow this Government to turn a blind eye. Today it is especially poignant that the debate focuses on working-class women who are feeling the effects of this injustice so acutely. Many of the women have no savings and are likely to be working in physically demanding jobs. I am of an age that means I need to work a lot longer than I originally intended, but I am very fortunate—I have a clean job that involves a lot of sitting down. When I was in my 30s I was a dinner lady in a special school. That involved lifting children and young people, to allow them to go to the bathroom or have their lunch, and all the other things that have to be done for children with special needs. I could not do that job today; I physically would not be able to do it. There are women today doing heavy jobs, not for the luxuries of life but to live life.

There are those of us on this side of the House who are passionate about helping these women, and indeed there are also some on the Government Benches who lobby for fair play and justice for them. I hope that efforts to date have been frustrated by the Government’s reluctance to engage in productive dialogue. At the end of last year, Labour’s suggestion to extend pension credit to those who needed it was turned down by the Secretary of State and his Pensions Minister. That would have extended support to hundreds of thousands of the most vulnerable women.

Our suggestion that the Minister set up a special proactive helpline for the women affected to ensure that they all had access to the social security system, which is claimed to be sufficient to meet their needs, also went unheeded. Perhaps the Minister needs reminding of the hardship that the poorly managed changes that this Government have put in place have caused to more than 2.6 million WASPI women. The Minister argues that the social security system will step in to support women struggling to make ends meet as a result of the changes. May I remind the House that that is the same social security system that this Government have 10 years savaging, with swingeing cuts to universal credit and employment and support allowance alongside sharpened conditionality measures in a punitive and discredited work assessment system?

In our work to support the WASPI women and WASPI Voice we have heard from many women who have been left in dire straits by the pension age changes but cannot obtain sufficient social security support. I hear every day, as I am sure many Members do, of hardship cases that are beyond belief—women going to food banks, women losing their homes, women being forced to move in with their children because they cannot afford to live in their own homes. One woman whose pension age was moved back and could no longer afford to pay the rent has spiralled into debt and is on the verge of losing her home. Another is struggling to make ends meet as a result of the changes.

By now, most Members of this House will have heard of similar cases—repeated reminders of the Government’s failure. Thankfully, an army of campaigners are now planning to work with us to keep the pressure on the
Government. Those groups stand shoulder to shoulder in the message that this Government have got it wrong and should reconsider. The two main campaigning groups, Women Against State Pension Inequality and WASPI Voice, both agree with equalisation of the state pension age: where they differ from the Government is on the means by which that should be achieved.

Lessons must now be learned from the failure to communicate the changes to state pension timetables to those affected. However, that does not go far enough as a means of redress. Fair transitional arrangements should be put in place to support the most vulnerable. The Opposition have suggested plans, but the Government have dismissed all suggestions of measures for amelioration. One of the WASPI campaign groups has decided to mount a legal action against the Government; its representation is preparing to pursue maladministration complaints against the Department for Work and Pensions. Labour proposals call on the Government to extend pension credit to those who would have been eligible under the 1995 timetable, so that women affected by the chaotic mismanagement of equalisation will be offered some support until they retire.

Chris Elmore (Ogmore) (Lab/Co-op): I beg your indulgence, Mr Flello; I have been serving in a Bill Committee as the Opposition Whip. On the point about fairness, my hon. Friend will be aware that last week, on the Floor of the House, I asked the Prime Minister about my constituent Dianah Kendall and the impact of the state pension age changes on her life. The Prime Minister’s response was that no woman would wait longer than 18 months, but the reality is that many women will wait five, six or even seven years. That does an utter injustice to what she said on the Floor of the House.

Carolyn Harris: I repeat my previous comments about chaotic mismanagement; it obviously goes to the top.

Our proposals would make hundreds of thousands of WASPI women eligible for up to £156 a week, but we will not stop there. We are developing further proposals to support as many WASPI women as possible. We are considering proactive ways to support the most vulnerable now. The proposals will be financially credible, based on sound evidence and supported by WASPI women.

It was disappointing that the Government did not use the opportunity provided by the autumn statement to do anything to support those women. It was equally disappointing that our amendment to the Pension Schemes Bill, which would have implemented our pension credit proposals immediately, was unsuccessful. My party believes in standing up for the most vulnerable, which is what we are doing today and will do tomorrow, the day after, next week and next year. We will continue to support the WASPI women in this fight. I made a personal promise in the Chamber to raise this issue at every opportunity, and I stand firm in that commitment. My party and I call on this Government to stop burying their heads in the sand and do the right thing by these women. Give the women affected the respect that they deserve: act now and rectify this injustice.

4.3 pm

The Parliamentary Under-Secretary of State for Work and Pensions (Caroline Nokes): It is a pleasure to serve under your chairmanship, Mr Flello. I congratulate you on having chaired this debate in a fair and exemplary manner, and for allowing those Members who were busy elsewhere in the House this afternoon the opportunity to speak, even if just briefly in an intervention. Important debates have been taking place this afternoon, and important work has been done in Bill Committees.

It is only right that I should take this opportunity to thank the hon. Members for Ross, Skye and Lochaber (Ian Blackford) and for Swansea East (Carolyn Harris) for being here. I know that they have been much occupied with the Under-Secretary of State for Pensions, my hon. Friend the Member for Watford (Richard Harrington) in the Pension Schemes Bill Committee, which explains why I am here instead of him. I thank the hon. Member for Newcastle upon Tyne Central (Chi Onwurah) for opening the debate and hon. Members from all parties—and all parts of the British Isles, with the exception of Northern Ireland—who have contributed. It is most unusual for the hon. Member for Strangford (Jim Shannon) not to be present.

In recent decades, there has been a huge shift in how people spend later life. We are living longer, staying healthier for longer and leading far more active lifestyles, regardless of our age. More and more people are proving that age need not be a barrier to achieving great things. Some of the Olympians whom we sent out to Rio last summer were among the oldest athletes on record. I, for one, celebrate the fact that age increasingly places no bounds on those wishing to achieve new goals, try new things and play an active part in society.

The new state pension was introduced as a key reform to the UK pension system. The Government recognised that the pension system needed to change in response to the demographic and behavioural shifts of recent decades. For most people, we know that work is beneficial. It not only provides an income and a bedrock for saving, giving people greater control over their lives but crucially, the evidence shows that for most people, being in work can be immensely beneficial for both physical and mental health. The social and cultural benefits of remaining in work are sorely under-recognised. This Government’s pensions strategy does not focus only on the benefits to people. We know that the skills, experience and talents that older workers bring to organisations are invaluable. Older workers still have an incredible amount to offer.

It is also true that the living standards of pensioners have risen significantly, but we must remember that not all pensioners are in the same position. More than 1 million pensioners rely solely on the state for their income. That is why we introduced the triple lock in 2011 and have committed to continuing it over this Parliament. As well as guaranteeing increases to the state pension, we have fundamentally reformed it. Under our reforms, people will have a much better idea of what their pension will be, bringing more certainty and clarity where previously there was confusion. That design is integral to the Government’s ambition to provide a better foundation on which people can plan and build for a secure retirement. We want to make life easier and more comfortable for people in retirement.

Ian Blackford: How can people plan and build for retirement with 15 months’ notice of an increase in their retirement age?

Caroline Nokes: The hon. Gentleman will of course know that I am referring to the new state pension. That is exactly why we are introducing it, so that people have
[Caroline Nokes]

more certainty and clarity than previously. As well as being simpler, the new state pension will give more to many of those traditionally less well served in the past. By 2030, around three quarters of new pensioners will get a higher state pension than if the old system had continued. More than 3 million women will get around £550 more each year. It is estimated that women reaching state pension age in 2016-17 will receive more state pension on average over their lifetime than women ever have before. We have also created new pension freedoms that mean that savers have more control over their money and can use it in ways that suit them. In the new pensions marketplace, we are helping people make the right decisions for them through things such as Pension Wise, which provides free, impartial information.

I am pleased that Members from all parties agree that it is right that we have equalised the state pension age for men and women. It is part of the DWP’s wider objective of eliminating gender inequalities in social security provision.

Patricia Gibson: Does the Minister believe that the women whom we are debating were given sufficient notice to make correct and proper plans for their retirement?

Caroline Nokes: If the hon. Lady will give me time, I will come to exactly that point later in my contribution.

It is important that we all recognise that the age at which we receive the state pension must rise. Life expectancy continues to rise, and it is a key priority for this Government to ensure the long-term sustainability of the pension system. For that reason, the Government have introduced regular reviews of the state pension age. The issue is also likely to feature heavily in the Cridland review, which will be published in the coming months.

We recognise that employment prospects for women have changed dramatically since the state pension age was first set in 1940, especially for the women affected by the acceleration of the state pension age. Alongside the age increases under the new state pension, we have made huge progress in opening up employment opportunities for women and older workers. Since the 1970s, women have seen repeated increases in employment rates in later life compared with their male counterparts. The number of older women aged 50 to 64 who were in work in 2016 stood at more than 4 million, which is a record high. Approximately 150,000 more older women are in work than this time last year.

Carolyn Harris: Does the Minister acknowledge that women who are currently in work may be there not because they want to be, but because they have to be?

Caroline Nokes: The hon. Lady makes a valid point, but I would argue that there are also many men, and indeed many younger people, who have to be in work. We want to encourage more people to be in work and to play their part in society. As I said earlier, work is an important part of wellbeing. Work in itself provides emotional, physical and mental wellbeing effects.

The rate of employment for women aged between 60 and 64 is more than 40%—another record high.

[Interruption.]

Chi Onwurah: Will the Minister give way?

Caroline Nokes: Well, I might if there were not a little private chat going on at the front of the Chamber. Still, I acknowledge that the hon. Lady is no part of that, so I give way.

Chi Onwurah: So far, the Minister’s contribution has not really reflected what this debate is about. I remind her that I asked her five specific questions and that I observed that this is a debate about working-class women. She has yet to use the word “working-class”; I hope she will before she sits down.

Caroline Nokes: I draw the hon. Lady’s attention to the specific title of the debate, which I believe I am covering: “That this House has considered the effect of state pension changes”. I have dealt with the new state pension thoroughly, and I hope that we will all acknowledge that we have indeed had a significant change with the introduction of the new state pension.

Ian Blackford: On a point of order, Mr Fello. I suggest, with regret, that we have not actually discussed the motion in front of us today. Unless the Minister does that in the short time that she has available, when we come to the appropriate point in the debate I will have no option but to move that we have not considered this matter.

Robert Fello (in the Chair): I am not totally convinced that that was a point of order. Let us see how the debate continues.

Caroline Nokes: I hope you will forgive me, Mr Fello, if I take the opportunity to ask you for some advice. Do I have another 18 minutes or so? I certainly have several pages still to get through.

Robert Fello (in the Chair): Indeed, although I would like to be able to call the mover of the motion for a minute or so at the end.

Caroline Nokes: Sixteen minutes, then.

In addition, independent research by the Institute for Fiscal Studies has shown that employment rates for women aged 60 and 61 have increased as a direct result of the changes in state pension age.

Ian Blackford: I must respectfully ask the Minister whether she has any idea of the disrespect that she is showing to the WASPI women by refusing to directly address the point that we are discussing. It has been pointed out that women have not been given effective notice. What are the Government going to do about it?

Caroline Nokes: I thank the hon. Gentleman for making another intervention, but he will be aware that I have 15 minutes in which to come to that point, and I have really only just begun.

The Government recognise the particular barriers that women face to remaining in the workplace and we have been quite clear that more action is needed to address them. For instance, we know that women with more children tend to take longer career breaks, which can impact on their retirement income. We also know...
that giving women the opportunities they need to continue working in later life, whether in a full-time or part-time role, is the best way in which we can help mitigate some of that impact, while of course making provision for those who may be unable to work or may have difficulty working. It is interesting to note that someone who draws on their pension pot at 65 instead of 55 and continues to receive average earnings for those extra years of working could increase their pension pot by half as much again. That is why we plan to do everything we can to change attitudes towards employing older female workers.

On a recent visit to the jobcentre in Eastbourne, I was struck by something that was said to me by a work coach who I met there. It was her view that women aged over 50 and seeking work were the most optimistic of the people she worked with and tried to place into jobs. It was that cohort who were the most open-minded and enthusiastic about trying new roles and learning new skills. My hon. Friend—and, indeed, neighbour—the Member for Eastleigh (Mims Davies), who is no longer a Member for Eastleigh (Mims Davies), who is no longer with us—is certainly right to point that out. Women aged 65 who worked in higher managerial and professional occupations had a similar life expectancy at 65 to men. Life expectancy also varies in professional occupations. Life expectancy also varies across regions—the hon. Lady was correct to point that out. Women aged 65 who worked in higher managerial and professional occupations are expected to live more than three years longer than those in routine or manual roles; for men, that difference is greater, at four years. However, women in manual occupations have a similar life expectancy at 65 to men in professional occupations. Life expectancy also varies across regions—the hon. Lady was correct to point that out—but it would be wholly impractical to vary state pension age across the country.

The fuller working lives strategy aims to increase the retention, retraining and recruitment of older workers by bringing about a change in the perceptions and attitudes of employers and by challenging views of working in later life and retirement among individuals. As part of the strategy, the Government are taking account of the fact that people change jobs over their lifetimes. It is now extremely unusual for people to stay in one career throughout their entire working life.

Patricia Gibson: Does the Minister have anything to say to the women who are watching today, in the Gallery or at home, about the lack of notice that they were given and about how that has upset their retirement plans and put them in dire financial straits?

Caroline Nokes: I reassure the hon. Lady that I will come to that point.

The fuller working lives strategy adopts a very new approach: it is led by employers, who rightly see themselves as the ones who understand the business case and can drive change. Specifically to support older claimants, the Department for Work and Pensions has introduced older claimant champions from April 2015 across each of its seven Jobcentre Plus groups. It plans to roll the initiative out to each of the 34 districts. These champions will work with work coaches and employers to raise the profile of that age group and highlight the benefits of employing older jobseekers. In addition, the Government Equalities Office continues to work with the Women’s Business Council to tackle the outdated assumptions that some employers make about women, particularly mothers.

In “Building our Industrial Strategy”, our Green Paper published last month, the Government set out how we will test ambitious new approaches to encourage lifelong learning to help adults who want to upskill or move around the labour market during their career. However, we recognise that some women may wish to continue to work and are unable to do so, so we continue to spend £90 billion a year on working-age benefits in this country. The welfare system provides a safety net for those of working age, and there are a range of benefits tailored to individual circumstances. The system is designed to deal with the problems, such as unemployment, disability and coping with caring responsibilities, that affect those who are unable to work and are therefore in most need as they approach their state pension age.

Ian Blackford: I suggest to the Minister that she should stop wasting everybody’s time and concede that she is not going to do anything, so that the WASPI women can get on with legal action and take the Government to court.

Caroline Nokes: I am sorry that the hon. Gentleman has become so frustrated. He will be conscious that I could still fill another nine or 10 minutes or so. There are some very important points that I would like to make and I am sure that people will want to hear them. If he continues to chunter—[ Interruption. ]

Robert Felloo (in the Chair): Order. Continue, Minister.

Caroline Nokes: Thank you, Mr Felloo.

As I was saying, that is why we continue to spend £90 billion a year on working-age benefits to assist those in this country who are unable to work. For those
seeking work, people in receipt of working-age benefits can access a range of support from Jobcentre Plus and tailored support from the Work programme.

Specifically, the evidence is clear, and we as a Government are clear, that work is the best route out of poverty. That is why this Government’s approach has been about recognising the value and importance of work, to make work pay and to support people into work, while protecting the most vulnerable in society.

Our reforms are transforming lives. Today’s labour market statistics show that we continue to have a record number of people in work—over 2.7 million more than in 2010. The number of workless households is down by 865,000, and the percentage of households in the social sector where no one works has fallen from 49% to 38%, which is a decrease of nearly 350,000 households.

We have made a real difference for women, with more than 1 million more women in work since 2010 and the highest rate of female employment on record. The gender pay gap is also at its lowest level since records began, and there are now 1.2 million women-led small and medium-sized enterprises, which is more than ever before. We are rightly proud of our record but recognise that there is more to do.

We had to equalise state pension age to eliminate gender inequalities in social security provision—it is the right thing to do—and we had to accelerate this process due to increases in longevity, in order to protect the long-term sustainability of state pension provision in this country.

We know that whenever things change, there have to be dividing lines, and I understand that the changes are most stark for those closest to the line. That is no different in this case. We understand that and the Government listened to the concerns expressed at the time. Therefore, a concession worth more than £1 billion was introduced, despite the fiscal situation, to lessen the impact of the changes on those worst affected. The concession reduced the delay that anyone would experience in claiming their state pension and benefited almost a quarter of a million women.

However, going further than that simply cannot be justified, given that the underlying imperative must be to focus public resources on those most in need. I have listened to Opposition Members, and I have heard and understood their concerns. However, let me be clear—we are making no further concessions on this issue. As well as being unaffordable, reversing the Pensions Act 1995 would create an anomaly, whereby women would be expected to work for less time than they work now, and it would be discriminatory to men. It is not practical to implement.

John Cridland’s independent report on state pension age will consider wider factors that should—

Chi Onwurah: I certainly thank the Minister for finally coming to matters that are relevant to this debate and the people here. However, does she recognise the point that because the women we are discussing today started work earlier—at the age of 15, which is long before she or I started work—they are the generation who are working longer than any other generation? When she says that giving a further “concession” would mean that they ended up working for less time than other women, does she not recognise that they have worked, and are working, for longer?

Robert Fello (in the Chair): Just before I call the Minister to continue, may I suggest that she perhaps speaks for only a couple more minutes?

Caroline Nokes: The hon. Lady also needs to reflect that these women are also living longer; we are all living longer.

As I was saying, the Cridland independent report is coming forward and will be published in March. It is part of the Government’s review of state pension age, which is due in early 2017.

Patricia Gibson: The hon. Member for Ross, Skye and Lochaber has been quite forceful on this subject. He made the point that there were about 14 years between the decision being made and letters starting to go out. When he refers to “this Government”, I remind him that for the bulk of that time my party was not in Government, and if he wishes to lay the blame for a lack of communication, he might do well to direct it somewhere else.

We have continued this country’s long record of raising the living standards of pensioners, through our commitment to the triple lock and our reforms of the state pension, and we are revolutionising the world of private pensions through auto-enrolment, which is for everyone. However, we want continue our work aimed at providing older workers with greater choice and greater security in retirement, which is at the heart of our fuller working lives strategy. The results speak for themselves. We not only continue to increase the employment prospects for women above the age of 60 drastically, but the new state pension provides people with greater freedom and greater choice, and dignity in retirement.

Robert Fello (in the Chair): I call Chi Onwurah to wind up the debate.

Chi Onwurah: Thank you, Mr Fello, for calling me to speak again, and I congratulate you on your excellent chairing of this debate—if, indeed, we can call it a “debate”.

I thank the hon. Members from the Scottish National party and from my own party, in particular the shadow Minister, my hon. Friend the Member for Swansea East (Carolyn Harris), for their contributions, and for highlighting the experiences of so many hundreds of thousands—indeed, millions—of WASPI women; the poverty they have experienced and, indeed, the betrayal that so many of them feel at the tearing-up of the contract between state and citizen.

While I thank the Minister for including some relevant parts in her contribution, they were relevant only inasmuch as they made clear the Government’s total lack of
understanding of the experience of WASPI women, and that no further “concession”—as the Minister chose to call it, whereas I would call it basic justice—would be offered.

I also observe that the Minister went through her entire contribution without mentioning “working-class women”, which is in the title of the debate. These women have worked the longest and suffered the greatest indignities in facing challenges that the Minister and I know nothing of, with regard to discrimination, poverty and lack of opportunity. That the Minister, from her privileged position, should nevertheless refuse to offer any kind of support or consideration to the great women of this country, who have worked so hard and deserve so much more from this place, I find absolutely unbelievable. Indeed, Mr Fjello, I will sit down before I am forced to be disorderly in my condemnation of the Government’s position on this issue.

Question put,

That this House has considered the effect of state pension changes on working-class women.

The Chair’s opinion as to the decision of the Question was challenged.

Question not decided (Standing Order No. 10(13)).

4.27 pm

Sitting adjourned.
Westminster Hall

Monday 20 February 2017

[Mr Charles Walker in the Chair]

President Trump: State Visit

4.30 pm

Mr Charles Walker (in the Chair): This is a very over-subscribed debate. If all hon. Members stick to five minutes and do not take too many, if any, interventions, everybody should get in.

I remind those in the Public Gallery that this is a Chamber of the House of Commons. By all means listen and observe, but if there is any off-stage noise, I will suspend the sitting and clear the Public Gallery.

4.31 pm

Paul Flynn (Newport West) (Lab): I beg to move,

That this House has considered e-petitions 171928 and 178844 relating to a state visit by President Donald Trump.

It is a pleasure to serve under the chairmanship of such a distinguished parliamentarian, Mr Walker. I thank the Petitions Committee for allowing me to introduce the petitions. There has been a great deal of misunderstanding about their nature. One of them, which has been signed by more than 300,000 people, states:

“Donald Trump should be invited to make an official State Visit because he is the leader of a free world and U.K. is a country that supports free speech and does not believe that people that oppose our point of view should be gagged.”

The other petition, which has gained the remarkable total of 1,850,000 signatures in a few days and which has been much misunderstood, states:

“Donald Trump should be allowed to enter the UK in his capacity as head of the US Government, but he should not be invited to make an official State Visit because it would cause embarrassment to Her Majesty the Queen.”

That is a fascinating prospect. The first petition suggests that cancelling the state visit would in some way deprive President Trump of his ability to speak freely, when in recent days we have had a ceaseless incontinence of free speech from him—the man is everywhere, 24 hours a day, seven days a week. The other petition is saying not that he should not come here—he should come here, on business or other matters—but that he should not be accorded the rare privilege of a state visit.

Only two Presidents of the United States have been granted a state visit since 1952, yet we are in the extraordinary and completely unprecedented position in which, seven days into his presidency, President Trump has been invited to have the full panoply of a state visit. We can dwell on the reasons for that, but they are nothing to do with the fact that we in this Chamber all hold in great respect the United States’s presidency, constitution and presidential history, which is part of our history. We know how closely our cultures have melded together in the arts—in entertainment, film and cinema we are merging almost into one nation—but we have a direct interest in the presidency of the United States because the President is also the leader of the free world.

Alex Salmond (Gordon) (SNP): Does the hon. Gentleman interpret desperation as the reason for the invitation after seven days? If he can see desperation for a trade deal, does he think that President Trump might be able to detect it as well?

Paul Flynn: That word comes to mind when we think of the circumstances of our beleaguered Prime Minister. She is in the great predicament of being the bridge burner who is destroying the bridges between us and Europe. We were told of the possibility of Brexit bumps in the road ahead, but there might turn out to be a Brexit sinkhole into which our economy might plunge in freefall. She had a difficulty: could the bridge burner be the bridge builder? She made an attempt to present herself as someone who was going to act as the link between the presidency and Europe, but as the President of Lithuania quite rightly pointed out, we do not need a link, because we are in constant contact with President Trump through his incessant tweets.

Mark Pritchard (The Wrekin) (Con): Does the hon. Gentleman agree that although some of President Trump’s views on women, on race and on religion are very distasteful indeed, the special relationship between the United Kingdom and the United States of America goes beyond any individual who might happen to occupy the White House at any particular time?

Paul Flynn: I agree entirely. I know that from my own life; my father’s life was ruined by the first world war, and I remember being a child at school during the second world war and seeing the empty desks of children who had been killed by the bombs. We were very grateful for the United States at that time, and we remain grateful. Europe is right to remember that and to recall our gratitude. No country in the whole world has sacrificed the blood of its daughters and sons for democracy in other countries more than the United States.

There is no question of any disrespect towards the United States, but there is a great feeling of concern, which has welled up in this petition. The day after the inauguration, 2 million people, mostly women, marched on the streets of America and 100,000 people marched in this country. It was an expression of fear and anxiety that we had someone like this in the White House wielding such enormous power. The President’s power is enormous, but unfortunately his intellectual capacity is protozoan. We are greatly concerned about the extraordinary actions he has taken. He has blundered into frozen conflicts around the planet that needed delicate handling; they needed the microsurgery of decisions such as those that have been taken in the past by statesmen. He has gone in and caused problems in every area in which he has become involved: the South China sea, Ukraine, and Israel-Palestine.

Paula Sherriff (Dewsbury) (Lab): Does my hon. Friend agree that the expression “grab ‘em by the pussy” describes a sexual assault and therefore suggests that President Trump should not be afforded a visit to our Queen?

Paul Flynn: I entirely agree. President Trump’s manner and behaviour throughout the election period were greatly worrying, and his extraordinary reaction to his own inauguration was concerning. I believe that it partly provoked the demonstrations that took place.
When he thought he was going to lose, he said that he was going to object to the election on the grounds of fraud, but it is extraordinary for someone to complain when they actually win. He complained about everything. He complained that the rain did not fall—we all saw it fall—and he complained about the number of people in the crowd. He complained and lied about his own result. It is of great concern that the President behaves like a petulant child. How would he behave in a future conflict that might arise?

Mr Jacob Rees-Mogg (North East Somerset) (Con): I am grateful for the hon. Gentleman’s response to Mr Trump’s perhaps ill considered phraseology, but what complaint did he make when Emperor Hirohito, who was responsible for the rape of Nanking, came here?

Paul Flynn: Many people have come here who have been less welcome than others; that is absolutely true. We have had people here who were very unsavoury characters—not from the United States, as it happens—but we certainly should not try to imitate the errors of the past. We should set an example by making sure that we do not make those mistakes again.

As I said, this is a situation of grave concern, and the Prime Minister is in an awkward position. Since the seventh day of Mr Trump’s presidency, things have got far worse. We are now in the 31st day of his presidency. We have seen General Michael Flynn being forced out of office because he could not tell the truth about relations with Russia and could have been a victim of blackmail. That is a very worrying situation, and we know that allegations were made during the election campaign, and as a presidential candidate Trump made an appeal encouraging people to hack the accounts of Hillary Clinton. There may well be a case coming up that will show that the position of the President will be difficult to sustain if he himself is open to blackmail. We also know of the confrontation that took place during the election campaign involving President Obama, who warned that that eventuality was a likely outcome.

Caroline Lucas (Brighton, Pavilion) (Green): A higher percentage of constituents from Brighton signed the petition than from any other constituency and I am proud to represent them today. Many of them have raised not only Trump’s misogyny and racism but his contempt for basic climate science. Does the hon. Gentleman agree that someone who has shown such effrontery to basic climate science is another reason he should not come here on a state visit?

Paul Flynn: It is extraordinary that Trump, from the cavernous depths of his scientific ignorance, is prepared to challenge the conclusions of 97% of the world experts on this matter. He makes a bad science conspiracy theory conclusion when, apart from the nuclear issue, climate change is the most important issue of our time.

On the nuclear issue, Trump is almost unique in that he believes in nuclear proliferation. He is trying to persuade countries such as South Korea and Japan to acquire their own nuclear weapons. We know that the danger of nuclear war exists not because of the malice of nations but because of the likelihood that it will come by accident—by human error, or by a technical failure similar to the one that happened when one of our missiles headed in the wrong direction towards the United States in a recent test. The more nations that have nuclear weapons, the more likely it is that that problem will emerge and we could be plunged into a nuclear war.

The question that the petitioners put as a main point is the situation as far as Her Majesty is concerned. A former permanent secretary of the Foreign and Commonwealth Office, Lord Ricketts, reacted to the invitation by arguing:

“There is no precedent for a US president paying a state visit to this country in their first year”

of office. He is quite right. He said:

“It would have been far wiser to wait to see what sort of president he would turn out to be before advising the Queen to invite him.”

The Queen has been put in a very difficult position, and for that reason alone we should consider this petition, and the Government should consider it, with a bit of humility, to decide what action should take place. They should change the invitation to one for a visit rather than one for a state visit.

Mr Nigel Evans (Ribble Valley) (Con): The hon. Gentleman says that the Queen has been put in a difficult position. I know what a great fan of the monarch he is—indeed, he probably has weekly chats with her. What did she actually say to him to lead him to believe that she found the situation difficult?

Mr Charles Walker (in the Chair): Order. We are not dragging the monarch into this debate. All right, colleagues?

Paul Flynn: I am well aware of the Standing Orders on this matter, but I speak as someone with enormous regard for the Queen. She is my inspiration; she is my example. She is working at an age that is eight years beyond my age, and I will certainly not be so wimpish as to stand down while she continues with her heroic work at her age.

Our main concern is that we are in this position of surrealism, of an Orwellian world that is unfolding before us, where the theme that has been put forward by Trump is that lies are the truth, good is bad, war is peace and fantasy is fact. We see that with the figure of the Trump Big Brother, who is there, ever-present seven days a week and 24 hours a day, preaching from his one source of news—the only voice of truth.

Mr Adam Holloway (Gravesham) (Con): Does the hon. Gentleman agree that, although the proposed ban is clearly completely absurd, there is something quite refreshing about a politician actually doing what they said they would do before they were elected? The ban is ridiculous, but it is a reaction to the chaos caused in the middle east by previous generations of politicians, which in my view is far worse than anything that Trump has done, and for which many of the people in this Chamber voted. Where is the hon. Gentleman’s respect for the will of the American people?

Paul Flynn: The will of the American people has changed rapidly within the last seven days. The position now is—[Interruption.] Well, get the facts. The position
today is that Trump’s standing is at minus 18, which is precisely the level of support held by Richard Nixon on the day that he resigned his presidency. Trump is at rock bottom. He is the least popular American President ever in this country—hon. Members can go through the figures—and rightly has a low level of approval.

What we are doing, and what this debate is doing, is taking notice of what the public say. We will not be in a position where we ignore public opinion or where we seem insensitive to democratic decisions. That was the reason why many of us, with heavy hearts, voted for article 50 last week. We cannot allow, as happened in America, that gulf to appear in this country between politicians and what is seen as public opinion. That led to the election of Trump, and if we ignore what is being said in petitions and do not take action, the public will greet us with the same cynicism, see us as distant and look to elect non-politicians.

The great overarching topic on Brexit and on this issue is that we must maintain respect for politicians, and we must not see an increase in the divisions and in the lack of trust that has existed in this country. During the expenses scandal, our reputation in this House was at rock bottom; now it is subterranean. We have got to work to change it. Andrew Rawsley, a very distinguished journalist, has said:

“Some ministers mutter that the big mistake was to issue the invitation to make an early state visit to Britain, a notion conceived as a way of flattering his colossal vanities. At the very least, it would have been prudent to wait before rolling the royal red carpet. Pimping out the Queen for Donald Trump. This, apparently, is what they meant by getting our sovereignty back.”

Those are the words of Andrew Rawsley, which I am quoting.

Mr Rees-Mogg: On a point of order, Mr Walker. I do not think it is in order to refer to pimping out our sovereign, even if someone is quoting a journalist, however distinguished.

Mr Charles Walker (in the Chair): I am sure that is not what the hon. Member for Newport West (Paul Flynn) meant. What he did mean, when he talked to me a few moments ago, was that he would speak for only 15 minutes. Can we get to the wind-up please, Mr Flynn?

Paul Flynn: Yes, fine, Mr Walker. The wind-up is a simple one. This is a great chance to be here and to start off this debate, but I know there are many people who also have contributions to make on the subject.

We are in a position unlike any faced by any previous Parliament, whereby a person of a unique personality is running the United States. There are great dangers in attempting to give him the best accolade we can offer anyone—a state visit—which, as I have said, has been offered only twice before. That would be terribly wrong, because it would make it appear that the British Parliament, the British nation and the British sovereign approve of the acts of Donald J. Trump.

Several hon. Members rose—

Mr Charles Walker (in the Chair): Order. I call Nigel Evans. There is a five-minute time limit.

4.48 pm

Mr Nigel Evans (Ribble Valley) (Con): Thank you very much, Mr Walker. It is a delight to be under your chairmanship.

I suppose 2016 was a seismic year in many ways. For those of us in the Chamber who actually believe in democracy, I did not actually realise that there were so many different interpretations of it. We have seen that in the last week. In 2015, we had the election of a Conservative Government, which clearly hit a lot of people hard, and then we had Brexit, with which people are arriving to terms or not in their own way. We then had the election of Donald Trump.

I advise anyone who is interested to go to YouTube and find the “Newsnight” video that shows the leading lights of the United States of America, from Nancy Pelosi and George Clooney to Harry Reid and others, all saying that there is no chance that this man will ever become President of the United States, interspersed with footage of the inauguration of Donald John Trump. They sneer when they say it. Why? Right at the end, the video says: “The United States has a new President. His name is Donald John Trump”. To those people who are finding it difficult to come to terms with Brexit, I say that we are leaving the European Union. That is what the people decided. To those who are finding it difficult to understand that the American people voted for Donald Trump, I say get over it, because he is President of the United States.

We must all ask ourselves why people felt so left behind that they made the democratic decisions they did. Some of us cannot understand some of those decisions. How could people possibly vote for Brexit? How could they possibly vote for Donald Trump? The fact is that the people have done so. They were the forgotten people. Just as we have forgotten people in the United Kingdom, there are forgotten people in the United States of America. They are the ones who packed that stadium on Saturday to cheer Donald Trump after his first month in the presidency, because they like what he says. We might not like some of the things he says. I certainly do not like some of what he has said in the past, but I respect the fact that he is now delivering the platform on which he stood. He will go down in history as the only politician roundly condemned for delivering on his promises. I know this is a peculiar thing in the politics we are used to here—politicians standing up for something and delivering—but that is what Trump is doing.

We can all go back and talk to the people we know in our own little echo chambers—all we hear are the same things—but the fact is that 61 million people voted for Donald Trump. When we stand up in this country and condemn him for being racist—I have seen no evidence of his being racist—or attack him in an unseemly way, we are attacking the American people and the 61 million who voted for Donald Trump. If they wanted more of the same or the usual stuff, it was on the ballot paper, but they decided, by a majority of states in the electoral college as it works, that they wanted Donald Trump.

Sir Simon Burns (Chelmsford) (Con): My hon. Friend keeps talking about the 63 million people who voted for Donald Trump, but people forget that Hillary Clinton got nearly 66 million votes.
Mr Evans: I absolutely agree. She piled the votes up in liberal California and liberal New York and the east coast, but that is not how the system works. My right hon. Friend is an expert in American politics and he knows how it works. The fact is that that is part of the checks and balances. Donald Trump knew how it worked. It was the people in the middle of America who felt left behind—they were referred to as the deplorables. They felt left behind by Administration after Administration, irrespective of colour, and decided to put Donald Trump in.

We have limited time, but one thing I will say is that I hope people will condemn the trolling of Barron Trump and Melania Trump. We talk about sexism and racism. The racism that Melania Trump has had to put up with since Donald Trump became President is appalling. She read the Lord's prayer on Saturday in Florida, and the number of people who had a go at her for doing it and for the fact that she is from Slovenia and does not have an American accent is appalling. Let us hear a bit of parity.

I do not want this House to be brought into disrepute, as the hon. Member for Newport West (Paul Flynn) said, regarding double standards. We can refer to all the things about Donald Trump, as some people have, even though he was democratically elected. Xi Jinping was here last year. Where were the demonstrations then? How many votes did Xi Jinping get? How many votes? We had a state visit from a Chinese leader 10 years after Tiananmen Square and there have been a lot of other state visits over the years. It is double standards. It is simply because people in this room, and perhaps in this country, cannot understand why the people voted for Donald Trump, and why people voted for Brexit. Until they understand that, I am afraid there will be more of the same. The people who feel left behind have spoken, and they have voted for Donald John Trump.

4.55 pm

Mr David Lammy (Tottenham) (Lab): When members of the public have spent a long time thinking about an issue and calling for a debate, I would hope that some of us might try to be above party politics. This debate cuts to the heart of the nature of our democracy and of how we honour and celebrate other countries, which is why it is important to reflect on whether it is right, after seven days, that Donald Trump be afforded a full state visit.

I am a great friend of the United States. My father is buried in the United States. I worked in the United States. I have visited America more times than I have visited France; it is a country I love tremendously. I suspect that all of us in the Chamber are well aware of the British people’s deep connection with and affection for America and its people, but we are also aware of the challenges that exist in that country and the contentious manner of the election that led to Donald Trump’s becoming President. One would expect, I think, the leader of the free world to come to Britain, but the issue is about the terms and the basis on which that is done. An official visit might have been appropriate, but to afford this man, after seven days, a state visit is why so many people have petitioned.

Mr Holloway: Will the right hon. Gentleman give way?

Mr Lammy: I will not give way; I have only five minutes.

I am here because I want to remind the Chamber about the path that America has taken and about the contribution of African Americans in the United States. Many African Americans there are sitting at home in fear. They are concerned about a President who has had the support of the Ku Klux Klan. They are concerned about a President who has welcomed white supremacists—a term we had almost hoped would fall into history—into his close inner circle. They look at events such as Black History Month. Think about how our own Prime Ministers of different political stripes respond to such things and the sort of statements they make, and look at what Donald Trump said and how he made the event all about himself. Seven days, and he gets the full panoply of the state. Really?

I think of my five-year-old daughter when I reflect on a man who considers it okay to go and “grab pussy”, a man who considers it okay to be misogynistic towards the woman he is running against. Frankly, I cannot imagine a leader of this country, of whatever political stripe, behaving in that manner. People are offended and concerned that Britain should abandon all its principles and afford this man a state visit after seven days. Really? And why? Is this great country so desperate for a trade deal that we would throw all of our own history out of the window? We did not do it for Kennedy, Truman or Reagan, but to this man, after seven days, we say, “Please come and we will lay on everything because we are so desperate for your company”. I think this country is greater than that. I think my children deserve better than that. I think my daughter deserves better than that. I am ashamed, frankly, that it has come to this. We should think very carefully about a President whose attitude towards the press is, as we are finding out, abhorrent. We should think very carefully about a President who has said the things he has said. He has put so many people in fear through his statements. For that reason, we should not afford him a state visit.

5 pm

Dr Julian Lewis (New Forest East) (Con): Having been born at the mid-point of the 20th century, I think it is appropriate to look at what happened in Anglo-American relations and European-American relations before and after the 1950s. Before the 1950s, we had two opportunities for a world war, and both times a world war took place. From the 1950s onwards, we had one opportunity for another world war, and that world war did not take place.

We can all have theories about why there were world wars between 1914 and 1918 and between 1939 and 1945 and why the cold war did not become world war three. For what it is worth, I will give my theory. In 1914, it was possible for an aggressor to think it could pick off a small state such as Belgium without triggering a conflict from day one with the United States. In 1939, it was possible for an aggressor to think it could pick off a small state such as Poland without triggering a war with the United States. After the 1950s, it was no longer possible for any aggressor to think it could launch an attack against any European or non-European NATO member state without immediately being at war with the world’s greatest superpower. For me, that is the single most important consideration.
This debate ought to be about more than the personal qualities of any individual. I would like people to ask themselves this as a matter of conscience: if they knew that it would make a significant difference to bringing on side a new President of the United States of America so that the policies that prevented a conflagration on that scale continue—given he is in some doubt about continuing the alliance that prevented world war three and is our best guarantee of world war three not breaking out in the 21st century—do they really think it is more important to berate him, castigate him and encourage him to retreat into some sort of bunker, rather than to do what the Prime Minister did, perhaps more literally than any of us expected, and take him by the hand to try to lead him down the paths of righteousness? I have no doubt at all about the matter.

What really matters to the future of Europe is that the transatlantic alliance continues and prospers. There is every prospect of that happening provided that we reach out to this inexperienced individual and try to persuade him—there is every chance of persuading him—to continue with the policy pursued by his predecessors.

James Duddridge (Rochford and Southend East) (Con): I agree entirely with my right hon. Friend. It is right and proper that we are debating the issue, but given his views, why does he support Mr Speaker saying that Trump should not come here? There is a case for that, but it is incongruent with the argument my right hon. Friend is making.

Dr Lewis: I am pleased to say that this is a debate about President Trump and whether he should come here. I believe that it is entirely right that he should come here. Therefore, issues about any extraneous matters are matters for debate perhaps at another time in another place, but not here or now.

Mr Alistair Carmichael (Orkney and Shetland) (LD): I am grateful to the right hon. Gentleman for giving way, but on what basis does he think giving President Trump a state visit will have the effect he believes? We have already told him he can have one, and just this weekend we hear him again talking about walking away from NATO.

Dr Lewis: I am not at all aware that he has talked about walking away from NATO. On the contrary, he has made two criticisms of NATO. One is that he believes that NATO has adapted insufficiently to meet the threat of international terrorism and is too solely focused on state-versus-state confrontation. The other criticism he has made is—if it is an extreme view, it is one shared by the Defence Select Committee—that countries are not spending enough on defence. He has rightly pointed out, as has his Secretary of Defence, that only five out of 28 NATO countries are paying even the 2% of GDP—which is not a target, but a minimum guideline. The failure of NATO countries to pay to protect themselves has been remarked upon time and again to no effect.

I finish with a point that may be strange to relate, but stranger things have happened in history: it may be that the only way to get NATO countries to pay up what they should in order to get the huge advantage of the American defence contribution—they spend 3.5% of their much larger GDP while so many of our NATO fellow member countries do not spend even 2% of their much smaller GDPs—is Donald Trump’s threat. If that is so, Donald Trump, ironically, may end up being the saviour of NATO, not its nemesis.

5.7 pm

Alex Salmond (Gordon) (SNP): I am particularly pleased to be able to attend a debate opened at length by the hon. Member for Newport West (Paul Flynn). In fact, hearing him speak at length is justification in itself for the petitions process. I particularly enjoyed his putdown of the whippersnappers on the Tory Benches who are paying insufficient regard to the experience of the hon. Gentleman and Her Majesty the Queen. I thought that was one of the highlights of the debate thus far.

It is difficult to know whether to be appalled at the morality of the invitation or just astonished by its stupidity. If I may disagree with the right hon. Member for New Forest East (Dr Lewis) for a second, the Prime Minister’s holding-hands-across-the-ocean visit would be difficult to match as an example of fawning subservience, but to do it in the name of shared values was stomach-churning. What exactly are the shared values that this House and this country would hope to have with President Trump? Exemplifying what shared values are is a process that is fraught with danger, but the Prime Minister tried it when she was Home Secretary. She said that they were:

“Things like democracy...a belief in the rule of law, a belief in tolerance for other people, equality, an acceptance of other people’s faiths and religions.”

Which of those values, as outlined by the Prime Minister, has President Trump exemplified in his first 30 days in office?

Rushanara Ali (Bethnal Green and Bow) (Lab): Given President Trump’s remarks about torture, his misogynistic stance against women and his stance against Muslims, does the right hon. Gentleman agree that associating with the President in the form of a state visit will do huge amounts of damage to the Queen and to our monarchy, which is respected and revered around the world? The Government should have a Government-to-Government visit and leave Her Majesty out of this.

Alex Salmond: I do agree. Also, I note that, according to one newspaper report, Trump’s acolytes have started to choose which members of the royal family they would meet on a state visit. It said he was not going to meet Prince Charles in case the conversation turned to climate change. Somebody who has been accorded the privilege of a state visit picking and choosing which members of the royal family to meet is a world first.

James Duddridge: When the right hon. Gentleman met Donald Trump and welcomed him to Scotland in 2006, did he express the same views?

Alex Salmond: I have actually met Donald Trump more than once, which gives me an advantage over, I think, every other Member in the Chamber. I have also negotiated with Donald Trump, which perhaps gives me an additional advantage to instruct the hon. Gentleman. We should remember that President Trump is not a stupid man. The belief that he has forgotten what the Prime Minister or her supporting staff said about him
when he was a candidate is nonsensical, and the Foreign Secretary said he would not go to New York in case he was confused with him. To believe that Donald Trump has forgotten those things is to seriously underrate the man’s intelligence. To paraphrase P. G. Wodehouse, it is not difficult to tell the difference between a ray of sunshine and Donald Trump with a grievance. I know about that from my experience of the American President, which brings me to the act of stupidity involved in the invitation.

Even when people are in a weak negotiating position, as the UK is at the moment thanks to the nonsensical decision to invoke article 50 without having at least some idea of where the negotiations will end up—I see Brexiteers shaking their heads, but I was quoting almost exactly from the Vote Leave website, which said that doing that would be like putting a gun to our own head. Unfortunately, that is exactly what the Government have chosen to do. To put ourselves in a weak negotiating position and then advertise it so bluntly to President Trump, as the Prime Minister managed to do, is a recipe for total and utter disaster. From my experience of negotiating with Donald Trump, I can tell the hon. Gentleman that we should never, ever do it from a weak position, because the result will be total disaster.

Like the Prime Minister, Justin Trudeau is relatively new to his office, yet he has demonstrated how to pursue a business relationship while keeping Canada’s integrity intact. The Prime Minister should take note and rescind the state visit before any more embarrassment and division is caused in this country.

To allow this process to be the pretext for another assault on Mr Speaker—this has already been mentioned in the debate, Mr Walker—is beyond madness. This new gunpowder plot will fizzle out as surely as the last one did. What we should demand from Mr Speaker is fairness to all parts of the House, the ability for all people to be heard—

Mr Charles Walker (in the Chair): Order. Mr Salmond, we are not having a debate about Mr Speaker, and that goes for all Members. You have made your point. Please return to the substance of the debate, which is Mr Trump’s visit.

Alex Salmond: Mr Walker, I was replying to a point that you allowed to be made in the debate earlier. I will simply state my opinion that parties in this House will not allow Mr Speaker to be removed on this issue. I think that is perfectly in order, sir.

On the point about debasing the shared values that we are meant to have with the United States of America—the point was well made by the hon. Member for Newport West that in 30 days the President has managed to achieve a record low in the Gallup ratings—the United States of America has not been invited on a state visit. The state visit invitation is to President Trump the individual. To confuse the two is a serious mistake by hon. Members and others who support the offer. I speak from my experience of negotiating with the man in saying that to do so from a position of weakness will not result in a face-saving, life-saving augmented trade deal. It will be a route to and a recipe for total disaster for this country. The state visit invitation should be rescinded before any further damage is caused.

5.15 pm

James Cartlidge (South Suffolk) (Con): It is a pleasure to serve under your highly tuned chairmanship, Mr Walker. I do not normally speak on foreign policy matters, but I feel duty-bound to speak because so many of my constituents have signed the petition. I have some sympathy with them. They are entitled to sign the petition against the state visit. As has been said, some of the things that Donald Trump has said are extremely offensive, but what concerns me is the points of substance, such as the ambiguity about NATO. That is what we should be worried about.

What we are debating here is UK foreign policy, which is best served by following the national interest, not through gestures or knee-jerk reactions. We need calm, effective diplomacy done in the old-fashioned way, often behind the scenes. We need to work towards a long-term strategy, rather than something redundant of student politics and gestures that get us nowhere. We need to focus on the strategic points, to which there are two parts. The first is the recognition that we need to be as close to the US Administration as possible. If we have concerns—hon. Members clearly have concerns about President Trump—we should be trying to shape his Administration rather than rescinding an offer that was sent and accepted in good faith.

My second point on strategy is to understand who wins if we rescind the offer. We will gain nothing if we withdraw the offer. I can tell Members who will win—there is one man: Vladimir Putin. There will be smiles all round the Kremlin if we follow the suggestion in the petition, because the one thing it wants above all else is to divide the west. It wants the UK and the US to be divided. It does not want a strong transatlantic partnership. I am talking not just about our interest but the global interest in saying that we would be crackers to withdraw the invitation. In fact, I would offer a state visit to Vladimir Putin, as Tony Blair did, despite the fact that Russian Bear bombers are buzzing our airspace and the fact that the Russians have nuclear missiles pointed at us and pose a huge threat. That is precisely why we offer invitations—because we want to influence an Administration.

Mr Nigel Evans: My hon. Friend is quite right that everyone wants us to influence the US Administration. Is he not buoyed up by the fact that Donald Trump has taken the opposite position to that of Obama, who came here during our referendum and told us that we would be at the back of the queue for a trade deal? He tried to influence our referendum, whereas Donald Trump has said that he wants to see us at the front of the queue for a trade deal.

James Cartlidge: The referendum is done and dusted, of course, and we have some interesting days ahead in the other place. I campaigned to remain in the EU, but when President Obama spoke about the referendum, it was a gift to the leave campaign. The issue today, however, is Donald Trump. As I said, I would invite Vladimir Putin for a state visit. For me, people can say offensive things and represent terrible values—Russia is not a serious democracy, and it has a terrible human rights record—but our foreign policy is about the national interest of the United Kingdom. That means being as strong as possible and having as much influence as
possible on countries that are the major global players. I conclude by saying we will serve this country best by sticking to the invitation we have made instead of making ourselves a laughing stock to the countries that matter.

5.17 pm

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): It is a pleasure to serve under your chairmanship, Mr Walker. I thank my hon. Friend the Member for Newport West (Paul Flynn) for opening the debate on the two petitions. I am absolutely delighted that nearly 4,000 of my constituents signed the petition that argued that Donald Trump should not be given a state visit. They are a part of the 1.8 million who signed across the country. It tallies with the concerns raised with me in person in recent weeks. I have had people contact me directly about the matter. Ultimately, I speak for my constituents and I know where they firmly stand.

I love America and Americans. I have travelled to 25 of the 50 states. My grandfather was an American GI who came here in 1944 to help us fight the Nazis. We do not know much about him, but he came over here. I have walked with Government Members on the beaches of Normandy and along Omaha beach and other places where many Americans sacrificed their lives in the service of the freedoms of Europe and our country.

We should have contact with any American Administration. Much as I disagreed fundamentally with the policies and actions of President George W. Bush, I was deeply disappointed that that turned for many into a wider strand of anti-Americanism and anger towards America and Americans. In fact, America at its greatest is a place that espouses the very best of liberty and equality. At its best it has an optimistic Government that allows all people to have freedom. It allows freedom in the press and in the courts, and allows the exercise of democracy at state, local and federal level. It is for that reason that I feel deeply concerned and frightened when I see the very principles on which the founding fathers developed the constitution being called into question by a President. Indeed, he has done so in recent days with attacks on the press, the judiciary, religious freedoms and other parts of the Government that disagree with him. That is what I am most worried and fearful about, and I think we are right to be so.

Dr Rupa Huq (Ealing Central and Acton) (Lab): Does my hon. Friend agree that this is as much about our Prime Minister as about the American President, and that this apparent cosying-up to people with questionable values or records—not only Trump but Erdogan the day after and Netanyahu recently—has compromised our ability to be a critical friend?

Stephen Doughty: It is not an easy job to be Prime Minister and to deal with Governments. The nature and difficulties of diplomacy mean that we often have to have contact, for wider national and global interests, with people with whom we fundamentally disagree, but herein lies the fundamental point. This is not about whether Donald Trump should be banned from coming to this country or whether our Government should have contact with him—indeed, it is absolutely right that the Prime Minister meets the President to discuss matters of mutual interest. We choose whom we honour, the way in which we honour them and the way in which we negotiate. I note the comments of the right hon. Member for Gordon (Alex Salmond): we choose how we engage. Prime Minister Trudeau has shown a very different way of dealing with President Trump and has maintained his integrity while retaining contact.

The fundamental issue is that we have rushed into offering the Palace, the Mall, the razzmatazz, the champagne and the red carpet. Even if one were the ultimate pragmatist for whom the matters of equality or of standing against torture, racism and sexism do not matter, giving it all up in week 1 on a plate with no questions asked would not be a sensible negotiating strategy. How can that make sense to anybody—even those who argue that we should have a strong relationship with the United States?

Mr Jim Cunningham (Coventry South) (Lab): Obama was invited here—people should not forget that he was the first Afro-American President—but he stood for something totally different. Donald Trump so far does not seem to share our values, so we should have waited at least two years to see how his presidency pans out before we came to a judgment.

Stephen Doughty: Indeed. That is why I have spoken out so strongly on using the Palace of Westminster, and particularly Westminster Hall, given that that is where President Mandela and President Obama addressed us, where Pope Benedict came and where Churchill lay in state. It is a rare and special honour, and I am absolutely delighted that this is the most signed petition of this Session and that it has support from all parts of the House. We need to look at the issue of state visits again. Many people have rightly pointed out whom we have offered state visits to in the past and asked whether that was right. There were protests when President Xi was here, and I strongly disagree with much of the way we have fawned over some of the monarchies in the Gulf. That does not mean we should not have diplomatic relations and strong relationships with them, but I am concerned about the way we seem to have turned a blind eye to a whole series of issues. We need to look very carefully at how we choose to use what ultimately is a significant amount of taxpayers’ money, and at the categories and types of visits we offer and how we offer them. Many of us question whether Aung San Suu Kyi should have addressed us, given some of the concerns we have about the Burmese Government’s policies at present. We can have great hindsight, but just because we have got things wrong in the past does not mean we should not get things right in the future.

We have a special responsibility when it comes to the special relationship with our greatest ally and friend. We cannot accept the denigration of the free press, the judiciary, women and religious minorities, the banning of refugees and the advocacy of torture as the new normal. It would not be acceptable from any country, and it is certainly not acceptable from our greatest ally and one of the countries that has frequently stood up for the values of liberty, equality, democracy and the rights and equality of all before the law. That is why we have a special responsibility in this House to speak out.

Ultimately, I have great faith in the way the American constitution was set up. In 1788, James Madison said: “An elective despotism was not the government we fought for; but one...in which the powers of government should be so divided and balanced among several bodies of magistracy, as that
no one could transcend their legal limits, without being effectually checked and restrained by the others.”

We, too, should check and balance our ally, but offering up a state visit and all these honours in week 1 of Donald Trump’s already turbulent presidency is not the way to do it.

5.25 pm

**Sir Simon Burns** (Chelmsford) (Con): I guess I should start by declaring an interest; not simply do I have a deep antipathy towards President Trump, but I was prepared to more than just talk about it and I spent a considerable amount of time last year working for Hillary Clinton on her presidential campaign in New Hampshire, Wisconsin and South Carolina. I believed, as President Obama did during the 2016 campaign, that she was the most qualified candidate to run for President in the 20th century. As every day goes by—not least the past seven days—I am deeply grieved to see the opportunity that America sadly passed up for the person it chose, but we are where we are. Hillary Clinton got 2.8 million more votes, but the Americans elect their President not through who gets the most votes but through the electoral college. Those are the rules, and there is no point crying over spilled milk.

I will not rehearse all the reasons why any reasonable person should have significant doubts about Donald Trump, because they are sadly too well known. America has been our greatest ally for a considerable time: it stood shoulder-to-shoulder with us in our hour of need, as we did in its hour of need, particularly during 9/11, so it is to my mind foolish to allow our personal views and assessments of the more grotesque characteristics or behaviour of an individual to blur what is in Britain’s national interest. I believe it is in Britain’s national interest to continue the special relationship, as we did under most Prime Ministers since the second world war, with the possible exception of Sir Edward Heath.

**Mr Lammy:** I know the right hon. Gentleman’s deep affection for the United States—indeed, I have been with him at Democratic conventions in the past—but is the natural conclusion of his argument that the more offensive the American President and the more concerned we are as a nation about the person who has been elected, the quicker we should rush to give them a state visit? Is this debate really about the nature of how Donald Trump should come to this country?

**Sir Simon Burns:** If the right hon. Gentleman will bear with me, I will get on to the timing. He makes a valid point.

Regardless of what we think of Donald Trump as a man, I believe it is in our national interest to ensure we continue to be a candid friend to the United States. We should be respected by the United States and have the ability to talk to it candidly and explain when we believe it is getting it wrong or could be doing it better. We should ensure that it moderates its views to something more in keeping with what we believe is dignified and the correct way to behave. We cannot do that if we totally ignore the United States, write off the presidency and say, “The man is dreadful, so we shall have nothing to do with him.” We would become isolated and less influential, and that would not be in our national interest.

A number of hon. Members during the debate and outside the Chamber have questioned the timing. Frankly, it does not matter when one issues an invitation if one is trying to protect and develop our national interest. If we do it seven days into a presidency, we will be criticised; if we do it in 2020, we will be criticised for playing around with the American electoral system and helping the man in his presumed re-election bid.

**Alex Salmond:** In delaying the invitation for a state visit, we would at least have the advantage of knowing the President will still be there.

**Sir Simon Burns:** The right hon. Gentleman may be better at looking into a crystal ball than I am. None of us, frankly, can predict what will happen next week, let alone next year, the year after or the year after that. He might be right, but I agree with him that the beginning has not been auspicious in any shape or form. It is a bit like the Bible—one always admires a sinner who repents—and we will have to see whether the people around President Trump are able to moderate and guide him, although I am not convinced that they will be as successful as others might be.

That, however, is not the point. The point is that, whenever the invitation is extended, or whenever a visit takes place, there will be criticism by those who wish to criticise. We have to rise above that. We have to look at what will be helpful for Britain and its future policy and development. It is a no-brainer that working closely with the United States is far more important for this country, in particular as we begin negotiations and the exit from the European Union in two or two and a half years’ time. We cannot afford to be isolated or to ignore our friends to stand alone, thinking that we will thereby ensure that everything works out all right, because more often than not it will not.

Loyalty has always been a key mark of this country, whether under a Conservative or a Labour Prime Minister. Some would argue that in the past at times we have been too loyal. I will not intrude on the grief with regard to 2001 to about 2006, but that was a difficult time and perhaps we got it wrong in how we talked as a candid friend to the previous-but-one President. We all learn from our mistakes, however, and I believe that we have the opportunity, by giving respect to the institution of the presidency of the United States from the start, to continue to work with the United States. That will pay benefits to this country and to America, and it is the right thing to do. The state visit should go ahead, although I have to say—this may come as a surprise to some—I agree with Mr Speaker that there should not be an address in Westminster Hall to a joint session of Parliament.

5.33 pm

**Naz Shah** (Bradford West) (Lab): It is always a pleasure to serve under your chairmanship, Mr Walker.

The subject feels like one we have debated many times since Donald Trump was inaugurated a month ago today. I take the opportunity to thank every single one of my constituents who has used the petition to have their voices heard. Just over 3,500 of them have signed the e-petition on preventing Donald Trump’s state visit, which amounts to nearly 60 people out of every 1,000 registered voters in Bradford West.
What we have seen in the past 31 days has in many ways been chilling, with the executive orders that have dominated Donald Trump’s first weeks in the White House being frightening. Many of us are asking where the slippery slope really leads. To take only one of the groups of people where he has sought to divide—those of the Muslim faith, not necessarily distinct to one country or another—his rhetoric has been so broad that I personally, as a Muslim, feel attacked and misrepresented. No doubt many of my constituents, who daily make a wonderful contribution to this country, feel the same. We have to take every opportunity to show that his negativity and divisive messages will not divide us and, just as importantly, will not define us.

British Muslims make an invaluable contribution to the whole of the UK in all forms and walks of life, from doctors to teachers and from business owners to professionals, adding immense cultural value as part of the rich fabric of modern British life. To allow Trump the space to deride and divide a group that plays such a huge role in our society would be a shame on us all. A 2013 report by the Muslim Council of Britain put an economic value on British Muslims’ contribution to the UK—an estimated £31 billion-plus—and stated that as a group they have more than £20.5 billion in spending power. In 2013 in London alone, 13,400 Muslim-owned businesses created more than 70,000 jobs. That is a glimpse of the real impact that Muslims have on this country and that is how Muslims should be portrayed, not in the fearful, racist, bigoted views of someone who has used fear to win votes.

Rushanara Ali: Does my hon. Friend agree that it is deeply saddening and shameful that colleagues who are defending the state visit do not recognise the serious concerns expressed particularly by Muslims, but also by many other communities, about the dangers of the rhetoric of Donald Trump? Is it time that those colleagues spoke out against that kind of hostility, which is deeply divisive. It is time for them to address the issue, instead of making excuses and being apologists for his hatred.

Naz Shah: I thank my hon. Friend for making those valid points, with which I concur absolutely.

James Berry (Kingston and Surbiton) (Con): I happily take up the challenge of the hon. Member for Bethnal Green and Bow (Rushanara Ali). Donald Trump’s attitude to Muslims is an outrage, and what is most outrageous is the total lack of evidence for his actions. All of the deaths caused by terrorists on US soil since 9/11 have been caused by US citizens or residents, and even the 9/11 attacks were made by people from outside the US but from none of the seven countries. The order was not only prejudiced, but totally lacked any evidence.

Naz Shah: I thank the hon. Gentleman for making those very valid points.

Last year, in this very Chamber when we first debated a potential ban on Trump visiting the UK, I went on public record to say that I wanted him to come, because I wanted him to visit Bradford West. I invited him out for a curry and I wanted him to see the contribution that Muslims make to this country and to my constituency. I wanted him to meet real Muslims, not the ones he has invented for his own ends. I wanted him to walk down the street and meet people such as Chief Superintendent Mabs Hussain, who was born in my constituency. I wanted to take him to schools such as Iqra Primary School to meet a Muslim headteacher. I wanted him to visit health professionals in places such as Sahara and Lister pharmacies, and to see Muslims on the frontline in our healthcare services.

I also wanted Donald Trump to see some of the tremendous businesses in my constituency that are run by Muslims, providing jobs and growth, such as Lala’s, EnKahnz, MyLahore and many others. I wanted to show the world the cultural impact of Muslims in my constituency through events such as the amazing Bradford literature festival that is run by two extraordinary Muslim women, or the annual world curry festival organised by a Muslim man. But to do so now, now that he is President, would only reinforce and condone his actions and his divisive, racist and sexist messages.

Sadly, that is what Donald Trump represents at this moment, which flies in the face of everything we stand for and everything we thought we shared. We cannot support what he is doing by offering him legitimacy. During the debate we have touched on double standards, but the difference in our conversation is that the British people are aware of the human rights violations or the misogyny in China, for example, when we have a state visit from its President. However, we do not look to China for its record, for its advice and support on human rights issues, or for how to treat women, but we do look to America. We look to the United States of America, the leader of the free world, to support us in those shared values. The new President does not represent those shared values that belong to all of us, including this House. Even my children have seen the movies showing women throwing themselves on the cobbles outside this building to get the right to vote in this country, and we saw what happened with the civil rights movement.

When I spoke about this subject in the main Chamber, I talked about the first three steps to genocide, as defined in a booklet by the Holocaust Memorial Day Trust. We are already on step three. The right hon. Member for New Forest East (Dr Lewis) says that we might stop world war three, but what do we actually contribute by allowing President Trump to continue using rhetoric that divides people and tells us that Muslims are the enemy within? As a Muslim in this House, I am not an enemy of western democracy; I am part of western democracy. I fought really hard to be elected. I fought against bigotry, sexism and the patriarchy to earn my place in this House. By allowing Donald Trump a state visit and bringing out the china crockery and the red carpet, we endorse all those things that I fought hard against and say, “Do you know what? It’s okay.” I give my heartfelt thanks to the millions of people who signed the petition and I really hope that we do not honour this President.

5.40 pm

Crispin Blunt (Reigate) (Con): Thank you, Mr Walker, for the invitation to take part in this debate, which the hon. Member for Newport West (Paul Flynn) opened so energetically. He referred to our “beleaguered” Prime Minister. I look forward to the authority that she exerts when she is not quite so beleaguered. I am still puzzling about what he meant by “protozoan”. I will come back
to the power exercised by the President, but first we should take a reality check. An invitation has been issued in the name of Her Majesty, and if we wanted to find a way of embarrassing her, withdrawing that invitation would be the quickest way about it. We are left in a situation where the formal word of Her Majesty, but also that of the United Kingdom, is engaged.

Let us get to the realpolitik behind this. It is very likely that opening up the possibility of an invitation for a state visit secured our Prime Minister the first call on the newly elected President of the United States. During her visit, she got the incredibly important assurance about NATO that was so expertly referred to by the Chairman of the Defence Committee, my right hon. Friend the Member for New Forest East (Dr Lewis).

Joanna Cherry (Edinburgh South West) (SNP): I heard the hon. Gentleman being interviewed on Radio Scotland this morning. He said then what he has just said: that it was very likely that the Prime Minister had used the offer of a state visit to secure the first visit to Trump. Can he confirm his source for that statement?

Crispin Blunt: I am simply using my own assessment and my experience from my own career of how such matters are arranged to say what might have happened. I am happy to confirm that I have no first-hand evidence of the discussions; I merely use my experience to say what might have happened. However, the Prime Minister secured that first visit. She secured the undertaking about NATO, which is immensely important to Europe’s security; she got a reaffirmation of the special relationship by being the first foreign leader to visit President Trump; and, the day before meeting the President, she gave a spectacularly successful address to the Republican caucus in Philadelphia.

We must understand what is going on. We are dealing with the first non-politician and the first non-serviceman to be elected President. He is definitively different. Dangling a state visit in front of a half-Scottish President of the United States, whose mother had an immense attachment to that country, was an exercise in pressing the right buttons to engage him and a successful use of the United Kingdom’s soft power.

The Prime Minister secured the undertaking about NATO, but let us also understand the checks and balances that this President will have to operate under. First, he will need to operate under the checks and balances that come from Congress, and the Republican caucus in Congress will be immensely important in that. For our Prime Minister to have secured a place where she has an opportunity, in effect, to put our case, which may be aligned with that of the State Department, the Pentagon and the CIA, to the White House—

Alex Salmond: Will the hon. Gentleman give way?

Crispin Blunt: I will if the right hon. Gentleman is brief, because his intervention will come out of injury time.

Alex Salmond: The hon. Gentleman continues seriously to underrate President Trump. The idea that this President will have things determined by anything other than his own interests and what he perceives the American interest to be is a mistake of such naivety—naivety that explains the fact that he managed to get into the White House in the first place.

Crispin Blunt: I draw the right hon. Gentleman’s attention to what is actually happening. This President, who comes from an area where he was not disciplined in the requirements of our profession or those of the services, is issuing undisciplined statements. What has he had to say about torture? He has said that he will concede his judgment to that of his Defence Secretary. I was told cheerfully by lesbian, gay, bisexual and transgender friends of mine that he was about to rescind employment protection for LGBT people in the United States. He did not, as it happens. Who won out in the row between his national security adviser and his vice-president? His vice-president. The immigration ban is being overturned by the judges—another element of the separation of powers in the United States. We are seeing this Administration develop following the extraordinary and unprecedented election of this individual to the presidency.

Chris Bryant (Rhondda) (Lab): Will the hon. Gentleman give way?

Crispin Blunt: Will the hon. Gentleman forgive me if I do not? I am out of injury time.

The point I am making is that these are early days, and the need for a disciplined Administration is beginning to crowd in on this President. We will see how things develop, but it is incredibly important that our Prime Minister secured the first visit of a foreign leader to the White House.

The truth is that we need to calm and take the hype out of this debate—not just the debate in this Chamber but, frankly, the national debate. The invitation has been issued. I do not think that it should or could properly be rescinded, so there is the possibility that it will be taken up this year. I think that would be a mistake. We need to point out that 2020 will be the 400th anniversary of one of the most remarkable events in British-American history: the pilgrim fathers’ settlement. That is incredibly important in the United States, and it would be an utterly appropriate moment to be marked by a state visit to the United Kingdom by whoever is the US Head of State at that time. We should focus the Administration’s attention on that opportunity. A Head of Government visit this year would be entirely appropriate. If we do not take the hype out of this debate, given the number of people who signed the petition, there is every possibility that the President’s visit will become a rallying point for everyone who is unhappy with the direction of American policy or British policy, or anything else, and the poor old commissioner of the Met will be left with a rather significant public order issue to manage.

There is an opportunity to look forward and celebrate a great anniversary in British-American relations, and extract ourselves from the practical difficulty of the invitation having been issued. But issuing that invitation secured a reaffirmation of the special relationship, a commitment by the President of the United States to NATO—that was reinforced in Europe this weekend by senior members of his Administration—and an opportunity for us to reinforce the voices in the White House of the
State Department, the Republican caucus, the Pentagon and the CIA, and that was infinitely the right thing to do.

Mr Charles Walker (in the Chair): Order. A number of colleagues have intervened who have already spoken. I know that this is a debate, but if they desist from intervening, we may get everyone from their own parties in.

Mr Charles Walker (in the Chair): Order.

Several hon. Members rose—

Kirsten Oswald (East Renfrewshire) (SNP): It is a pleasure to serve under your chairmanship, Mr Walker. I am pleased to speak on behalf of the thousands of my constituents who signed the petition objecting to Donald Trump being invited to the UK for a state visit, as well as the large number who contacted me to say that they did not wish to sign but strongly objected to a state visit.

Many of the people who contacted me said that they had never signed a petition before, but they felt so strongly that the invitation was wrong that they had done so. No wonder they were concerned. What on earth have things come to when the UK Government think for one second that it is appropriate to reward the disgraceful statements and actions of President Trump with a state visit and all the pomp, ceremony and fantoosherie of the British establishment?

It is hugely depressing to hear those on the Conservative Benches who support the state visit yet again telling us that it is important that we engage with President Trump because America is our friend. So it is, but that is why we should challenge this. President Trump’s Administration so far has been characterised by ignorance and prejudice, seeking to ban Muslims and deny refuge to people fleeing from war and persecution. That is what he said and that is what he has done, and that is simply racism. The Prime Minister has decided that she will take any friend she can get for her hard Tory Brexit, and to hang with the refugees, to hang with the Muslims and to hang with anyone who is different. To hang with our EU nationals, to hang with women and Mexicans, and to hang with anyone who is different. That is what the plan for a state visit says.

Let us not kid ourselves. The UK Government, with their ever-reducing plans to help child refugees, have knowingly and deliberately cooed into this Islamophobic, misogynistic—and dangerously confused, if events in Sweden are anything to go by—leader of the free world, and that is the relatively easy way, and there is the more difficult way: we have got to seek to understand what Mr Trump means to millions of people in America. I will start with the first. It seems obvious to me that great countries such as our own act in their own national self-interest, and they issue these invitations in order to further that self-interest.

Presumably, when we invited not one but two Presidents of China, we were prepared to overlook the fact that China is effectively a police state, that there is no freedom of expression, of movement or of association, and that there is outright religious persecution. In every single respect it is a state that does not share our values in any shape or form. Presumably, when we issued an invitation all those years ago to President Ceausescu and awarded him a knighthood, we felt it was in our national self-interest so to do. Indeed, we rescinded the award of the knighthood only on the day before he was executed by his own people.

Sir Edward Leigh: The hon. Gentleman is making a valid point that there is not a great deal of consistency about the way in which we offer state visits, or for that matter the content of them. It was particularly useful when we offered one to the President of Colombia because that helped progress the peace process in Colombia. Would he not support the idea of the Foreign Affairs Committee and the Procedure Committee doing a proper review of state visits so that we get it right for the future?

Chris Bryant: That is a perfectly valid point and I have no objection to it.

To continue the historical analogies, presumably when we invited President Mugabe, a racist homophobe, to have tea with the Queen, we were prepared to overlook his transgressions, and when we invited King Abdullah of Saudi Arabia, who presided over the ultimate misogynist state, presumably we felt that Saudi Arabia was an important ally of ours.

We have to be careful about what we wish for. Just think for a moment: if we listened to the petition—I accept that people have signed it in perfectly good faith, and it is a perfectly reasonable point of view—and accepted it and, as a result of the debate, we were to rescind the invitation, that would be catastrophic to our relationship with our closest ally. I will not labour that point, but surely my right hon. Friend the Member for New Forest...
[Sir Edward Leigh]

East (Dr Lewis) has won the argument in the sense that our peace and security and the peace and security of the whole western world depends on our using influence with President Trump. I for one believe that our Prime Minister’s visit was an absolute triumph not only in furthering our national self-interest but by binding President Trump and his new Administration to NATO. We see the effects of that in terms of what the vice-president has been saying only this week. There is no doubt in my mind that it is in our national self-interest to accord respect and honour to our closest and greatest ally. Whether we like it or not, this man is the duly democratically elected leader of the free world.

To me, that is the easy argument to make, but I feel I have to follow my hon. Friend the Member for Ribble Valley (Mr Evans) in making what is probably a much more difficult and controversial argument. We had a debate a year ago on Mr Trump when speaker after speaker—even on the Conservative side—condemned him, saying he was outrageous. I was the only one who tried to understand the phenomenon and why people were supporting and voting for him. I made the point then, and will make it now, that it is unfair of us to try to transfer our own views and prejudices to the other side of the Atlantic. For instance, most people here think that I am on the far right of the political spectrum in this House, but here I am, a person who warmly supports gun control, who opposed the Iraq war and who relies entirely on the NHS. All of those things would make me an abomination in large parts of the Republican party.

It is very foolish for us to lecture our conservative colleagues on the other side of the Atlantic about what is the right or improper nature of conservativism.

Mr Trump is not my sort of conservative—I have nothing in common with him—but let us look at some of his comments and the charge of misogyny. Of course, what he was reported as saying in a private conversation was horrible and ridiculous—I hope none of us would have made the same comments as I know, I have never spoken like that. I have apologised. I have said precisely the opposite. As far as I know, I have never spoken like that and no friends of mine have ever spoken like that. I completely deplore it and find it ridiculous to speak like that in private. All I am saying is that most of us would be rather embarrassed if everything that we had ever said in private in our past was—

Alex Salmond: Will the hon. Gentleman give way?

Sir Edward Leigh: I have given way twice, so I think I had better get on now. I knew this would be a difficult argument. It is easy to dodge it, but I think it is only fair to make it.

As regards the argument of racism, I do not believe there is any proof that the travel ban is racist. Indonesia is the largest Muslim country in the world and there is no question of a travel ban on Indonesia. All the travel ban countries are riven by civil war and the travel ban builds on work done by President Obama, so to accuse the new President of the United States of racism, misogyny and all the rest is overstating it.

I knew that these arguments would be difficult to make, but the fact is that 61 million American people voted for Mr Trump and support him, like it or not. Even if he fills people with rage, the fact is that he is there. He is the duly elected President of the United States. Our interests rely absolutely on trying to influence the man, and on bringing him over here to tie him to our point of view. He would never be elected in this country—his views would have no traction. He would never become the leader of the Conservative party in this country. None of us would campaign along the lines he has campaigned on. We all disagree fundamentally with many things he has said, but he is there. He is elected. We have to work with him. That is why it would be a disaster if the invitation were rescinded.

[Mr Andrew Turner in the Chair]

6 pm

Tulip Siddiq (Hampstead and Kilburn) (Lab): It will not come as a surprise to the House that I shall speak against a state visit for Donald Trump. Last night, discussing the debate, I began to think about how I am his worst nightmare—the daughter of a political asylum seeker, raised in a Muslim household and, perhaps worst of all, a woman with strong opinions. Somehow I do not think I will be on his Christmas card list this year. Joking aside, however, I recognise that he has been elected in the United States. The debate comes off the back of an independent election, but it is about the nature of our Government’s response to Donald Trump and whether we give a royal welcome to our country to an individual who has already made thousands of British people, including Members of the House, question whether they are still welcome in America.

I have two main reasons for speaking against granting a state visit to Donald Trump. First, what has he said and done—what has he said to the Prime Minister—to warrant a state visit? In my opinion a state visit is something to be granted, not expected. My hon. Friend the Member for Newport West (Paul Flynn) has already made the point that it is not something that happens because someone has been in their position for seven days. Barack Obama waited two and a half years before he was invited on a state visit. George W. Bush waited three years. Nixon and George Bush Senior were never given a state visit. My question is what Donald Trump has done. In my opinion, all he has done since he has been President is insult the press, champion economic protectionism and try to ban Muslims from entering the United States. Are those reasons to grant him a state visit to our country?
Secondly, a state visit is meant to be a celebratory event for people. However, millions of people have signed a petition to say they do not want Donald Trump to be given a state visit. Thousands have marched along Whitehall, in addition to the people across the country who say they would not welcome it. If we listen carefully we can hear the thousands of people outside the House right now, saying they do not want Donald Trump to come to this country on a royal state visit. We have a duty to listen to those people and give them a voice. If people from the Trump Administration are listening, I would say to them that that is not fake news. The people protesting outside are not alternative facts. The protests are real ones, by British people who do not want to give him a royal visit.

I disagree with the right hon. Member for Chelmsford (Sir Simon Burns), who said that it is not a question of timing. For me, it is. In the post-Brexit era there are deep divisions in the community and we have a duty to heal them, not to invite figures like Donald Trump so that he can cause more. At a time when we are trying to figure out whether the immigration status of British nationals is secure in European countries, and whether European nationals who have lived here for years can stay here, we should not invite someone whose immigration measures are so divisive and contradictory. It sends the wrong message to the rest of the world. I ask Conservative hon. Members: how in all good conscience can they really lay out the red carpet for someone who has talked about grabbing women by the pussy? How can they really lay out the red carpet for someone who has insulted the LGBT community, branded Mexicans as rapists and murderers, and insulted Jewish and disabled people? Is that what we want to do?

My final point—I do not have much time—is that future generations will judge us on what we are doing in telling Donald Trump to come here and pay us a visit. British people value respect and tolerance. We have respect for each other. If we do not speak up in the face of injustice and challenge bigotry, we are not serving the House right now, saying they do not want Donald Trump to come to this country on a royal state visit. We have a duty to listen to those people and give them a voice. If people from the Trump Administration are listening, I would say to them that that is not fake news. The people protesting outside are not alternative facts. The protests are real ones, by British people who do not want to give him a royal visit.

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6.5 pm

Martin Vickers (Cleethorpes) (Con): This issue has resulted in some extremely passionate speeches on both sides of the argument. Many of my constituents will have signed the petition against the visit, and some will have signed the petition in favour of Mr Trump coming here. I have to say that only about 30 have taken the trouble to email me with their views. It is perfectly legitimate for individuals to sign a petition expressing their personal views, but for a Government to support such a petition—particularly the one in favour of banning the President—would be irresponsible and self-indulgent. The Government must separate the individual from the office holder and act in the British national interest, as many of my colleagues have said.

There is no doubt that our relationship with the United States is essential for both the economy and security. If a state visit will enhance and strengthen our ties, we should support it. There are those who have been critical of the President’s legitimacy. I think the hon. Member for Bradford West (Naz Shah) spoke about legitimacy, and I recognise the passion and deep feeling with which she spoke. However, the President is legitimate. He was democratically elected by the American people. For us to turn our back on the holder of the office of President is an insult to many millions of people.

Naz Shah: Does the hon. Gentleman agree that the debate is not about legitimacy? No one is saying “Let’s not invite President Trump to the UK.” We are saying, “Let’s not roll out the red carpet and honour his rhetoric.”

Martin Vickers: I think that we should roll out the red carpet if it is in our national interest to do so. I do not think there is any doubt about that, as I have said. My hon. Friend the Member for Ribble Valley (Mr Evans), who is not now in his place, rightly raised comparisons with the Brexit vote. Other candidates in the USA can be compared with those who campaigned for a remain vote in the UK, who did not understand the deeply held views of the British people. Many of the sneering, arrogant, superior comments that we now hear from commentators and, it must be said, some politicians, are an insult to the British people or, in this case, the American people.

The United States is a fully functioning democracy. There are checks and balances in its system, as we have seen from the court decision that went against the President’s immigration ban. The right hon. Member for Gordon (Alex Salmond) spoke about shared values, and the important shared values that we should unite to strengthen are the democratic process, the judicial system and a free press. Foolishly, last year, as, I think, my hon. Friend the Member for Gainsborough (Sir Edward Leigh) mentioned, we had a debate in this Chamber about whether to ban candidate Trump. That was foolish and ill advised, but the present debate is even more so. I repeat that he is the democratically elected President of our most important ally.

Reference has been made to Mr Trump meeting Her Majesty the Queen. Her Majesty has met, as the hon. Member for Newport West (Paul Flynn) described them, some “unsavoury characters”. In fact, she has met some characters who have actually taken up arms against the Crown, but she has moved on from that because it is in the best interests of our nation.

Mr Trump has said some unusual and irregular things, and some things I would certainly not agree with, but he has not, like many world leaders who Her Majesty and the Government have met over the years, abused human rights. One hopes he is now in a position to actually prevent other leaders around the world from doing so. There is absolutely no doubt, in my judgment, that we should indeed roll out the carpet for the President. We are not rolling out the carpet for Mr Trump; we are rolling out the red carpet for our most valued ally.

6.10 pm

Roger Mullin (Kirkcaldy and Cowdenbeath) (SNP): I am sorry that the right hon. Member for New Forest East (Dr Lewis) is not in his place, because I would like to respond to his arguments, particularly about the post-second world war situation and the need for peace and stability.

As a wee boy, on 4 September 1959, I walked with my mother from Maybole to Culzean castle in Ayrshire. I did so on that autumn day to view the coming of the then President of the United States, President Eisenhower, on his visit to Culzean castle. He was well known to the
people of the small town of Maybole, where he had been a freeman in 1946. He had also been given a suite of rooms in Culzean castle, called the Eisenhower suite, by the people of Scotland.

As many Members will know, Eisenhower was a five-star general who served as the supreme commander of the allied expeditionary force in Europe. Post-world war two, he became the first ever supreme commander of NATO. He was then President of the United States from 1953 to 1961—a time when the cold war gripped people with the fear that we faced the possibility of a third world war. He famously called Culzean castle his second White House, given that he visited it not only in the positions that he held but with his family on many occasions during his life.

However, that great American, who served us so well in the second world war as a supreme commander, who was the first commander of NATO and who became probably the greatest post-second world war Republican President, was only once—in 1959—allowed an informal visit to the United Kingdom. He was never afforded a state reception or the right to address Parliament, and he and the American people never complained once. He was able to engage informally. All we are asking is, if an informal visit was sufficient for that great President, who contributed so much to our society and to the defeat of fascism, why on earth are we rolling out the red carpet for a man who has only spread division and international instability?

The first foreign leader to be invited to address this Parliament was the President of France, on 23 March 1939, so it was not as if there was no precedent of having people coming on state visits or speaking to Parliament. We know that only two American Presidents in history have been afforded both a state visit and an invitation to address Parliament: Reagan and Obama. Bill Clinton was invited to address Parliament but did not receive a state visit, and George W. Bush received a state visit but was not invited to address Parliament.

Since the beginning of the 20th century, most American Presidents who have come to this country have come on informal visits; it is unusual for us to accord a state visit or the ability to address Parliament to American Presidents. If we do so for this President, who has created such international instability and such social division, we should think very carefully about what makes him deserving of a state visit. I would say that nothing does. This is a grubby and despicable manoeuvre by the Prime Minister.

Many years ago, the Scottish poet, Hugh MacDiarmid, said that, when he died, he wanted there to be a two-minute pandemonium. The only good thing I can see coming out of President Trump’s state visit is the opportunity for the citizens and parliamentarians of the nations of the United Kingdom to have a two-minute pandemonium in opposition.

6.15 pm

Mrs Anne Main (St Albans) (Con): I will keep my remarks brief. I am disappointed that some hon. Members who have spoken in favour of the petition to ban President Trump have said that anyone who supports the visit is an apologist for his views. That is absolutely not the case. My hon. Friend the Member for South Suffolk (James Cartlidge) was exactly right when he spoke of the need for calm, reflective diplomacy. I do not think megaphone diplomacy is ever to be advocated; we are best served by conducting our relationship with the United States in a positive manner.

The Government’s response to both petitions said that the visit was offered “on behalf of Her Majesty the Queen”. I cannot think that the Queen is completely unaware of what is being offered in her name. I do not actually have an idea of what Her Majesty thinks—that is way above my pay grade—but that is the whole point: we are not aware of what Her Majesty thinks. As convention decrees, she does not pronounce her views. However, I cannot think that Her Majesty will be embarrassed. As always, she will be a beacon of soft diplomacy by greeting the visitors to this country who are accorded the right of a visit in her name.

I made a list of hon. Members who are against the visit, including the hon. Member for Newport West (Paul Flynn), the right hon. Member for Tottenham (Mr Lammy) and the hon. Member for Cardiff South and Penarth (Stephen Doughty). I find it quite surprising that they argue that seven days was a short term in which to make the invitation. I hope colleagues will indulge me in saying that it is like the old story that someone is arguing with a prostitute about the price, and when he offers her tuppence, she says, “What do you take me for?”; and he says, “I think we know”. That is now a negotiating strategy. [Interruption.] Oh, let us have some fake outrage now: I think everybody has heard that comment before. I am standing here as a woman being shouted down by women, isn’t that right?

If not during those seven days, at what time would Opposition Members have considered it appropriate to extend the invitation? What we are actually talking about is a ban. From everything that has been said, there would seem to be no point that would be acceptable to the hon. Members who have spoken in favour of the petition to ban President Trump. I have listened courteously to all hon. Members who have spoken; I have sat here and not intervened because I am mindful of time, so I would appreciate not being barracked by Opposition Members.

My point is that, if we agree that the diplomacy to be extended between ourselves and the United States of America is within the gift of the Prime Minister and, I presume, with the permission of Her Majesty, we know that it will be done in the best possible manner to further our relationship with our closest ally. I am amazed that Opposition Members think that using a stick to poke and stir up the bees’ nest is the best way forward. The calm, reflective measures that were talked earlier about are exactly what we need.

Any of us who have particular concerns about some of President Trump’s pronouncements are quite right to have them; I object completely to some of the things that have been said. However, our Government have extended an invitation, in the name of Her Majesty, for someone to come to our country as a welcomed ally and as a President with whom we shall hopefully have a good and purposeful relationship.

We are now hearing comments about the man being protozoan. We have no respect for leaders of other countries if we talk about them in that manner. If we have concerns about his policies, we can by all means
Mr Nigel Evans: Does my hon. Friend get the impression that a number of people simply cannot come to terms with the fact that 61 million-plus people voted for the President of the United States, Donald Trump, because they felt left behind? There is an inability among people in this House to come to terms with democracy. That is why Tony Blair was visiting TV and radio stations the other day, trying to reverse the democratic decision of the British people—it is an inability to understand what democracy is all about.

Mrs Main: My hon. Friend is right. There have been plenty of comments here, but nearly 63 million people, I am reliably informed, voted for President Trump. That is their democratic decision. They are the people who have evaluated whether they like the man and whether they think he will take the country forwards. Many of them were aware of some of his comments in the past, and they voted for him because of the lines he has taken. It is not for us to criticise them and try to redress the matter now. I thought it was ridiculous when we debated somehow standing against his candidacy. He is the President, and we must move on.

If we have criticisms and concerns, the most important thing is that they are expressed behind closed doors. These public pronouncements seem completely counterintuitive to what we need to be doing for the future of this country. My hon. Friend the Member for Gainsborough (Sir Edward Leigh) got it exactly right: the easy thing to do is to stand in this Chamber and make vast speeches about how some of President Trump’s comments have been totally reprehensible. They have been, but how much farther does that get us? How much farther does that get our country in trade deals and negotiations, and perhaps when it comes to our reliance on America at some point in the future when it needs to come to our aid? I suspect this is a very dangerous route to go down.

6.22 pm

Daniel Zeichner (Cambridge) (Lab): It is a pleasure to serve under your chairmanship, Mr Turner. I want to start by talking about the number of people who have signed this petition, because it is truly staggering. In my constituency, the figure is almost 9,000—that is almost one in every 10 residents of Cambridge. We have heard talk about democracy. I have to say that democracy does not equal majoritarianism, and it is very important to remember that.

I want to say a little bit about why people in cities such as Cambridge feel so passionately about this issue, which goes to the very heart and kernel of people’s beliefs about themselves. We have heard about the people who have been left behind, but there is another place that values tolerance, education, understanding and learning. That is the kind of city Cambridge is, and there are other cities around the country just like that. For many people, this is more than just a calculation of national interest: it is about who we are and about our values, and it really matters.

I will quote one or two of my constituents who have not only signed the petition but written to me. One said: “I am appalled at the recent travel ban imposed by President Trump which denigrates Western values in such a public and devastating way.”

We have heard the argument about the fact that we have had other unsavoury leaders here in the past. Of course, there are always trade-offs. When we invite people here, we are trying to do something positive: we are trying to find common ground. The goal is always to widen dialogue. However, the United States is so much better than President Trump—that is the key to this.

We have a shared history. We go back historically. There has always been a tension between the old world and the new world. It has been a creative, cultural tension over many years. The fact that we are such good friends and have such shared values ought to mean we are the ones who can candidly say to the many, many people in America who are looking for something better that in a troubled time—and it is a troubled time—we stand with them. Frankly, as we speak, the Trump presidency is disintegrating. There has been a near meltdown in the White House over the past month or two, and we should not be coming along to help prop it up.

We have heard about the Prime Minister’s rush to go and meet President Trump. We all understand why that was and can see the point of that, post-Brexit. However, one of my constituents describes that as an “obsequious and inappropriate offer of cordiality.”

Those words may not be chosen in every constituency, but it sums up what a lot of people feel in Cambridge. My view is that turning to such an unstable regime is a big risk that may not look so bright in the months ahead. Is that really the patriotic option, in our national self-interest? Are we really sure this is the person we should put our trust in? We used to understand that by sharing sovereignty with others, we were all stronger. We are now in a new world where it is everyone for themselves. America is a big, powerful country—if it is America first, does that leave us exactly? We should think clearly about that. Another constituent says that our relationship with the US is “diminished by subordinating our long-held values for our short-term trading interests. The ‘special relationship’ is only as special as the values which underpin it.”

I understand the difficulty that the Prime Minister has got herself into, but there are many ways out of it. Just the revelations about Trump’s first choice for national security adviser and his potential link with the Russians should surely be more than enough reason for us to think that enough is enough. If this is about UK national security and interests, I say think again.

Let me conclude by saying that in my view, Mr Trump is a disgusting, immoral man. He represents the very opposite of the values we hold and should not be welcome here. We are a tolerant country, but we cannot allow that tolerance to be abused. We do not welcome bigots and we do not stand aside when we see intolerance, ignorance and hatred on the march—we respond, and that response should be for our Government to withdraw the invitation.

6.26 pm

Carol Monaghan (Glasgow North West) (SNP): It is a pleasure to serve under your chairmanship, Mr Turner. I am a teacher by profession. One of the most important
things that a teacher can give to their pupils is a view of
tolerance, respect and understanding that the world is
made up of a whole variety of different people who are
no better or worse than one another.

I became concerned when I heard comments such as
“Grab them by the pussy”.

I was even more concerned when those comments were
dangerously dismissed as locker room talk. Unlike the
hon. Member for Gainsborough (Sir Edward Leigh), I
do not know any men who think like that, have those
thoughts or even discuss them in the locker room—but
then again, I move in circles different from him. When
Donald Trump was elected, I tweeted:

“Xenophobic, racist, sectarian and sexist rhetoric has just been
legitimised. We should all be very afraid.”

Fox News reported that our First Minister, Nicola
Sturgeon, had urged Trump to reach out to those who
felt marginalised—a view I think we all agree with.

Carol Monaghan: I thank my hon. Friend for her
intervention. Of course, many of us may join those
people after this debate. [Interruption.] No, I will not
give way.

Fox News also quoted my tweet, which opened the
floodgates. I have a whole pile of comments. I will not
treat Members to the whole selection, but I will read a
couple of brief ones. They include:

“Mind your damn business and stay the hell out of our
politics.”

“The silent majority has spoken. We do not want to end up like
your piss poor country.”

and

“We kicked your ass once. We can do it again if you give us a
reason.”

Here is another one:

“Keep your vulgar comments on your side of the pond. We
should have let Germany run over you in the 40s.”

My personal favourite was from the geographically
challenged Randy Krone from Dallas, who tweeted:

“Ignorant, thick, foolish is the order of the day with Carol
Monaghan. Australia should be very afraid.”

Regardless of why people voted the way they did, a
Pandora’s box of hate has been opened and the right
wing has been emboldened, both in the United States
and across Europe, and we should all be worried about
that. Dark rhetoric that should never be uttered is now
being freely expressed. What do teachers now tell their
classes? How do they teach them tolerance and respect
when Trump has been not only elected, but offered a
state visit? How can teachers defend tolerance? How
can they stand up to their pupils? How can they tackle
bullying, xenophobia and homophobia in schools when
we have rolled out the red carpet to him? I have heard a
number of people saying that that is in the national
interest. I will tell them what is in the national interest:
showing an example to our young people and telling
them that those views are not to be accepted or tolerated.
We should be defending those who have moderate views
and moderate positions.

I stand here in support of the 3,554 of my constituents
who have signed the petition and the many others who
emailed me, urging me to speak out against this state visit.

Patrick Grady (Glasgow North) (SNP): My hon.
Friend and I share a constituency boundary, and 5,259
of my constituents have signed the petition against the
state visit, compared with the 168 who signed the petition
in favour. Given the vast level of public interest in this
petition, the interest that we can hear outside and the
interest that is demonstrated by the number of hon.
Members wanting to contribute this evening, does my
hon. Friend agree that the Petitions Committee and the
Procedure Committee need to look at ways of extending
the time and perhaps even the space that is available for
this kind of debate in the future?

Carol Monaghan: Absolutely. I thank my hon. Friend
for that intervention. As soon as we arrived for the
debate this afternoon I wondered why it was not taking
place in the main Chamber. So many hon. Members
obviously want to speak, and I am sure that the main
Chamber is much less busy than this one this evening.

To conclude, I agree with the overwhelming view of
my constituents that this state visit should not go ahead,
in the national interest.

Several hon. Members rose—

Mr Andrew Turner (in the Chair): Order. The next
speaker is Mr Alistair Carmichael. Could we now cut
speeches down to four minutes?

6.32 pm

Mr Alistair Carmichael (Orkney and Shetland) (LD):
It is a pleasure to take part in the debate and to serve
under your chairmanship, Mr Turner. I congratulate the
Petitions Committee on bringing it to us this afternoon
and, in particular, I congratulate all those who set up
and signed the petitions. For them to see the direct
influence of that political activism on the business of
this House has to be a good and positive development.

The argument advanced by those who support the
extension of an invitation of this sort to President
Trump, which was most thoughtfully expressed by the
Chairman of the Foreign Affairs Committee, the hon.
Member for Reigate (Crispin Blunt), is that essentially
this is the spending of a measure of political capital, on
which there will be a return. As the Chairman of the
Foreign Affairs Committee put it, the Prime Minister
won an important reaffirmation of the special
relationship. I have to say to all those who have advanced
that argument: where is the evidence that that is in fact the
case? I ask that because having offered President Trump
a state visit, and the offer having been accepted, we have
since seen a very different range of views coming from
him that are not particularly helpful, particularly in
relation to America’s future engagement through NATO—
the relationship with Russia, for example.

Stephen Doughty: The right hon. Gentleman is making
a very important point. Does he recall another British
Prime Minister, one who did many good things but,
I think, was deeply naive about the ability he thought he had to influence an American President, and where that led us?

**Mr Carmichael:** Indeed, and I had cause to reflect this weekend on that former Prime Minister.

My other concern is that we may have spent that capital in this way and it may or may not ultimately be effective, but this is week one of a four-year term. Having offered a state visit this time, what will we offer the next time we want to get a favourable response?

**Alex Salmond:** The Crown jewels.

**Mr Carmichael:** Will it be the Crown jewels? Who knows? Just about anything is possible these days.

Essentially, what we are talking about is a question of judgment, and in my view, the Prime Minister, in the exercise of her judgment, got it catastrophically wrong, not just in offering a state visit but, as others have observed, in doing so seven days after President Trump’s inauguration. That was not something that she just decided to do on the spur of the moment. We all know the Prime Minister well enough to know that it was not something she would have blurted out to fill an awkward pause in the conversation, so the question is: what was the motivation? My suspicion is that she was perhaps a little bit spooked by seeing the pictures of Nigel Farage at Trump Tower following the election in November, or it may be—as the right hon. Member for Gordon (Alex Salmond) suggested—that she was pursuing questions of trade deals post Brexit. Whatever the motivation, however, it has left us looking desperate and craven and rushing to embrace a presidency when the rest of the world is rushing away from it.

It is also worth remembering some of the things that that presidency involves and, in particular—this is my personal concern—President Trump’s determination or avowed intention to resurrect the use of torture.

**Mr Nigel Evans:** Will the right hon. Gentleman give way?

**Mr Carmichael:** I am sorry, but I am down to four minutes and I do not have any more injury time, as it is called.

Waterboarding or something

“a hell of a lot worse”

was the expression. When I asked the Foreign Secretary whether he had raised that with President Trump, he said that he did not discuss operational matters. Whether we share our intelligence with a country that condones the use of torture is not an operational matter. That is a matter of policy for every other country in the world and it should be a matter of policy for the United States of America as well.

I have no issue with the Prime Minister seeking to influence the President of the United States, but she should do it in a way that engages the relationship that we have enjoyed in the past; she should be seeking to build on that. If, and only if, she is successful in that should an offer such as the one that she has made be extended. That presumes, of course, that President Trump will be influenced. I see little evidence to support that contention. Even those few benign influences that are around him do not seem able to do that.

I start from the position of somebody who values the special relationship, but I understand that that special relationship is not between a Government and an Administration; it is between our two peoples. It is our shared history and our shared values that make it special and enduring, and that is what the Prime Minister risks doing severe damage to today.

6.37 pm

**Mr Gregory Campbell** (East Londonderry) (DUP): I would hope that this debate—not just the debate in Westminster Hall, but the wider debate—would be conducted in a calm and rational fashion, but the past hour and 40 minutes indicate that that may indeed be a hope rather than an expectation. None the less, this matter has been debated widely outside the House, and there are many outside who do not share my view. My view is that Candidate Trump and Mr Trump made some deplorable and vile comments, which are indefensible—they cannot be defended morally, politically or in any other way—but he is the democratically elected President of the United States of America. As far as I am aware, 62.9 million people voted for the now President Trump, and the electoral college system delivered the presidency to him.

In the few minutes that I have, I wish to labour the following point. Eight years ago we had the election of President Barack Obama. We were told at the time that there was a new man. Here was a man whose slogan was “Yes, we can”, who would introduce a radical wave of liberal ideas that would bring the United States of America well into the 21st century and would liberate and emancipate that nation state, with the great liberty that it has had for more than 200 years. According to some, more than 60 million Americans, after having eight years of Obama’s presidency, elected a bigoted, misogynistic, racist, paranoid xenophobe and Islamophobe. How did they do that after eight years of the great liberal being in charge of the United States of America? How can otherwise rational, peaceful democrats vote for such a xenophobe?

That question is in part what the hon. Member for Ribble Valley (Mr Evans) alluded to. Across the free world there is an isolation—not the isolationism of President Trump, but an isolation of peoples. Whether in the United Kingdom or the USA, and as we will probably see in the Netherlands, France and Germany, there is a rising up of people who have had enough of the establishment because they blame the establishment for their plight. It does not do for people to patronise them and say, “We will take account of your fears and concerns. You have perceptions—they are not really accurate, but we understand that they are your perceptions.” That will not wash. It did not wash in America, it did not wash with the Brexit vote and we will wait and see whether it washes in much of continental Europe. It is time the establishment—the bubble—whether in Westminster, Brussels or Washington woke up to the reality that people want to see and hear their Government and elected representatives representing them rather than simply going through the motions of establishing further bubbles and retreating into their bubble even more.

I do not endorse some of the things President Trump has said, but he has been invited. We should ensure that that invite goes ahead and we should also say to Mr Trump, “Some of the things you have said are unacceptable.
If you think that the pendulum has swung too far to the left, Mr Trump, please be sure that you do not allow it to swing too far to the right.”

6.41 pm

**Dawn Butler** (Brent Central) (Lab): I congratulate the Petitions Committee on holding this debate. My constituency is the most diverse in Europe, and I am very proud of that. Almost everybody there has something to say about Trump and America.

The UK has, and always has had, a close working relationship with the United States, and it is important to continue that special relationship, but it comes with responsibilities. Today we speak in our Parliament, which is older than the United States itself, and we have a responsibility—as the elder, if you like—to guide that special relationship. It is often said that when America sneezes, the UK catches a cold. Well, right now America has a pretty nasty virus, and it is important that that virus does not spread. We have to stop the spread of that virus, because the closeness of our special relationship and the open wound we have, which was created by Brexit, leaves us quite vulnerable. We need to stop this contagion becoming an epidemic that leads to a pandemic from which the free world may never recover.

There is a lot of talk about the negotiations the Prime Minister delivered to continue our close working relationship. I say that we cannot sell our souls and what we believe in in order to sell our goods and services. That price is way too high to pay. The antidote to the virus is building bridges, not walls. It is listening to the thousands of people who have spoken, who have signed the petition and who are outside Parliament right now—we can hear them cheering and chanting. We hear people who have come out to march. People who have never marched before are outside Parliament right now because they believe in something. They believe in hope, not hate.

Edmund Burke said, “All that is necessary for the triumph of evil is for good men to do nothing.” I am sure that he wanted to mention women in his speech and his wise statement. It was women who were the first to mobilise against Trump’s extremism; hundreds of thousands took to the streets, and they were rightly joined by men, boys, girls, those who are gay, straight, people of all religions and those of none. It is time that the United Kingdom united its voice against racism, bigotry, misogyny, Islamophobia, anti-Semitism and all the tools of division that have given Trump the White House. People have said today, “He is not racist, because...” To me, that is the same as saying, “How can someone be a murderer?” It is the same way as a murderer can be a murderer and still have friends who are alive. It does not matter—he is still a racist and misogynistic.

We affect each other. I think Martin Luther King put it well. He said: “I can never be what I ought to be until you are what you ought to be... this is the interrelated structure of reality.”

We are bound together in a “single garment of destiny” and we need each other in order to move forward. There is no way around it; we have to work with other people.

President Trump is the President. He can come and visit, but not on a state visit—that is taking it a little step too far. Trump’s message is not about togetherness; it is all about building walls and imposing bans. It is not about the truth; when he speaks and someone criticises or questions what he has said, he cries that it is fake news. There is a real issue and a problem that we have to address.

**Nigel Adams** (Selby and Ainsty) (Con): Will the hon. Lady give way?

**Mr Andrew Turner** (in the Chair): Order. We have reached 6.45 pm, so we must move on to Liam Byrne.

Dawn Butler: I will conclude to give my right hon. Friend the Member for Birmingham, Hodge Hill (Liam Byrne) time to speak. I just want to say that the whole world is watching the decision that we make in Parliament, and we cannot be on the wrong side of history.

6.46 pm

**Liam Byrne** (Birmingham, Hodge Hill) (Lab): It is a privilege to serve under your chairmanship, Mr Turner.

I want to start in the same place as my right hon. Friend the Member for Birmingham, Hodge Hill (Liam Byrne) time to speak. I just want to say that the whole world is watching the decision that we make in Parliament, and we cannot be on the wrong side of history.

What we need right now, in this world of division and discord, is a shared defence of the values we have in common. We need a shared stand against disunity, a shared stand against intolerance and a shared stand against hatred. That is what we should be celebrating with a presidential state visit to the United Kingdom and that, I am afraid, is what we are not going to get. My fear is that this visit will not be a showcase for those shared values. Actually, it will be a showcase for the divisions between us. We have to ask ourselves what will greet President Trump when he gets here. I argue that, frankly, we are going to get the kind of protest that we see outside now. In fact, what will greet the President will make the protest outside look like a tea party. What we hope to be a special relationship will emerge as a strained relationship.

If I thought, similar to my hon. Friend the Member for Bradford West (Naz Shah), that we could take the President for a non-alcoholic pint, sit him down for a cup of tea or take him out for a curry in the Balti triangle of Birmingham, and send him away a better man, I would be all for rolling out the red carpet. But what the President has shown us by his conduct is that he is not a man who treasures two-way conversations; he is a man who treasures one-way conversations, ideally composed of 140 characters.

Some hon. Members have said that we have entertained all sorts. That is true. Diplomacy is not a business in which we can conduct conversations only with our friends. As my hon. Friend the Member for Cambridge (Daniel Zeichner) said, however, we hold America to a
higher standard because it is our friend. Our shared values were pioneered in this Parliament in the years before the civil war. We gave those shared values to the pilgrim fathers, who took them and wrote the Mayflower compact, which became the American constitution. Those are values that we should be celebrating.

Nigel Adams: Will the right hon. Gentleman give way?

Liam Byrne: I will not give way, because time is now very short.

My fear is that nothing would be left unsaid in this visit. That is a problem, because sometimes in diplomacy things are better left unsaid. In this visit we would hear the sirens and the protests, and my fear is that in parts of America that would be misinterpreted not as antipathy to Donald Trump but as antipathy to America. That is not something we want if we are to strengthen and reinforce the American special relationship.

The truth is that the history of British diplomacy and politics is littered with British Prime Ministers who overestimated their influence on American Presidents. I fear that our Prime Minister is about to add her name to that cast list. The state visit will be a mistake, but it is hard to withdraw the offer now. Frankly, our best hope is to keep it short, because my fear is that it will not be sweet.

6.49 pm

Ms Tasmina Ahmed-Sheikh (Ochil and South Perthshire) (SNP): It is a pleasure to serve under your chairpersonship, Mr Turner.

I ask the Members who are still here this evening to close their eyes and think about something for a minute: if we were talking about any other person—any other leader—in the world, wherever they might come from, would we be standing in such astute defence of him? I think perhaps not, and we should all think about what that says about us. Does it say that it does not matter what the President of the United States says, because he is a rich white man? I fear that that is exactly what it says.

Some have talked of others who have been invited on state visits to this country. I ask hon. Members who raised that issue this: which other head of state who has been invited on a state visit has posed a threat to our royal family? I think the answer to that is none.

What this debate is about is who we are as a country of many nations than some of the people who voted had the right to do so. We know there were democratic elections, although President Trump has cast aspersions upon whether some of the people who voted had the right to do so. What this debate is about is who we are as a country made up of four nations. I have to say that I think the voices we can hear outside are perhaps more demonstrative of who we are as a country of many nations than some of the voices we have heard in here today.

State visits have been an honour bestowed by our monarchy on the heads of states of other nations. This debate is not about how the USA voted—of course it is not. We know there were democratic elections, although President Trump has cast aspersions upon whether some of the people who voted had the right to do so.

That takes me on to the comment made by the hon. Member for Gainsborough (Sir Edward Leigh). He asked, “Which one of us hasn’t made a ridiculous sexual comment in the past?” It is unacceptable that he thinks that is the right point to bring to this forum. It is never, ever okay to make comments of a sexual nature to anybody. I know I speak for all the women in this House—if not some of the men too—when I say that we have had enough of it and we are certainly not going to put up with any more of it.

State visits have been an honour bestowed by our monarchy on the heads of states of other nations. This debate is not about how the USA voted—of course it is not. We know there were democratic elections, although President Trump has cast aspersions upon whether some of the people who voted had the right to do so. What this debate is about is who we are as a country made up of four nations. I have to say that I think the voices we can hear outside are perhaps more demonstrative of who we are as a country of many nations than some of the voices we have heard in here today.

Natalie McGarry (Glasgow East) (Ind): My hon. Friend is making an important point. We respect the right of the Americans to decide their President, but that is not what this debate is about; it is about our values, our constituents and what the situation means to us. If this Parliament is an embodiment of our country’s values, to paraphrase Jane Austen, are the shades of Parliament to be thus polluted?

Ms Ahmed-Sheikh: I agree very much with my hon. Friend. There were sighs from Members at the back of the Chamber because I allowed an intervention from her, but I did so because she has not yet spoken in the debate, and it is important that everybody’s voice is heard, not just those of the majority made up by men.

Mr Nigel Evans: My hon. Friend the Member for Selby and Ainsty (Nigel Adams) has not spoken either.

Ms Ahmed-Sheikh: Well, I will take his intervention then. I did not realise.

Nigel Adams: I am extremely grateful. The hon. Lady is sending a powerful message, but I want to take her back to her points about other heads of states who have come, because I am a bit confused. Many Members have mentioned some rather unsavoury figures who have been afforded state visits. Not so long ago we rolled out the red carpet for the Emir of Kuwait, which is a place where, if someone is gay, there is a pretty good chance they will be slain in prison. I wonder whether the hon. Lady thinks we are perhaps traipsing into an area of double standards.
Ms Ahmed-Sheikh: I thank the hon. Gentleman for his intervention—I see that I do not get any extra speaking time for taking it. I believe that when it is in our interest, the Government—Scotland and the UK should seek to work constructively with Governments and world leaders with whom we agree and disagree. However, I refer him to the points I made about what is in the interests of our national security and the insults that have been made to the royal family, which I will come to.

We must demonstrate leadership. The point of all that we do is to encourage others who visit this country to raise their game, but the current President of the United States is not someone who is demonstrating positive leadership on the world stage, someone who would benefit from a first-hand examination of democracy, or someone who is acting in a way that is in our national interest.

Up to now, Presidents of the United States have been almost universally considered to be leaders of the free world. There have been some good and some not-so-good Presidents, but although we may agree with some of their philosophies or policies, each has been committed to upholding the constitution of the United States and promoting and protecting freedom and justice across the world. I consider myself a friend of the United States, and like many Scots, I am pleased about our countries’ strong links. As an alumna of the US State Department’s international visitor leadership programme, I have seen at first hand the professionalism and care with which US Administrations deal with their friends from across the world when they visit, but President Trump does not follow in the footsteps of the giants of American history. His actions to date have not upheld US values and those of the US constitution, but have undermined them to every extent.

It is not just by inviting him here on a state visit that we are setting aside his outrageous and deplorable personal conduct. As we have heard, this is a man who jokes about grabbing women “by the pussy”. This is a man who—[Interruption.] I hear groans from Members at the back of the Chamber, but it is just not on. This is a man who said of the Duchess of Cambridge in 2012: “Who wouldn’t take Kate’s picture and make lots of money if she does the nude sunbathing thing. Come on Kate!” How humiliating it would be for any family to welcome somebody like that in their home, and we are asking that the royal family do precisely that.

I object to this proposed state visit not just because of President Trump’s vile behaviour, but because of his actions as President. He signed illegal and unconstitutional Executive orders that contravened the USA’s obligations under the Geneva convention. His subsequent public statements have systematically undermined the independence of the judiciary. He set the groundwork for rolling back the Voting Rights Act and placing new restrictions on Americans’ rights to vote by falsely claiming that voting fraud is taking place on a massive scale, without a single shred of evidence to substantiate it. He has undermined the free press. He has called any statements that that acquiescence will change his dangerous policies for them? I think we should.

If we fete and accommodate Trump on an official visit, lending him our cloak of respectability, and hope that that acquiescence will change our dangerous policies or vile behaviour, we will carrying on the tradition of the spectacularly unsuccessful tactics used by Tory MPs in this Chamber who attended the debate a year ago and dismissed him as a “wazzock”—I think that was the word that was used. Those who chose to ridicule him then must be wondering why they did. We have now heard from the Prime Minister, as we have heard so often, that we are supposed to be demonstrating global leadership. In our actions, we have demonstrated only that we have failed in our duty to do so. We are following in Trump’s footsteps, and I do not intend to go in that direction.

7 pm

Catherine West (Hornsey and Wood Green) (Lab): It is a pleasure to serve under your chairmanship, Mr Turner. I am grateful for the opportunity to speak in this debate, not least because my constituency has the third highest number of signatories to the petition. It is a happy coincidence that I have the opportunity to respond on behalf of the Opposition.

The petition is approaching the 2 million-signature mark, and we know from the hundreds of letters that we have received in our offices and the thousands of people who joined my hon. Friend the Member for Brent Central (Dawn Butler) and me at the protests earlier this month that public concern is immense, not only about the President’s behaviour and confrontational approach but about the position that our Government have taken in relation to his visit.
My hon. Friend the Member for Newport West (Paul Flynn) gave some excellent examples in his contribution, and many Members have made passionate speeches. As my right hon. Friend the Member for Tottenham (Mr Lammy) said, the United States is one of our closest allies and strongest trading partners, although I hasten to add that they were not our only partner in the world wars—there were other important partners among the Commonwealth countries and we must not forget our history. However, as he pointed out, what is important is the relationship. It was great to hear my right hon. Friend the Member for Birmingham, Hodge Hill ( Liam Byrne) speak about his experience of studying in the US. There is nothing like an experience at university to hammer home that sense of friendship.

Hannah Bardell: On that point, does the hon. Lady agree with the staff who work at places such as the US State Department, consulates and embassies? I spent 18 months working for the American consulate in Edinburgh, and I was with staff there on the evening of the election. They were devastated at the thought that Trump had been elected President. They are now at the forefront, having to face down and work with the public while he makes abhorrent statements.

Catherine West: I did feel a sense of sympathy for the woman who was unceremoniously sacked following the imposition of the ban. Having run a local authority, I know how heated elected members can get. They run into the Chamber or the White House and suddenly decide, “This is the policy of the day,” and the poor old staff have to respond and think up how that policy can actually come into effect. That is why certain states have questioned the legal basis for the famous so-called Muslim ban.

I will comment briefly on the issues that we should be talking about: tackling international crime and terrorism, working together to address the mass movement of people around the globe and reinforcing international policies to combat climate change. Sadly, instead, we are falling into the trap of responding confrontationally to policy pronouncements made via Twitter. I hope we can right the ship again and get back to our more measured way of discussing, debating and taking a little more time to consider the importance of our foreign policy.

One concern outlined in the text of the petition is the potential embarrassment that a state visit might cause to Her Majesty. However, I fear that there is a greater concern. Proceeding with the organisation of a state visit while President Trump remains intent on enforcing his travel ban on nationals from Iraq, Syria, Iran, Somalia, Sudan and Yemen, and while we are trying to establish a relationship of equals, would send the wrong message to the White House, the international community and the sizable diasporas from those countries resident here in our constituencies. Let us be in no doubt: it is not about the fact that that one group is being singled out, but the fact that any group at all is being singled out. It is that random nature of discrimination that strikes fear into the hearts of many.

We know that the German Chancellor, Angela Merkel, took the President to task for how the travel ban amounted to a breach of the refugee convention. Many expect the same of the Prime Minister of the United Kingdom. I share the disappointment of the hundreds of thousands of citizens who felt totally let down by the lack of robust leadership, not least because it sends a worrying message that our foreign policy is overwhelmingly focused on and determined by trade. I would welcome a commitment from the Minister to a more rounded foreign policy that considers not just trade but the importance of human rights and national security.

As many have already mentioned, Presidents of the United States have often made official visits to the UK for summit meetings or other events within months of their inauguration. However, state visits, which require an invitation, have historically taken place after a considerably longer period following inauguration than the one currently proposed for President Trump. My hon. Friend the Member for Rhondda (Chris Bryant) made the important point that a more considered approach might involve asking one of our Committees to review our procedures for state visits. That would also protect a Prime Minister caught on the hop abroad, who could say that Parliament had a system rather than setting out, as ours did, on a rather unfortunate and risky endeavour. She was barely in the air before the ban was suddenly announced, and she was caught in the position of having to respond quickly. Had she been able to say, “We have a due process for deciding these things, and we will let you know,” it would have been much more diplomatic, considered and sensible. I hope the Minister will comment on that suggestion.

My hon. Friend the Member for Hampstead and Kilburn (Tulip Siddiq) pointed out that the Prime Minister announced the invitation just a week after the President took office. A little more thought about the timing would have been much more helpful, and would perhaps have led to less concern among our own citizens, whom we can hear outside this Chamber. My hon. Friends the Members for Bethnal Green and Bow (Rushanara Ali) and for Dewsbury (Paula Sherriff) also pointed out eloquently the importance of our values on women’s rights, and my hon. Friend the Member for Bradford West (Naz Shah) discussed her constituency, where misogynistic and racist messages are clearly unwelcome.

To sum up, we share the concern of many parliamentary colleagues and millions of people across the UK about both the timing and the context of the invitation for a state visit. I am keen to know whether the Minister, who we know is an honourable man, had any personal discussions with the Foreign Secretary or indeed the Prime Minister about the timing of the invitation and the designation of the visit as a state visit, given that the Minister himself believes the rhetoric around the travel ban to be “unacceptably anti-Muslim”. I would also like to give the Minister the opportunity to admit that extending the honour of a state visit in the current context was essentially an error of judgment.

The position is clear: we are opposed to honouring Mr Trump with a state visit so early in his presidency, and certainly while he remains intent on enforcing this discriminatory travel ban. Should it proceed, I am strongly opposed to offering him the honour of addressing both Houses of Parliament in Westminster Hall so early. I associate myself with the remarks of the Speaker of the House of Commons and the sentiments expressed in early-day motion 890, tabled by my excellent hon. Friend the Member for Cardiff South and Penarth (Stephen Doughty).
I am immensely proud that Members speaking in this debate have reaffirmed Parliament’s strong role and commitment to the principles of the rule of law and the independence of the judiciary, as well as our opposition to racism and sexism.

7.9 pm

Sir Alan Duncan: No, I am going to make progress.

In an uncertain and increasingly dangerous world, the ability to work closely with key countries is critical. Strong alliances and close relationships are a central stabilising pillar for world security. This is an increasingly unstable world, but throughout modern history, the United States and the United Kingdom have worked together side by side to bring peace and security during times of danger and uncertainty. Put simply, a state visit will work with the new Administration. A state visit will provide the opportunity to further advance those common interests.

Hon. Members have mentioned timing. State visits are not necessarily the sole preserve of long-serving heads of state. In the past, a state visit has been extended to the Presidents of South Africa, France, South Korea, Finland and Poland, among others, each within their first year of office.

Seema Malhotra (Feltham and Heston) (Lab/Co-op): Will the Minister give way?

Sir Alan Duncan: Yes, but just this once, or I will not be able to answer all the points that have been raised.

Seema Malhotra: Does the Minister agree at least that extending a state visit in this way and at this time could effectively be seen as a validation of the views and statements of President Trump? It has been seen in that way by many of my constituents, who feel very concerned about the message that it sends.

Sir Alan Duncan: I understand the hon. Lady’s point exactly. I accept that that is a powerful counter-argument to the case that I am making, but I do not accept that the process of a state visit will be seen as such validation. Let me explain further what I think the value of the state visit will be.

The Government strongly believe that it is a perfectly legitimate decision to use the full impact of an invitation to maximise the diplomatic significance of a state visit at the start of President Trump’s term of office. President Obama and President George W. Bush both visited the UK on a state visit during their first term in office, so it is entirely appropriate that President Trump, too, should be invited in his first term. However, since timing has been raised today, let me be absolutely clear that neither the precise timing nor the content of the proposed visit has yet been agreed.

Mention has been made of the prospect of the President addressing Parliament in some manner or other. In fact, only three guests in the past hundred years have addressed both Houses of Parliament as part of a state visit: President de Gaulle in 1960, President Mandela in 1996, and British Secretaries of State have built relationships with their opposite numbers after their congressional confirmation. The Prime Minister’s visit last month was of enormous significance. Only last week, the Foreign Secretary and the Defence Secretary met their opposite numbers. On Friday, I met the US Secretary of Homeland Security, John Kelly.

The Government place our national interest at the heart of our decision making, and the special relationship is a central part of that national interest.

Stephen Doughty: Will the Minister give way?

Sir Alan Duncan: No, I am going to keep going.

The special relationship transcends political parties on both sides of the Atlantic, and it is bigger than individual personalities. It is about the security and prosperity of our two nations. The Prime Minister’s meeting with President Trump in Washington last month identified many areas of common interest on which we will work with the new Administration. A state visit will provide the opportunity to further advance those common interests.

As other hon. Members have said, the state visit is a uniquely British construct. No other country is able to offer one in quite the same way—it is distinctively British. Her Majesty has hosted more than 100 state visits during her reign. All such visits are a rare and prestigious occasion, but they are also our most important diplomatic tool. They enable us to strengthen and influence the international relationships that are of the greatest strategic importance to this country and to other parts of the world.

To answer a question asked by the Opposition spokesperson, the hon. Member for Hornsey and Wood Green (Catherine West), recommendations for state visits are made on the advice of the Government through the Royal Visits Committee, not by Parliament. The committee is attended by representatives of the royal household, Downing Street, the Cabinet Office and the Department for International Trade, and is chaired by the Foreign and Commonwealth Office.

Alex Salmond: Will the Minister give way?

Sir Alan Duncan: No, I am going to make progress.

In an uncertain and increasingly dangerous world, the ability to work closely with key countries is critical. Strong alliances and close relationships are a central stabilising pillar for world security. This is an increasingly unstable world, but throughout modern history, the United States and the United Kingdom have worked together side by side to bring peace and security during times of danger and uncertainty. Put simply, a state visit matters so much because diplomacy matters, especially with the world as it is today.

The relationship between the United Kingdom and the United States is built around a common language, the common principles of freedom and democracy, and common interests in so many other areas. Our relationship is undoubtedly special. On security, defence, trade, investment and all such issues, the United Kingdom and the United States are and will remain the closest of partners. The United States is the world’s greatest power. In the light of America’s pivotal role, it is entirely right that we should use all the tools at our disposal to build common ground with President Trump.

As the baton of office passed seamlessly and constitutionally from one President to another, we were already well placed to have a productive and meaningful engagement with the new Administration. The British embassy in Washington has been working with key figures in the US Administration over many months.
and President Obama in 2011. In any event, as the House is aware, whether that ever happens is solely for the relevant parliamentary authorities to determine.

Alex Salmond: On a point of order, Mr Turner. Tens of thousands of people are demonstrating outside and I am having difficulty in hearing the Minister.

Sir Alan Duncan: No, you're not!

Alex Salmond: But did the Minister just tell us that, if he had been asked, he would have advised a visit—

Sir Alan Duncan: That is a fake point of order.

Alex Salmond: That is not for the Minister to decide. Mr Turner, you are in the Chair, not the Minister.

Mr Andrew Turner (in the Chair): Order. That is not eligible as a point of order. Sit down, Mr Salmond. Go on, Minister.

Sir Alan Duncan: Thank you, Mr Turner.

I was talking about the prospect of the President addressing both Houses of Parliament. Comment on whether that might happen has run completely ahead of itself. The simple fact is that no request for any parliamentary event to take place has been received from Washington. The question of addressing a meeting of Parliament has never even been mentioned. Any discussion or judgment of that possibility is therefore purely speculative.

Within the views that have been expressed about the appropriateness of a state visit from the President, there lurks a fundamental principle that Members of this House should consider very seriously—the principle of freedom of speech. President Trump was democratically elected by the American people under their own constitutional system. To have strong views about him is one matter, but to translate a difference of opinion into a demand to ban him is quite another.

Given the understandable questions on certain policy stances that arise on any change of Government, it is prudent for us to work closely alongside the United States as the new Administration chart their course. We have already seen the importance of that engagement: the Prime Minister's early meeting with the President has elicited key commitments on NATO, which were echoed by the vice-president in Munich on Saturday, and has laid the groundwork to establish a swift post-Brexit free trade agreement. Further constructive engagement will be helped by a state visit.

In February 1917, a century ago, The Spectator published its view on the US and the UK:

“It would be easy to write down a hundred reasons why unclouded friendship and moral co-operation between the United States and Britain are a benefit to the world, and why an interruption of such relations is a detriment to progress and a disease world-wide in its effects.”

Liam Byrne: Will the Minister give way?

Sir Alan Duncan: No; I am in the middle of a quotation. It continues:

“But when we had written down all those reasons we should not have expressed the instinctive sentiments which go below and beyond them all. To our way of feeling, quarrelling and misunderstanding between the British and American peoples are like a thing contrary to Nature. They are so contrary to Nature that the times of misunderstanding have always seemed to us abnormal, and a return to friendship not an achievement of wise diplomacy…but merely a resumption of the normal.”

It is that historic normality that is reflected in this invitation.

This is a special moment for the special relationship. The visit should happen, the visit will happen, and when it does I trust that the United Kingdom will extend a polite and generous welcome to President Donald Trump.

7.19 pm

Paul Flynn: This has been an extraordinary event, and the Petitions Committee and the system for petitions have come of age in this debate. How can we have such a situation, where the Minister has given his carefully manicured press/civil servant briefing while outside we have a Greek chorus of—in his case—disapproval? We are expressing the voice of the people and a thunderous voice it has been.

I will make just one more point. I believe that the debate went off the rails when some hon. Members suggested that the petitioners were asking for a ban on President Trump. Not one of the 2 million people is asking for a ban. In the largest petition, people are asking for the visit to be downgraded from a state visit. That is the whole point, namely that by giving this rare accolade of a state visit to President Trump the implication is that we approve of him and his policies. It is fine to have the President here and it is fine to have a visit on business—there is no objection to that—but this marvellous debate that we have had shows that we are reacting to the voice of the people, and to the anger and fear outside. It is a good day for Parliament.

Question put and negatived.

7.21 pm

Sitting adjourned.
Westminster Hall

Tuesday 21 February 2017

[ANDREW ROSINDELL in the Chair]

A Better Defence Estate Strategy

9.30 am

Mrs Helen Grant (Maidstone and The Weald) (Con):
I beg to move,

That this House has considered A Better Defence Estate strategy.

In November last year, it was announced that 91 military bases across the country would close. That represents a 30% reduction in the Ministry of Defence estate. The announcement was part of the “A Better Defence Estate” strategy, and closure dates for bases ranged from 2017 to 2032.

One of the barracks earmarked for closure in 2027 is Invicta Park barracks in Maidstone, in my constituency. The Government argue that their aim is to improve military capability and rationalise the estate. Of course, those goals are well understood. We are told that decisions have been taken based on military advice and extensive engagement. I have serious concerns relating to the nature and extent of the advice and engagement, and to the lack of information regarding costs, benefits and environmental safety. I would like the Minister to provide further details when he speaks, but today I want to focus most of my time on the extremely negative impact that the decision will have if it goes ahead.

First, site closure will affect thousands of service and civilian personnel and their families, who still do not know what it means for them. Will they need to commute further, move house, or move their children from schools? Will they have a job at the end of it all? That uncertainty washes over everyone in the family. It also impacts socially and economically on local communities. Businesses, schools and places of worship will all be affected by the departure of those people. There will be a loss of military heritage, and of support and connection with towns and counties around the country. Many of these connections span hundreds of years, and are the source of the close bond between our armed forces and communities.

There will also be a reduced ability for the military to recruit and retain the best service personnel at a time when recruitment and retention figures for regulars and reserves are especially worrying. The increased uncertainty, coupled with wives and families being moved from vibrant and popular towns such as Maidstone and York to isolated “super-bases” such as Catterick and Salisbury Plain, will have an adverse effect. Some even feel that the Government have simply got the policy wrong in terms of military capability and effectiveness. Indeed, Lieutenant Colonel Brian Awford, who is now retired, believes that:

“...the decision to close Invicta Park Barracks is unsound. It will be a negative step for the army.”

Large garrisons with many shared facilities will become the norm. They will be separated from local populations and distant from specialist training bases. There will be no jobs for wives and no girlfriends for soldiers. The quality of life will decline. It will do nothing for morale or recruitment, which comes from the good liaison between the Army and the local population.

Many of those negative outcomes are shared by colleagues across constituencies, but in addition we each harbour unique vulnerabilities that deserve consideration. In my case, it is the plight of serving Gurkha soldiers and their families, and that of Gurkha veterans. Invicta Park barracks is the home of the 36 Engineers and the Queen’s Gurkha Engineers. Unlike the 36 Engineers, who expect to be posted and moved from time to time, the Gurkhas tend to remain located at one base, which they make their permanent home. All Gurkha soldiers who have joined the Queen’s Gurkha Engineers since 1994 have been based at the barracks for their entire career. They are, of course, seconded from time to time, but they always return to Maidstone and to their families, who remain in the town.

That is part of a long-standing, balanced understanding between the UK and the Gurkhas. They come from afar and take great risks in fighting for us, while being able to retain around them the support of their veterans, their wives, their children and the wider Nepalese community. To wrench serving Gurkhas and their families from their cultural base and permanent home denies them the benefits of that equation. I do not believe that to be right or fair.

Helen Whately (Faversham and MidKent) (Con):
My hon. Friend is making very strong points and I want to support her on that one. I represent the other side of Maidstone and recently met a group of Nepalese ladies, many of whom are wives of Gurkhas at the barracks. Does she agree that the Gurkhas are very much part of the community in and around Maidstone? The fact that they are there permanently is an important factor that should be considered as part of those decisions.

Mrs Grant: My hon. Friend and neighbouring MP—we also share the same first name, which makes for a bit of confusion—makes a very good point. As I will go on to say, the Gurkhas and the Nepalese community are cherished and respected. There is wide opposition to the closure, so much so that a petition against it that I have been running for just a few weeks already has 2,500 names. That expresses the strength of the feeling from the people of Maidstone that we do not want to lose our Nepalese community. The soldiers and their families have worked hard for many years to integrate and to become part of the fabric of the area. As I have said, they have succeeded, and are widely respected and cherished.

One former Army wife, Mrs Jean Ruddell, who lived at the barracks for seven years, told me how difficult it had been for the Gurkha wives when they first arrived in 1998-99. She said that it was a real culture shock and that they had been a little like rabbits in headlights. However, they worked hard, learned English and enrolled in classes to assist them in finding work. They fully immersed themselves in Kent life and in the county town. She said there was mutual respect for different traditions and beliefs. She described it as real harmony and as multicultural at its very best. She remarked on what a tragedy it would be to see all of that broken up, at a time when togetherness and commonality are more important than ever. Another lady summarised well how many Nepalese people feel:
[Mrs Helen Grant]

“We will miss the close connection with the Maidstone community. We love it here and have made it our home. We will need to start all over again if we move. It is so hard to build such relations.”

To illustrate the cross-generational feeling, one 85-year-old Gurkha veteran told me: “If our soldiers move, their wives and children will move too. We will be left stranded. We will lose the help and support given to us by our younger generation. We rely upon this heavily, especially those of us who have been injured or who are disabled”.

In the armed forces covenant annual report, the Secretary of State for Defence says:

“We have a duty across society to recognise this dedication and sacrifice, by ensuring that the policies we make, and the services that we provide, treat our Service personnel, Veterans, and their families fairly, and ensure they suffer no disadvantage by comparison to the rest of society as a result of their service.”

I fully support the covenant, and the Minister should be rightly proud of the role he has played in establishing it within society. A key pillar of the covenant, as the Secretary of State said, is to treat our service personnel and veterans and their families fairly. However, if the decision to close Invicta Park barracks goes ahead, the Government will not, I believe, for all the reasons I have stated, be acting fairly, and will be in breach of the covenant.

Mr Gregory Campbell (East Londonderry) (DUP): I congratulate the hon. Lady on securing the debate. She outlines passionately the impact on her constituency. Does she agree with the wider concern that, if the rationale and thinking behind the estate strategy pervades the training and reserves estate, we could see other problems right across the United Kingdom?

Mrs Grant: The hon. Gentleman makes an excellent point, and if he makes a speech today we will hopefully hear more about that. There are a number of important contributions to be made by Members on both sides of the House and it is important that they are all heard. I also want the Minister to have plenty of time to speak and to address the issues that will no doubt be raised.

Sir Nicholas Soames (Mid Sussex) (Con): I congratulate my hon. Friend on raising this important subject. On the wider question of the management of the defence estate, does she agree that there are some immensely important, significant, historic buildings, some of which are of national importance? It is vital both that they are treated with great sensitivity and care and that, within the period of the rationalisation, the most careful plan for their use is arrived at?

Mrs Grant: As always, my right hon. Friend. Friend makes a very good point. I agree with everything he has said. There are some wonderful, beautiful, old, historic, listed buildings. I have one—the old officers’ mess—as part of Invicta Park barracks. I agree that there has to be a plan and that the buildings must be looked after and treated with great sensitivity and care.

In closing, I ask the Minister please to look again at the decision to close Invicta Park barracks. It cannot just be about houses and money. Although I recognise the need to rationalise the military estate, super-garrisons might not always be best. Our military is about people and, as my hon. Friend the Member for Berwick-upon-Tweed (Mrs Trevelyan) recently said, without the human capital, all our ships, submarines, jets, planes, helicopters and tanks across the world are of no use to us. In that case, and in my case, with the Gurkhas and the Nepalese community in Maidstone, it is about the maintenance of a vibrant and highly successful military and civilian multicultural, the value of which should not be underestimated.

Several hon. Members rose—

Andrew Rosindell (in the Chair): Order. In view of the number of Members wishing to speak, there will be a time limit of four minutes.

9.44 am

Christian Matheson (City of Chester) (Lab): What a great pleasure it is to see you in the Chair, Mr Rosindell. I pay tribute to the hon. Member for Maidstone and the Weald (Mrs Grant) for leading the debate. I have found the Minister who is here today to be a listening Minister. He has engaged with me as much as I have engaged with him, and I am grateful for that.

I wish to speak about the situation in Chester, at Dale barracks. Some 2,000 years ago, a bunch of Romans came along and set up a camp—a castrum—in what was to become my city. The castrum gave its name to Chester, which has been a garrison town ever since. Æthelfrith defeated the Welsh at the battle of Chester—apologies to my hon. Friend the Member for Caerphilly (Wayne David), who is on the Opposition Front Bench. The first Earl of Chester built a chain of castles around Chester castle in 1071. We have a history that goes right through the second world war, when we had RAF Sealand—still in place today—and the headquarters of the Western Command. That history is very much part of the city’s DNA, and we are proud of it. We are proud to have those links to the military and to have an Army presence. We have the Westminster Centre for Research and Innovation in Veterans’ Wellbeing at the university, we have a recruitment office in the centre of the city and we have Dale barracks, which is now under threat.

The barracks was traditionally home to the 1st Battalion the Cheshire Regiment, and then the Cheshire merged with the Worcesters and Foresters and the Staffords to form the Mercian, so I understand that things do not stand still in the Army. Things move and things change—we also had the Royal Welsh based there for a while. Although we are not an Aldershot, a Catterick or a Colchester, we are a military city and proud of it. There are advantages to that. Chester is an attractive place to live, and so many of my constituents are former servicemen and women and their families who have made their home in the area. Schools in the Upton area are set up to cater for children facing the disruption of military life, for example when their parents are sent away on duty at short notice. Personnel retention rates in Chester are therefore much higher than elsewhere, because families are happier and there is less pressure on the servicemen and women themselves. Closing the barracks may well be a saving in the short term, but it would be a false economy.

The super-garrison structure in the south-west of England is part of the Ministry of Defence’s investment of more than £800 million in infrastructure in the
Salisbury plain area, with a similar development proposed for the north-east, but super-garrisons do not cater for where troops are recruited from, and we have a high recruitment rate in the north-west. The net effect is that service personnel—in the Army in particular—find themselves bouncing around the country on Friday evenings and Sunday afternoons trying to get home or back from work. I know of one former officer living in Chester who spent two years driving up and down to Sandhurst. He described being so far away from family as a reason why people might leave the Army. The hon. Member for Maidstone and The Weald referred to that. The armed forces attempt to post service personnel close to their home town during their final years in the Army to help their and their families’ transition, and closing the Dale will further reduce that option for those from Chester and the north-west, which, again, will have a negative impact on retention rates.

I ask the Minister whether all options have been exhausted regarding the utility of Dale barracks. Could we provide other services and place other units there, perhaps a centre for combat stress and psychological therapy to link in with the work of the university? Can we retain the presence with cadet forces? The facilities are modern; they were upgraded only in the past 20 years, so it will be a false economy for the Army and the MOD, as well as damaging to the local economy, if we close them simply, I believe, because of the high land values in Chester and move servicemen elsewhere. I am most grateful to the Minister for his time.

9.48 am

Sir Gerald Howarth (Aldershot) (Con): I, too, congratulate my hon. Friend the Member for Maidstone and The Weald (Mrs Grant) on securing this important debate. I represent the home of the British Army—Aldershot—and I am well aware that there are facilities around the country, principally in Army rather than Royal Air Force hands, that have been allowed to deteriorate. It is necessary, therefore, that we examine the military estate.

Having said that, I have a success story to report. No one has heard of the most successful private finance initiative in the UK, so I will talk about the £8 billion Aldershot and Camberley project run by the award-winning contractors Aspire Defence for the refurbishment of not only Aldershot garrison but Tidworth. As a result of the sale of military land in Aldershot, the garrison has been transformed, with fantastic new buildings. Apropos the point that my right hon. Friend the Member for Maidstone and The Weald made about that were absolutely right. The points that my hon. Friend the Member for Maidstone and The Weald made about that were absolutely right.

The programme is misconceived and being done in a rush. The Minister knows that Minley Manor was sold in great haste. I had a furious bidder on the phone to me saying, “Why was I not offered the opportunity to make a best and final offer on that property?” The Old War Office in Whitehall is also being disposed of in something of a hurry. There is a gathering rush to remove military facilities, and we will pay a big price. As a Minister I went to Leuchars to announce its closure as a RAF station. Fortunately it was not closed, because it is now an Army station. It enabled us to accommodate soldiers coming back from Germany. We had somewhere to put them, but the way the Ministry of Defence is going now, we will not be able to have that flexibility. Our armed forces are the smallest they have been since the time of Wellington, but look at the dangerous world in which we are living. A policy simply to cash in on the value of the estate seems misguided when we may well need to build up our armed forces in the future, given the state of the world we find ourselves in today.

9.52 am

Joanna Cherry (Edinburgh South West) (SNP): It is a pleasure to serve under your chairmanship, Mr Rosindell. I congratulate the hon. Member for Maidstone and The Weald (Mrs Grant) on securing this debate and on all the efforts she has made to co-ordinate attempts by Members to ensure that this matter stays at the top of the agenda.

I am speaking today because I was very disappointed to find out that Redford cavalry barracks and Redford infantry barracks in my constituency are earmarked for closure in 2022. The closure of Redford barracks would remove a truly historic site from the military estate and leave families who live and work in my constituency in a position of great uncertainty. The Redford barracks has been situated at the foot of the Pentland hills for almost 100 years. When it was built in 1909, it was the largest military base built in Scotland since Fort George. The announcement that it faces closure is a dark day for the military and for military heritage in Scotland. In their proposals, the Government have said that the military estate “has failed to adapt” to meet 21st-century needs, but it is the task of Government to adapt the military estate. The responsibility for its not having been so adapted lies with successive UK Governments.

The proposals in the publication set out a commitment to deliver:

“Regional centres of mass for light infantry battalions supporting national resilience and community engagement”,

but it is not clear which of the centres in Edinburgh the MOD plans to use for that purpose. The obvious choice for the Scottish Army HQ would be Redford barracks, as it is situated in the capital city of Scotland. More
importantly, the closure of those infantry and cavalry barracks will be devastating for the local community of Colinton and the people who work and live in that area. It is important to note that the buildings at Redford barracks have category B listing, and it will prove very expensive for any developer to convert them into housing.

The Government have said that they will consult local authorities and the Scottish Government where necessary. It is a pity that the UK Government have consistently refused to engage with the Scottish Government ahead of such decisions being taken. However, there is still time to consult. As the local MP for the area, I would be happy to meet the Minister to help facilitate constructive engagement between the UK Government, the Scottish Government, civic society in Edinburgh and the relevant local authorities. To that end, it would be helpful if he could confirm when the consultation will begin, how long it will last and the format it will take.

I have been in correspondence with the Minister and his Department about the prospective closure of Redford barracks, and I have been given various assurances that there is the intention to do this and that. It would assist the consultation process if undertakings could be given at the very beginning on Redford cavalry and infantry barracks. I stress that they are of historical significance and are situated in the capital city of Scotland, so they are the natural and appropriate site for any Scottish Army HQ.

Dr Tania Mathias (Twickenham) (Con): It is a pleasure to serve under your chairmanship, Mr Rosindell. I congratulate my hon. Friend the Member for Maidstone and The Weald (Mrs Grant) on securing this important debate. This is the second time I have talked about Kneller Hall, which is in my constituency, and I am grateful for the opportunity to reiterate the arguments. It is interesting that those views are shared by many other Members here.

I want the Minister and the Defence Infrastructure Organisation to use some military expertise in their defence estate strategy. I am not a soldier—my background is more in peacekeeping—but I know that wars are not won with destruction or bullets; they are won with hearts and minds. That is what the estate is about. Kneller Hall in Whitton has the heart and mind of the community. The Minister will know that it was the Duke of Cambridge—not the current Duke of Cambridge but the second Duke of Cambridge—who realised that military music is incredibly important in inspiring courage, strength and loyalty in the military and the other services. When I talk about the heart of the community, I am not talking just about the sons of people in Twickenham who serve in Kneller Hall. It is not just about fathers who see their sons go into Kneller Hall; mothers and daughters also serve at Kneller Hall. It is part of our heart and our mind.

Will the Minister ask the DIO to use some military intelligence? I am grateful to my hon. Friend the Member for Aldershot (Sir Gerald Howarth) for giving me some new ideas—I hope that the military will take this on—about what can be done for Kneller Hall. We have precious listed buildings. I am interested in some partnerships that could be created to renovate Kneller Hall. We were told recently that the military stopped investing in the building in the 1990s, but there are ways to get round it.

Kneller Hall is part of the community, but it is also about military strategy. We could be recruiting more people. As everyone knows, Twickenham is one of the best places to live. It is in London and is great for young people. It is the home of rugby. It is a brilliant place to have a joint band, which I know the Minister is considering. Kneller is the place. It is where young people can be inspired. I know that the Minister has some medals, but, as I have said before, I will pin another medal on his chest if he can enhance and improve Kneller Hall. Thousands of people have signed petitions. I submitted a petition in the Commons, but the Facebook petition continues. I am talking not only about people in Twickenham; Kneller Hall has influenced people across the globe. It needs to be at the heart of our communities. The Minister must use his military expertise and military strategy and win hearts and minds for us.

Jim Shannon (Strangford) (DUP): It is a pleasure to speak in this debate, Mr Rosindell. I congratulate the hon. Member for Maidstone and The Weald (Mrs Grant) on setting out the case so effectively. I will make a few specific comments about Northern Ireland.

As a former member of the Defence Committee —my hon. Friend the Member for Belfast East (Gavin Robinson) is now a member—I regard this strategy as a matter of grave concern. The facts are plain. The estate is costly and somewhat ungainly. On paper it is easy to see how selling off pieces of the estate will not only bring to an end maintenance costs for the property or the area but will bring in a windfall. If we add the magical phrase “affordable housing”, how could anyone say no to that? I am sorry, but I wish to stand against some of the proposals in the footprint strategy.

The Ministry of Defence says that its estate, which covers 1.8% of the UK land mass, is inefficient, expensive to maintain and incompatible with the needs of the modern armed forces; the future estate will be smaller and clustered around areas of specialisation. I have no doubts whatever about the accuracy of those claims. However, I wonder whether someone can explain to me how we can possibly meet defence needs and the obligations to our armed forces in consolidated, precise little blocks. On paper, I can see how Northern Ireland per head and for surface area should have limited military input, but the reality of our history in Northern Ireland demands a strong presence. The service history of our residents demands home bases that cater for families. I remain to be convinced how the plans will fit the needs of our armed forces. The excuse that the estate needs work is not one that flies with me. It is not good enough to run something down to dispose of it when that will leave gaps in our estate strategy and, more importantly, our defence strategy. There is a significant risk that the poor condition of the estate will affect defence capability. I want to put that on the record as well.

I have great respect for the Minister. I appreciate his help in responding to all the different issues and how hard he works as a former soldier and as a Minister. Kinnegar Base in Holywood, on the boundary of my constituency, has been a thriving hub of activity, employing
up to 1,000 civilian staff and providing much-needed support for the Army during the darkest days of the troubles. I understand that there is perhaps not the need that there once was for bases in Northern Ireland; bases have been steadily disappearing in the natural course of the reduction in troubles. However, we cannot be complacent about security in Northern Ireland. With a police officer shot last month and other threats, there is a very real need for Army support that surpasses population levels.

When I joined the Ulster Defence Regiment, I trained at Ballykinder. The sell-off of Abercromb barracks is a backwards step, not least as the accommodation should be retained for social housing rather than sold as a development opportunity. With respect to the Minister, I question that. Redevelopment in co-operation with communities to provide housing is a much better way to use the site than to sell it to the highest bidder. If that is what we are doing, I respectfully say it is wrong. The selling of the family silver can no longer be allowed. We are looking at future generations who will not have meaningful pensions. We have sold our children's inheritance before they are born.

Hailing from Northern Ireland and a military background, I cannot support the closure of all three bases. It is my sincere nightly prayer that my little country of Northern Ireland never again finds itself in need of the Army support and presence that was once a part of everyday life. However, the practical side of me feels that the basic structure must still exist.

I know that other Members in this Chamber, such as the hon. Member for Greenwich and Woolwich (Matthew Pennycook), who represents the Woolwich base where I once trained and of which I have very fond memories, are also asking for a rethink of decisions. The Government should and must rethink the strategy and cut costs without cutting the defence capabilities and leaving us vulnerable and our military families vulnerable and unsupported. The Minister must consider those points before making decisions.

10.4 am

Mrs Anne-Marie Trevelyan (Berwick-upon-Tweed) (Con): I thank my hon. Friend the Member for Maidstone and The Weald (Mrs Grant) for securing the debate and for her kind words earlier.

The Defence Secretary’s announcement that 91 sites across the UK will be disposed of is part of a long overdue defence estates rationalisation strategy. Although I wholeheartedly support the Department’s determination to assess its asset base—nearly 4% of the UK—and to work out what it does and does not need for the 21st century, we need to be very careful how we do this. As a member of the Public Accounts Committee, I led our hearing a few weeks ago to assess how the review was going. Sadly, so far I am dissatisfied that the detailed and holistic economic cases have not yet been done for each of the sites identified. That risks achieving financial and operational failures rather than gains for both the MOD and the taxpayer.

As one of several MPs taking up reservist roles—I recently applied to join the Royal Navy Reserve—I want to highlight my concerns by using the proposed closure of HMS Sultan and Fort Blockhouse in Gosport, as they are a good example of the concerns that we identified on the Public Accounts Committee. One aim of the better defence estate programme is to release land for house building, but scope for housing in Gosport is severely limited by the local plan and the lack of local demand. Sale to commercial developers is complicated by high onsite maintenance costs. HMS Sultan contains heritage assets and listed buildings—that is an issue with a lot of the sites identified—including two Palmerston forts, a site of nature conservation and land protected as open space, which is also an issue in several of the sites identified.

Fort Blockhouse contains designated nature conservation sites, open space and important heritage assets, as well as a sea wall with an estimated annual maintenance cost of £1 million to £3 million. A local expert estimates that it would cost £10 million to repair the wall fully, which could rise to £100 million if there was a breach. Maintaining the sea wall is essential for the physical integrity of Portsmouth harbour, which will soon be home to our marvellous Queen Elizabeth aircraft carrier, which the Minister will be pleased to hear I look forward to seeing tomorrow.

At Blockhouse the local authority is optimistic about the significant potential to regenerate the site as part of a mixed-use leisure and maritime allocation, but the MOD’s decision to retain the waterfront part of the estate—the most commercially attractive segment—significantly jeopardises the opportunity to generate employment.

The business case for disposing of HMS Sultan remains unclear. Estimated renovation costs are considerably lower than costs associated with relocation. Work to improve Sultan’s accommodation is necessary, but generally the site is fit for purpose, as evidenced by Ofsted’s recent outstanding rating for its training provision. Furthermore, a recent investment of some £850,000, with £470,000 coming from the LIBOR fund, to renovate the warrant officer and senior ratings mess, which serves more than 500 trainees and permanent staff, will be completed next month. It seems a contrary decision to get rid of something that has such a significant investment. Second-order consequences of dismantling an excellent training provision for the Royal Navy are worrying. The Navy is short of engineers, and to undermine an important educational pipeline could have significant operational ramifications. The local population offers an excellent educational pipeline could have significant operational ramifications. The local population offers an excellent educational pipeline could have significant operational ramifications. The local population offers an excellent educational pipeline could have significant operational ramifications. The local population offers an excellent educational pipeline could have significant operational ramifications. The local population offers an excellent educational pipeline could have significant operational ramifications.

I have summarised many of the key problems. Releasing the 91 most expensive sites makes surface-level financial sense from the MOD’s perspective, but it ignores the reality that in some cases the sites may be the most difficult to sell to developers. I know that the disposal process is in its early stages across all the sites, and I welcome the MOD’s commitment to explore development opportunities fully with local authorities and development agencies. It is disappointing that analyses of the sites earmarked for disposal are taking place after disposal decisions, but I sincerely hope that a business-minded approach will begin to drive disposal decisions alongside the military requirement.

10.8 am

Rachael Maskell (York Central) (Lab/Co-op): It is a pleasure to serve under your chairmanship in this important debate this morning. Mr Rosindell, I congratulate the hon. Member for Maidstone and The Weald (Mrs Grant) on securing the debate.
The armed forces have more than 1,000 years' history in the city of York, which was built on trade and also on defence. Imphal Barracks in my constituency, now listed to close in 2031, was built between 1877 and 1878. Two years ago my predecessor received assurances from the Ministry of Defence that the Army would stay in York. The Army basing plan on 5 March 2013 secured York as a garrison for the future, and serious investment was put into upgrading the buildings on the site. The city therefore believes that the Government are wrong to close the barracks.

No economic or social impact assessment has yet been carried out, even though MOD procedures say that it should be. Can I turn the Minister's attention to joint service publication 507? It says that an impact assessment should include "redundancies or impact on the local economy" and goes on to say that "MOD investment appraisals are concerned with appraising public value; that is the value to UK society of a proposal or option rather than just to the Exchequer or the Department."

That work has not even been undertaken—I understand from discussions with officials that it could take at least 18 months—so it is rather premature to announce the closure of Imphal, without that essential work being done first.

The Army provides some of the largest employment opportunities for the city of York. We have 728 serving personnel, who of course bring with them their fantastic families. We know that the MOD is wrestling at the moment with the issue of spousal employment, and there is no better place to look for opportunities than in a city such a York, with its two universities and a college, which provide excellent education, as well as York schools. The opportunity for armed forces personnel to base their children in York schools, where they can catch up with their education and do well, is so important.

There are 376 highly skilled civilian jobs based in York—a city where the average wage is below the national and regional average at around £22,000. That is important for our local economy. If we also consider the more than 100 contractors as well, and the jobs at Strensall that will disappear, we are talking about 1,500 jobs in a city the size of York. That will have a very serious economic impact, and the impact assessment of that is yet to be done.

I am grateful to senior armed forces personnel who talked through the operational issues with me. As the hon. Member for Aldershot (Sir Gerald Howarth), where housing is desperately expensive, I am grateful that the MOD is considering the closure of the barracks because that will be commercially confidential, but I support the concerns of a number of other speakers that we are in danger of losing our national footprint.

The reality is that the work has not been done behind the scenes. This is a Treasury-led issue, not a Defence-led issue. It is about time a pause button was hit and we reviewed the reality of the impact that these closures will have.

10.12 am

Sir Julian Brazier (Canterbury) (Con): I congratulate my hon. Friend the Member for Maidstone and The Weald (Mrs Grant) on securing the debate and on her excellent speech. Let me be clear: I agree with the principle of what the Government are trying to do. We have to take some painful decisions and some of those decisions will inevitably have effects on individual constituencies that some of us will not like. However, I share the concerns of a number of other speakers that we are in danger of losing our national footprint.

I should like to introduce two specifically defence elements into the equation. First, spousal employment continually comes up in the top three reasons for leaving the armed forces. The second factor is local house prices. I do not support the idea of an allowance to replace service family accommodation, but I do support aspirations for more members of the armed forces to have the opportunity to buy housing.

In terms of those two factors, if we look at the footprint of what is proposed, we find all too often that the bases under threat are places where there is plenty of spousal employment and plenty of affordable housing—Canterbury in my constituency, which closed recently, Maidstone in the constituency of my hon. Friend the Member for Maidstone and The Weald, Chester, Ripon and so on. The expansion is increasingly taking place in places such as Catterick, completely isolated and in the middle of nowhere, or in areas such as the constituency of my hon. Friend the Member for Aldershot (Sir Gerald Howarth), where housing is desperately expensive. That cannot be retention-positive. It is not fair to ask my hon. Friend the Minister to take account of wider community issues beyond a certain point, but those points are critical for the future manning of the armed forces.

I echo a point made by the hon. and learned Member for Edinburgh South West (Joanna Cherry). I happen to know Redford barracks quite well. When I had some responsibilities for Scotland, I visited it a couple of times. It is a prime historic military site on the edge of Edinburgh, the capital of Scotland. Unlike the hon. and learned Lady, I am a passionate Unionist. That site should be one that we make more of, as we get rid of some of the frankly uneconomic and unmanageable garrisons in the edges of Scotland. I know Fort George and the rest are unhappy, but I support those closures. Redford should be a place we concentrate on. I am not going to ask my hon. Friend the Minister for the figure because that will be commercially confidential, but I will ask him to write to me to reassure me that the estimate for the value of Redford barracks in his considerations takes account of the fact that it is listed and, as such, is of very little value to a developer. I understand that even the outbuildings are listed.

That point is paralleled all over the country. To take the point through, there is the alternative of moving more units to Leuchars, which is a very nice base—my son happens to be serving there. Unfortunately, the
local community is not large enough to provide spousal employment for a large expansion and, because it is right next to St Andrews, house prices are among the most expensive in Scotland.

My hon. Friend the Minister has to take difficult decisions. I am with him on the fact that difficult decisions have to be taken within our shrunken defence budget, which I, like others, would like be greater. However, in deciding where we focus the armed forces of the future, we must take account of the two key factors of spousal employment and house prices, and the overall footprint.

10.16 am

Owen Thompson (Midlothian) (SNP): I commend the hon. Member for Maidstone and The Weald (Mrs Grant) for securing this debate. I was delighted to join her at the Backbench Business Committee to make the case for it.

When the announcement was made, the shockwaves went through my constituency of Midlothian, where the closure of Glencorse barracks has been intimate. Understandably, the community were upset at the lack of consultation before or after the announcement, but there are two glaringly obvious issues in Midlothian that compel me to speak in the debate today: first, the huge loss that the base would be to service personnel, their families and the wider community, but also to infrastructure and the local economy; and secondly, the enormous financial investment made by the Ministry of Defence a number of years ago, which now seems entirely pointless.

The position I take today is an entirely cross-party one. Every elected member at all levels for the community representing the Glencorse barracks supports the position. All six local councillors, Christine Grahame MSP and myself have joined together and have met the local community. This is an entirely united position. A petition is on its way and, in due course, we will look to present it to the House—I am sure many hon. Members will do the same.

The history of Glencorse barracks is well-known, from its start in the Napoleonic war as a prisoner of war camp, through to its current situation. Unlike many other bases, Glencorse is fit for purpose following a huge loss in London, house prices are among the most expensive in Scotland.

My hon. Friend the Minister has to take difficult decisions. I am with him on the fact that difficult decisions have to be taken within our shrunken defence budget, which I, like others, would like be greater. However, in deciding where we focus the armed forces of the future, we must take account of the two key factors of spousal employment and house prices, and the overall footprint.

10.21 am

Chris Davies (Brecon and Radnorshire) (Con): It is a pleasure to serve under your chairmanship, Mr Rosindell. I thank my hon. Friend the Member for Maidstone and The Weald (Mrs Grant) for securing this debate.

I am here to speak about Brecon barracks—I am the only Welsh Member here apart from the hon. Member for Caerphilly (Wayne David)—which is an important part of Brecon and Wales. There has been a barracks in Brecon for 200 years. In fact, the buildings that are currently used have been in existence for 200 years. Not only has it been home to the British Army in Wales, but many detachments from it have gone across the world—the South Wales Borderers’ visit to the Anglo-Zulu war was immortalised in the film “Zulu”. The adjacent museum contains 11 Victoria Crosses—one of the largest collection of Victoria Crosses outside Lord Ashcroft’s hold. The Secretary of State, in his announcement about the better defence estate strategy, said that the museum will be unaffected, as will Dering Lines and Sennybridge, the infantry battle school. The barracks has been an integral part of the garrison town of Brecon.

It was interesting to hear my hon. Friend the Member for Canterbury (Sir Julian Brazier) talk about house prices: House prices would plummet in Brecon, because more than 100 civilian jobs are involved in the barracks, and many retirees from the military come back to live in the Brecon area. It is vital in economic terms that the barracks remain.

The infantry battle school trains over a vast swathe of the Breconshire national park, but the defence estate does not own all that land—a lot of it is owned by local farmers. The relationship between those farmers and
their families, many of whom have civilian jobs in the barracks, will be tarnished and damaged immeasurably if the barracks closes. I ask the Minister to look again not just at the economic issues but the emotional ties and the relationship between the military and civilians. That is vital, and we cannot put a price on it.

Brecon is home to the 160th Infantry Brigade and Headquarters Wales. I would like the Minister to solve a conundrum that I cannot get to the bottom of. I have spoken to the Army—in fact, I was at Brecon barracks for the 138th commemoration of the battle in the Zulu war. When I speak to the officers and the commanding officer, they tell me that they have had no conversations with politicians at a senior level, but when I speak to politicians at a senior level, they tell me that the Army is pushing for the closure of the estate. Both seem to say that the Defence Infrastructure Organisation is the middle organisation, but I wonder how much it listens to politicians and the Army. Perhaps the Minister will clarify that in his response.

Finally—there is much more I would like to say, but time is against me—Brecon barracks is not Chelsea barracks, as much as I would like to say it is. In economic terms, I am afraid that the sum that would be raised from Brecon barracks is minuscule compared with building a new HQ somewhere else in Wales. I ask the Ministry of Defence and the Minister to think again.

10.25 am

Julian Sturdy (York Outer) (Con): I thank my hon. Friend the Member for Maidstone and The Weald (Mrs Grant) for securing this important debate and for making such a passionate contribution on behalf of her constituency. My remarks will focus purely on the local issues in my constituency, and on the impact on the community of Strensall.

Strensall, a rural village in the north of my constituency, is the site of Queen Elizabeth barracks and Towthorpe Lines, and is home to Headquarters 2 Medical Brigade, 34 Field Hospital and the training sections. Under the plans, the MOD is due to dispose of both sites by 2021. Imphal barracks, which is just outside my consistency on Fulford Road in the south of York, is scheduled for disposal by 2031. The hon. Member for York Central (Rachael Maskell) has already touched on it, so I will not go into too much detail about it. There are 54 civilian support staff employed at Queen Elizabeth barracks and Towthorpe Lines, and 365 at Imphal. Ministers want to support our armed forces as well as possible by directing resources into new equipment and personnel, rather than using them up on maintaining buildings and land. I appreciate that the current defence estate is vast, ageing and expensive to maintain, but it is only right to express the deep disappointment many local residents feel at the proposed changes.

York garrison has a long, proud history. There has been a barracks at Fulford since 1795, and in recent years Strensall has taken pride in its role as a centre of excellence for military medicine. However, I am encouraged by the fact that the Minister and his Department seem committed to engaging with the affected communities and managing any proposed changes in York as sensitively as possible. I thank him for having a constructive meeting last month about this issue.

The units at the site in York are scheduled for redevelopment, and the MOD is still assessing the future of the civilian staff employed at Strensall and Imphal and the option of retaining some MOD facilities in the York area. My personal view is that the MOD has an obligation to offer people new or alternative roles wherever possible. As many have strong links and family ties with the city of York, I and many residents believe that the retention of some kind of military presence in York is essential.

However, the disposal of those sites and their potential development for housing and local infrastructure will have the widest impact on the city of York. The announcement in November has already had a significant impact on York’s local plan. Completion of the plan has been delayed by six months while the council undertakes a full technical consultation regarding the sites so they can form part of a comprehensive and accurate plan that includes the brownfield sites that are potentially available. It is likely that the sites will be developed into residential housing. For a small community such as Strensall, that represents a significant change, so it is vital that it is carefully managed through early and comprehensive engagement with local residents, especially given the established place of the barracks in the local community.

I would like the MOD to set up a local working group to involve local residents in the process. I hope the Minister will take that idea forward, because community engagement is key for the future of the barracks in Strensall.

10.29 am

Kirsten Oswald (East Renfrewshire) (SNP): It is a pleasure to serve under your chairship, Mr Rosindell, and I thank the hon. Member for Maidstone and The Weald (Mrs Grant) for securing this important debate. All hon. Members who have spoken have made interesting and valuable contributions.

The hon. Member for Maidstone and The Weald quoted the words of the Ministry of Defence, that the aim is “improving military capability” and “rationalisation of the estate”. She spoke about the extensive “engagement”, but expressed serious concerns about whether that had taken place. She was right to have those concerns.

The hon. Lady also spoke about a real lack of information and huge uncertainty for serving personnel, their families and the wider communities. Her points and those of the hon. Member for City of Chester (Christian Matheson) about the potential impact on the already poor figures for retention and post-service employment were particularly well made.

It is important, as the hon. Lady said, for the whole process to be viewed through the lens of the armed forces covenant. I am, however, no more convinced than she is that that has been the case, particularly in relation to the impact on families. The points that the hon. Member for Canterbury (Sir Julian Brazier) made on spousal employment were especially important.

Interestingly, the debate is titled “A Better Defence Estate Strategy”, although in reality that is simply not true: it is not better, and it stretches credibility to describe
what has been announced as a strategy, which would suggest some forethought and a plan. The Government do not have a great history with plans, and this is a case in point. We heard, for example, from the hon. Member for Strangford (Jim Shannon) about the staggering lack of ongoing investment and maintenance over recent years. The strategy, if we may call it that, is in essence a farce. It aims for the loss of a fifth of the entire Scottish defence estate, which is extremely important and very concerning. Furthermore, the plans will have a real impact on the ability to provide conventional defence.

We heard about the lack of consultation, either with the public or with the Scottish Government, yet the aim is to close so many bases, many of which are of historical and cultural significance to our communities, as has been described so eloquently today, and all of which provide stability and important economic value to serving personnel, their families and their host communities. The lack of proper consultation leaves it somewhat unclear whether any of those factors have properly been taken into account. We anticipated that there would be cuts, but the volume proposed for Scotland is crushing and the justification for it is simply missing in action.

I asked the Minister some written questions about the plans, because I was keen to understand what was proposed and what financial projections could have led to such devastating decisions. The answers I got back left me, sadly, no clearer. I quired what savings would be achieved in running costs in each of the 10 years of the infrastructure reform programme. The Minister, for whom I have great respect, told me what savings it was hoped to achieve across the piece: £140 million over 10 years, rising to nearly £3 billion by 2040, all apparently to be reinvested “back into Defence”. Interestingly, but not an answer to my question, which was a valid one, so I tried again.

This time I asked what capital investments were planned and what receipts were planned to be realised in each of the 10 years. I thought that was quite straightforward—clearly, the MOD would not have a plan that it had not based on proper financial metrics, would it? This time the answer was—well, the same as the first answer, although it helpfully clarified that the profile across the 10-year programme was “being refined”. In plain English that means that the MOD does not know—the hon. Member for Berwick-upon-Tweed (Mrs Trevelyan) said the same a little more politely.

The MOD has therefore announced this hugely important and hugely destructive programme for the Scottish defence estate without doing the maths. That is outrageously irresponsible. Scottish armed forces personnel, their families and the local communities will feel gravely let down by that back-of-a-cigarette-packet approach to their lives. The hon. Member for City of Chester, for example, spoke powerfully about the impact on personnel and children, which is hugely important. The rest of us might reflect on how comfortable we are with our conventional defence footprint being planned with that kind of so-called strategy.

What exactly are we looking at? What is the scale of the cuts? My hon. Friend the Member for Inverness, Nairn, Badenoch and Strathspey (Drew Hendry) pointed out that the Black Watch will leave its historical home at Fort George with a loss of more than 700 jobs and £16 million a year to the highlands economy. The Army barracks at Redford and Craigiehall in Edinburgh, and historic Glencorse in Midlothian, which is home to 2 Scots, are to be axed.

**Drew Hendry:** My hon. Friend is making a powerful argument about the financial cost, but promises to people have been broken as well, including the solemn promise that the Black Watch would have a permanent home at Fort George. How will the Minister respond to that betrayal of the people who have served in the Black Watch?

**Kirsten Oswald:** My hon. Friend’s point is particularly well made. I look forward to the Minister’s response.

Interestingly, as my hon. Friend the Member for Midlothian (Owen Thompson) pointed out, although it is only 13 years since a £60 million investment in Glencorse, which was described by the then Secretary of State for Defence as a “super-barracks”, even Glencorse has not been saved from this Government’s financial mismanagement of and disdain for the defence of Scotland. No wonder Mark Serwotka, general secretary of the Public and Commercial Services Union, expresses such concern about the plans, saying that they throw the future into doubt for thousands of staff.

Even if numbers of service personnel remain steady, significant numbers of civilian jobs will be lost, estimated at 700 at Fort George and 200 in Stirling. Unite described the closures as “brutal” and emphasised the impact on our local communities. As the MOD should know, in many instances the bases earmarked for closure are at the heart of their local communities, providing a source of decent and secure employment. Not only is the MOD weakening the defence of Scotland, but it is creating real problems for thousands of people.

All we can say with certainty is that, in the MOD’s own words, there is “reprovision intended for Scotland”. Meanwhile, a massive upheaval and a great deal of uncertainty for service personnel and their families will certainly result. All of that is accompanied by the staggering lack of detail and clarity that my hon. and learned Friend the Member for Edinburgh South West (Joanna Cherry) described so well, which is causing huge concern and uncertainty and throwing huge doubt on the programme and on defence planning and provision for Scotland.

The National Audit Office has identified a black hole of at least £8.5 billion of unfunded costs caused by the steady decline in the condition of the estate. It states that there is significant risk that the poor condition of the estate will affect the Department’s ability to provide the defence capability needed. In addition, the UK Government’s military priorities are all wrong for Scotland: we are a maritime nation with no maritime patrol aircraft and not one conventional ocean-going vessel in our ports. We have grave concerns that as our conventional weapons, the United Kingdom’s last line of defence is increasingly becoming its first and only line of defence.

The announced closures are, as my hon. Friend the Member for Inverness, Nairn, Badenoch and Strathspey put it so well, the latest in a series of betrayals and the breaking of promises to the Scottish people before the independence referendum when we were told time and again that defence jobs could only be protected in the Union. We were threatened with dire repercussions...
in the event of a yes vote. The then Secretary of State for Defence, the right hon. Member for Runnymede and Weybridge (Mr Hammond), claimed that in the event of independence “the Scottish people” would not benefit “from anything like the level of security the UK armed forces currently provide, or the level of prosperity that Scotland’s defence industry currently delivers.”

Just as with the non-existent national shipbuilding strategy, the Trident safety issues that we can hear about on CNN but not in this House and the national equipment plan that the auditors say simply does not add up, we have vital questions about our future defence estate going unanswered. The Government are full of warm words for our forces—perhaps the Minister will also take the opportunity to update us on what he is doing to secure the return of Billy Irving and the Chennai six—but in reality such words are sometimes seen as just that, words. The UK Government seem quite unable to ensure the defence of the realm. The UK Government have failed in their first duty to their citizens and betrayed the people of Scotland yet again. An independent Scotland would have a proper conventional defence force built in our national interests.

10.38 am

Wayne David (Caerphilly) (Lab): We have had an excellent debate this morning. I congratulate the hon. Member for Maidstone and The Weald (Mrs Grant) on raising the issue and on speaking so eloquently about her own constituency and the Invicta Park barracks in Maidstone. All of us have natural empathy for the Gurkhas, recognise the huge contribution that they have made to the defence of this country and are deeply concerned about their treatment and that of their families.

We have heard from a number of Members about different areas, but I will mention in particular the contribution about Kneller Hall, which I feel strongly about as a musician myself. I recognise the contribution to music generally, not only in the armed forces. As a Welshman, I have a long appreciation of the barracks in Brecon and was tempted to burst into “Men of Harlech” when the hon. Member for Brecon and Radnorshire (Chris Davies) talked about “Zulu”. I am very pleased to be going up to Brecon this weekend to hear the band Rorke’s Drift. I am sure it will be a superb performance.

This is an important issue. As we all appreciate, 1.8% of the UK’s land mass is currently taken up by the defence estate, and we are talking about a massive contraction in the size of that estate: 91 sites will close and the estate will be cut by 30% by 2040. I have several concerns, which in part echo what Members have already said, and I will distil them into three areas.

First, I am deeply concerned by the apparent lack of rationale behind the closure programme. It appears that we are embarking on an arbitrary voyage rather than embracing a long-term strategy driven by changing military need. I suspect that the Treasury is lurking in the wings and demanding that this kind of change takes place as quickly as possible. We are talking about a potential reduction in the workforce of 18,000, or 30%. We are talking about relocation. We are talking about individuals having to travel long distances to work—or, I suspect, large numbers being transferred to the private sector. I am mindful of the Public and Commercial Services Union’s concern that the programme may well be a smokescreen for the privatisation of the workforce and a reduction in their terms and conditions.

Secondly, I am concerned about the impact of closures on local communities. That concern has been articulated by several Members, and there is no better example than the one the hon. Member for Maidstone and The Weald provided about how the Gurkhas are very much integrated in the local community. They feel as though they are part of the community, and the community welcomes and embraces them. It would be a great shame if we simply severed such an important link on the basis of short-term financial expediency. I must question whether this is all about value for money.

The National Audit Office said that past actions that the Ministry of Defence “took to live within its means are now leading to increased costs overall and creating risks to military capability.”

My concern is that that ill-thought-out approach is being replicated. We can all point to the example of what happened with MOD housing and Annington Homes, which the Public Accounts Committee looked into in some detail. Unfortunately, the MOD sought to make savings by selling service family accommodation to the private sector but failed to achieve a good sale price. The result was a continued deterioration in the MOD estate and accommodation for service personnel. That is a great shame for the armed forces as a whole and the British Army in particular, and we need to learn from those mistakes and ensure that we do not replicate them.

That leads me to my concern about the involvement of the private sector in this process generally. I am especially concerned about the key role of Capita, which leads a consortium. Capita was awarded £90 million between June 2014 and July 2016, half of which went into its profits. That is a cause for concern. The National Audit Office highlighted that, saying that the MOD has “failed to set contractual safeguards to ensure savings are achieved from operational improvements, which was the primary aim of the contract”
given to Capita, “rather than one-off cost-cutting.”

The NAO added that Capita “has not met all milestones or performed adequately against agreed key performance indicators.”

In other words, the taxpayer, the MOD and the armed forces are being short-changed by an ideological move by this Government.

Those are my concerns. My general concern is that there is a genuine fear that land will be sold off below market value. We are told that there is a need to build more houses. We all agree with that, of course, but the Ministry of Defence so far has not demonstrated that it has put its important talk about new houses into practice.

Sir Gerald Howarth: One of the statistics that I omitted in my reference to Project Allenby/Connaught is that the Ministry of Defence is delivering on that talk with 3,850 new properties in Aldershot. Somehow, the Ministry of Defence stumbled on a good idea and appointed Grainger to manage the release of that land, and that is what is happening.
Wayne David: Indeed. That is commendable, but it is the exception rather than the rule. That is not being replicated elsewhere across the estate. It shows what can be done if a clear strategy is in place, but as we have heard, there is no clear strategy. The Government are taking a ham-fisted approach towards the estate on a very short timescale and in a manner that has not been properly thought out. What has happened in the past is a clear indication that we are unlikely to see the 55,000 new homes that the Government have promised.

The Parliamentary Under-Secretary of State for Defence (Mark Lancaster): I wonder how a strategy that runs to 2031—that is in some 14 years’ time—can be described as having a short timescale.

Wayne David: It is important, first, to have a strategy in place. The strategy is absent. Secondly, once the guidelines for the approach have been worked out, there should be proper consultation. As we have heard, in so many cases, consultation is retrospective. Once consultation has taken place, we should move to a contraction of the estate. I agree in principle with many Members that the estate is too large, but we need a proper, structured approach, not for decisions to be made and justification provided retrospectively.

Let us have a proper strategy, a debate and a consultation, and then let us seriously and sensibly approach the contraction of our estate. I would like to hear the Minister’s response not only to those points but, more importantly, to the concerns that several Members have articulated this morning.

The Parliamentary Under-Secretary of State for Defence (Mark Lancaster): It is a pleasure to serve under your chairmanship, Mr Rosindell. I congratulate my hon. Friend the Member for Maidstone and The Weald (Mrs Grant) on securing this debate, and welcome the opportunity to discuss our strategy for a better defence estate.

Some Members, especially the hon. Member for Caerphilly (Wayne David), seemed to question whether there is a strategy, so I will spend the first half of my time trying to explain exactly how that strategy was put together—it was based very much on military capability. I will then try to address some of the individual points that colleagues have raised. Realistically, I will be unable to do that in the 10 minutes I have—I must allow my hon. Friend time to wind up—so I commit to writing to hon. Members.

Until I became a Defence Minister, I did not appreciate the sheer size of the Ministry of Defence’s landholding. We are the country’s third largest landowner, after the Forestry Commission and the National Trust. Our defence estate represents almost 2% of the United Kingdom land mass—it is equivalent in size to Luxembourg. Whatever comparator we choose, it remains a fact that our estate is vast and vital to our military capability. It is where our people work, live and train, and where advanced equipment is maintained, cutting-edge research is undertaken, major exercises are conducted and major operations are launched.

The estate is vast and vital, but it is also too inefficient. To give hon. Members an idea, our estate costs £2.5 billion a year to maintain, 40% of our assets are more than 50 years old and, because of long-standing budgetary pressures, we simply have not been able to spend enough on maintenance in recent years through successive Governments. Many units are housed in bases and locations that are not fit for purpose and that are neither geographically nor logistically efficient. What is more, while the armed forces are 30% smaller than they were at the end of the last century, the estate has reduced by only 9%.

Sir Gerald Howarth: The whole point is that the armed forces are now at their smallest size. What strategic thinking is the Ministry of Defence doing to consider how it will cope with an increase in all three services to meet future demands? Once we have scrapped an airfield, it will take an awful lot of compulsory purchase to get one back.

Mark Lancaster: As I described at the start of my speech, we own 2% of the United Kingdom. Even if we reduce the estate by 30%—someone can do the maths—we will still own 1.4% of the United Kingdom. After the reduction, we will still have an area twice the size of Greater London. There is still scope, if needed, to expand.

In these straitened times when budgets are tight but the threats to our country are growing, efficiency and productivity are the watchwords of successful defence. Let us not mince our words: an inefficient defence estate undermines the effectiveness of our armed forces and the security of the nation they exist to protect. Those are the hard facts. We need to act, which is why the 2015 strategic defence and security review committed to invest in a better built estate that will reduce in size by 30% by 2040, and that will, most crucially, better support the future needs of our armed forces and enhance our military capability, ensuring that our armed forces are the best they can be.

In November, we set out how we plan to do that, when the Defence Secretary unveiled our strategy for a better defence estate, which is the most significant change to defence land since the second world war. The strategy is based on advice from the service chiefs and all decisions in it have been predicated on military need. It has two strands, the first of which is to rationalise our estate, selling off sites that are surplus to defence needs and bringing people and capabilities into new centres of specialism. Secondly, we will invest, spending £4 billion over the next decade on improving our infrastructure and modernising our accommodation. In short, our vision is to create a world-class estate for our world-class armed forces.

Those are lofty words, but what does that mean in practice? For the Royal Navy, it means continuing to focus on operating bases and training establishments around port areas and naval stations, with surface ships in Portsmouth and Devonport; all the UK’s submarines on the Clyde; a specialist amphibious centre in the south-west, based around Devonport; and helicopters based at Yeovilton and Culdrose. For the Army, it means specialised infantry will be concentrated in Aldershot; mechanised, wheeled capability, including two of our new strike brigades, will be in Catterick; air assault forces in Colchester; armoured and tracked capability around Salisbury plain; medical services in the west midlands; and hubs of light infantry battalions in London,
Edinburgh, Lisburn, St Athan, Blackpool and Cottesmore. For the RAF, it means building on its existing centres of specialism, with combat air in Coningsby, Marham and Lossiemouth; intelligence, surveillance and reconnaissance at Waddington; air transport at Brize Norton; force protection at Honington; and support enablers at Wittering and Leeming.

The strategy will also see our joint forces command consolidate as much of its capability as possible in centres of specialisation, with defence intelligence at RAF Wyton, the defence academy at Shrivenham and information systems and services at MOD Corsham. All due to absorb units relocating from elsewhere. No less importantly, for our servicemen and women and their families, it will mean a better quality of life, which is a key factor for us when we consider that the welfare of our personnel and their loved ones is the key to efficient and effective armed forces. By locating our servicemen and women together with capability, we will provide better job opportunities for their partners, more stable schooling for their families and increase their ability to buy their own home. For those continuing to live in service accommodation, we will invest in creating more modern and more comfortable homes.

Rachael Maskell: I thank the Minister for giving way on that point, because that is contrary to what the armed forces families are saying. They want to be integrated into the wider community. Personnel are saying that, too, because they want to know that their families are stabilised while they are focused on operations.

Mark Lancaster: The whole purpose of consolidating into larger garrisons, often near large centres of population—York is one but not the only one—is to give that stability so that people are not constantly being moved. For example, the consolidation of three armoured engineer regiments around Salisbury Plain means that, as a soldier progresses in their career and is posted between the three regiments, they can stay in the same home. That is the sort of stability that we want to create, rather than having them posted from one end of the country to the next every three years.

Finally, a better defence estate will deliver better value for money for taxpayers. By releasing sites we no longer need, we can help build the houses that we do need. Our strategy includes plans for the release of sufficient land to build up to 55,000 homes in this Parliament. Yes, some areas will lose their military establishments, but the timely publication of our better defence estate strategy will give the MOD and the affected communities both the time and the opportunity to plan the future uses of those sites.

My hon. Friend the Member for Maidstone and The Weald gave a passionate opening to the debate. I understand her concerns, but the simple fact is that her barracks, Invicta Park barracks, is too small. I know it well as a Royal Engineer. She knows that the Engineer regiment currently on that site has to have one of its squadrons displaced at Rock barracks up in Suffolk. It is difficult for a commanding officer to command a regiment when one of their sub-units is more than 150 miles away, and there is no opportunity to expand the site of their barracks. Both my hon. Friend and the hon. Member for York Central (Rachael Maskell) mentioned the Gurkha community. As my hon. Friend knows, I joined the Queen’s Gurkha Engineers—the regiment she talked about—as an 18-year-old in 1988 and served for three years in Hong Kong. Subsequently, the regiment moved to Kitchener barracks in Chatham and has now moved to her location. I think only four of us in the Chamber were in Parliament at the time of the great debate about our fight to try to equalise the terms and conditions for Gurkha soldiers in the British Army. That was absolutely the right thing to do, but she and the hon. Lady now seem to suggest that we should treat Gurkhas differently from other British soldiers. I find that worrying, and it could be the wrong thing to do. As someone who is a strong advocate for the Brigade of Gurkhas and probably the only Member of Parliament who has served—twice—in the Brigade of Gurkhas, I urge a degree of caution about how we make progress on that front.

I met the hon. Member for City of Chester (Christian Matheson) recently and talked about Dale barracks. I confirm that Fox barracks—the reserves barracks—will remain in place, and the Mercians will relocate in the north-west, co-locating in the King’s Division.

In many ways, my hon. Friend the Member for Aldershot (Sir Gerald Howarth) articulated the vision for the future. We want to invest in our infrastructure in the years ahead to create the first-class environment. Hon. Members on both sides of the Chamber spoke of their concern about the lack of infrastructure, but no one who argued against the estate strategy explained where the money would come from if we do not have the opportunity to dispose of some of the estate. I confirm that all of the money we will release from disposal of the estate will be reinvested in defence.

Drew Hendry: Will the Minister give way?
Wayne David: Will the Minister give way?

Mark Lancaster: I will not give way because we have no time and I have to allow my hon. Friend the Member for Maidstone and The Weald one minute to wind up at the end.

My hon. Friend the Member for Twickenham (Dr Mathias) and I had a debate almost exactly a year ago in this Chamber. She realises that it will cost £30 million simply to refurbish Kneller Hall. We are currently looking at three other sites for potential relocation—no one has started to leave yet—but it is the sort of constrained site that, as we discussed last year, is simply not an ideal place for future investment.

The hon. Member for Strangford (Jim Shannon) underlined the need to invest in our estate. That is exactly what the strategy does—it releases the funds that we can reinvest into the estate. I am running out of time, and I have to allow my hon. Friend the Member for Maidstone and The Weald one minute in which to wind up.

10.59 am

Mrs Grant: I thank all hon. Members present for supporting the debate, and for their valuable contributions. Many of the negative points that have been raised are shared, but I am pleased that we have also heard about
some unique vulnerabilities, whether historical or geographical, including the case of the Gurkhas and the Nepalese community in my constituency. I want to clarify for the Minister that I ask not for different treatment, but for fair treatment.

I listened carefully to the Minister’s remarks about capability and rationalising, but I still have concerns that the desire for cash and housing is clouding thinking. I think there will be a negative long-term impact on military communities and the country. I shall finish where I began, by asking the Minister, a man who has valuable personal experience, to look again at the decision to close all 91 of the barracks and bases in question, and to return with a reconsidered Government position.

Motion lapsed (Standing Order No. 10(6)).

Education Funding: Southend

11 am

Sir David Amess (Southend West) (Con): I beg to move,

That this House has considered future funding provision for education in Southend.

And now for something completely different, Mr Rosindell—education in Southend, and the impact that the new national funding formula would have there if it went ahead without any changes. I have never been in favour of officer-led local authorities. Councillors are elected; they form an administration and should give instructions to officers, who carry them out. I have never been in favour of civil servant-led Governments. The civil service in this country is wonderful, but Governments are elected and Ministers should be strong enough to tell civil servants what their policy is, be aware of political ramifications and make sure their directions are carried out. I am giving my right hon. Friend the Minister the benefit of the doubt. He and I have known one another a long time and I hold him in great regard; he will not take offence when I say that I do not want him just to read out the civil service brief and palm me off with a lot of nice old platitudes at the end of half an hour. Let there be no doubt: if the proposed changes go ahead I shall vote against the measure needed to bring them in—and we have a majority of only 11. I am not going to mess about on the issue.

In the years since I became an MP I have listened to so many rebrandings of schools that I am sick to death of hearing what we are to call them—academies, grant-maintained and all the rest. We keep coming up with new ideas, but in the end it is down to the leadership of headteachers. I just want all children to be given the best possible opportunity, and I want fairness in the system. Leadership is essential, and I am glad to tell the House that the leadership of schools in Southend is magnificent.

Before I turn to the general thrust of my argument, I have a point to make gently to the Minister. I was in Parliament when the community charge was proposed and I do not for a moment regret my support for it. If it had been introduced in a certain way it would have been an enormous success, but unfortunately we listened to the civil service proposals at the time, no exemptions were allowed, and we all know what happened. Eventually the policy resulted in the removal from office of the greatest politician I have ever known. I do not want the new funding formula to end up like the community charge.

My right hon. Friend the Minister will have the same briefing that I have, telling him that the national funding formula is aimed at addressing the unfairness of similar schools and areas receiving different levels of funding, with little or no justification. I am told that it will distribute the majority of funding directly to schools, to ensure that every child with the same needs will receive the same funding regardless of where they live—all very worthwhile. Under the formula, funding will be divided and allocated into four notional blocks—schools, high needs, early years and the central school services block, which is due to be phased in from 2018-19.

A hard national funding formula will, I am told, apply from 2019-20 for each mainstream school’s budget. Its purpose is that there should be a national standard
for funding, which will remove the haphazard multiple funding formula in every local authority area. In addition, notional budgets will be calculated for the schools block funding in 2018-19, according to the national formula, using national averages as a starting point, and will be aggregated and allocated to local authorities in line with the locally agreed formula. I am trying to save my right hon. Friend some time, so he need not repeat those things in his reply.

I am not here to support the National Union of Teachers. I am glad that it has a new general secretary; I had no time for the last one, who I will never forget hearing shouting through a loudhailer about accident and emergency unit closures, outside party conference—it was terrible leadership. I hope that the new post holder will provide better and more sensible leadership. However, I am not presenting an NUT brief—or a House of Commons Library brief; the latter are normally the fountain of all truth. I am presenting a brief from local residents, making local points. I should point out that Southend has a Conservative-controlled council under the excellent leadership of John Lamb. The education portfolio is with James Courtenay.

I want now to make the case for changes for Southend. The proposed national funding formula for schools would be likely to have a devastating impact on every school in Southend West. Initially, somewhat naively, I welcomed the NFF as a potential major improvement in the current funding situation, but the weightings and the lack of stress testing have produced shocking consequences. Southend is now one of only four local authorities in which every school will lose out under the new arrangements. That amounts to making it the 11th biggest loser of all local authorities, and nationally the 84th worst-affected constituency. Those figures were given to me in a briefing by Councillor James Courtenay.

The impact of the NFF on schools in my constituency was brought to my attention in December 2016 in a letter from Mr Badger, the chairman of the governing body of Southend High School for Boys, which, together with the other three in Southend, is one of the finest grammar schools in the country. He stated that the proposals would, “shockingly”, see funding reduced by a further 2%. For that school and many others in the borough the proposed changes are bewildering. Southend High School for Boys was recently rated outstanding in every category of its last Ofsted inspection, and was ranked 67th in national key stage 4 secondary school performance for 2016. Moreover, it has demonstrated prudence in budgeting and expenditure, and was even cited in the White Paper “Educational excellence everywhere” last March as a model case study of an efficient school.

While the aim of the national funding formula is, so we are told, to address the unfairness of similar schools and localities receiving different levels of funding through the setting of a mainstream school budget nationally, it fails properly to recognise the differing needs of each school’s cash-per-pupil funding. It will hinder rather than help schools in the area that I and my hon. Friend the Member for Rochford and Southend East (James Dudderidge) represent. He may, if he catches your eye, Mr Rosindell, speak about the schools in his constituency.

Illustrative figures suggest that if the hard formula for 2019-20 were to be introduced now, without any transitional protections, schools in my constituency such as Chase High School—which was prayed in aid as a centre of excellence when it was visited by Baroness Morris years ago—would face a £173 reduction in per-pupil funding. That would be a total cash loss of £163,000. Perhaps I may remind the Minister about Belfairs Academy, a wonderful school, which he opened—so he has seen how good it is at first hand. That school would lose £147 per pupil in funding, with a total cash loss of £168,000. Westcliff High School for Girls, where one of my children went, would lose £133 in cash per pupil funding, with a total cash loss of £109,000.

Moreover, even with the NFF 3% floor, schools in my constituency will not see a tangible funding increase for many years to come. Westcliff High School for Girls is set to lose 5.6% of its budget; with the floor in place, that will be reduced to a loss of 2.9% over two years. That school will not receive a further increase in its funding until the difference between the 5.5% and the 2.9% has been reduced through increases to the school’s allocation in the education budget. In short, if the school receives a 1% addition to its funding, there will be no improvement to its cash funding for about five years, which does not paint a rosy picture of fairness.

Primary schools in the area that I represent will also be hit hard. According to Darren Woolard, who is an excellent headteacher and the chairman of Southend Primary Headteachers’ Association, reductions in funding will seriously undermine vulnerable learners who need help the most. Furthermore, the NFF’s funding cuts to early years provision and the impending 30 years will have a major impact on capacity across the borough. I hope my right hon. Friend the Minister will not mind if he has slightly less than 15 minutes to respond; I would like my hon. Friend the Member for Rochford and Southend East to catch your eye, Mr Rosindell.

In essence, the cuts to funding will affect the quality of education and opportunity for pupils from an early age. The reduction in funding is likely to spark a downward spiral for education in the area that I represent, raising the risk of a recruitment crisis in the teaching profession and leading to the closure of schools due to the financial implications of the funding formula—something the Government would certainly not want. On average, £5,000 per pupil is needed to run a secondary school and £4,000 per pupil is needed for a primary school. Where I was brought up, in the east end of London, we did not spend those huge amounts of money on education. We had 56 pupils in a class, and we all managed to spell, write, read and all of that, but times have changed. I accept that all schools now think that the money that they are given is crucial to the quality of their education provision, not only across the country but in Southend in particular.

The NFF’s implementation in Southend will mean that seven secondary schools and 19 primary schools will no longer be financially viable and will ultimately have to close. Southend High School for Boys, Belfairs Academy, Westcliff High School for Boys and Westcliff High School for Girls, which are all academically wonderful schools, will all be needlessly mutilated by the funding formula. The Westborough School, which is a wonderful school in the area I represent under the marvellous leadership of Jenny Davies—it is a tragedy that she will
certainty in safeguarding the financial provision of funding in the interim before the hard formula is introduced in funding drops, along with transitional arrangements advising the Government to do that.

In many ways, the NFF’s effect on schools in Southend has the potential to raise unemployment, poverty and deprivation in the longer term—especially when the population is projected to increase to approximately 200,000 by 2027. Distortions in the NFF’s calculations for Southend have been highlighted by headteachers in my constituency. Dr Paul Hayman, the wonderful headteacher of Westcliff High School for Girls, has highlighted the NFF’s lack of transparency in not showing the values for area cost adjustment ratios. He cites the fact that the current basic funding unit for a pupil in years 7 to 11 at Westcliff High School for Girls is £4,225, which will reduce to £3,984. Many inner-London schools are still set to be allocated £7,000 per pupil in London, which is a difference of £2,298 per pupil and opens up the question of how that can be justified. I say, as a Londoner myself, that that is just not fair.

Of course, one may claim that school budgets in Southend have been protected in recent years, and that the NFF will redress that balance. However, schools in the area that I represent have tightened their belts over the past seven years by increasing class sizes, reducing administration costs, reducing spending on books, computers and resources and limiting the number of courses offered to GCSE and A-level students. Why should there be more financial afflication for schools in the area that I represent due to this rigid proposed formula?

I end with some thoughts and a solution for my right hon. Friend the Minister. With the consultation closing, as I understand it, on 22 March, I urge the Government to increase basic per-pupil funding. Grammar schools are currently campaigning for basic per-pupil funding of £4,800, and many headteachers in the area that I represent support that. Furthermore, it would be wise if the Government presented an area cost adjustment that was—to use that awful expression—fit for purpose and represented the demographic needs of Southend. Most importantly, however, the Government should introduce a national minimum level of funding per pupil without enlarging the overall schools budget. We do not need hordes of civil servants to advise the Government on that matter; the hon. Member for Southend West is advising the Government to do that.

Although the Government have emphasised the 3% floor in funding drops, along with transitional arrangements in the interim before the hard formula is introduced in 2019, national minimum funding per pupil would guarantee certainty in safeguarding the financial provision of funding per pupil for all schools in Southend, and it would not harm or lead to the closure of schools that have an excellent academic record. I hope my right hon. Friend the Minister will not only have listened politely to what I have said but will actually take notice of the representations that I have made and that my hon. Friend the Member for Rochford and Southend East is about to make.

11.16 am

James Duddridge (Rochford and Southend East) (Con): I congratulate my hon. Friend the Member for Southend West (Sir David Amess) on his contribution and on initiating the debate. I particularly welcome the Minister, who is a beacon of stability in a Department in which Secretaries of State can come and go. I was an Education Whip during the Minister’s first incarnation as an Education Minister, and it is good to see him back in his proper place as a beacon of stability within that Department.

I welcome the consultation, but for us, NFF stands more for national funding failure than national funding formula. I gently say to the Minister that, if the consultation does not result in changes, it will not pass through the House. My hon. Friend has said that he will not support it; I—as somebody who loyally supports the Government—will not support it if the funding formula does not change, both in relation to Southend and more generally. I agree with the principle of a national funding formula. I understand that an eighth of Government spending is on education so it cannot be an area that we do not look at and review, but it cannot be right that Southend is, as my hon. Friend said, one of four areas in which every school loses out—the only area to do so outside London. That seems wholly unacceptable.

The budget pressures are great. Some 80% to 90% of budgets go on staffing, while pensions and national insurance contributions are rising faster than the rate of inflation, whether measured by the retail prices index or otherwise. These are very difficult times. Schools do more now than they did in the past; year after year, schools are expected to do more with less. It is not just about cutting the obvious things. The excellent headteacher of Hamstel Infant and Nursery School, Mrs Clark, wrote to me to demonstrate that there would be a massive impact on that school’s ability to do what it was already trying to do, and that it was being asked to do more under the funding formula. That is typical of all the other primary schools. Other schools have already reduced the number of older staff, who are more expensive, and have replaced them as they retire early or at the right time with cheaper, younger employees.

If the NFF goes ahead, it will lead to redundancies. Learning support assistants will be made redundant and non-core subject teachers will be made redundant in virtually every school, including Southend High School for Girls, Cecil Jones Academy, Shoeburyness High School, St Bernard’s High School and Futures Community College, in addition to all the primary infants schools. I know that the funding formula does not apply to special needs schools, but there are parallel issues there as well. In addition, we have grammar schools that are underfunded and would benefit from a higher level of basic funding. At the moment, the position is untenable.

I welcome the capital expenditure that the Government are facilitating. I also welcome the work on opening out grammar schools. Roughly 100 grammar school pupils come from the Thurrock unitary area, which is represented ably by my hon. Friend the Member for Thurrock (Jackie Doyle-Price), who cannot speak for herself in the Chamber given that she is a Government Whip. Putting more grammar schools in Thurrock would help Southend, in that more local people—people in not only the Southend postcode but Great Wakering and the broader Essex and Thurrock area—would come in.
The Government must do something. They could do something on the area cost adjustment and on the London allowance. Lots of people will not come into Southend from an area in the outskirts of London where they could be paid more. The Government could do more on funding grammar schools, on transitional arrangements and on arrangements for bulge groups going through, which they are in secondary schools. Without doing that work and without Members of Parliament being on board, the proposals simply will not and should not get through the House of Commons.

11.20 am

The Minister for School Standards (Mr Nick Gibb): It is a pleasure to serve under your chairmanship, Mr Rosindell. I congratulate my hon. Friend the Member for Southend West (Sir David Amess) on securing this important debate. I am grateful for this timely opportunity to discuss the details of the proposals for introducing a new national funding formula. I have known my hon. Friend for as many years as he has known me, and I assure him that I do not intend to palm him off with fluffy platitudes.

We are now more than half-way through the consultation process on these proposals, and we have heard views from across the school sector and from all parts of the country. Throughout the consultation period, we are considering all representations from local authorities, teachers, governors, parents and hon. Members in this House. We are listening carefully so that we can ensure that the final national funding formula is the right one.

Many Governments have avoided introducing a national funding formula. We have grasped the nettle. It could be argued that in a time of fiscal restraint, we should have avoided introducing a national funding formula, but we think it is right to introduce such a formula and are proceeding with the consultation with the intention of introducing that formula. It is an open and transparent consultation, which is why it includes illustrative allocations for every school and local authority in England, calculated on the basis of figures for 2016-17, to help schools and others to understand the impact of the proposals. Those allocations are only illustrative.

The new formula will apply, as my hon. Friend the Member for Southend West said, in 2018-19 on the basis of a soft formula, which means that the local school forum can alter the allocations within the funding envelope for Southend. We have already announced that for 2017-18, no local authority will see any fall in its funding levels.

We believe that what we are proposing achieves the best balance between the different elements of the formula—between the core funding for every pupil and the extra funding for those with additional needs, and between the funding that relates to pupils’ characteristics and the funding that supports schools to meet their fixed costs. Those are complex trade-offs, which is why we are consulting for a full three months on the proposals.

The single biggest element of the national funding formula will be a basic amount that every pupil attracts to the school. That will account for around three-quarters of the total schools block—about £23 billion of the total £40 billion. We are clear that significant funding should be directed through the formula to children from disadvantaged backgrounds who face entrenched barriers to their education. Schools that are educating those children should receive extra resources, so that they can support those children as well as their peers. We propose to spend more through the formula than is currently spent on pupils who start school with low prior attainment compared to their peers, so that they can get the extra support they need to catch up.

Overall, we want to maximise the amount of funding spent on factors that relate directly to pupils’ so-called characteristics. Our proposed lump sum of £110,000 per school, regardless of its size, is just below the current national average if we aggregate the 150 local formulae in the country. It is significantly below the sum that Southend uses locally, but we still believe that the lump sum is an important element of the formula.

Our proposals recognise that all schools need a fixed element of funding that does not vary with pupil numbers and characteristics, to provide a level of certainty. One reason—it is not the only one—why Southend schools face these percentage reductions is the difference in the lump sum figure.

The decisions we have made in balancing the formula will certainly have different effects across the country, depending on how they differ from decisions that local authorities have taken on their local formula. The anomaly is in the local formulae, rather than in what we are proposing in the national formula. In the case of Southend, the current local formula uses a higher basic per-pupil amount than the figure we propose in the national funding formula. Southend also concentrates funding for deprivation more narrowly. In the national funding formula, we want to spread deprivation funding more broadly and further up the income spectrum, so that we can target additional funding to pupils who are not necessarily eligible for free school meals but whose background may still create a barrier to their education.

We know that some areas and schools will disagree with the balance we have struck in the proposals. That will be the case particularly in areas where the proposed national funding formula will mean a lower level of funding than the current baseline for 2016-17, such as in Southend. We are keen to hear views on whether we have got that balance right and welcome any additional evidence through the consultation. We will look to change our proposals where the evidence shows clearly that the balance needs to shift.

I took on board the advice from my hon. Friend the Member for Southend West, which will trump any advice we receive from experts across the country. He argued for a de minimis funding level of £4,800 per secondary school pupil, and his advice will be considered as part of the consultation process.

While there will be different views about the precise balance of the factors, there is certainly a consensus, as my hon. Friend the Member for Rochford and Southend East (James Duddridge) confirmed, that we need a national funding formula and a fair funding system that gets resources to where they are needed most. No matter where children live and whatever their background, prior attainment or ability, they should have access to an excellent education. We want all children to be able to reach their full potential to be able to succeed in adult life. That ambition can be achieved only if we have a fair approach to funding, whereby funding relates directly to children’s needs and the schools they attend.
Under our proposals, the funding system will be clear, simple and transparent for the first time. Similar schools will be treated in the same way right across the country. We will no longer see the wide range in funding levels that we see now, and it will no longer be the case that the amount a child attracts to their school depends on where they live or their school’s location. Our proposals will end the postcode lottery in school funding and extend opportunity across the country.

I want to give my hon. Friend the Member for Southend West a minute to conclude at the end if he wishes; if not, I will plough on. I am hugely grateful to my hon. Friends for Southend West and for Rochford and Southend East and to take time to consider the important issues that they both raised.

Sir David Amess: The thing that slightly disturbs me in what my hon. Friend the Minister slipped in is that it seems as if he is blaming the local authority for the disparity in the figures.

Mr Gibb: I am making the point that we are aggregating 150 separate local formulae into one national funding formula, which will inevitably mean there will be changes. That is particularly inevitable, mathematically, if we then illustrate the new formula on the basis of existing figures. However, I understand my hon. Friend’s points. As I said, these are illustrative figures and will have no impact on 2017-18. The overall level of school funding, at £40 billion, is the maximum amount we have ever spent on schools. It will rise in the years ahead. Schools will receive more money if their pupil numbers go up and if their pupil characteristics change. We expect school funding to be at about £42 billion by 2019-20. That does not mean to say that the formula will not have the impact we are illustrating; they are illustrative figures only.

Question put and agreed to.

11.30 am

Sitting suspended.
Mr Carmichael: If I can just make a second or two of progress, I will take as many interventions as I can later.

The problem is acute for people in rural areas and it is particularly serious for people in island areas—it strikes at the heart of everything that we seek to do in maintaining island populations. A critical mass of population is essential to maintaining the economy and the social viability of any island community. In a rural area that is close to an urban area, if someone loses their job or their business goes into administration or receivership, they can move or they can drive for another half-hour or hour to get another job. However, if someone in an island community loses their job and another one is not available locally, they leave the island, which means that another salary is taken out of the local economy, another school has a smaller roll and fewer people are using the local post offices—the list goes on. That is why connectivity is essential for us.

Mr Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP) rose—

Mrs Murray rose—

Mr Carmichael: I suspect that I am going to get willing agreement first from the hon. Gentleman and then the hon. Lady.

Mr MacNeil: The right hon. Gentleman is correct—it is willing agreement—but it does not have to be like this. To his west and my north-west, everyone in the Faroe Islands is connected with at least 2 megabits. In fact, that was the situation three or four years ago and speeds are probably faster now. Everyone has 4G phone and there are underwater tunnels with a 4G signal. We cannot go between Gatwick airport and London and get a phone signal going through the tunnels. His point about population is absolutely right. The Faroese population will hit 50,000 for the first time in history this month or next.

Mr Carmichael: The hon. Gentleman and I both know the Faroe Islands quite well and we both know that they have been able to achieve the things that our island communities have struggled to achieve because they start from the presumption of a service that is provided for the people on the islands first. It is not something that is driven from, as it is for his community and mine, people in Edinburgh or even Inverness, which is frankly not an awful lot better. It is community and island-centric provision. That is what matters.

Mrs Sheryll Murray: Does the right hon. Gentleman agree that the problem exists not just at the end of the country where his constituency is, but in Cornwall? I cannot attribute this to my right hon. Friend the Minister. Superfast Cornwall, which is a partnership between the EU, the Liberal Democrat-led Cornwall Council and BT, is failing to roll out broadband in a satisfactory way for a lot of my constituents. Does the right hon. Gentleman agree that there is a problem there as well?

Mr Carmichael: The hon. Lady has the advantage of her intervention, that the hon. Lady will be doing everything she can, in a non-partisan way, to work with them.

Let me make progress for a minute or two. Ofcom’s “Connected Nations” report in December 2016 gave us a good snapshot of the overall picture. Average download speeds across the UK as a whole are now running at 37 megabits per second. However, 5% of premises, which is about 1.4 million, are unable to receive speeds faster than 10 megabits per second. Superfast broadband—that means speeds greater than 30 megabits per second—is now available in 89% of premises, which is more than 25 million, across the whole of the United Kingdom. However, those high-level, headline statistics actually illustrate the acuteness of the divide—the growing divide—between urban and rural communities. In Scotland, 43.9% of people living in large urban areas, as opposed to 7.9% in remote urban areas, are able to receive speeds classed as superfast. Those unable to reach the 10-megabits-per-second threshold constitute 1.6% in large urban areas, as opposed to 54.3% in very rural areas. That is a good illustration of the gap between the digital have and have-nots—the rural and the urban.

Deidre Brock (Edinburgh North and Leith) (SNP): First, I must make it clear that I fully support the roll-out of rural broadband. It is crucial for the highlands, the islands and, indeed, the borders of Scotland—if I did not say that, my mother-in-law in the highlands would kill me. The right hon. Gentleman might not be aware that many households and businesses in urban areas, and particularly in areas of commercial deployment, are also being missed and left with very slow speeds.

Mr Carmichael: The position will never be uniform across any community but—I think that this distinction is material—there is a range of opportunities available in urban areas that are simply not available to those of us in more rural areas. It is invidious to play one side off against the other—in making the comparison between urban and rural, I am merely highlighting the difference and not trying to set one community against another.

James Heappey (Welsh) (Con): Does the right hon. Gentleman share my view that it must be just a coincidence that, in many of the areas selected for commercial roll-out, which the hon. Member for Edinburgh North and Leith (Deidre Brock) talks about, BT seems not to have connected with fibre some of the small business parks and light industrial estates? I am sure he will agree that there is no way that that can be because BT is trying to make some money out of leased fibre lines to those premises.

Mr Carmichael: I do not want to turn this into a whinge-fest about British Telecom, because that is just too easy. Our role in this debate is to look at a more strategic picture. The fact is that where there is provision, business and economic development follow. That is why it needs strategic, political and regulatory intervention. It is in all our interests that we maintain the widest possible spread of economic development. If the political will and regulatory effort is put into getting the roll-out, we will find that the economic opportunities follow.

The final illustration I have on the difference between rural and urban broadband is that I asked my staff to run broadband speed tests on their own machines. I asked my caseworker in Shetland to run the broadband
speed checker first of all. On broadband.co.uk, she recorded a 0.3 megabits download speed. My researcher based in the House of Commons, who has an address in Surrey, did the same test and came up with 184.12 megabits per second. If that is not a digital divide, I really do not know what is.

Alex Chalk (Cheltenham) (Con): Is it not right to note—as the hon. Member for Edinburgh North and Leith (Deidre Brock) did—that there can be premises in an urban area sitting cheek by jowl with others where there are enormous disparities? Does the right hon. Gentleman also recognise, and share my intense frustration, that millions of pounds of public money is sitting in bank accounts ready to hook up homes and premises, but all too often excessive caution, or the terror of being found in breach of state aid rules, prevents that money from being spent?

Mr Carmichael: I confess that of the many difficulties I have encountered in the years I have been dealing with this issue as a Member of Parliament, that is one I have not come across. However, what the hon. Gentleman describes would frustrate us all. The difficulty is that this problem is now beginning to undermine Government policy across the board. The Government as a whole have an interest in the Minister’s Department taking a lead in driving it out.

We are forever encouraging our farmers to diversify, saying that they should be setting up holiday accommodation and finding different ways to bring people into the countryside and add value to their product. Bluntly, however, that requires good connectivity—without that it will not happen.

I recently had contact with a postmistress in Shetland who tells me that her business as a postmistress is now being adversely affected by the intermittent service and extremely slow broadband speeds that she has to deal with. She says customers at the post office are being seriously affected by long waits because of the internet cutting out. As well as the difficulties that slow broadband speed causes her personally, it is considerably affecting her ability to provide a reliable post office service to that community in Shetland. There is a broad measure of political consensus in the House on the provision of post office services, but again, in the areas where it is most challenging it is being undermined by poor connectivity.

I will offer another couple of examples of how this problem affects my constituents. I recently had contact with one constituent in North Roe, right at the north of Shetland, who told me that in one week he had missed out on approximately £800 of potential grant funding for marine equipment as he was unable to open emails and download attachments. He says that he cannot submit fisheries or crofting forms online and that after 5.30 pm he need not even bother trying the internet, such is the quality of service he gets. The best example I got was also from a resident of North Roe, who told me that he tried to load the BT speed tester on his machine but did not have sufficient connectivity to load the page for the test.

The most interesting example came just this week in a piece of correspondence from a constituent in Westray. For the benefit of younger or newer Members in the House, that was a letter, which is what we used to get from constituents. He tells me:

“Access to broadband is not a luxury these days. We do banking and shopping and book flights to the Scottish mainland on the internet, and we communicate by email. Information that used to be on paper is on webpages now. I wrote to Ofcom about BT’s service and their reply referred me to web pages where I could learn about how to escalate my complaint and seek compensation”.

To load those pages, however, he would be required to go to the library in Kirkwall, which is a nine-hour round trip from his home in Pierowall in Westray.

The difficulty is that broadband roll-out, whether south of the border in England and Wales, or in Scotland through the Scottish Government—in partnership with Highlands and Islands Enterprise and BT in my area—is driven by targets. Indeed, the targets themselves may often be misleading. The next generation of roll-out, however, is not just going to be confined to broadband. For us the opportunities come from the availability of 4G and 5G—whenever that becomes a feature of our daily lives.

The Minister should perhaps be talking to his colleagues in the Home Office about the roll-out of the emergency services network. The contract has been given to EE, and that is going to give it an obvious advantage in having control of infrastructure across the whole country. The opportunity is there for much improved 4G coverage through EE. I give EE credit for the way in which it has engaged with communities, certainly in my constituency, but I hear increasing complaint about its willingness to engage with other mobile companies. It tells me that it does not know what features are going to be found in the design of this roll-out, and that it does not know what the mast heights and positions are going to be. This generational opportunity to improve the service is an opportunity for Government Departments to work together instead of in their own individual silos, to ensure that when that provision is ultimately rolled out it brings the maximum benefit to communities across the whole of the United Kingdom and companies across the whole of industry.

Albert Owen (Ynys Môn) (Lab): The right hon. Gentleman is making a constructive point about the roll-out of mobile telecommunications. Are not the industrial strategy and the Digital Economy Bill an opportunity for the Government to look at this 5% of areas, which will predominantly be rural, that are not included in the target of 95% by 2017? A pilot scheme in the Shetland and Orkney Islands and Ynys Môn would be a great example for that going forward.

Mr Carmichael: Indeed; I can think of few areas that would be more suitable. I say that not entirely with my tongue in my cheek, because I suspect that anything that can be made to work in the constituencies and communities that the hon. Gentleman and I represent could be made to work anywhere else.

The understanding I want the Minister to take from today’s debate is that the days of centrally driven, top-down roll-outs are over. They have achieved a significant amount in getting targets certified, but they have left too much to the low-hanging fruit, as it were. However, for that remaining 5% of areas there will have to be a different approach altogether.
James Heappey: I am grateful to the right hon. Gentleman for giving way again—he is being very generous with his time. I absolutely agree with him on that point. Do we try and not just get the last areas to get their phase 2 contract awarded, but once that phase 2 contract is awarded and the premises within the 91st to 95th percentiles are known, why would we wait to deliver the universal service obligation sequentially? If we know what the final 5% is, let us get on with delivering the USO concurrently and employing whatever technology suits rather than a central solution from above.

Mr Carmichael: I think that will be the answer to filling the last 5%, but there will not be a single solution. I am frustrated by the way in which the fibre roll-out is now holding some things up. We know that the last 5%—whatever it will be—in Scotland will be delivered by Community Broadband Scotland, which can only come in when we know what is left. However, those responsible for the fibre roll-out wanting to sweet the asset, effectively, is leaving communities waiting at the end of the queue.

Mr MacNell: Does the right hon. Gentleman find the ad hoc nature of much of this strange? I happened to come across some people from EE once who said, “If only we could get the Northern Lighthouse Board sites, that would help,” so I wrote to the Northern Lighthouse Board, which said, “Yes, no problem at all.” However, nobody is co-ordinating things centrally. It is similar with Vodafone and EE at the moment—opportunities are constantly being missed. Sometimes a bit of central thinking is needed, and I do not think that has been happening at all; it is far too ad hoc.

Mr Carmichael: That is a good illustration, though I will not, on the one hand, make a plea for decentralised thinking and then on the other berate Ministers for not taking control of everything. There is a strategic role for Ministers at the centre, but those who are charged with broadband delivery in the hon. Gentleman’s area and mine—Highlands and Islands Enterprise, for example—need to be much more focused on community engagement and taking communities along with them than they have been hitherto. That will be absolutely essential when it comes to finishing the last 5%, or whatever the margin will be.

For some years now I have organised a series of digital forums in Shetland and Orkney. The last one we took out to Skeld in west Shetland—one of the most poorly served Shetland communities for broadband coverage and mobile phone connectivity. During the forum I got an explanation of the inadequacies of the roll-out that, frankly, I do not ever expect to be able to improve on. A constituent who had worked for 30 years in the NHS said she suspected that if the NHS had left all the difficult cases till last in those 30 years, most of the difficult cases would have died. Right hon. and hon. Members can probably join the dots on the analogy being drawn. It is one that the Minister would do well to listen to.

Several hon. Members rose—

Mr Graham Brady (in the Chair): Order. Seven Members have risen to speak and we have less than 40 minutes before the wind-ups are due to begin, so I propose a time limit of six minutes on contributions.

2.53 pm

Mrs Sheryll Murray (South East Cornwall) (Con): I welcome the opportunity to contribute to this debate, Mr Brady. As a former parliamentary private secretary to the Minister’s predecessor, my right hon. Friend the Member for Wantage (Mr Vaizey), I have an active interest in this issue, both from a policy and constituency perspective. Active, fast, reliable, affordable broadband is vital for families, communities, businesses and public services across my rural constituency. In South East Cornwall and across the UK, superfast broadband is now as essential a utility as water and energy. Indeed, I consider it to be the fourth utility.

Our economy, whether urban or rural, is now increasingly dependent on high-quality broadband. I welcome the Government’s commitment to introducing a broadband universal service and the good progress that has been made locally under the superfast project, but it is not good enough. We must strive for 100% connectivity, particularly in isolated rural areas where good internet access is the lifeblood of successful local economies and thriving communities.

I, like many other hon. Members, continue to receive numerous complaints from constituents about poor broadband availability. Unfortunately, many of my constituents do not understand that Superfast Cornwall and, as I alluded to earlier, a partnership between the Lib Dem-led Cornwall Council, the EU and BT are responsible for delivering broadband in my constituency. I will highlight several cases in South East Cornwall that demonstrate the urgent need to provide universal access to superfast broadband.

Albert Owen: On a point of clarification, what is the EU’s role? When it works with the Welsh Government all it does is provide funds.

Mrs Murray: There was a partnership between the European Union, Cornwall Council and BT. Cornwall was one of the first areas in the country to roll out broadband before the Government undertook their programme, and it was leading on this at one time. Unfortunately, however, the service now being provided to little villages is absolutely dire; they cannot even get a broadband speed of 2 megabits per second.

Cornwall and tourism go together like jam, scones and clotted cream. However, superfast broadband and good internet access is a vital ingredient for running a successful holiday business and retaining and attracting clients. I know at least one small holiday letting business that cannot secure bookings or market effectively due to poor connectivity. That is unacceptable.

Another example of the negative impact of failing communications infrastructure was highlighted to me last week by a local business that is based in Liskeard, although the owners live near the village of Duloe. They are in a notorious broadband notspot and their company operates 24/7 using robotic technology. If the owners had a decent broadband connection, they would be able to look remotely to make sure that the machines are running. Instead, they have to undertake a round trip of an hour and a half to check the machines over the weekend, which is a waste of money and time. The impact on productivity and on the company’s balance sheet should not be underestimated.
Finally, the affordability of high-quality broadband must be addressed. Although I acknowledge that the UK has one of the most competitive communications markets in the world, the cost of business broadband remains too high. An established scrap metal business in my constituency suffers from poor connectivity, meaning that the legally required reporting of vehicles to the Driver and Vehicle Licensing Agency online is virtually impossible. The firm was offered an expensive corporate ethernet solution by BT and Superfast Cornwall. Surely more affordable consumer-style alternatives should be available for small businesses, which work on very tight financial margins. I ask the Minister to consider that carefully and please, please look at how we can ensure that Superfast Cornwall is improving the situation in South East Cornwall and addressing the real notspots.

2.59 pm

Albert Owen (Ynys Môn) (Lab): It is a pleasure, as always, to serve under your chairmanship, Mr Brady, and to follow the hon. Member for South East Cornwall (Mrs Murray). I congratulate the right hon. Member for Orkney and Shetland (Mr Carmichael) on how he set out the concerns that many rural communities have across the United Kingdom. There are notspots in urban areas but, as somebody who lives in an urban area during my working week but who goes home to a periphery area, I notice the difference. I can use 4G very well in my area. Like the right hon. Member for Orkney and Shetland, I hold regular broadband hubs with communities across my island constituency. We are looking for solutions. We know the problems and issues. On the last occasion, I got the CEO of BT Openreach there to come with his team. He went with the engineers to check the difficult terrains and gave a commitment that there would be 95% coverage by the end of the year.

I have asked the Minister these questions a number of times. Given the Digital Economy Bill and the talk of a universal service obligation by 2020, who will deliver that extra 5%? We in the House of Commons need to know that the roll-out in my constituency is just over 80% at the moment.

Mrs Sheryll Murray: The hon. Gentleman might like to know that the roll-out in my constituency is just over 80% at the moment.

Albert Owen: The hon. Lady is contradicting herself. She was saying how poor it was earlier. She is almost leading the way with the Liberal council and the European Union. The Welsh Government work in partnership with the European Union, which specifies certain criteria, including the number of households, which work against some rural communities. However, the Welsh Government have their own policies for those rural communities.

My point is that we need to work together and take a strategic approach. I support the Digital Economy Bill, and I believe that this is a golden opportunity for the Government to work towards helping the last 5% to get broadband at a decent level that can then be improved in future.

James Heappey: The point that the hon. Gentleman is making is exactly right. We are talking about the roll-out of superfast broadband, but before the Government race off and start delivering ultrafast, let us make it a priority to ensure that a minimum service of at least 10 megabits per second is available everywhere. We can start doing that now, rather than waiting until the end of the second phase of the Broadband Delivery UK roll-out.

Albert Owen: That is absolutely right. The hon. Gentleman has now reinforced that point, and I agree totally. This is the second debate on the trot in which we have agreed. I want the Minister to know that there is no partisanship. I give the Welsh Government the same concerns that I give the UK Government, because we need to work together. I am not knocking BT Openreach either, because I have been out with their staff and seen some of the engineering difficulties they have to deal with.

The people suffering in the 5% are often not on the gas mains and pay more for their fuel. They pay exactly the same price for their broadband and mobile communications as people in inner cities, and they deserve Governments’ time and effort on their behalf. That is the plea I make to the Minister, who is checking my constituency ratings as we speak. If they are high, I will take credit; if they are low, I will blame others. The 5% need to be considered as a priority. The Government and the Prime Minister have talked about an industrial strategy. Broadband should be part of it. We should be talking about giving businesses across the United Kingdom 21st-century communications to allow them to compete on a level playing field with those in other parts of the country.

I did not intend to speak because I thought that this debate would be over-subscribed. I have pushed my luck in coming here and speaking, but I speak for different parts of the United Kingdom, which are coming together to join me in the 5% club so that we can deliver 100% broadband coverage and better mobile telecommunications across the United Kingdom.

3.4 pm

Antoinette Sandbach (Eddisbury) (Con): It is a pleasure to serve under your chairmanship, Mr Brady. I congratulate the right hon. Member for Orkney and Shetland (Mr Carmichael) on securing the debate.

The Minister will well know the problems in my constituency. He will know that if I drive across my constituency, he will struggle to get a 3G signal, let alone 4G. Most of my constituency is covered by 2G signal, despite the fact that its inhabitants are relatively affluent and that many run their own small businesses. We are,
or would be, a thriving rural community, but sadly we are poorly served by our broadband connection. In Eddisbury, not 5% but a far greater percentage are missing out. I will highlight an example. One of my constituents is trying to set up a new business in a rural area: a pub, which will also be an invaluable community hub. I have a lot of thriving public houses in my area. I will not list them, but I encourage hon. Members to come visit.

My constituent wants to encourage and support other small businesses nearby, but he has no sufficient broadband connection. He is considering getting an uncontended leased line to guarantee that he can reach speeds of at least 20 megabits per second. He has been quoted £9,120 per annum for the line and an initial £13,000 in start-up costs. That is not untypical in my constituency. It highlights the problems that rural businesses face.

Another business has a multimillion turnover, but it had to move out of its small business park—my hon. Friend the Member for Wells (James Heappey) mentioned the small rural business parks not connected by BT—and over the border into Wales to the Wrexham industrial estate in order to access the broadband speeds that it needs. That is not acceptable for the rural communities in my area, which struggle to grow their businesses. It is perhaps typical of what is happening in Eddisbury.

The map helpfully provided by the House of Commons Library indicates that vast tracts of my constituency receive less than 28 megabits per second. Although the Minister’s figures indicate that superfast roll-out is at 78%, I argue that, in reality, signal is simply not being delivered to people at the end of a copper line 2.5 miles from the exchange. That is the problem. BT says to those people, “You can have a community fibre partnership and link up your home.” That is fine for those who have a spare thousand pounds or two to top up, but sometimes and link up your home.” That is fine for those who have.

Julian Sturdy (York Outer) (Con): My hon. Friend has hit on an important point that affects many of my constituents. Although we are getting fibre to the cabinet, there are lots of areas, especially in rural communities, that are well over 2 km from the cabinet on copper, which means that they lose the superfast broadband speed. Although they are technically connected to a cabinet with fibre, they are not getting superfast broadband.

Antoinette Sandbach: That is certainly the experience of my constituents. They find it deeply frustrating and are at a loss for what they can do. It is important that those communities and premises are addressed before we start megafast roll-out elsewhere in the country.

I welcome the fact that there will be a universal service obligation of 10 megabits per second. I ask the Minister not to let the telecoms companies wriggle out of that obligation. Often, in order to deliver that speed in rural communities, they may well need to lay more fibre. The universal service obligation seems absolutely critical to the last 5% or, in the case of my constituency, to the last 22% or more.

I urge the Minister to look at how he can strengthen and support the universal service obligation, and I encourage constituents to download the Actual Experience software, which sends data about the appalling connections directly to Ofcom. The more information we get in real time, the more the lack of service delivered from the roll-out will be clear to the Minister. I therefore encourage him to take action to strengthen the USO and to put what pressure he can on connecting Cheshire and rolling out to the remaining premises in Eddisbury.

3.10 pm

Patricia Gibson (North Ayrshire and Arran) (SNP):

It is a pleasure to serve under your chairmanship, Mr Brady. I am delighted to speak in this important debate and to extend my thanks to the right hon. Member for Orkney and Shetland (Mr Carmichael) for securing it. This issue causes me and too many of my constituents too much frustration. Whole swathes of my constituency are excluded from the so-called digital revolution. Superfast broadband remains a pipedream. It is something we hear about and may even dream of, but we have yet to partake of its delights.

The situation has been improving across Scotland, not least due to the concerted and determined efforts of the Scottish Government. Statistics that say that 83%—modest as that is—of Scotland has superfast broadband mean nothing to those who do not have that luxury. It is certainly viewed as a luxury by those living in more remote areas. Indeed, if someone lives in a remote area, such statistics make their own lack of access to superfast broadband all the worse, as though they and their community’s challenges are being mocked by the progress elsewhere.

It is true that 83% of Scotland does now have access to superfast broadband, but Scotland is being left behind, as the figure for the UK is 89%. This gap is narrowing, but make no mistake: there is an unmistakable and identifiable gap. In my own constituency of North Ayrshire and Arran, the Scottish Government’s commitment to 100% superfast broadband coverage by 2021 is welcomed, and rural Scotland is impatient for it.

There was a great missed opportunity when the UK Government rejected Scottish National party amendments to the Digital Economy Bill that would have required the Secretary of State to introduce a broadband voucher scheme to allow an end user to access broadband, other than that supplied by the provider of the universal service order under part 2 of the Communications Act 2003. A consultation by the UK Government has been announced, which I welcome wholeheartedly, but our proposals would provide a replacement for the previous UK Government broadband connection voucher scheme, which ran from 2013 to 2015 and encouraged small and medium-sized businesses to take up superfast broadband, helping more than 40,000 such enterprises.

Our businesses in rural areas rely on good, reliable broadband connections, and there is still much to be done. We have made progress, but, as many of my constituents would testify, we are not there yet. Digital connectivity is an integral part of economic development. For a modern, thriving, successful economic future, we need first-class digital infrastructure. Superfast broadband is about growing our economy and economic opportunities. It is about connecting people, about social inclusion, about empowering our young people and the next generation. First-class digital infrastructure is required to keep all parts of our economy competitive and thriving in a global market. That must include our rural areas.
I am tempted at this juncture to speak about mobile signals, but time forbids me. Suffice it to say that on the island of Arran there are huge notspots, which is simply not good enough.

I want to turn for a moment to what I believe is the UK Government’s lack of foresight in this matter. Rural mobile connectivity is suffering and struggling because successive UK Westminster Governments have seen the licensing of mobile spectrum as a cash cow rather than as critical infrastructure and something that is absolutely essential for our communities and our whole country. It seems that the only criteria that were considered when the 3G and 4G spectrum was auctioned were raising large sums of money.

Mr Edward Vaizey (Wantage) (Con): Will the hon. Lady give way?

Patricia Gibson: I will finish my point and then take the right hon. Gentleman’s intervention.

It seems that little consideration was given to how great the coverage could and should be. How is it that the German Government required 98% coverage, but the UK settled for 95%? Greater funds were traded for lesser coverage, and that has had the effect that whole swathes of the country and my constituency are missing out. It is simply not good enough.

Mr Vaizey: It is a simple matter of fact that the Ofcom auction was conducted on the basis that it would not be based on how much money could be raised. It was solely based on conducting the most efficient auction. Raising money was specifically excluded.

Patricia Gibson: Perhaps the right hon. Gentleman will explain, if he gets an opportunity to speak later, why the German Government succeeded, whereas the UK Government appeared to fail.

Scots have access to a 4G signal only 50.4% of the time, suffering some of the lowest access to mobile data in general, and as of December 2015 nearly half of Scotland’s land mass had no data coverage whatever, compared with only 13% of the UK as a whole. That is simply not on, and I am keen to hear what the Minister thinks of those statistics. I want to hear what reassurances the Minister can give to all the people across Scotland who are so poorly served in this issue. As the figures and the stats will show, in my constituency of Strangford we lag behind on accessibility. To someone of my generation, a megabyte would have meant a really large bite of some kind of food. That was certainly the perception. I never dreamed that it could play a real part in the ability of a business to compete and thrive. This is the case, however. We live in an age when online provision is almost considered a human right and our businesses do not have a chance without it. For that reason, in December last year I tabled a written question:

“To ask the Secretary of State for Culture, Media and Sport, what assessment she has made of the level of investment required to bring broadband access in rural communities in (a) the UK and (b) Northern Ireland up to the average level in all communities.”

The answer was simple and also stark:

“95% of UK premises are expected to be covered by superfast broadband by December 2017. The 95% figure is a UK average and individual areas, including rural parts of Northern Ireland and other areas of the UK, will have different coverage levels.”

We are one of those.

“All premises which do not have a speed of at least 10Mbps will be able to request an upgrade to at least this speed under the Universal Service Obligation.”

The Minister told us that.

“Furthermore providers and local bodies will also be able to access funding for full fibre connectivity as announced at the Autumn Statement 2016, once those proposals have been finalised in early 2017.”

That gave me lots of information, but unfortunately it does not give me the information that I needed. That is what has been done to provide support to rural communities. What co-operation is taking place with the devolved Minister in the Northern Ireland Assembly to see better connection for all of Northern Ireland, but most especially the rural communities?

Ms Ritchie: I thank the hon. Member for Strangford, my constituency neighbour, for his contribution and for giving way. Does he agree that the previous voucher scheme brought much benefit to our constituents, particularly those who live in higher altitudes, and particularly businesses? Does he think that the reintroduction of a voucher scheme would provide a necessary financial incentive to people who try to conduct business in rural communities?

Jim Shannon: I thank the hon. Lady for her intervention. I agree with her point, which she made very well. Perhaps the Minister will respond to that in a positive fashion. I am going to ask for such things as well.

For us in Northern Ireland the issue is clear. I understand that the Northern Ireland project has been allocated more than £11.5 million of Government funding for phases 1 and 2 of the superfast broadband programme.

Tom Elliott (Fermanagh and South Tyrone) (UUP): Just before the hon. Gentleman gets on to the Northern Ireland context, I want to nail the issue of notspots in urban areas. He mentioned the figure of 95% for overall superfast coverage by the end of 2017. Superfast coverage for rural areas is 59%, which shows the difference between urban and rural.

Jim Shannon: The Minister clearly said 95%, and the hon. Gentleman has pointed out that that falls to 59% in rural areas. In my area, the figure would be similar to that.
To relate things to my constituency, the BDUK scheme has made superfast broadband available to 1,871 more premises than previously, which must be good news. I welcome the progress. The average take-up of superfast broadband under the BDUK Northern Ireland project area is 27.3% and, more broadly, the total Government and commercially-funded superfast coverage in Strangford is 79.1%. I know that the Minister probably has all the figures written down; statistics are no doubt regularly handed to him. These points are all great soundbites, but the difficulty, for me, lies in the fact that the estimate from the available supplier data is that coverage will be around 84.5% by the end of December 2017. That is a massive distance away from the 95% expectation that the Minister has indicated. It translates to a 10% disparity in my rural community. Therefore, I again ask the Minister what can be done, and indeed what will be done to bridge the gap between target and reality in my constituency.

A member of my local council is not able to get broadband in his home. His neighbour three doors along can get it, but anyone living in the other direction is stuck in the dark ages. There is something wrong if that is the case. Businesses in rural areas struggle to keep up with competition that can sell online, which is the rage these days. I received a standardised email from my constituents—I call it a round-robin; it is the sort of thing MPs get regularly—containing an interesting request that we will all have heard, to end the franchise of Openreach. That is one opinion that has been put forward, and perhaps consideration will be given to how best to go about it. I am sure the Minister will respond.

I do not know whether that is the answer. Perhaps the competition would be an encouragement to stretch further for customers. However, I do know that it is grossly unfair that my constituents are unable to gain the coverage that they deserve. Today I want simply and firmly to put the question back with the Minister—to bat the ball right to his feet: what is to be done for the rural communities of Strangford? What is being done to help schoolchildren access homework resources, and to enable businesses to stretch further and achieve more and parents to multi-task and shop online? All those things are part of day-to-day life—but not for too many of my constituents. That is why I ask for more to be done. When will that happen for Strangford, and the rest of Northern Ireland?

3.23 pm

Ronnie Cowan (Inverclyde) (SNP): It is a pleasure to serve under your chairmanship, Mr Brady. I thank the right hon. Member for Orkney and Shetland (Mr Carmichael) for securing today’s debate. Although the content of my email inbox varies, the issue of broadband always remains one of the most important issues affecting my constituency. I am pleased to see that my hon. Friend the Member for North Ayrshire and Arran (Patricia Gibson) is here today. Our constituencies share a border and sometimes I feel that, as we are on the fringe of what is known as the central belt, people believe that the benefits of the big cities fall to us too; I assure the House that they do not. Like other Members, I am regularly contacted by constituents who happen. Businesses in rural areas struggle to keep up in which broadband infrastructure is being implemented in their area.

As has been discussed in previous debates, constituents are frustrated because they do not consider broadband to be a luxury. It is seen as the fourth utility, essential for business, entertainment and education. If we accept that view, we must give constituents the same right to it as they have to gas, electricity and water. We would never consider telling our constituents, “We know that your water only comes on during certain parts of the day, but we hope to have full water supply rolled out to all properties by 2020.” Constituents would not find that acceptable. Equally, we cannot expect them quietly to tolerate an inadequate fourth utility. I understand that there is no technological magic wand that we can wave over areas with poor connectivity. However, we need to ensure that all tiers of government, including local authorities, are provided with the necessary funding for roll-out to be undertaken as quickly as possible.

In some instances, companies have indicated that it is not commercially viable for them to build the infrastructure that would deliver superfast broadband to certain areas. In my own constituency, Wemyss Bay, Inverkip and Kilmacolm have been particularly affected by that commercial gap. By the way, Kilmacolm got piped for clean water only in 1878. Some may be surprised to know that Inverclyde, just 40 minutes from Glasgow, is relevant to a debate on rural broadband. My constituency is, in fact, Scotland in microcosm. Most of the population lives on a relatively thin strip of land, where we have densely populated towns with large housing estates. That area is hemmed in by the coast and undeveloped hills. Surrounding the most populated areas we have farmland, which includes sheep and llama farms. We have sustainable forestry providing fuel for biomass heating, and rural villages, along with smallholdings and isolated farm houses. The sort of obstacles that inhibit full roll-out of superfast broadband all exist in Inverclyde, and include the river, hills, flooding and sparsely populated areas. However, Inverclyde’s diverse geography, along with its limited size, actually makes it an ideal location for pilot schemes or for testing more effective ways in which to roll out superfast broadband; so I urge broadband providers to come to Inverclyde and prove how good they are. Ultimately, if we cannot meet the challenges of getting superfast broadband to Kilmacolm or Inverkip, those of providing an equivalent service in Argyll or Sutherland will be insurmountable.

What other potential solutions are there, and, more importantly, are they economically viable? Virgin Media’s Project Lightning includes the village of Kilmacolm, and I am looking forward to seeing how well that progresses. Recently Vodafone, in conjunction with Telefonica UK Limited, announced that a new base station is planned in the Wemyss Bay area. I am hoping that that is a step towards providing 21st century coverage to the surrounding area. Satellite solutions undoubtedly have their place, and I have recently brought the National Farmers Union of Scotland together with satellite solution providers.

Inverclyde is much like many other constituencies. We have many suppliers, not necessarily working together, fighting for the most profitable section of the market, while the more rural areas are neglected. When the day comes that Inverclyde has 99.9% coverage, I shall be knocking at the Minister’s door and speaking up for the 0.1%; no household left behind. We have a fragmented approach when we need a joined-up solution. MPs are grappling with the technology and trying to find bespoke
solutions for their constituency, when the UK Government, instead of abdicating responsibility, should be overseeing the roll-out, defining best practice and funding the less commercial areas.

3.27 pm

Mr Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP): I congratulate the right hon. Member for Orkney and Shetland (Mr Carmichael) on obtaining the debate. The constituency he represents and the Outer Hebrides are partner islands, so to speak. It is time that the UK upped its game because island groups are showing the way. Unfortunately, it is not the Hebrides, nor is it Orkney and Shetland, unfortunately for him; it is the Faroe Islands. During the debate, I could confidently text the Faroe Islands and get a response. Regardless of what someone is doing there—fishing, looking after sheep or, more likely, working in the office on a high-tech job—they will be able to respond.

I heard with wonder the remarks about urban notspots from the hon. Members for Eddisbury (Antoinette Sandbach) and for Wells (James Heappey). The idea seems to be unknown in the Faroe Islands. All of Tórshavn gets 100 megabits broadband. That is equivalent to Lerwick, Kirkwall or Stornoway getting 100 megabits—smaller towns are also getting that. In the Faroe Islands, 20 megabits is normal and 5 megabits is a minimum. A few minutes ago, I asked two diplomats in the Faroes whether any houses there are without broadband. Apparently 100% of houses have it. That is all the more remarkable given the islands’ size and topography. I asked them whether they ever auction spectrum. They never do. They decided to spend that money on investment in the ground.

Jan Ziskasen, the head of Foroya Tele, came to London with me to the Department for Culture, Media and Sport and basically offered 4G coverage for the two island groups. He is ready to do it with the flick of a pen—he has already scoped it—but it has still not happened. The Faroese are ready to come in and do what the UK has been unable to do for island groups. Interestingly, when he left the Faroe Islands, he noticed that his 4G speed was 210 megabits, but on the steps of the DCMS in Whitehall he was getting only 20 megabits. Once again, a small island group is shaming the UK. He also tells me that his undersea tunnels have strong 4G coverage. Perhaps he might even throw in connectivity on the Gatwick tunnels for the Londoners while he is fixing the problems that so clearly need to be fixed on the islands.

The island group has seen an improvement of 310% connectivity in the last year or so. On the face of it, that is tremendous, but we still find ourselves bottom of the league at 36% connectivity. When we start at such a low base, percentage increases seem impressive. As I said to the right hon. Member for Orkney and Shetland, we need centralised and strategic thinking, and not just ad hoc stuff, such as MPs who happen to be proactive writing to the Northern Lighthouse Board or making Vodafone and EE talk to each other. There is a huge role for the Government, but there is also a role further down. In the village of Ardveenish—the peninsula next to Ardmhòr and the industrial zone of Barra, my native island—there is no broadband at all. Barratlantic told me last week that BT has offered to provide it with broadband at the cost of £26,000 for a line. I hope BT will prove me and the hon. Gentleman wrong, and that that this is not a cynical scheme.

We have to realise that these are not technical problems. As my hon. Friend the Member for Inverclyde (Ronnie Cowan) pointed out, Kilmacolm had water connectivity in the 1880s. If the Faroese have broadband and mobile phone connectivity, it could happen now for us if the will were there. The Faroese are certainly willing to come into the most difficult areas in the UK—our island groups—and do it. They are talking about speeds of 20 megabits. In this Chamber at the moment there is only 15.5 megabits. The UK should be ashamed of what is happening. The 4G speed down here is 27 megabits.

A lot can be done, but where is the will and where is the way? Politicians surely have to take the lead. The strategic thinking that should have happened needs to happen at a Government level. We also need to start thinking about who knows best on the ground. Hopefully, by the end of this, if we listen to the Faroe Islands and follow what they are doing, I will be able to Skype the hon. Member for South East Cornwall (Mrs Murray).

We could have scones. By the end of the afternoon we could be getting on very well without having to spend the cost in carbon of meeting each other in London on a weekly basis.

I did not mean to go on for so long. I might have to leave before the end of the debate, because I have a constituent who wants to talk about broadband this afternoon and I am half an hour late for my meeting.

3.33 pm

Calum Kerr (Berwickshire, Roxburgh and Selkirk) (SNP): I am not sure whether these broadband debates are cathartic. There is certainly an unleashing of frustration from every MP, but for a number of reasons I am always more frustrated by the end than I was at the start.

I congratulate the right hon. Member for Orkney and Shetland (Mr Carmichael) on securing this debate. Such debates are challenging to sit through because we do not focus enough on the reality of the problem and the challenges of fixing it, but every time we discuss it is beneficial. It is undoubtedly one of the biggest issues for our constituencies.

We should level-set where we are at. Our frustration about lack of coverage stems from the understandable pragmatism behind the Broadband Delivery UK contracts, which stretched the money as far as possible, and from the target to reach 95% of premises, which leaves people behind. We should have foreseen that earlier and made attempts to fill the gap. We all get frustrated with BT, but a lot of the time unjustifiably so, because it will deliver on its overarching contracts.

I should like to focus on some of the specifics of what the Government are doing and the question that remain outstanding. We know the strategy is the BDUK scheme and then the universal service obligation. I will address the USO and fibre investment and quickly touch on rates and vouchers.
The USO is meant to be the catch-all to fill the gap for the 5%, but one thing that has not been discussed today is the fact that Ofcom’s last report in December put forward three scenarios to the Government, to which, to my knowledge, we have yet to hear an official response—the Minister will correct me if I am wrong. Scenario one said that the USO would be 10 megabits simple downloads; scenario two was for 10 megabits, but with more latency specifications and an upload speed of 1 megabit; and scenario three was a 30 megabits download speed. The regulator is at pains to point out that a decision rests with the Government. There are political decisions to be made about the infrastructure that we want.

Mr MacNeil: Does my hon. Friend share my frustration about not knowing who to blame? Just when we think we have got our finger on it, and we go to the Government, they blame Ofcom. When we run to Ofcom, it blames the Government or the companies. There is a Bermuda triangle of blame and we just cannot get all three corners together.

Calum Kerr: In a future debate, we should address the fact that there is too much outsourcing of policy decisions to Ofcom. A lot of these decisions are political. I sometimes joke with my hon. Friend that he is the MP for the Faroe Islands, but the reality is that the Faroe Islands have that coverage because they took a political decision. They wanted that level of coverage and they took the policy decisions to deliver it. We could do the same, but we do not. We tend to pragmatism and say, “It’s going to cost a lot of money. How important is it? We’ll ask Ofcom and then shape the answer.” Ofcom suggested this and recommended that.

Simon Hart (Carmarthen West and South Pembrokeshire) (Con): The hon. Gentleman makes 10 megabits sound like a dream that we aspire to, but given the rapid change in usage, will we be back here in five years time, with an argument about it? The Government will have fulfilled their obligations and ticked the box, but will not actually have cured any of the problems we face.

Calum Kerr: That is an excellent point.

Let me explain why 10 megabits would be the wrong decision. Ofcom states:

“...in designing any intervention, Government may want to consider the extent it should be designed to take into account further future growth in broadband usage. Doing so could help to ensure that consumers and business that rely on the USO are not left behind... Such an approach could support both better value for money by intervening once, and ensure that there is not a continual state of review, advice and reinvestment as requirements grow over time.”

If we go for 10 megabits now, we will be storing up more trouble for ourselves down the line. Let me jump ahead to a point that backs that up. There has been a lot of discussion about who will deliver the USO and about the high probability that it will be given lock, stock and barrel to BT—I think we need to be careful about that. BT’s response said:

“Existing technologies such as Fibre to the Cabinet and new technologies like long reach VDSL can offer cost-effective solutions for a 10M service but would require further investment if the requirement increased significantly, e.g. to 30M.”

That is a big “but”. If we specify a USO at 10 megabits, but what happens when we want to change it to 30 megabits? A USO does not entitle a user to free broadband. A telephony USO means that if someone does not have a telephony service, BT will provide it up to a cost of £3,400. We should imagine that in the broadband world, I do not have time to go into it today, but the detail of the Ofcom paper spells out different thresholds. Some hon. Members may think that the USO will fix everything for our constituents. It might mean that they are entitled to claim it, but it may give them a bill for thousands of pounds. What if it gives them a 10 megabits service? If they want 30 megabits in the future, they might have to pay for it again. We have to be so careful in how we implement this.

I am not going to address how much bandwidth we should use, but I will say that we need to raise our ambition. The Government need to put money into this, instead of trying to do it on the cheap. The right hon. Member for Orkney and Shetland should rest assured that the Scottish Government are committed, with R100, to 100% superfast, meaning 30 megabits. The Minister has great ambition around fibre, and the UK Government should step up and show the same ambition.

I am not sure how much time I have left, Mr Brady—

Mr Graham Brady (in the Chair): You have run out.

Calum Kerr: Okay. I have run out. I was not sure; my apologies.

Mr Edward Vaizey (Wantage) (Con): Sit down!

Calum Kerr: It is always a pleasure when the former Minister is here.

Let me make one final point, if I may. As we consider fibre deployment and the idea of vouchers, I will say that I am fully behind vouchers, but it is important that they do not lead to a trap whereby rural schemes such as Broadband 4 the Rural North, or B4RN, or the scheme on North Skye and in the Borders, are opened, so that any network can go on top, because it kills their business model. That must not happen. I know that is a big point of contention at the moment, so can we have vouchers and can we have them open? Let us ensure that the digital divide is closed and not cemented through bad policy.

3.40 pm

Louise Haigh (Sheffield, Heeley) (Lab): I, too, congratulate the right hon. Member for Orkney and Shetland (Mr Carmichael) on securing the debate and allowing us all to get these frustrations off our chest.

This debate is welcome, because the last time the House discussed broadband was prior to the publication of Ofcom’s “Connected Nations” report, which has been referred to today and which offered a progress report on the Government’s delayed roll-out of broadband. The debate has clearly indicated the continued frustration of hon. Members throughout the House, and I feel their frustration. The Ofcom report showed that Sheffield is the major city with the lowest superfast broadband coverage in the country. That is a useful reminder of a point that has been played out today—that although this problem predominantly affects rural areas and particularly island communities, as has been so passionately
expressed, it is also a truly national issue, encompassing all nations, regions, cities, towns and villages of the UK, and so requires a national strategy.

The “Connected Nations” report found that although Scotland performed worst in the UK and England best, the headline data masked internal variations that cut across the traditional boundaries of rural versus urban. Indeed, of the 3.5 million homes that cannot receive superfast speeds, 1.7 million of them are in urban areas. In total, 36% of rural Scotland is in the slowest of slow lanes, and 25% of rural England, while 400,000 small and medium-sized enterprises in town and country do not have access to superfast broadband, with 200,000 being unable to access even the basic speed of 10 megabits per second. Almost a quarter of a million UK premises cannot get even the pitiful download speed of 2 megabits per second, and more than 600,000 premises cannot get 5 megabits per second.

There is little secret that we are facing a slow-moving productivity crisis, and little wonder when 75% of our small businesses report that broadband is critical to their needs and yet nearly half of small businesses have complaints about internet service as it currently stands. Some 33% of the business parks that were designed to be a test bed for innovation productivity are still unable to access superfast broadband, as the hon. Member for Eddisbury (Antoinette Sandbach) set out. She also highlighted the important distinction between technical access and availability, and the take-up of broadband speeds in our communities. It is not yet clear to me that Broadband Delivery UK, whatever its future iteration with relation to the universal service obligation, will take those issues into account and properly measure them.

We are failing our businesses and, even more importantly, our potential businesses if we do not keep pace with them and provide the digital infrastructure that they require. Businesses rely increasingly on substantial download and upload speeds—although the USO does not take upload speeds into consideration—in order to store information on cloud systems and conduct multi-user calls while transferring and processing data, with multiple employees online all the time.

The sheer scale of data transferred over fixed-line broadband is detailed in “Connected Nations”, and it has grown as broadband speed has increased. The average monthly data consumed per household jumped by 36% over the past year to 132 gigabytes, and the total volume of data transferred was a staggering 2,750 petabytes. That monthly data consumed per household jumped by 36% over the past year to 132 gigabytes, and the total volume of data transferred was a staggering 2,750 petabytes. That

As the hon. Member for Berwickshire, Roxburgh and Selkirk (Calum Kerr), the Scottish National party Front-Bench spokesman, said, Ofcom agrees with that. In its technical response to the USO, it said that “government may want to consider the extent it”—Government intervention—“should be designed to take into account further future growth”. Ofcom made it clear that the Government would get better value for money by intervening once and ensuring that there is not a continual state of review, advice and reinvestment as requirements grow over time.

Mr Vaizey: For the past six years, it has been Labour party policy to provide 2 megabits per second to 100% of the UK. In the short period that she occupies her current post, does she know whether it is planned that Labour party policy will change?

Louise Haigh: I can inform the right hon. Gentleman that Labour’s policy did indeed change last year, and for the past seven years Labour has not been in power; that might have escaped his notice. The Government have had plenty of time to address this issue. It is quite clear that their current “wait and see” strategy is exactly the wrong choice to provide value for money and other benefits for our consumers. Broadband and data usage is only going one way.

When we last debated this issue in the House, the Minister argued that the relevant legislation provides for the USO to be revised upwards. However, following a series of parliamentary questions, it would appear that the entire basis for the claim that 10 megabits per second is sufficient to participate in a digital society is drawn from research conducted by Ofcom in 2013. In 2012, 31% of UK premises had no take-up of fixed broadband services at all and 10% of all UK premises had take-up of speeds of less than 2 megabits per second. In that context, 10 megabits per second would represent a quantum leap, but not any more.

We should also look at how quickly the designated minimum speed has changed in previous years. From 2010 to 2013, it jumped from 2 megabits per second to 10 megabits per second, as Ofcom and the Government recognised the expanding demand and need. It is therefore very likely that the Minister intends to introduce secondary legislation that is already outdated.

To truly future-proof the legislation on the USO and properly serve communities that have been stuck in the slow lane since the advent of the technological age, Ministers will have to be much more ambitious. If the roll-out began at the end of 2017, that would benefit 1.9 million residents and businesses. It would benefit residents in Lewisham, who still cannot access superfast broadband, and those in the East Riding of Yorkshire, which has the lowest superfast take-up in the country.

Ofcom itself has referred in its technical report to the “clear benefits” of a more highly specified USO of 30 megabits per second and a 10 megabits per second upload speed. It is time that the Government’s ambitions matched those of millions of consumers and small businesses. The UK simply cannot afford to stay at the back of the queue.

3.47 pm

The Minister for Digital and Culture (Matt Hancock): I thank the right hon. Member for Orkney and Shetland (Mr Carmichael) for securing the debate and for allowing
time both for many Members to set out their frustrations and for me to provide an update on progress. The roll-out that we have achieved so far, which is on track to reach 95% superfast coverage of UK premises by the end of this year, is in part a testament to the coalition Government of which he was such a critically important member.

Let me re-emphasise the Government’s commitment to addressing the digital needs of all parts of the UK. That is clearly a very important goal, and a lot has been achieved. I do not think that anyone here today, even if they have expressed the frustrations of those who have poor broadband, would deny that we have come a long way. In fact, that was demonstrated in the contribution by the Labour Front-Bench spokesperson, the hon. Member for Sheffield, Heeley (Louise Haigh), who tied herself in knots while arguing that much has been done but much is left to do.

First, let me set out some of the figures. As I said, we are on track to reach 95% of the UK as a whole. Of course that figure is lower in rural areas, because of the nature of things. However, on the point about whether there is a distinction between rural and urban areas, let me say that as a matter of law there is such a distinction, because EU rules do not allow a subsidised broadband programme in urban areas. As a matter of fact, although there are still some patches of poor connectivity in urban areas, the picture is much better than in rural areas. It is understandable, therefore, that the mix of hon. Members here today is more rural than urban. Indeed, in Altrincham, 98.4% of people have access to superfast broadband, so you are probably the best off of the lot of us, Mr Brady—perhaps that is why you have said so little.

In Scotland, phase 1 of the Government’s superfast broadband programme, including reinvestment of clawback funding and project savings, is worth more than £11 million, and more than 60% of homes and businesses in Orkney and Shetland now have superfast broadband available to them. The highlands and islands project as a whole will have reached a total of 130,000 premises by spring 2018, none of which will be covered by commercial roll-out. So it is thanks only to UK Government action that there has been any connectivity at all in Orkney and Shetland.

I understand the frustration of the right hon. Member for Orkney and Shetland that things have not gone more quickly in Scotland. It has been entertaining to hear some Scottish National party Members say that things should have gone more quickly and that some of the delivery has been fragmented, because delivery in Scotland is by the Scottish Government. It is a pity and a regret, and something we have been working hard to push on, that the Scottish Government have been behind the rest of the UK in their procurement. I hope that some of the frustration that has been vented by hon. Members representing Scottish seats is directed at those who are delivering the Scottish Government contract.

Perhaps the question to ask the Scottish Government is why they have not yet managed to procure phase 2 when much of England has, and when some parts of England and Wales are moving on to phase 3. That is not a partisan point, because I will come on to the hon. Member for Ynys Môn (Albert Owen). The Labour Government in Wales have delivered effectively and, in fact, in Ynys Môn, where there is no commercial coverage at all, overall coverage is 80%. The Welsh Government have been much more on the front foot than the Scottish Government have in delivering for rural communities right across Wales.

Calum Kerr: It is amazing how the Minister can try to make a partisan point and claim it is non-partisan, but there we go. The Scottish Government scheme runs until the end of 2017. The Scottish Government have shown leadership with the R100 project, which is a commitment to give superfast to everyone—exactly what everyone here is asking for. Will the Minister commit to matching that ambition?

Matt Hancock: I do not want to point this out, but I have just commended the Labour Government in Wales for being further forward. I will come on to the universal service obligation, because more heat than light was produced by the hon. Gentleman’s contribution. We went through this at length during the Digital Economy Bill’s passage through the House, and in the end there was cross-party agreement regarding the universal service obligation, which will bring in 100% coverage by 2020—ahead, in fact, of the Scottish Government’s proposed date of 2021.

Dr Daniel Poulter (Central Suffolk and North Ipswich) (Con): The Minister will be aware of some of the challenges we face in Suffolk in delivering high-speed broadband. I am sure that Members on both sides of the House can welcome the universal service obligation but, once it is in force, it must allow those who are not provided with access to broadband at the set minimum speed a simple means of seeking redress. I know that the Minister has spoken about this before, but might he make that point clear? I am sure that would help others here in their understanding of the USO.

Matt Hancock: Yes. Thanks to the support of my hon. Friend and near neighbour on the Digital Economy Bill, we are now bringing in automatic redress as part of that legislation. Perhaps more important than redress is the need to get the universal service obligation through and into force within the timeframe we have set out.

Albert Owen: I am grateful to the Minister for acknowledging the roll-out in Wales and other areas, but does he agree—that not a partisan point either—that take-up is low in much of the United Kingdom? What is he doing with the regulator to ensure greater take-up?

Matt Hancock: That is a really important point, especially in relation to Broadband Delivery UK areas that are supported by broadband subsidised by the UK Government and delivered through either a devolved Administration or a council. The higher the take-up, the more money comes back into the contract, and that money can go towards helping more people get superfast broadband. We all have a role to play in driving take-up and ensuring awareness. That is not unreasonable, now that the availability figures are getting higher, and work is going on inside Government on how we can drive take-up higher.

There have been calls for public money to be spent. Some £1.7 billion of public money has been invested in the BDUK programme, and £440 million of funding
will be returned for reinvestment, either thanks to programmes being delivered at better value and lower cost than expected—that is sometimes seen as rare in public expenditure, but it has been effective in these contracts—or because the take-up means that money is flowing back into the contracts. That will help to provide coverage for up to 600,000 additional premises, and I expect that further reinvestment funding will also come forward. That has been achieved through excellent contract management, especially with local authorities, as well as strong take-up in many areas. Crucially, that has been above expectations. For instance, in Scotland nearly £38 million has been returned to date as a result of the UK Government contracts for reinvestment, and people who have really low speeds—less than 2 megabits per second—can take advantage of the Better Broadband scheme.

The right hon. Member for Orkney and Shetland set out the case of his caseworker in Shetland who has a speed of 0.3 megabits per second, in contrast with the much higher speed of his London staff. The Better Broadband scheme is a voucher-based system that allows anyone with a speed of less than 2 megabits per second to access funding for a basic broadband contract and connectivity, for instance through satellite, and I recommend that the right hon. Gentleman’s caseworker not only take that up but then email people in his constituency to let them know that the scheme is available. The grant is technology-neutral and can be spent on satellite, wireless or community fibre projects.

I fully understand the frustration of those who do not yet have a good connection. We have talked about some of the figures. Some 81% of South East Cornwall is covered by commercial contracts, but only 83% has access to superfast broadband, meaning that provision through Superfast Cornwall covers only 2% of the constituents of my hon. Friend the Member for South East Cornwall (Mrs Murray). There is clearly much more to do in Cornwall.

In Eddisbury, 82% of premises have access to superfast broadband, but that means that 805 premises have less than 10 megabits per second, including that of my parents—I hear about it all the time. Thankfully, though, a new procurement is in the pipeline in Cheshire, which I hope will cover crucial parts of the county—with no special pleading.

In the constituency of the hon. Member for North Ayrshire and Arran (Patricia Gibson), 87% of premises currently have superfast access, according to an independent study by thinkbroadband.com, and that will rise to 93% by the end of the year. Thanks to the support of the UK Government, 14,000 premises there have already been covered, with several thousand more to come.

The hon. Member for Strangford (Jim Shannon) mentioned the business voucher scheme. We have consulted, following the autumn statement, on a further full fibre business voucher scheme and will respond to that consultation at around the time of the Budget. I understand the success of the business voucher scheme of the past couple of years. The hon. Gentleman mentioned that he had coverage of 79.1%. I would like to put on the record that, according to my figures, it is 79.4%.

**Jim Shannon:** That is in the past couple of days.

**Matt Hancock:** One hopes. Clearly the engineers have been busy.

I met the hon. Member for Na h-Eileanan an Iar (Mr MacNeil) along with a Faroe Islands Minister. It was a very interesting meeting. The Faroe Islands are of course much smaller and have a monopoly provision, but there are lessons to learn.

4 pm

*Motion lapsed (Standing Order No. 10(6)).*
Community Alarm Services: Social Housing

[Mr Philip Hollobone in the Chair]

4 pm

Justin Madders (Ellesmere Port and Neston) (Lab): I beg to move,

That this House considered social housing community alarm services.

It is a pleasure to serve under your chairmanship, Mr Hollobone. I am pleased to have secured a debate on this important issue. I sincerely hope, despite the extremely difficult and tragic circumstances that I will outline, that we will be able to reach a positive outcome and improve the safety of the many people across the country who rely on community alarm services.

At 18.35 on 5 November 2015, Ronald Volante, father of my constituent Rita Cuthell, triggered the community alarm service in his property. It was operated by the social housing provider, Magenta Living. He was in a considerable amount of distress and could only manage to cry out the word “help” to the individual receiving the call. Two hours later, an ambulance finally arrived at Mr Volante’s house and the paramedics who attended found that he had sadly died. He was found next to a note addressed to his daughters, which said, “I love you.” It is difficult to appreciate fully the suffering that Mr Volante experienced during those hours, or the pain and anguish that those closest to him have suffered since as the full extent of the circumstances of his death have become known.

What has become clear is that a number of opportunities that could have saved Mr Volante’s life were missed. Nothing that we can say in this debate today can change that fact. What we can do is seek assurances that nobody else will have to go through such an appalling experience ever again. Mr Volante was a resident at the Maritime Park social housing complex, which is owned by the Regenda Group housing association. During daytime hours, a warden was present at the facility. Out of hours, residents relied solely on a community alarm service provided by the Magenta Living housing association. Mr Volante was 74 years old and suffered from coronary artery disease and thrombosis. He had previously suffered a myocardial infarction that required heart surgery.

After Mr Volante triggered the alarm, his call was answered by an operator within six seconds. The operator’s notes state that they could not ascertain what Mr Volante was requesting, other than help. After attempting without success to call both of Mr Volante’s daughters, the operator called for an ambulance at 18.38. I have seen a transcript of the conversation with the North West Ambulance Service, which lasted for just over six minutes. During the call, the operator speculated as to whether Mr Volante might be having some kind of speech problem, as all they could hear was the call for help. The operator was unable to provide a great deal of detail about Mr Volante’s condition, as they were communicating with him remotely from a call centre and had no visual contact. At no point during the conversation did the operator inform the North West Ambulance Service of Mr Volante’s heart condition, despite that information being available. Although the ambulance service knew that the caller was not actually with Mr Volante and was calling from a lifeline service, it made no further enquiries about his medical history.

Following the call to the emergency services, the operator confirmed to Mr Volante that they had called an ambulance. At that stage, they received no response from Mr Volante. Despite that, they closed down the community alarm service at that time, 18.46. The call to Mr Volante lasted a total of 10 minutes and 41 seconds. No further efforts were made to contact Mr Volante’s family at that stage.

Frank Field ( Birkenhead) (Lab): I thank my hon. Friend for securing this debate, which affects his constituent, and my constituent, who unfortunately died in this incident. Is one of the many lessons that we might draw from this that the service works all right if a person is not in the process of dying? However, once someone is in the process of dying, there seem to be some real faults. One is about how an operator follows up when they do not hear any more from someone after they call for help. That is one area that should be attended to.

Justin Madders: My right hon. Friend is absolutely right. I will come on to the issue he raises later in my contribution.

Almost an hour and a half later, at 20.07, the North West Ambulance Service, having still not arrived, contacted the community alarm service to advise that it had been receiving a large number of emergency calls—it was a bonfire night—and asked whether the ambulance for Mr Volante was still required. The operator advised that they were not sure, as they had had no further contact with Mr Volante. Ambulance control advised that it would attend as soon as it could and asked the operator to provide an update to Mr Volante. A second operator made a call to update Mr Volante at 20.11, but no response was received. At this stage, a second operator telephoned Mr Volante’s daughter, Mrs Cuthell. She expressed concern that nobody had attended the flat in an hour and a half. At 20.30, just under two hours after the initial call to the alarm service by Mr Volante, an ambulance finally arrived at his address. At 20.37, the alarm service received a call from the ambulance service, which confirmed that Mr Volante had sadly been found deceased.

As I said when I began my remarks, a number of opportunities were missed throughout the two hours—opportunities that could have led to Mr Volante’s life being saved. The inquest was opened on 28 January 2016. The coroner, Mr Rebello, determined that Mr Volante died of natural causes, because there was no certainty that an earlier intervention would have saved his life. However, Mr Rebello also issued a report under regulation 28—also known as a report to prevent future deaths—because he believes, as do I, that action should be taken to prevent future deaths in similar circumstances.

I am therefore now requesting the assistance of the Minister and his colleagues to ensure that action is taken, not only by Magenta Living but by every provider of community alarm services. I also believe there are messages for ambulance service providers across the country, and I hope that the Minister will be able to take them on board. The first serious issue was the fact that a 999 call on behalf of a 74-year-old gentleman with a serious heart condition was categorised as a
green 2 call. While there is a national standard that an ambulance will be provided in response to the most urgent telephone calls—also known as red 1 and red 2 calls—within eight minutes, there are no national standards for a response to a less urgent green 2 call. In those cases, the North West Ambulance Service sends an ambulance as soon as is practical, which sadly on a busy night like 5 November can be hours rather than minutes.

In her evidence to the coroner, Irene Weldon, the acting manager for the emergency operations centre covering Cheshire and Merseyside, confirmed that it was very likely that the call would have been treated with a higher level of priority—red 1 or red 2—if the call handler had been made aware of Mr Volante’s history of heart disease and thrombosis. When I put that to Magenta Living and asked why Mr Volante’s medical conditions were not disclosed to the ambulance service during the call, I was provided with the following response:

“Proactively providing medical history to the ambulance service at the point of contact by call handlers does not form part of the procedure accredited by the TSA.”

TSA is the Telecare Services Association. It is the industry body for community alarm services. It sets national standards for providers to adhere to and provides a framework that sets out how its members should respond to calls. Clearly it is not acceptable that the framework does not require vital medical information to be provided to ambulance services when a 999 call is made by an alarm service operator. The coroner called for action to be taken in that respect in his report to prevent future deaths, and I echo that call for action.

The second issue is that while Mr Volante was able to vocalise his request for help when he contacted the community alarm service, by the time the operator made contact to confirm that an ambulance had been called just a few minutes later, he was no longer responsive. That important change in circumstances was not reported to the ambulance service. Again, that could have led to the call being given higher priority. When I asked Magenta Living about that, it said:

“Historically, a change of circumstances would not result in a call handler updating the emergency services. This practice was adopted due to the fact that keeping the line open could potentially impact upon the monitoring of the centre’s ability to respond to further activations from residents at the same scheme.”

It is completely unacceptable that community alarm providers do not routinely inform the emergency services of a deterioration in the condition of a caller. If the ambulance service had been informed of the possibility that Mr Volante was no longer breathing, it is very likely that the priority of the call would have been upgraded. That was another concern raised by the coroner.

As I said previously, we cannot possibly say with certainty whether earlier intervention in this case would have saved Mr Volante’s life, but we know that in all urgent cases of this nature, every minute matters, so I can say with absolute certainty that if the medical condition of callers, or any deterioration in their circumstances, is not being reported to ambulance services as a matter of course, the lives of the 1.7 million people who use community alarm services are being put at risk. When he sums up, will the Minister indicate whether he agrees with me that the national framework set out by the TSA should be urgently updated to ensure that those issues are addressed? I also ask him to join with me in asking all social housing community alarm service providers to ensure that their local processes reflect the recommendations set out by the coroner in Mr Volante’s case.

Since her father’s death, Mrs Cuthell has been tireless in pursuing those issues, so that she can feel that justice has been done for her father. I know that her biggest wish is that nobody will ever have to go through such a terrible experience again. It is to her absolute credit that throughout the trauma of her father’s death and the incredibly difficult experience of the inquest she has maintained a great focus on making sure that lessons are learned and improvements are made. She has shown calm dignity and incredible determination to bring about change, and I am pleased to say that that is beginning to bear fruit. We have held numerous meetings with the TSA and the North West Ambulance Service. There has been progress, albeit at a much slower pace than we would have liked.

The TSA has arranged meetings with the Association of Ambulance Chief Executives and is working with it and its members to develop protocols for its quality standards framework, which it hopes will be fully implemented by June. That will mean that when a call of this nature is made in future to the service providers, the call handler will provide reassurance to the caller until the responder is actually present. It also plans to have clear procedures in place to communicate with the responders and, crucially, plans to escalate the matter where it becomes clear that a responder is not available. A national emergency algorithm is also being developed that will enable all necessary information to be passed to the ambulance services when a call is made, to enable the ambulance service to prioritise such calls more accurately.

The right approach is being taken by the TSA to ensure that the tragic situation is not repeated, but the TSA does not represent every provider in the sector. Membership of that organisation is voluntary, and that is where we need assistance from the Minister. We would like to see all telecare services adopting the same approach and adhering to the same standards that the TSA is developing. Is the Minister prepared to look at making that a requirement across the board?

I want to touch on some concerns about ambulance services. I understand that the primary issue in this case was the fact that the call had been awarded a lower priority because important facts were not reported to the ambulance service. It is nevertheless unacceptable that it took almost two hours for that service to respond.

Although much of the recent media focus has been on when people get to hospital, ambulance services have suffered the most worrying deterioration in recent years. There is a national standard that says that red 1 and red 2 calls should be attended within eight minutes; the reality is that that target is not met in about a third of cases, and has not been met for some time. The most recent figures show that just 68.2% of red 1 cases—where a patient has suffered a cardiac arrest or stopped breathing—are responded to in eight minutes. In other life-threatening emergencies in the red 2 category, just 62% of calls receive a response in eight minutes. Lives are being lost and patients are being put at risk because funding to the NHS has not kept up with demand. I know that the Minister cannot tell us what
the Chancellor has planned for his Budget next month, but I call on the Government to deliver the rescue package that our NHS so desperately needs.

Whatever happens with funding, the other steps I have outlined today do not come with a price tag and can be implemented across the board. We know that will not bring back Mr Volante, but it would allow us to look his family in the eye and say that lessons have been learned and the mistakes that led to his death will not happen again.

4.14 pm

The Parliamentary Under-Secretary of State for Health (David Mowat): It is a pleasure to serve under your chairmanship today, Mr Hollobone. I start by congratulating the hon. Member for Ellesmere Port and Neston (Justin Madders) on leading the charge on this debate, which raises a number of serious issues. I thank him for the work he has done so far with the family and the progress that has been made as a consequence of that work. I will come on to talk more about that in the next few minutes.

This short debate raises a number of important questions. It is clear that we need to learn lessons. In preparing for the debate, it struck me that this industry is a growth area in our country. More and more people are in sheltered accommodation for longer and are reliant on call handling services provided by a variety of contractors. More and more people are therefore susceptible to this sort of tragedy, which is probably a consequence of a mixture of individual error and the procedures and processes not being in place to pick that up.

Before I respond in more detail, I add my condolences to the two daughters and the family of Mr Volante for what happened on 5 November 2015. I reiterate that the Government are as keen as they are that we get the lessons learned from this situation right.

I will briefly set out the issues as I see them on what happened that evening. The company Magenta was operating an outsourced service called Support Link to the sheltered housing association. It received a call from Mr Volante. All that was heard in that call was the word “help”. As per the procedure, the company tried to reach Mr Volante’s daughters, who were the next contact in the process it had. It was unable to do that, and then called an ambulance.

As the hon. Gentleman has said, although it was known to the call operators that Mr Volante had a heart condition, at that time it was not made clear to the ambulance service. As a consequence, although not necessarily entirely as a consequence of that—we will come back to that; the hon. Gentleman made some comments about how the ambulance service reacted—the call was given a lower priority than it otherwise would have been. The consequence of that was that the standard for the call was 30 minutes, and as we have heard, it took nearly two hours on 5 November, the reason given being that it was Guy Fawkes’ night.

When Magenta was informed that the ambulance was going to take longer than expected, it called back and was unable to get a reply from Mr Volante. It did not take any further action at that time, such as asking the ambulance service to expedite or convert the call to a higher priority. When the ambulance finally arrived, as we have heard, Mr Volante was found to be deceased. The coroner accepted that had procedures been carried out effectively and properly the outcome may well have been the same, but we do not know that. He made a number of recommendations at the inquest, including a regulation 28 report, which is what we are here to discuss, and made other, wider points.

The coroner made a number of observations specific to this case and a number of wider observations, and we have heard about the work that has been done on some of those points. His specific observations on the case included the point that Magenta had access to the medical records, and the ambulance service should have been made aware that Mr Volante had heart disease. The ambulance service has said that had it known that, it would have been likely to have given the call a higher priority and got an ambulance there much more quickly.

Secondly, and equally importantly, when Magenta called Mr Volante back and there was no response, which implied some kind of deterioration in his condition, it did not take any action. It did not inform the ambulance service that the call should potentially be upgraded. In two further dialogues with the ambulance service, it did not do anything proactive to expedite the situation.

Finally, the coroner suggested that Magenta’s procedures be updated and that training and supervision be updated to reflect that. My understanding is that Magenta has put the required changes in place quickly and effectively, which I believe has been accepted by everyone involved—but of course that is not the whole issue.

There are four wider issues. First, Magenta is accredited by an organisation called the TSA. It is clearly important that the measures that Magenta has implemented are implemented equally by all other members of the TSA. Organisations that declare themselves to be accredited, which brings some status in terms of procurement and all that goes with it, must put in place exactly the same procedural changes as Magenta. I will come on to talk about that.

The second issue is that that applies only to organisations that are accredited or are part of the TSA, but a number of call handling organisations are not in that category. We think, although we do not know for certain, that about 10% of call handling organisations are not accredited, which clearly leads to a loophole in making this process work.

The third issue—the hon. Gentleman talked about this—is whether the ambulance service could have done more. It is not absolutely obvious to me why the initial call was given a green coding. I accept Magenta’s story that had it been informed of the heart condition the call would not have been given that code. I have not seen the conversation, but it still does not seem right that a call for help should have resulted in a low-priority ambulance being called. Another issue is that, after the call was given a lower priority, the ambulance took nearly two hours, against a standard of 30 minutes. I will come back to what the lessons learned are.

The fourth issue to learn lessons on is the overall regulatory environment. GPs, hospitals, care homes and domiciliary care providers are regulated by the Care Quality Commission. That regulatory system is, on the whole, effective. It is not 100% effective, but it is certainly better than nothing. The interesting point,
which the hon. Gentleman did not raise explicitly but is part of the learning, is that sheltered accommodation is not regulated in the same way. The reason is that, under the Health and Social Care Act 2008, which set up the system of regulation, sheltered accommodation is not considered to provide personal care and is therefore outside the regulatory environment.

That also applies to call handling organisations. We have noted that they are not regulated. I had a discussion this morning with the CQC, which is aware that they are outside the regulatory system, and we are going to monitor the issue and think about taking it forward. I do not want to be more explicit than that, and the hon. Gentleman did not raise the issue explicitly. I learned that the status of a call handling organisation is similar to that of a friend phoning 999 when an issue has arisen. There are issues there that we can learn from and think about. The very least that needs to be understood is that, when something is not regulated, people need to be clear about what that means, and we should not act under the perception that regulation exists.

We heard from the hon. Gentleman about the work that he and Mrs Cuthell have done with the Telecare Services Association. Broadly speaking, the TSA operates a framework of best practice for such conversations. The framework is audited, and I believe that the TSA has teeth in its accreditation process. Through the work of the hon. Gentleman and Mrs Cuthell, it has been made clear that the framework will be updated. The next version is to be released in the summer—in June or July—and it will be audited. I can say no more about it than that, other than that I agree with the hon. Gentleman that progress has been slow. After this debate, we will write to the chief executive of the TSA to say that the Government also regard it as very important that the framework is updated, and that we expect that to happen. The hon. Gentleman and I should perhaps meet at the back end of the summer to ensure that everybody is happy that action has taken place appropriately and that every other supplier has put in place the same level of protection as Magenta.

On the issue of non-TSA suppliers, which is a loophole, I have explained the regulatory environment. The commitment I make about that 10% or 20% of the market—the fact that we know so little about it is significant—is that we will find out which the major organisations in that category are and write to them to put to them the lessons that Magenta has learned from this case. We will say that we expect them to understand the lessons and take similar action. There is a point to be made about how such services are procured by clinical commissioning groups and local authorities. Those organisations need to understand—I think this is the case at the moment—that when someone procures call handling services of this type, there are benefits to ensuring that the organisations they buy from are accredited by the TSA. That has some value, and commissioners should be on guard in that respect.

The hon. Gentleman's final point was about the performance of the ambulance service on that evening. I agree that the time taken for the ambulance to get there was completely unacceptable—I think the ambulance service agrees with that, albeit that it is mitigated by the fact that it was 5 November. The hon. Gentleman made a number of wider points about funding, which he cannot expect me to answer in this debate. We will write to the chief executive of the North West Ambulance Service to make the point that this incident was unsatisfactory and ask him to be absolutely certain that the initial classification as low-priority was correct following the dialogue between his call handler and the Magenta call handler. It is not absolutely clear to me, given the facts as I understand them, that that was the case. I make that commitment.

At the start of the debate, the hon. Gentleman said that Mrs Cuthell's major motivation is to ensure that what happened to her family never happens again. I cannot make a commitment that it will never happen again, but I can say that the story we have heard is completely unsatisfactory. The Government understand the failures that occurred and will put in place what is needed to try to ensure that it does not happen again. The hon. Gentleman made the point that 1.7 million people are covered by such call handling systems. That number will only increase as our population ages and as a higher proportion of people are in sheltered accommodation or are covered by call handling organisations while living at home.

I reiterate my commitment to meet the hon. Gentleman at the back end of the summer to ensure that these various things have been taken on board, that these actions, many of which he has led, have taken place, and that we are happy that what can be done has been done.

Question put and agreed to.
London Stock Exchange

4.29 pm

Sir William Cash (Stone) (Con): I beg to move,

That this House has considered the future of the London Stock Exchange.

It is a pleasure to serve under you, Mr Hollobone. I have brought this matter for debate because the proposed merger between Deutsche Börse and the London Stock Exchange raises issues of national interest and, in my opinion, it is a slam dunk that the merger is not in the national interest.

The London Stock Exchange Group owns several key market components in the United Kingdom, including the London Stock Exchange itself, a recognised investment exchange regulated by the Financial Conduct Authority and the London Clearing House, which is supervised by the Bank of England. A number of subsidiaries of the group are also regulated by the Financial Conduct Authority. The proposed merger requires regulatory approval by the Bank of England and the Financial Conduct Authority. The most significant approvals are those required, first, from the Bank of England in connection with the London Clearing House, which I understand to be 57% owned by the London Stock Exchange, and which conducts euro clearing, and, secondly, from the Financial Conduct Authority with respect to the London Stock Exchange, which is fundamental to the City of London’s capital markets.

The London Clearing House is one of the two main clearing houses in the UK and clears all major currencies, including the euro. As I understand it, both the German and French Governments have indicated a wish to strip euro clearing out of the City. All of that has significant political involvement because it would facilitate in due course a substantial movement of UK market infrastructure to the continent and would permit Germany and France, in the context of Brexit negotiations, to achieve German and French objectives that will undermine the UK’s political involvement because it would facilitate in due course a substantial movement of UK market infrastructure to the continent and would permit Germany and France, in the context of Brexit negotiations, to achieve German and French objectives that will undermine the UK’s political involvement during those negotiations.

Her Majesty’s Treasury has certain powers to direct or make recommendations to the Bank of England or the Financial Conduct Authority to take action or not. The Prime Minister is First Lord of the Treasury, and the Chancellor of the Exchequer of course has fundamental responsibilities. The Treasury has powers of direction over the Bank of England under section 4 of the Bank of England Act 1946. It may give directions to the Bank following consultation with the Governor “as…they think necessary in the public interest.”

The Treasury may direct the Bank to exercise its powers not to approve the acquisition of what is described as a “qualifying holding” in the London Clearing House.

It is not known whether the Bank of England has already given its approval, although the Treasury could direct such a decision to be reversed on the grounds of public interest. The powers include determining that the proposed deal is not a normal commercial deal in the light of the Brexit negotiations and to take account of the involvement of the state of Hesse, which has shown a desire to boost Frankfurt as a hub at the expense of London, which is indicated in the report of Professor Dirk Schiereck, commissioned by Deutsche Börse in January 2017. In the past few days a Minister in Hesse indicated that the headquarters of the merged group should be in Germany:

“The reasons for the headquarters being in Frankfurt are crystal clear.”

The objective could not be clearer. It is inconceivable, in the UK national interest, that the London Stock Exchange should be regulated in and operated out of Germany as we leave, and having left, the European Union. There are also questions, as yet unresolved, surrounding the new chief executive officer, who is under investigation for potential insider dealing in connection with the London Stock Exchange deal, and the regulatory relationship between the United Kingdom and the EU which forms part of the Brexit negotiations.

It would not be in the public interest for the combination of the two groups to be achieved immediately in advance of those negotiations, since that would give commercial parties operating at the behest of German political masters the ability to remove the rug from underneath the UK’s feet without regard to the negotiated outcome, or to threaten to do so during the negotiations unless the UK made certain concessions.

If the deal goes through, the combined group will be able to bulk up euro clearing and exchange and business clearing generally in Frankfurt at the expense of London. Given the declared political objective to promote Frankfurt, Paris and the eurozone, that is not an outcome in the UK’s national interest.

George Kerevan (East Lothian) (SNP): The hon. Gentleman is, as ever, making a logical and compelling case, but is he suggesting to the House that the owners and management of the London Stock Exchange are willingly entering into a merger that will lead to the transfer of all of their business to another country?

Sir William Cash: There is severe detriment to our national interest in allowing a merger of that kind when the London Stock Exchange and its group are the jewel in the crown of the City of London. Any merger raises matters of national interest such as, first, financial stability and UK taxpayer liability. The merger would create a new financial market infrastructure group controlling, inter alia, about 90% of European-listed and over-the-counter derivatives transactions, but operated for the benefit of shareholders, not users, with an unprecedented complexity of risk profile and significant uncertainty as to whether the UK taxpayer would pick up the bill were part of the combined infrastructure to fail. The uncertainty created by the lack right now of a clear Brexit deal adds considerably to the stability and taxpayer risks.

Secondly, there is loss of control of a key UK asset post-Brexit. The London Stock Exchange is a major centre of global financial markets: more than 500 foreign companies are listed in London, which is 20% of global foreign listings; and it has the highest equity market capitalisation, 170%, in relation to the GDP of all the largest economies. Majority control of that vital business will pass to Deutsche Börse shareholders, who will own 54% of the new group post-merger. Passing control of the London Stock Exchange to Deutsche Börse in the context of Brexit is not in the national interest and might undermine our negotiations with the 27 member states as we leave the EU.
The issue is not where the headquarters of the new company is located technically. I am told that formally moving the HQ to Germany, as the state of Hesse has insisted, is not likely given the need for a significant shareholder vote, but that is beside the point. The real issue is who calls the shots and in whose interests critical decisions are made. It is no answer to say that the HQ will remain in the UK if the reality is that the people really in charge are flying in for the day from Germany. Decisions must be taken in the UK and in the interests of the UK.

My third point is about competition concerns. The only substantial remedy offered by the parties to the EU Commission to allay concerns about significantly impeding effective competition is the sale of the central counterparty, Clearnet SA, based in Paris, and part of the LSEG. No disposals have been offered by Deutsche Börse, which owns trading platforms, central counterparties and settlement systems that have been integrated into a single vertical silo in Frankfurt. That is not sufficient, and I am concerned that the outcome of the European Commission’s review of the proposed merger will be determined by the EU’s political priority to ensure that Germany has control over London’s capital market infrastructure, instead of by genuine market concentration and anti-trust concerns.

Fourthly, there has been a lack of public scrutiny and industry comment; there has been little proactive support for, or indeed criticism of, the merger from the main UK financial institutions. That is not surprising, since the parties have given 12 major investment banks a role in the deal and they are destined to share about £353 million in fees if the deal succeeds. There has also been little comment by the UK Government so far on a deal concerning a major UK asset, although they still have a public interest role to play under the Enterprise Act 2002. We need to know why it was, and who decided not to refer the merger when it first came before the Secretary of State. Vast profits and sums of money are involved, and some stand to gain financially on a grand scale. All of that can be ascertained, but the national interest must prevail.

Precious little has been put into the public domain to suggest that the deal is remotely in the public interest. On what possible basis can it be argued, in particular post-23 June and the passage through the House of Commons of the European Union (Notification of Withdrawal) Bill, that the merger is in the national interest? Furthermore, under section 11A of the Financial Services and Markets Act 2000, the Treasury “may at any time by notice in writing to the FCA make recommendations to the FCA about aspects of the economic policy of...Government”, including how to ensure compatibility with the FCA’s “strategic objective”, to ensure that the London Stock Exchange functions well, and how to advance the FCA’s objective to ensure the soundness, stability and resilience of the UK’s financial system, which is defined as including the London Stock Exchange and the London Clearing House.

James Duddridge (Rochford and Southend East) (Con): Has the hon. Friend thought about what would happen, were the merger to go ahead, if the eurozone collapsed, given some of its fundamental difficulties? Having extricated ourselves from involvement in the euro and, on Brexit, from the European Union, would the merger not lock in some of the potential downsides to the UK equity and capital markets without gaining us any of the upsides?

Sir William Cash: As I have said, the withdrawal Bill is quite clear. We will leave. That means that we will be insulated from the catastrophe that could occur if the eurozone collapsed. I could enlarge that point, but I will not for the time being.

There is another statutory requirement to ensure the principle of the desirability of sustainable growth in the UK’s economy in the medium or long term. Those are all statutory functions, and I strongly suggest that Her Majesty’s Treasury should decide—in fact, I urge it to—that it is not in the UK’s interests to allow a deal where there is a clear intention to take action that would cause systemic risks in the UK and be detrimental to UK tax revenues.

I move to the powers of the Bank of England, which is under a judicially reviewable statutory duty in respect of the test of approval for any acquisition of the London Clearing House. Under the European market infrastructure regulation, the test for approval in general terms for the purpose of ensuring the sound and prudent management of the London Clearing House raises questions of the suitability of the proposed acquirer and the soundness of the proposed acquisition, including the person who will direct the business of the London Clearing House. It also includes questions relating to whether the Bank of England would be able effectively to supervise, and several other factors. All those are in question in this instance.

I turn to the powers of the Financial Conduct Authority, which is required to approve the acquisition of the London Stock Exchange because it involves the acquisition of the “control” over the LSE by the new holding company. In those circumstances, the FCA has to consider the suitability of the new group holding company and the financial soundness of the acquisition to ensure sound and prudent management, and have regard to the key influence that the new group holding company will have on the London Stock Exchange. There are grave concerns about all those matters that pose a threat to the sound and prudent management of the London Stock Exchange, including questions relating to moving euro clearing out of London. The removal of euro clearing to Germany would undermine UK economic growth, because it may lead to the movement of other currency clearing out of the UK and undermine the City’s success. Moving the new holding company to Frankfurt would also be against the UK national interest.

George Kerevan: I grant that there is an issue about the removal of all or a substantial amount of euro clearing to the European Union jurisdiction, but that may come anyway as a result of Brexit; it is not dependent on whether this merger takes place. Indeed, one could argue that the merger might act as a barrier to such a move.

Sir William Cash: I was against the merger before Brexit, and I have become even more so since. I emphatically repeat my view that it is against the national interest, and I will not in any way resile from that point.

This deal would operate against the UK’s national interest in several ways. For example, the driver behind the merger is to consolidate as much market activity
across the whole value chain into as few liquidity pools as possible. The reason given for that is to allow customers—primarily the world's largest banks—to manage their capital and collateralisation requirements as efficiently as possible, particularly in the illiquid and untransparent world of OTC interest rate swaps. The most efficient way of achieving that is to have one dominant silo. This merger would bring together the two pre-eminent trading and post-trade silos in Europe, the London Stock Exchange and Clearing House and Eurex, which is owned by Deutsche Börse. One of those silos would inevitably prosper disproportionately, at the strategic and economic expense of the other. Given that a German chief executive officer would immediately be in place—whether that is the presently proposed CEO or not—and more than 54% of the shares would be owned by Deutsche Börse shareholders, and given the strength of Eurex's existing listed derivatives clearing house, there is a very meaningful risk that the London Stock Exchange and the London Clearing House, and therefore the City as a whole, would be at the thin end of the wedge.

In the real world of markets, this works as follows. There will be no big announcements, no formal closures and no notice of intention to leave. Rather, liquidity will be shifted from one place to another through the creation of incentives and tipping points. Mirror contracts will be created that mimic what is on offer in London. Special arrangements for collateral and cross-margining in the favoured venue will be put in place. Without anyone particularly noticing, liquidity will shift away from London to the continent. Once that siphoning of liquidity begins, it will be unstoppable, and without liquidity there is no market.

Prior to Brexit, when this deal was first negotiated, that was a very attractive outcome for the LSE's German partner. Post Brexit, control of the combined group and the shift of London's business to Europe is an absolute necessity for Deutsche Börse and its national stakeholders. The importance of that is shown by the ever louder calls from German politicians and regulators for the combined group to be headquartered in Frankfurt. Controlling the LSE's direction is key to Frankfurt successfully becoming the new financial centre of Europe—clearly at London's expense. Even if the headquarters are maintained in the UK, there will be a German CEO, a majority of shares will be held by Deutsche Börse shareholders and there will be a massive political push from Frankfurt, which will lead to decisions being taken behind closed doors, against the UK's interests.

The exchanges themselves have suggested that that loss of liquidity from London will not happen, and the solution is a so-called liquidity bridge. No market participant—apparently even the companies themselves—seems to understand what is meant by that or how it would be delivered. No reliance should be placed on it.

Finally, the acquisition of LCH.Clearnet SA by Euronext, which is largely French and Dutch-controlled and headquartered in Paris, is another political wildcard. That would enable France to exert much greater political force behind its push for euro clearing to relocate to Paris, again potentially creating systemic risk and dangerous uncertainty in the UK's markets.

This transaction has the clear potential to strip a key activity out of the City of London. It should certainly not be nodded through in the midst of Brexit negotiations. Why weaken the City before we have even started the process of exiting the EU? I have mentioned the Enterprise Act 2002, which I understand can still be used in the public interest, including by reference to the criterion of UK financial stability.

In an important article published in the Financial Times on 13 February, Jonathan Ford makes it clear that the €29 billion merger was, as we know, conceived before the Brexit vote. The deal was supposed to take advantage of a converging EU rule book in the single market by drawing together Europe's two most vibrant securities markets and their clearing activities, which are the financial plumbing of the system. The aim was to create “a single...’pool of liquidity’” that captured scale economies, in competition with the Chicago Mercantile Exchange.

Jonathan Ford argues that to make their own common pool a reality, Deutsche Börse and the London Stock Exchange would have to be very ambitious. He doubts whether that is feasible. He indicates that there is a serious problem, namely, that “clearing operations have a wider impact on the functioning of capital markets; not just the management of systemic risk but on the very competitiveness of financial centres.”

He states: “Given the importance of finance to the post-Brexit economy,” the United Kingdom has a “strong interest” in ensuring that the deal is not damaging to London as a financial centre. He argues that the Bank of England and the FCA still have vetoes, and the Government can “determine the outcome in the wider public interest.”

He suggests that the Government would be wise to intervene to prevent the loss of future business, and indicates that it would be better to take account of the Brexit negotiations as they proceed.

The UK has long been in favour of foreign direct investment, which increases productive capacity through capital investment, transfers of technology, skills and better management. Deutsche Börse’s acquisition of LSE is not FDI. It is not cross-border investment in the UK by residents and businesses from another country with the aim of establishing a lasting investment in the UK. FDI does not cover the asset stripping and systemic risks associated with the proposed merger. Foreign investment in UK infrastructure, including in the LSE, is welcome—the LSE of course already has many foreign shareholders—but this merger must not be allowed to clamp down on competition, gut the UK’s financial infrastructure and cause significant and lasting damage to the UK. It is understood that the European Commission has already commenced proceedings and the London Stock Exchange and Deutsche Börse have received a limited statement of objections to the proposed deal.

In conclusion, I urge the Government, the Bank of England and the Financial Conduct Authority, and other regulatory authorities, including those in Germany and Brussels, to recognise that whatever the reasons may have been for the merger before 23 June 2016, the reasons since then for determining and resisting it are extremely strong and should be employed.

Several hon. Members rose—
Mr Philip Hollobone (in the Chair): Order. The debate is due to finish at 5.30 pm. I need to call the Front-Bench Members no later than 5.07 pm. The recommended time limits for the Front-Bench speakers are: five minutes for the SNP; five minutes for Her Majesty’s official Opposition; and 10 minutes for the Minister. That allows two or three minutes for Sir William Cash to sum up at the end. Five Members wish to speak, so I am afraid there will have to be a three-minute limit. If there are too many interventions, somebody will not be able to speak.

4.50 pm

Kirsty Blackman (Aberdeen North) (SNP): It is a pleasure to serve under your chairmanship, Mr Hollobone. I thank the hon. Member for Stone (Sir William Cash) for bringing this debate before us. However, the context and tone in which it has been undertaken is a bit unfortunate. To me, it seems that this is not a political issue, but it is being made to feel like one.

To give some context, there have increasingly been mergers in stock exchanges. There were 18 stock exchanges internationally in 1999, but that had decreased to five by 2012—those numbers were given in a Library briefing paper.

James Duddridge: There are more stock exchanges than that in Africa, so that is wrong.

Kirsty Blackman: Those are the numbers that were given in a Library briefing paper, so I assumed they were correct.

There has been a move towards stock exchange mergers in recent years. Therefore, the merger is in the context of the London Stock Exchange Group looking to compete with bigger stock exchanges and needing to be a bigger stock exchange in order to do that.

I want to make it clear that the merger is not an anti-Britain move. As has been said, it was conceived a long time before the Brexit vote happened. It is not about trying to write Britain out, and the deal was not set up to try to move things to Frankfurt. In fact, as the hon. Member for Stone stated, the headquarters of the new organisation will be in London and—I do not think he mentioned this—the board will be 50:50 from the LSE and Deutsche Börse. There is therefore a lot of protection built in.

The London Stock Exchange Group has a good story to tell, and I want to talk about that briefly and about protections. The group has done a huge amount to support high-growth small and medium-sized enterprises through its ELITE and AIM programmes, both of which have been immensely successful. In fact, the group will come to Aberdeen next month to speak to companies about accessing finance.

I have asked the UK Government on a number of occasions for assistance for oil and gas companies in accessing finance and have felt like I was banging my head against a brick wall and not getting much of a response. However, the LSE Group has offered to come and talk to companies about ways in which they can access finance, which is hugely important. Those companies are not big enough to be involved in the stock exchange, but the group is looking to grow them. It has also been successful in the horizontal model it uses for clearing. Again, protections are written in that will ensure that such things continue.

I have talked about the 50:50 board and the HQ in the UK. No one seriously thinks that Frankfurt will become the centre for European banking. That is just not the case. Anyone who has heard about the situation on the ground in Frankfurt knows that it does not have the infrastructure to support that. It is not going to happen. Companies will not move wholesale to Frankfurt.

If I was a Frankfurt politician, I would want people to come and I would be making positive statements about that happening, but it is not going to happen. London will continue to be a big financial centre, and the link between the London Stock Exchange Group and Deutsche Börse will serve to bolster that rather than to weaken it.

4.54 pm

Anne Marie Morris (Newton Abbot) (Con): My hon. Friend the Member for Stone (Sir William Cash) put it incredibly well, so I will not trouble the House with the detail he put on paper so articulately. As he rightly said, the merger was conceived before the Brexit vote and circumstances have fundamentally changed. Our Prime Minister has said that we will be leaving the single market, and I suspect that we will leave the customs union. That very much puts into question whether in any event the deal remains commercially viable for the many of the reasons he identified. The pooling looks dubious to me, and the cost savings are certainly dubious. The biggest concern is that, post-Brexit, this is on the political agenda as opposed to the commercial agenda, which worries me.

I hear what the hon. Member for Aberdeen North (Kirsty Blackman) said about not being concerned about change of control. I do not agree with her sense of security. If the control of shareholders is with Deutsche Börse, they can change anything that is written into the agreement. I believe the chairman is to be a German, and he will have the casting vote.

The consequences are that we are putting at risk one of our most valuable assets. The headquarters of this wonderful institution could move to Frankfurt. The regulatory environment in which the stock exchange works could change. The eurozone could take on euro clearing. I do not agree with the hon. Lady. Lady that is inevitable—it is still up for negotiation and I would like to clear euros here. Do we really want to take that risk where politics trumps economics, as in the EU project?

Whatever we think of the merger, this is not the right time. We will cause instability in the market if we carry on with it. My plea to the Minister, and indeed to the Prime Minister, to whom I have written, is that the decision should be delayed until 2019. We have the power to do that. As my hon. Friend indicated, the Bank of England can do it, the Chancellor of the Exchequer can do it, the FCA can do it and the Competition and Markets Authority can do it. The risks are huge. The competition authority in Europe has yet again moved the date for its decision, to 3 April. If it makes the decision, there will be unstoppable momentum behind the merger and we risk all the events that my hon. Friend identified becoming a reality. It will then be very difficult to stop.

I agree with my hon. Friend that FDI is a good thing, but this is not FDI. Why would we threaten our national economy? Why would we threaten our national security? The stock exchange, just like the NHS and BT, is one of our crown jewels. When we look at these commercial
transactions, we must ensure that we make exceptions for things that are important to national wealth, national health and national infrastructure. The City supports that. I have now spoken to more than 50 individuals, and they will be named shortly.

4.57 pm

Stephen Hammond (Wimbledon) (Con): It is a pleasure to serve under your chairmanship, Mr Hollobone. I am glad: your stricture will cut down my 20 minutes of waffle to three minutes of pithiness. The London Stock Exchange is one of the world’s largest diversified international market infrastructure and capital markets businesses. However—my hon. Friend the Member for Stone (Sir William Cash) made this key point—it is no longer a social institution. It is a public company like any other. Its existence and ability to trade depends on its range and quality of products. It is not a members’ club or a public body.

Since its inception as a public company, it has changed dramatically, not only in the last 12 years but in the 40 years since we joined the European Union. As we leave the European Union, we need to recognise how much it has changed. It has sought opportunities to expand, and it has brought great success to the City of London, extending the range of products and activities. One therefore needs to see the merger with Deutsche Börse as the latest in a long list of opportunities and expansions that the London Stock Exchange has taken part in.

I do not have time to rehearse or go through my hon. Friend’s concerns. He was right to make a number of them—there clearly are some concerns—but he failed to talk about any of the significant advantages. First, the merger would create a European market infrastructure company to challenge other comparable companies in the world. It is simply not right to say that the efficiency savings or cost savings would be minimal. There would be considerable efficiency savings that would reduce the trading costs for market participants and, inevitably, for end users—the pension funds we are all in—and it would reduce the costs for capital raising.

One of the great advantages of this potential merger is that the UK’s high-growth businesses—they are the backbone of this country and, as we are now all Brexiteers, they want to go out into the world and compete—need to be able to get the capital that is so critical for growth and job creation in the United Kingdom. Highly innovative, high-growth companies in the UK need that access to non-bank finance and, in particular, equity. They also need the ability to access debt and debt instruments, which is one of the major opportunities that the merger will provide to both UK-based regional powerhouses and internationally-competitive UK companies. We should not underestimate that benefit.

5 pm

Mrs Anne Main (St Albans) (Con): It is a pleasure to serve under your chairmanship, Mr Hollobone. I thank my hon. Friend the Member for Stone (Sir William Cash) for bringing the debate, which is very timely. As has been pointed out, the merger has been on the horizon for some time, but Brexit has suddenly crept over the horizon and, I am sure, will fundamentally impact on the decision-making process.

Half of St Albans’s economically active population work in London, with many working in financial services. I believe Brexit presents the opportunity to recalibrate our financial services, but the merger has the potential to take away from our negotiating strategy. It is in the best interests of the EU to give London a good deal in the Brexit negotiations, but not if the stock exchange is relocated to Frankfurt, which could happen as a result of the merger. To not look at this in detail would be foolish.

As has been pointed out, 17 of the largest currencies in the world are cleared in London, including the euro. Goldman Sachs and J.P. Morgan have hailed the City as “one of the most attractive places in the world to do business”, citing its “stable legal systems” and “deep, liquid capital markets unmatched anywhere else in Europe”. Doing anything that somehow puts a drag anchor on that liquidity is going to be a problem for the future. The merger should not proceed in such a febrile and shifting period as a result of our Brexit negotiations.

Does the Minister agree that it is in the best interests of the European Union’s internal market to maximise its access to City financial services? I believe it is totemic that the stock exchange that is at the heart of those financial services actually stays in London. I do not agree with the Scottish National party Member, the hon. Member for Aberdeen North (Kirsty Blackman), that stock exchanges emerge hither and thither and it does not really matter where, and that a headquarters in one place is enough. I actually think it is of concern. If any other major business was potentially being taken out of this country, such as a car manufacturing business or any other manufacturing business, there would be significant concern. The fact that this is to do with financial services and the stock exchange does not make it any less of a concern.

We should put a stay on the merger, which could be perverse and jeopardise the positive situation in the City of London. As my hon. Friend the Member for Stone said, decisions must be taken in the UK, by the UK. Taking back control was fundamental to the drive for Brexit; ceding control at this particular stage, if that is at all possible, would be at odds with the drive in this country to keep control within the United Kingdom.

5.3 pm

Richard Fuller (Bedford) (Con): It is a pleasure to serve under your chairmanship, Mr Hollobone. I am grateful to one of my constituents for drawing my attention to this issue. I want to hear what the Minister has to say because, if we look at all of the recent mergers and acquisitions activity, whether between ARM Holdings and SoftBank, PSA and Vauxhall, Unilever and Kraft, or even Liberty House and Tata Steel, the Government are saying something. The Government have a view, so I think, as many hon. Members have said, it is appropriate to hear the Government’s updated view.

It is clear from other aspects of Government policy that there was no planning for post-Brexit circumstances for our country, so it is appropriate that they should have a new and fresh look at this. We need to know if our rules and regulations for competitive markets and a national interest test are suitable and up to what is needed in this new period of uncertainty in our economy.
We have inherited those rules from the past, but should we rely on them as if we were part of the European Union and say they are fine and fit for purpose now, or is it appropriate for us to look at them anew?

It is also important to hear from the Government, because their crucial role at this time is to reduce uncertainty in our economy, so that people, companies and banks start investing in our country. It is fair to say that there is not a conspiracy—I do not think there is a conspiracy in the City—but when there are mergers and acquisitions involving a vast number of advisers, their interest will be focused on the deal and not necessarily on the impartiality of their advice to the Government. Without a clear review from the Government, there is a risk that the City will just let the merger through on the nod because so many people have vested interests.

Echoing my hon. Friend the Member for Stone, I would like to know the Government’s role in reducing uncertainty on three specific issues. First, he mentioned a significantly increased systemic risk for the Bank of England from linking the two clearing houses, therefore exposing the UK to systematic breakdown of the euro. What assessment have the Government made of the extent of that? Secondly, as has been mentioned, on exposing the stock exchange to political risk from political groups outside the UK, what is the Government’s policy for managing that increased political risk if the merger goes through?

Thirdly, the harmonisation of business models has been mentioned by both sides during the debate. That is a way forward, but it is not the only way forward. Do the Government view the City of London harmonising with the EU as a priority, or should it better be looking to independently frame arrangements with the world?

Mr Philip Hollobone (in the Chair): The five-minute guideline limit for speeches will be displayed on the clocks to help the opposition spokesmen to keep the debate on time.

5.6 pm

George Kerevan (East Lothian) (SNP): It is a pleasure to serve under your chairmanship, Mr Hollobone. This is an important debate, and we have discovered that an hour is not enough. I hope we can take it into the main Chamber at some point because a lot of issues need to be cleared up.

The hon. Member for Stone (Sir William Cash) is correct: this is a national issue and we have to take the national interest into consideration. The track record of takeovers and mergers in recent years has actually proven that, more often than not, the national interest has not been well served. There are a number of instances, particularly in financial services at this crucial moment in time, where dangers have to be brought into the light. The takeover by MasterCard of VocaLink, our main payments system in the UK, is systemically dangerous. It is also a technology raid, because we have the best payments technology in the world—that is another issue.

We have to judge mergers on a case-by-case basis. I say with due respect to everyone—I am not trying to make a silly debating point—that, if there has been a move to politicise this particular merger, I am afraid it has come from those who supported Brexit. They are in danger of finding problems where there are none to be found. Why would the owners of the London Stock Exchange Group walk into a merger like this if it was so disastrous for their business, and if it was so patently obvious that they were going to be self-regulated and that their business will be shifted away to another part of the world? If we look at it from that perspective, it ensures a bit of common sense in the debate.

Sir William Cash: Will the hon. Gentleman give way?

George Kerevan: I would dearly love to give way, but given the little amount of time I have, I will not. As things move on, I hope we will have the chance for further discussion.

Hon. Members might be interested to know who actually owns Deutsche Börse, the answer is that the majority is owned by City of London institutions. That underlines the fact that, while there are hundreds of small exchanges all over the world, particularly in Asia and Africa, the big exchanges are owned by global institutions, and they are about mobilising global amounts of capital. In particular, they are no longer simply about narrow trading in equity. They are fundamentally about finding the capital for exchanges in derivatives and interest rate swaps, which makes the whole global capital market work. For that, the capital needs to be pooled. That is why for the past 15 to 20 years, right across the globe, there has been a constant move to merge and in some way consolidate the large exchanges. As we know, it has not been easy for political and national interest reasons, but that is the way the market is going. I put it to Members that it is either this merger or another merger—a stand-alone London Stock Exchange Group is no longer tenable.

That brings me to the final point worth making. Aspects of the structure of the merger have to be discussed, particularly post-Brexit. For instance, it seems strange that it is 54% to Deutsche Börse and 46% to the London Stock Exchange, rather than 50:50. That should be discussed, but in the end, this or some other merger will go ahead. Let us look at the specific technical issues, but let us not politicise this issue, because it is the nature of the way these global markets are working.

5.11 pm

Jonathan Reynolds (Stalybridge and Hyde) (Lab/Co-op): It is always a pleasure to see you in the Chair, Mr Hollobone. I begin by congratulating the hon. Member for Stone (Sir William Cash) on securing this extremely important debate at a critical time for the London Stock Exchange and for the many financial services companies in Europe and beyond that depend on its continued successful functioning. The hon. Gentleman could reasonably be regarded as the Archbishop of Brexit, so when he says that something might not be in the national interest as a result of the Brexit process, I for one certainly take heed of that.
The London Stock Exchange is a great British institution, with a history dating back to 1698. In the intervening centuries, the LSE has evolved far beyond a simple trading platform. Its services are now exported around the world and a variety of markets benefit from those services, which include clearing, indexing and technology. As policy makers, it must be our priority to provide an environment in which that can continue. However, the LSE sits at the convergence of a number of challenges as the UK seeks its departure from the European Union. We need to pay careful attention to how those challenges can be managed, not only for the future success of the LSE but to ensure that potential damage to the rest of the financial services sector is mitigated.

The first and most sensitive of those challenges is undoubtedly the proposed merger of the LSE and Deutsche Börse. Given the standing of the LSE, it is unsurprising that it has been courted by numerous merger partners over the years. Mergers were under discussion between these two particular organisations as long ago as 2000. The LSE last rejected an offer from Deutsche Börse in 2005. To European Union regulators, the proposed merger has shareholder approval from both sides. The only barriers that remain are regulatory approval and the go-ahead from the relevant European and UK competition authorities.

There are good reasons why this deal could be in the best interests of industry more widely and the consumer, notwithstanding the outcome of in-depth scrutiny by anti-trust authorities. In the years following the 2008 financial crisis, regulators have made significant progress towards tackling a fragmented post-trade environment and mitigating systemic risk. It is arguable that the economies of scale provided by this merger may help those efforts, while creating a significant global player, as the hon. Member for Wimbledon (Stephen Hammond) outlined.

Consolidation has been a notable trend in recent years among trading venues, driven by a number of factors, but ultimately larger single entities have the potential to reduce costs for their stakeholders. This particular merger could also improve capital flows across the European Union, in the intended spirit of the capital markets union. I worry a little bit, listening to Conservative Members, about the degree of protectionism that seems to be slipping into centre-right parties around the world at the moment. Those advantages are perhaps being underestimated.

It is undeniable that the UK’s decision to leave the European Union has significantly altered the terms of reference for the deal. In my view, it will be extremely challenging for the relevant regulatory and anti-trust bodies to deliver a final verdict on the proposals while the detail around the conditions of our exit from the European Union remain so vague. Notably, there seems to be some debate over whether the headquarters of the new entity would be in London, which was treated as a given prior to the vote on 23 June, or in Frankfurt, which has now entered the discussion given the UK’s signalled departure from the single market. Clearly there are strong arguments for both sides, but the conversation must take place in the context of ensuring a future for clearing activities in the City of London.

London is one of the world’s leading centres for clearing, providing essential market infrastructure to global financial services. The revenue and jobs that the industry supports must be recognised in the Brexit negotiations. LSE’s subsidiary, LCH.Clearnet, which is 57% owned by the LSE, cleared over 90% of the world’s over-the-counter derivatives last year, amounting to a figure in excess of $655 trillion. That is especially pertinent given the ongoing efforts by certain parties to relocate euro-denominated clearing to the continent. In 2015, LCH cleared €327 trillion across different euro-denominated products, according to evidence submitted to the Treasury Committee by the LSE earlier this year. The scale of that activity is so significant that it could support up to 232,000 jobs throughout the UK, which would be lost if euro-denominated clearing went as part of the Brexit process.

Although efforts have so far failed on the continent, given some strong practical arguments against re-domiciling those transactions, the relevant authorities must give careful consideration to potentially creating a bridge between Frankfurt and London that includes LCH.Clearnet, to mitigate the risk of that gaining traction.

The LSE is one of the vital cogs that has helped to build the UK’s successful financial services sector. It is critical that we ensure it can continue to function effectively post-Brexit. A full and in-depth assessment of the proposed merger must take place in that context.

Mr Philip Hollobone (in the Chair): If the Minister would be kind enough to conclude his remarks no later than 5.27 pm, he would allow Sir William to sum up the debate.

5.16 pm

The Economic Secretary to the Treasury (Simon Kirby): Thank you, Mr Hollobone. It is a pleasure to serve under your chairmanship. I congratulate my hon. Friend the Member for Stone (Sir William Cash) on securing this important and topical debate. He has made many thoughtful and detailed points, and I will do my very best to answer them in the brief time I have. The hon. Member for Stalybridge and Hyde (Jonathan Reynolds) also raised some interesting points, which I will attempt to answer as I work my way through my speech; he should bear with me.

What is clear today is that we share the same interest: the continued success of an important, and some would say iconic, British company. The London Stock Exchange Group has a proud history that goes back more than 200 years. While the group is most famous today for its equities exchange, it is in fact a much wider business that includes, notably, one of the world’s major clearing houses.

I well recognise that the proposed merger with Deutsche Börse is a significant development. Let me start by recalling some of its key terms. The merged company will be controlled by a newly created parent company, headquartered here in London. At the outset, it will be owned 54.4% by shareholders of Deutsche Börse and 45.6% by LSE Group shareholders. The board of directors of the merged group—

Mr Philip Hollobone (in the Chair): Order. I am sorry to interrupt the Minister, but a Division has been called in the House. If there is just one Division, we will return in 15 minutes. If there are two Divisions, we will resume in 25 minutes.
Mr Philip Hollobone (in the Chair): We have 12 minutes left, of which the Minister can take up to nine.

Simon Kirby: It is a pleasure to be back under your chairmanship, Mr Hollobone. I was talking about the shareholding of the company. The board of directors of the merged group will be drawn from both sides of the group and chaired by the current LSE chair, Donald Brydon. The deal on the terms has now been approved by both sets of shareholders, but official scrutiny of the merger remains outstanding. Let me address that point in response to questions that my hon. Friend for Stone asked about the roles of the FCA and the Bank of England.

The deal must be cleared by numerous regulators worldwide, including in Germany and the UK. In the UK, the Bank of England and the FCA have a statutory role in assessing and approving changes in the control of central counterparties and stock exchanges respectively. On CCPs, the Bank must be satisfied of the reputation and financial soundness of the acquirer, the reputation and experience of any person who will direct the CCP following acquisition, the CCP’s ongoing capacity to continue to comply with relevant regulations, and any money laundering or terrorist financing concerns. On exchanges, the FCA is empowered to intervene if it considers that the change of control would pose a threat to the sound and prudent management of the regulated market. Those assessments remain outstanding and the regulators are in ongoing discussions with the companies.

Of course, the merger is of such a size that it must face rigorous scrutiny from the European Commission on competition grounds. Its investigation is also ongoing and includes the engagement of the UK Competition and Markets Authority in a consultative capacity. It is due to reach its conclusion in early April. That is a complex and sensitive inquiry, which I will not attempt to prejudge.

My hon. Friend asked about the Government’s position. The Government do not have a formal role in scrutinising the merger, and it would not be appropriate for us to take a position either way on the deal, but we are following it closely and are in touch with the regulators.

Another area of concern that was raised pertains to the migration of businesses to Frankfurt if the merger goes ahead—particularly clearing businesses. The merger is subject to ongoing regulatory assessments. These are commercial matters, but for hon. Members’ benefit, let me read out what the LSE Group said on 16 January in relation to speculation about the merger. It stated that “such action is not contemplated and any statements suggesting otherwise are inaccurate and misguided…LSEG and Deutsche Börse are committed to maintaining the strengths and capabilities of their respective operations in London and Frankfurt. Further, the existing regulatory framework of all regulated entities will remain unchanged and, in particular, there is no intention to move the locations of Eurex or Clearstream from Frankfurt, LCH from London and the US. Monte Titoli from Milan or CC&G from Rome following completion.”

That is what the company said, but let me emphasise that we are not complacent about the position of UK financial services companies, and we will continue to ensure that we support and enable their ongoing success.

On the implications of Brexit, we are in regular contact with not just the LSE but many financial services firms to understand the implications of Brexit for their varied areas of business and their priorities for the new trading relationship as we negotiate with the EU. Our aim is clear: to ensure the continued success of British financial services and the millions of jobs that they bring to people across the UK.

Moving on to specific points raised during the debate, I welcome the thoughtful contributions made by the hon. Member for Aberdeen North (Kirsty Blackman), my hon. Friend the Member for Wimbledon (Stephen Hammond) and the hon. Members for East Lothian (George Kerevan) and for Stalybridge and Hyde. I want particularly to answer my hon. Friend the Member for Newton Abbot (Anne Marie Morris), who asked whether the deal could be postponed. In the long term, this business, like so many others, will need to meet the challenges and opportunities of Brexit. I assure Members that the Government take our role seriously. We will continue to engage with the LSE and other firms across the financial services sector to ensure that we understand their plans and what they consider they need from the arrangements that we are negotiating with the EU.

My hon. Friend the Member for St Albans (Mrs Main) asked what was to stop TopCo moving to Germany. The deal has been voted on by shareholders in its current terms with the London headquarters. It is clearly part of a balanced structure designed to secure the approval of both sets of shareholders. Ultimately, the long-term location of the headquarters is a matter for the board and shareholders, in common with other companies, but importantly, it is worth noting that in this case, the articles of association of the combined company will contain a safeguard that the location of the company cannot change without the approval of 75% of the directors. Also, of course, under the Companies Act 2006, the removal of that safeguard from the articles of association could take place only with the agreement of 75% of the combined group’s shareholders. That is a significant point.

My hon. Friend the Member for Bedford (Richard Fuller) asked whether the companies would merge their central counterparties and whether that would create a systemic risk. The European market infrastructure regulation establishes a strict supervisory framework for CCPs, and in the UK they are regulated by the Bank of England. He was also keen to know more about the Government’s view on takeovers. I reiterate my previous comments: the deal has been voted on by shareholders in its current terms with the London headquarters. There will be 50% of directors from each side, and the shareholders’ agreement provides additional and clear reassurance. He asked about the Treasury’s power to direct the Bank of England. It is true that the Bank of England Act 1946 includes that power, but the factors
that the Bank can take into account are set at European level in EMIR, and the Bank would still be subject to those constraints in a scenario where the Treasury sought to exercise its power of direction. We can direct it only if we act lawfully, and we cannot direct it to act beyond the scope of its regulatory powers as set out in EMIR.

The Government take a close interest in the developments on the proposed merger and the assessments of the various regulatory bodies involved. Financial services represent an immensely important industry for the UK, and we have been clear that we will pursue a bold and ambitious free trade agreement involving the freest possible trade in goods and services, including in that sector. That is in not only our interests but those of member states across the EU. I thank hon. Members from throughout the House for being here today and sharing the commitment that we all have to the future success of the London Stock Exchange and the sector more broadly.

5.54 pm

Sir William Cash: I am glad that the Government will consider the matter carefully, and that it is clear from this debate that everyone accepts the need to examine the issue rigorously, as so many have urged on me since I introduced the proposals. We look forward to that further examination, which may well be on the Floor of the House.

I do not have time to go into all the details of the essential questions now; I set them out in my speech. On the question of who calls the shots and the location of the headquarters, as I said, formally moving the headquarters to Germany would not be likely given the need for a significant shareholder vote, but that is beside the point. The real issue is who calls the shots and in whose interests critical decisions are made. It is no answer to say that the HQ will remain in the UK if the people who are really in charge just fly in from Germany for the day. Decisions must be taken in the UK, in the interests of the UK. I hope that the Government will take a proactive position on all of this.

I do not agree with the Minister’s assessment of the impact of the articles of association. I have been a lawyer for a long time, and I know that such things have an extraordinary capacity to disappear into the wind. I am not impressed by the 75% argument, whether it involves directors or the combined group. The key question is who calls the shots. The idea of 50% of the directors coming from each side is interesting, but basically it all comes down to the national interest.

With regard to the powers of the Treasury under section 4 of the 1946 Act, the European market infrastructure regulation is a European regulation. I inform the Minister, just in case he had not noticed, that we are leaving the European Union, which means that the European Court of Justice will no longer have a role in relation to the regulation. I do not say this cynically, but I strongly suggest that he goes back to his lawyers and assesses that point. The European Court of Justice will not have any jurisdiction over EMIR once the matter has been dealt with by our exiting the European Union, the repeal Bill and other measures. I thank you, Mr Hollobone, for your chairmanship of this debate.

Question put and agreed to.

Resolved,

That this House has considered the future of the London Stock Exchange.

5.56 pm

Sitting adjourned.
I applaud the recent cross-party attempt to convince the Prime Minister of the need to find a new cross-party consensus. Perhaps the Chancellor is even now working on the final details of a great and imaginative scheme that can attract all-party support for a national solution to a huge and growing problem. His autumn statement was an enormous disappointment. While he may mistakenly believe that the biggest crisis he faces is how to defuse the considerable row over business rates, he needs to understand that the interlinked issue of adult social care—interlinked for reasons I will come on to—overshadows everything in his in-tray and in the Cabinet’s in-tray.

It is traditional in debates of this kind for somebody to say that the problems are not all about money. I have no doubt that the Minister is preparing himself to fulfil that role in this debate, but I am afraid that in respect of adult social care, it actually is all about money. According to the Institute for Fiscal Studies, direct funding to local authorities will have fallen by 80% by 2020. I repeat: 80%. Adult social care is not ring-fenced. Some £4.6 billion was slashed from those budgets in the last Parliament, with the result that we spend less on social care now than we did in 2010. Those are House of Commons Library figures obtained yesterday. It is less in cash terms, which is even less in real terms, and all parties agree that the problem is mainly caused by underfunding.

In written evidence submitted to the adult social care inquiry last year, the King’s Fund said that “the fundamental cause of the problems in adult social care is inadequate funding.” We can talk about innovative ideas and methods that councils across the country are employing, including my council in Hull—they are doing brilliant things to try to deal with some of the wider issues—but the basic fundamental problem comes down to cash and funding. Indeed, the scale of the problem is such that in evidence to the same inquiry, the chief executive of NHS England, Simon Stevens, said that were any extra money to become available from anywhere it should go not to the NHS—his own organisation, which he was representing—but to social care. That was a remarkable and unprecedented act of self-denial in respect of access to public funds.

Pending the Budget and the outcome of further deliberations by the Government on the issue, the solution that this Administration have pursued with the most vigour is simply to pass the buck to local authorities. Let us for the sake of this debate accept the premise that local authorities are best placed to deal with the issue and that the adult social care precept may be the new funding stream that has proved so elusive. Even if we accept all that, the first point that the Government must surely acknowledge is that the amount raised does not begin to match the scale of the problem. The precept in 2016-17 raised £382 million, which is less than 3% of council spending on adult social care. However, it would have been a very welcome 3% increase, were it not for the fact that implementation of the national living wage cost those same councils an estimated £612 million, wiping out the additional money and leaving councils with a deficit on this issue alone of £230 million.

Melinon Onn (Great Grimsby) (Lab): There are some 850,000 people living with dementia in the UK, and their care is usually more expensive than standard elderly care. We have seen £160 million taken out of adult
social care budgets between 2010 and 2016. When it comes to the adult social care precept at the local authority level, does my right hon. Friend agree that it is destined to create a postcode lottery and impact further on the services that people expect to receive in times of great difficulty?

Alan Johnson: My hon. Friend is absolutely right about that, and I will talk about the widening inequalities in a second. She was also right to refer to dementia sufferers. Too often in this debate—I am perhaps guilty of this, as well—we deal with dry statistics, percentages and precepts, when at the end of it there are people who are very vulnerable and need care, above all dementia sufferers. We have to tackle that and ensure that the inequality gap does not get wider. I will come on to that in a second.

Sir Hugo Swire (East Devon) (Con): I am following very closely what the right hon. Gentleman is saying and am finding myself in agreement with much of it. In the time left, will he also address the issue of the hidden cost of care? These are the carers who are looking after elderly relations and who have sometimes lost childhoods looking after disabled mothers. A huge army of hidden carers are providing free social care. When we look at the model, we should not forget those people.

Alan Johnson: The right hon. Gentleman is absolutely correct about that. I said at the beginning of my remarks that this is a wide debate, but I have chosen to focus on one strand: funding through council tax. I have met not only elderly people caring for similarly elderly people, and not only women trying to care for elderly parents at the same time sometimes as bringing up a child, but, most poignantly, children who care for their parents. They remained hidden to the extent that even schools did not know they had such responsibilities, and there was no obligation on schools to find out, so the right hon. Gentleman is absolutely right that the problem is far reaching. For Government it is a difficult problem to resolve, although I do not doubt their determination to try to resolve it. I am just pointing out that if we were to accept that the way to do it is by local precept on local councils—devolving the issue down to local level—the Government would have to accept that the route they have designed is woefully inadequate.

In addition to the fact that the national living wage costs councils £612 million against the £382 million that the precept at 2% raised last year, a combination of the Care Act 2014, case law in respect of deprivation of liberty safeguards and the proposed Department for Work and Pensions cap on housing benefit—if the Government are unwise enough to go ahead with that, they will create all kinds of problems that will come to councils through adult social care—has created and will create additional unfunded social care costs.

However, as my hon. Friend the Member for Great Grimsby (Melanie Onn) alluded to, the biggest problem with relying on the precept and the retention of business rates—the Government’s other pet project—is grossly unfair and will widen existing inequalities, leaving those with the greatest need less able to raise the extra money that they need. Far from doing something to close the equality gap that the Prime Minister rightly made her mission in her first utterance in that role, it will exacerbate the problem and lead to Government-inflicted inequalities. The King’s Fund points out that the 10 most affluent areas will raise almost two and a half times more from this precept than the 10 most deprived will. If it was more money instead of less, it would be welcome. The fact is that all local authorities, wherever they are in the country, will be worse off overall from cuts to local authority funding, but through the precept and rates retention some will be worse off than others.

Allow me, if I may, Mr Bailey, ahead of your visit to Hull, to be parochial and talk about the city that I represent. Hull has 27% of its population living with a long-term health condition. It is a brilliant city, but not a wealthy one. Not many people have the £25,000 that, according to the Government, allows them—this is another controversial issue—to self-fund. Only 7% of the population is able to self-fund in Hull against the national average of 45%. There is, therefore, a huge and growing demand for adult social care services.

Hull City Council will struggle to produce any meaningful resources from the social care precept because 80% of our housing stock is in the two lowest bands. The net result—that is a neat little comparison—is that in Kingston upon Hull the increase in the precept to 3% will bring in £8.01 per person, but in Kingston upon Thames, which I have nothing against—it is a wonderful place—will raise £15.27 per person. There are even starker anomalies, incidentally, but that is a neat comparison. Kingston upon Hull, which has higher levels of deprivation, a greater need for social care and a lower council tax base, finds itself getting almost half as much as Kingston upon Thames. Because of the Government’s failure to properly account for deprivation over the next three years, Kingston upon Thames will have £2.3 million more to spend on adult social care while Hull will have £2.2 million less.

Hull has, like all local authorities, been battling to protect its services through a vicious series of funding cuts, losing £115 million of core funding with a further £33 million of cuts to face by 2020. It has lost £18 million from its social care budget since 2010, with the need to cut a similar amount over the next three years. Overall, a combination of the financial pressures on Hull City Council, the clinical commissioning group and secondary health care—those are all combined in the interface of how we deal with these problems—means that we have a spiral of decline, as the CCG is unable to support community services and is pulling back funding at the interface of health and social care. That then impacts on the ability of the local authority to respond swiftly and robustly to a sudden and unexpected need for high-cost social care, such as somebody experiencing a stroke and awaiting discharge from hospital.

An increase in delayed discharges places an additional burden on the acute trust, which goes deeper into crisis and has to admit people later and discharge them earlier, often discharging them inappropriately and pushing the burden of funding support for vulnerable people back to the CCG and the local authority. The vicious circle then begins all over again, becoming more and more problematic and presenting even greater risks to individuals.
Sir Hugo Swire: On this issue of keeping people in hospital, in some parts of the country the local authority is slow to find them beds because it is then its responsibility financially, but does the right hon. Gentleman not agree that all the evidence shows it is far better to keep people out of hospital, because of muscle wastage and suchlike, and to get them back home as quickly as possible?

Alan Johnson: There can be no dispute about that from anywhere. All the evidence says that is the case. “Bed-blocking” is a terrible term, but it was around when I first came into this place 20 years ago. We thought we had resolved the situation, but it is becoming more and more acute. Keeping people in hospital is a problem because it is not good for the individual, never mind about the effects on healthcare services, the NHS and adult social care. It is not good for the individual to be placed in that situation. I might add that lots of charities and voluntary sector organisations do a great job in helping to deal with that problem. They depend for their existence on a bit of match funding from local authorities, sometimes £10,000 a year, which they are no longer able to get since that has had to be cut because of cuts to local authority funding, so that has had an impact even on the voluntary sector.

In November the Public Accounts Committee concluded that the Department for Communities and Local Government does not have sufficient understanding of the extent to which revenue pressures are affecting local authority finances. That has certainly been our experience in Hull, although we have tried to assist the Secretary of State by highlighting the anomalies that the precept creates. The Secretary of State wrote to the leader of Hull City Council, Steve Brady, on 19 July last year, shortly after he had taken over at DCLG. It was a lovely letter thanking Steve Brady for a letter to his predecessor about devolution in Yorkshire. The leader of Hull City Council’s letter also mentioned the problems being caused by the tax precept for adult social care. The Secretary of State said he understood and wrote:

“ I would be pleased to meet you in due course to discuss this further. My office will be in touch to arrange...a suitable time”.

in the coming weeks. Hull City Council waited 13 weeks and then got a response that was not even from the principal private secretary in the Department. A correspondence clerk wrote to say that the Secretary of State no longer had any time in his diary: he was unable to commit to any meeting whatever and unable to commit to the meeting that he himself had suggested, unsolicited, in a letter to the leader of Hull City Council. That is at worst arrogant; at best, discourteous. Perhaps the Minister can suggest to his boss that he clear an gap for Hull by 2020, and a further £40 million to come if 100% business rates retention kicks in without some form of adjustment to account for deprivation. Again, places such as Hull with tightly drawn city boundaries—none of the suburbs are part of the Hull City Council area—will do worse from business rates retention than more prosperous areas.

Having failed in our quest to inform the Secretary of State of the effects of his policy on cities such as Hull, the three local MPs wrote to the Chancellor ahead of the autumn statement, seeking his assistance to ensure sufficient funding for adult social care. The reply came from the Minister who is here today, and it was full of reassuring statistics about the money we would be receiving. The only problem is that his figures were wrong by a factor of 45%. The 3% precept will raise around £2.1 million in Hull, not the £3.5 million the Minister claimed. Yes, we will receive £1.46 million from the new adult social care grant, but we will receive a corresponding cut in the new homes bonus of £0.81 million, so that £1.46 million is reduced to £0.65 million. In addition, although it is true that Hull will get £1.88 million from the better care fund, like all local authorities we were hoping to see that money front-loaded, not back-loaded. The £6.5 million we are due to receive in 2018-19 is badly needed now.

The cuts being made to local authority funding are what I would call reckless. Even in this new world of alternative facts, the Government cannot spin draconian cuts into extra funding. Instead of engaging in this kind of smoke-and-mirrors attempt to suggest that all is well, the Minister needs to understand, and then acknowledge, the real funding position for councils such as Hull and other local authorities whose Members are waiting to speak in this debate.

This is not a battle among local authorities; it is a battle by local authorities to achieve a proper understanding by the Government of the crisis they face. The Government must take levels of deprivation and the ability to raise finance from local tax receipts fully into account when considering the future fair funding model for local government. They must set out their plans for the promised land of rates retention in 2020, which may help in the south where, as we have been hearing, rateable values are high, but is a huge issue for local authorities in the north. It would also be handy if the Government sorted out their promised review of rateable values before passing that substantial buck to local authorities, as they plan to do in three years’ time. More urgently, they need to front-load the better care fund, so that services do not collapse before a fairer funding model is in place.

Local authority funding of adult social care on the current basis is unsustainable, but, in the absence of fresh thinking, it is all we have, and the people who rely on adult social care cannot wait any longer for the urgent help they need. The debate can get lost in dry statistics, but in reality it is about the elderly woman who is stuck in a hospital bed because there is no satisfactory provision in her community. It is about the disabled man unable to receive the help he needs to have a bath, the care home that closes and the dementia care that vanishes. It is about many of the things that make our society civilised—things that are diminishing daily, on this Government’s watch.
9.55 am

**Sir Hugo Swire** (East Devon) (Con): I am grateful to the right hon. Member for Kingston upon Hull West and Hessle (Alan Johnson) for instigating this debate. It will be one of many, and I am pleased that there is some kind of consensus emerging.

At the outset, we should do two things. First, we should be careful in using the word “crisis”—it is an overused word in government—but in this case we do have something approaching a crisis. Secondly, although we should try to take the politics out of this, and I will argue why, I am not a deficit denier and we need to acknowledge the severe financial restrictions under which we are still operating. When we won the election and formed the coalition Government in 2010, the coffers were empty. To imagine that we can print and spend more money is irresponsible and would get us back exactly to where we started seven years ago.

The issue is nothing new. The Blair and Brown Governments failed to address it; successive Conservative Governments have failed to address it. This crisis has long been coming and it is now here. In a sense, I am sorry to see the Minister in his place. A Communities and Local Government Minister should not be involved in this at all, and this should not be a local government matter.

When we talk about additional funding, we are discussing three strains. The first is the precept, which is a problem for us in Devon just as it is in the constituency of the right hon. Gentleman, because we have a relatively low income and high needs. The second strain is business rate retention. Will my hon. Friend the Minister refresh our minds on where we are on business rates retention? The Secretary of State has said that 100% rates retention will mean £12.5 billion a year more to local authorities. Have the Government decided that that is the policy, or is it going to be 100% retention of any new business rates to encourage local authorities to grow business? There is a fundamental difference.

The third strain is the forthcoming Budget. I see that the financial figures are better than were expected, rates to encourage local authorities to grow business? There is a fundamental difference.

The third strain is the forthcoming Budget. I see that the financial figures are better than were expected, which gives the Chancellor some wriggle room. I would usefully spend money to avert the crisis we are discussing.

Any of those measures are by definition temporary, because they provide only a sticking plaster. A Minister from the Department for Communities and Local Government should not be here answering the debate. The model is completely ridiculous and outdated—I would go so far as to say that the model of healthcare through the NHS and social care is now outdated and needs a radical rethink.

There should be a seamless passage of care from cradle to grave. It seems utterly ridiculous to have a system whereby the NHS is funded by national taxation and social care is funded by local authorities. That model is completely crazy. It has emerged and grown up. We are in the position where, up and down the country, there are examples of hospitals retaining people beyond the date that they should be there, because as soon as they walk out the door they become a cost to the local authority. Where is the incentive for the local authority to provide an early care package for those people? The victims of that situation are at the mercy of the Government and need urgent help.

I am not going to rehearse the statistics from my part of the world, other than to say that we have a higher than average elderly population of over 85s, which is growing faster than the national average. I am trying to sell Ministers the idea of using Devon as a template for getting this right. Places such as Sidmouth in my constituency are demographically 20 years ahead of the rest of the country, so if we get it right in Sidmouth, we are going to get it right everywhere else.

I am enjoying the freedom of returning to the Back Benches—I can speak without fear or favour and make wild spending commitments without having to stand at the Dispatch Box to justify or defend them. I have the freedom to look at these things based on the knowledge that I have accumulated as the local MP since 2001 in an area where social care funding is a major problem. The right hon. Gentleman alluded to the cross-party group under the leadership of the right hon. Member for North Norfolk (Norman Lamb)—I suppose it is his leadership, although the group has pretty flat management—to whom we should pay tribute because he has been at the forefront of discussions about social care. I am part of that group, which has been to see the Health and Social Care Secretary at the time, and the Prime Minister.

I know all the arguments about what has gone on before 2010. Much of that is regrettable, but we should now look this in a radical way. This is about not just social care, but the whole NHS. Bevan himself, when he got the first invoices for the NHS—I think it was to do with penicillin or antibiotics—said, “This is not what I had in mind at all,” yet we have allowed the whole thing to grow enormously. We have to be realistic about what kind of care the state should provide from cradle to grave and how it should be paid for. We must be braver than we have been in the past. Politicians of all hues and shades need to face up to the fact that this is about not just social care but care, health, accident and emergency and GPs—we need to look at the whole thing.

I am interested that the right hon. Gentleman did not allude to cultural changes. I like to think of myself as his benefactor, as I put money in his pocket by buying his books—and very good they are too. I recommend that those who have not read them do so, and buy them rather than go to the library—cheapskates!—because the publishing industry needs our support. In those books, the right hon. Gentleman eruditely paints a picture of an extraordinary upbringing in Notting Hill in London. He was actually the original member of the Notting Hill set and set the bar for them—what an excellent group of people they all turned out to be, with some exceptions. But I bet—he did not say this, but he will correct me if I am wrong—that in the Notting Hill he grew up in, elderly people were more often than not cared for by their families, and were not left alone in their homes or put into institutions.

The majority of carers in this country are women caring for men. We have already talked about the hidden carers, such as the elderly lady looking after an infirm husband, not getting enough help or respite—respite for carers is another issue. We talked earlier about the child who is having their childhood stolen from them because they are not able to attend after-school events as they have to rush home to care for a disabled or a needful member of their family. All that is true, but we have to recognise the fact that, because couples are now on the whole in work, they are less able to care for vulnerable parents and relations than they were in the
past. Perhaps we need to look at that more carefully. Perhaps we need to plan more carefully to make it easier for people to add on what used to be called granny flats, and try to encourage more people, through either fiscal incentives or behavioural change, to care for people at home. We have to decide where the family stops and where the state steps in. It cannot all be left to the state.

All those things need to be looked at. The more outrageous and controversial the suggestions that are made, the better, because that gets people out of their boxes and makes them think about how we are going to deal with this problem. Hon. Members are shaking their heads in disbelief, but this problem is not going to go away; it is going to get worse as the population becomes more elderly. We have finite resources, so we need to see how best to allocate them. At the end of the day, this is a prosperous country, and a prosperous country should be judged by how it looks after its elderly and vulnerable people. At the moment, we are not doing it well enough.

Others wish to speak, so I will say three things in summary. First, I call, as I have done in Parliament previously, for the £1.5 billion of funds for the better care fund to be brought forward, because currently it will not be available until 2019. We need that money now. Secondly, we need transitional funding to facilitate the change in the healthcare model in East Devon. Thirdly, as I have said, we need a cross-party review of the NHS and social care services.

I have a local councillor standing for re-election in my part of the world who believes that money grows on trees. Her stock answer to everything is, “Scrap Trident, tax corporations, tax the rich.” It is not terribly intellectual. We have to be rather smarter than that. If the Chancellor has some wriggle room in his Budget—he is looking at the many priorities and hard-pressed areas that come across his desk, from the NHS to local government finance and the military—he owes it to this country to put social care at the top to provide some relief. That is not the long-term answer, but we have a short-term problem, and I am looking to him to help us solve it.

10.6 am

Diana Johnson (Kingston upon Hull North) (Lab): It is a pleasure to serve under your chairmanship, Mr Bailey. I congratulate my right hon. Friend the Member for Kingston upon Hull West and Hessle on his eloquent speech, in which he set out the key issues that we are here to address. The right hon. Member for East Devon (Sir Hugo Swire) is right that we live in a prosperous country. As politicians, we know that politics is about choices, but I think the choices being made at the moment about social care are wrong, so we need to revisit the Government’s decisions and put pressure on them to think again. I want to spend a few minutes talking about the human cost of the financial pressures that my council is facing and the impact that is having on individuals, care staff and the care sector in general. I want to emphasise some of the points that my right hon. Friend the Member for Kingston upon Hull West and Hessle made about the demographic make-up of Hull and what has happened to our funding since 2010.

We are the third most deprived local authority area in the country, and the cuts since 2010 will equate to £548 per head by 2020. By then, an estimated £40 million will have been cut from Hull’s social care budget, and its central grant will have been reduced by 55%. I am going to be political here—the right hon. Member for East Devon said we should take out the politics, but I am going to say this. The most recent analysis shows that Labour councils have faced cuts five times higher than Tory councils, but even those figures do not tell us the whole story. From now until 2020, the council expects that the cost of its social care services will increase by £25 million. Even with the social care precept, the better care fund and the adult social care grant, we will not be able to cover that. As my right hon. Friend the Member for Kingston upon Hull West and Hessle said, Hull City Council is doing its very best in those difficult circumstances. It is being innovative and trying to integrate social care with health as much as it can, but the council’s financial situation means that individual men and women in the city of Hull are not getting the care that they deserve.

I want to tell hon. Members about a constituent, Joyce Hensby. Mrs Hensby has a range of medical conditions, which mean that she relies on carers to come into her home. For example, every morning she needs a 30-minute visit from a carer to get her out of bed, shower and dress her, and make her breakfast. The staff who do that are hard-working and dedicated, but unfortunately they are working in an impossible situation.

Joyce’s care is funded by Hull City Council and provided by a private company, Direct Health. In June last year the Care Quality Commission judged Direct Health’s service as requiring improvement. The CQC said that the provider did not have sufficient numbers of suitably qualified, competent, skilled and experienced staff, or the appropriate systems in place to ensure that people received the services agreed. Some care co-ordinators were being forced to do two jobs at once, and some care packages were being given back to Hull City Council because there were insufficient staff.

Staff told Mrs Hensby that they were paid by the minute and that if they could not provide evidence that they were fully occupied for the full half hour they were meant to care for her, their pay was docked. The CQC expressed severe concerns during its inspection about that pay-by-the-minute system. Furthermore, some staff work 16-hour days, from 7 am to 11 pm, and many were asked to opt out of the working time directive on starting with Direct Health. The provider does not fund staff’s transport costs, and sometimes carers spend large parts of the day rushing between appointments but not getting paid for that.

As we might expect, Mrs Hensby likes consistent care with people she knows and trusts. She does not want strangers helping her every day with some of the most intimate and personal of care. Staff turnover, however, is extremely high because of the pressure on them and their low wages. In the past three months alone she has lost five carers with whom she had built a good relationship. Every day my constituent Mrs Hensby is left worried about who will be coming through the front door to help her. That is the reality of what the crisis in local council funding looks like day to day in many homes in Hull.

Shortly after the Government made their living wage announcement, I visited a residential care home in Hull. That announcement is to be welcomed, but the owners of the home told me they were worried about its future financial viability, although they have run it for many
years, they have loyal and long-serving staff and the home has glowing reviews. The council in Hull pays £416.55 a week for an older person in residential care. The majority of people in Hull’s care homes are not self-funders—as my right hon. Friend said, only 7% in the city are self-funders, compared with 45% nationally—which means that the care homes rely on the amount of money that Hull City Council pays. The homes cannot generate extra income for themselves.

It is worth pointing out that the cost of booking into a Travelodge in Hull is £456.75 a week, although that obviously comes without any of the support that is provided in a residential care home. The social care precept, however, does not even make up for the costs of the new national living wage policy. In Hull that 1% increase in council tax will raise only £2.1 million a year, whereas the living wage costs for adult social care in Hull are £3.5 million a year. Quality private care providers are under enormous pressure to provide a good service, which is what they want to provide, but they have to do so with a very limited income, and on top of that they now have to meet new obligations such as the living wage. We will look at the business rate receipts that are going unrecognised by the Government, perhaps because they are not in the stockbroker belt and are not so immediately obvious to the Ministers making decisions in London. Surrey County Council is the 150th most deprived local authority area in England, and Hull the third most deprived. Surrey County Council leader David Hodge commented:

“I believe we have a duty to look after people...We cut £450m already, we squeezed every efficiency and we can do no more. I am sick and tired of politicians not telling the truth. Surrey people have the right to know and I’m not going to lie.”

That, obviously, was in relation to social care. Those comments resonate for hundreds of councils up and down the land and in more deprived parts of the country even more than they do in Surrey, because the pressures in places such as Hull are even more severe. Yet when council officers in Hull did the right thing, told the truth and raised the issue, as my right hon. Friend the Member for Kingston upon Hull West and Hessle said, it seemed to fall on deaf ears. Sadly, they do not have a direct line to Tory special advisers, as Surrey obviously did. The plight of our vulnerable residents is going unrecognised by the Government, perhaps because they are not in the stockbroker belt and are not so immediately obvious to the Ministers making decisions in Parliament.

Many years ago Neil Kinnock warned about playing politics with people’s jobs. Failing to fund social care is playing politics with people’s lives. New academic research shows that cuts in social care and the problems in the NHS led to 30,000 excess deaths in 2015. The Minister needs to reflect on that, and I urge him to consider it. He should also listen to some of the suggestions being made, because it is not as if there are no proposals for how to plug this gap. For example, Unison has pointed out that although business rate receipts for central Government have gone up, the Government have not allocated that extra money to councils. In 2017-18 additional receipts will amount to £6.6 billion. If the Government gave only £1 billion of that unallocated money to councils such as Hull, it would go some way towards relieving the pressures in social care.

Now is the time for a radical rethink of social care. In 1948 the view was that we needed to set up a national health service that we all contributed to and that we could all access. We now need a national health and care service to be set up and paid for from general taxation to stop the existing postcode lottery and to ensure that people such as those who fought in the second world war and helped to build the country back up after 1945 get the kind of care that we all want them to receive in our communities.

10.17 am

Huw Merriman (Bexhill and Battle) (Con): I thank the right hon. Member for Kingston upon Hull West and Hessle (Alan Johnson) for giving us the opportunity to discuss, on a cross-party basis, the need for reform and the challenges faced by our local authorities. I hope I can be forgiven for being a little more parochial in the time available to me than my right hon. Friend. The Member for East Devon (Sir Hugo Swire) was. I want to talk about our challenges in East Sussex, but I will then touch on what the Government are doing and ultimately, on the need for reform. That need is not only about looking at government but about encouraging reform and ideas at a local level, because the challenges are local. That is where I will focus the main part of my contribution.

To set the scene, we in East Sussex feel ourselves to be in a challenging situation, because those who make the decisions in London look south, see Surrey on the map—Surrey has already been mentioned—and perhaps think that things cannot be too bad in that direction, so money should go west or north. Further south than Surrey, however, is East Sussex. We are a relatively poor county with poor infrastructure, so our ability to create business opportunities is limited. Understandably, because we are on the south coast, we have also become a haven for retirement.

The Surrey scenario is real for us. It is extraordinary how, when I knock on doors in my constituency and speak to retired people, they tell me their stories about moving further south from Croydon, Caterham or wherever. That is fantastic, and those people add to our diversity, but the proportion of over-65s in my constituency is 28% of the total population, compared with a national average of 17%.

People will work and live in Surrey, perhaps in bigger properties, and then sell and downsize, but they will not pay the same amount of council tax in East Sussex. As they get older and into their advanced years, they will obviously need the services of East Sussex. Under the current model, the working age population of East Sussex largely has to fund those services. I agree with my right hon. Friend the Member for East Devon that there is a need to look at the model that requires us to fund social care locally but the NHS nationally, which does not make any sense at all.

Unfortunately, we also have a relatively poor working age population. I recall that, a year or so ago, I was given figures and told, “Congratulations—your constituency is in the top 10 for wage increases when it comes to the living wage.” That really means that 33% of my constituents are on the living wage and work in poorer areas, which is a challenge. I also make that point about the push for new money, which really means a push towards taxing
those who are currently working. How will we get people who are currently working to save for their own good care if we tax them to the nines and they cannot afford to save?

**Alan Johnson:** The hon. Gentleman makes an important point. We need to fund social care from a separate source, not just normal taxation. Two ideas came up. The idea of taking money out of people’s inheritances was labelled the death tax. I made the point that I should be paying national insurance. I am 66 years of age and I am still working. Why did I stop paying national insurance at 65? As Dilnot said, that and other ideas need to be explored. We agree that this is not just an argument about sticking taxes up. We must look for a new funding stream, which has been so elusive.

**Huw Merriman:** I absolutely agree. As my right hon. Friend the Member for East Devon mentioned, we should look not just at reform of social care in isolation but at all the other related parts. We should ask ourselves whether we are overspending in certain parts, whether we can recycle in other areas, and whether people need to make fairer contributions, particularly as they get older. We could also throw into that pot contributions by retired people who have no issue at all with their income and have paid for their assets, yet are still entitled to free bus passes and other universal benefits. This is not Government policy, but I can say it because I am a Back Bencher: perhaps the time has come to look again at whether we can afford to look after people in social care.

**Kate Green:** (Stretford and Urmston) (Lab): I was not an East Devon Conservative, but I was the Member for East Devon. I came back to the debate with an open mind. I was absolutely appalled by what I heard from my hon. Friend the Member for East Devon. The point I raise is, in the midst of all the discussion about the death tax and inheritance tax, it is important that we look at the problem that we are describing. People who are saving for retirement, who are saving for their own care, are currently paying for care. The money they put into a savings account to save for their care is not being taxed, but they still have to pay for their care. We have to consider what we are doing to people who are currently working.

**Alan Johnson:** I recognise that the Government have acknowledged that there is a challenge in the system. That is the first step. The right hon. Member for Kingston upon Hull West and Hessle mentioned the concept “all is well”. We will hear from the Minister, but I constantly hear the Government acknowledge that there is a challenge and a requirement for reform. We need additional funds between now and reform so we can get through this stage, but reform is ultimately the answer. I believe the Government recognise the challenge, so I have great confidence that we will overcome it.

I also recognise that £3.5 billion of extra funding will be put in through the social care precept and the improved better care fund by 2019-20. I hear the point that some of that is backdated and will not come on stream until later, but the Government have listened to that point to a certain degree and allowed councils to increase the social care precept levy to 3%. My county is doing that. The levy will be 3% this year and 3% the following year, but of course it will then go down to zero, which is why reform will be needed at that point. The transfer of the new homes bonus from the district level to the county level has also buffered my county council against some of the increase in costs.

I welcome what the Government are doing and the tone that they have adopted, but ultimately we need reform. I absolutely believe that we need to look at the entire system, including financial services. For example, we talked about property. I believe that there is a problem with equity release, which people cannot get from their high street banks because they just do not offer that service. Anyone who wishes to tap into their property’s value to pay for their care in older age has to go via an insurance company, which is incredibly difficult. I have discussed that with the banks. They have a concern about their bills for recent mis-selling fiascos—they shy away from explaining what equity release means for people in their older age because they were sued so successfully for previous mis-selling scandals. We need financial services reform, too.

We must also look to the future. Why do we not have care individual savings accounts for people—perhaps for people of my age—who should be saving, in the same way that we have help to buy? We need to look more along those lines. We must be absolutely honest and open that an asset will be sold in totality to pay for care. I regard my house as the asset that I will use for that. I doubt very much that my children will ever see a penny from it. We need to have that conversation with the public, who I believe are ahead of us in this game. Ultimately, people who care for their relatives should be able to inherit, but people who do not should not expect to inherit, because the state will have to pay for that care and the cost will have to be recovered. We need to start talking in that language.

**Sir Hugo Swire:** Mansion tax!

**Kate Green:** And constituents in the south-west. There are areas where housing wealth is low and therefore not a good source to pay for social care, but there are other areas where it is very high. I own a flat in central London, and that ought to be used to pay for my social care.

**Huw Merriman:** I very much take the hon. Lady’s points. I certainly do not advocate a mansion tax, and I do not believe that my right hon. Friend the Member for East Devon was calling for one either. There is an argument that, if social care continues to be funded locally, there needs to be an additional stamp duty so that, if an asset in Surrey is sold and downsizing occurs, the money actually follows someone into the county. That should not be required, because it does not really make sense for social care to be funded locally, but if it remains locally funded, I agree that we have to start thinking radically about how we spread the money around.
Alan Johnson to reply to the debate? I call Neil Gray.

between them leave a couple of minutes at the end for Front-Bench wind-up speeches. Will the Front Benchers from 2010 for the crisis faced now. I remind him respectfully in England, but he went on to blame financial pressures across these isles billions of pounds. He was honest who provide phenomenal service and save Government critical role played by carers—especially kinship carers—appearing to get different treatment.

on how Surrey and Hull have been treated, with them focusing on Hull. He did not mention, though the hon. Member for Kingston upon Hull North (Diana Johnson) on securing the debate and the right hon. Member for Kingston upon Hull West (Alan Johnson) on securing the debate and his erudite contribution, which others have remarked upon.

The right hon. Gentleman was right to say at the outset that this is a domestic political challenge of our time. Alongside the cuts to social security, this issue must be the one that is felt most by the people we represent in their day-to-day lives. In that vein, I am slightly disappointed that there is not a better turnout for the debate, although I understand that events happening tomorrow in Stoke and Cumbria might preclude people from being here today.

The right hon. Gentleman cited the cuts applied in England, whereas in Scotland adult social care spending increased by 29% from £2.3 billion in 2006-07 to £2.97 billion in 2014-15. He also highlighted the disparity in funding in different areas of England, understandably focusing on Hull. He did not mention, though the hon. Member for Kingston upon Hull North (Diana Johnson) did, the special deal given to Surrey. We should reflect on how Surrey and Hull have been treated, with them appearing to get different treatment.

The right hon. Member for East Devon (Sir Hugo Swire) was right to acknowledge in his contribution the critical role played by carers—especially kinship carers—who provide phenomenal service and save Government across these isles billions of pounds. He was honest enough to say that the situation is approaching a crisis in England, but he went on to blame financial pressures from 2010 for the crisis faced now. I remind him respectfully that austerity is a political choice. In spite of wholesale cuts to Scotland’s budget, although we still have challenges we are nowhere near the crisis point that England is at now.

In the right hon. Gentleman’s criticism of the health and social care model as he sees it in England, he appeared to be advocating the integrated joint health and social care boards model that has now been legislated for in Scotland. I would encourage him to look at what has been done there and the results that that has reaped.

The hon. Member for Kingston upon Hull North highlighted the fact that Labour councils face five times the level of cuts of Conservative councils and the difficulties faced as a result in her city. She rightly cited the personal story of Joyce Hensby to highlight the wider issues. Mrs Hensby’s needs are not unique, and Ministers must do better to provide for her and people like her across England.

The hon. Member for Bexhill and Battle (Huw Merriman) reflected on his area’s challenges, which will not be unique but are not being addressed. He was not afraid to consider ideas that will undoubtedly be unpopular in some quarters of his constituency. That is why I commend him, although I cannot necessarily agree with what he had to say. He also talked about equity release in property but not about those people who do not have access to that. I encourage him to look at the free personal care model north of the border.

Social care across the UK faces challenges. There is no doubt that changing demographics and an ageing population across the country mean new challenges for Governments to ensure that services are fit for purpose. Others have reflected on what is happening in their areas and I will do the same. The Scottish National party Government have been facing up to these challenges and have legislated for new integrated joint health and social care boards, which are now established. Partly as a result of local authorities and health boards working together, we have seen a drop in instances of delayed discharge, which is a major issue in acute care performance and in ensuring the best possible rehabilitation scenario for patients.

Taken together with other initiatives and investments, standard delayed discharge of more than two weeks has dropped by 43% in Scotland. As a result, A&E waiting times are also worth looking at: the four-hour target is hit in 92% of cases in Scotland, 79% in England, 76% in Northern Ireland and 65% in Wales. As part of the Scottish Government’s 2016-17 draft budget, we have allocated a further £250 million to health and social care partnerships to protect and grow social care services and deliver our shared priorities, including paying the real living wage to adult careworkers.

In spite of the cuts to Scotland’s budget, the SNP has increased funding for adult social care. As a result, the average time received for home care is 11.3 hours a week, compared with 5.6 hours in 2000. Through integration of health and social care and continued progress to self-directed support, more people are choosing what their support is and how it is delivered. In line with our vision, the proportion of adult social care expenditure in community settings has increased from 46% in 2006-07 to 52% in 2014-15.

The SNP Government will continue to shift the balance of care by increasing in every year of the next Parliament the share of NHS budget dedicated to mental health

[ Huw Merriman]
and primary community and social care. The protection of our social care services is vital, and we have taken action to do that. As highlighted in the Fraser of Allander Institute report of September last year and the Audit Scotland report on local government, social work spend in Scotland increased in the period from 2010 through to 2015, rising from £3.2 billion to £3.3 billion.

Challenges are faced by health and social care services across the isles. Despite what I have said about the much better picture north of the border, clearly Scotland is not immune to the challenges faced elsewhere. However, the SNP Scottish Government have taken a different path and made different choices. We still have some way to travel, but I am confident that the UK Government have much to learn from the SNP Government up the road.

10.36 am

Jim McMahon (Oldham West and Royton) (Lab): It is a pleasure to serve under your chairmanship, Mr Bailey. I congratulate my right hon. Friend the Member for Kingston upon Hull West and Hessle (Alan Johnson) on securing this critical debate. There is a crisis, but we should be honest and say that it is a crisis of indifference. There are pleas from those who need care but cannot get it, pleas from families who see their relatives denied care that they ought to be receiving and pleas from local authorities that are in the hellish situation of trying their best to keep and lade a diminishing resource when pressure on their budget is going up all the time. We have also seen pressure and pleas in this place, but the Government seem determined to ignore the scale of a crisis of their own making.

It is a crisis of the Government’s making. I resent the idea that just because people are living longer and happen to have health conditions that need additional support, they are tagged as being the problem. People who have worked all their lives and contributed to our society have been let down by the Government when they needed them most. The Government labelled them as the problem instead of reflecting the fact that we as a society ha have heard some today—and from local government, social care providers and charities. We have heard about that, but ultimately it is the Government’s responsibility. In many ways I pity the Minister. I would not like to be in a situation where my own party’s Prime Minister was completely clueless on the scale of the problem and the Chancellor of the Exchequer seemed completely careless about the scale of the problem. The Minister’s own Secretary of State seems to show little interest in the brief he has been given, investing little time in it and leaving it, with all due respect, to junior Ministers to come and take the brunt of the problem.

The truth is that the Treasury will not release the amount of money that is needed. What happens as a result? Further pressure is pushed on to departmental budgets, but because the DCLG has no more money it pushes it back on to local authorities. The result—besides the fact that we do not even touch the sides in dealing with the scale of the problem—will be that council tax will have increased by 25% by the end of this Parliament. In human terms that will mean that people living in towns such as Oldham, Hull or Rochdale will notice their council tax bills increasing by 25%; but the fact that those towns historically have a low council tax and business rates base will constrain their ability to generate the total amount of money needed to provide care.

Huw Merriman rose—

Vernon Coaker (Gedling) (Lab) rose—

Jim McMahon: I give way to my hon. Friend.

Vernon Coaker: I agree very much with my hon. Friend’s points. Does he agree that people in constituencies such as mine, in Nottinghamshire, feel as if they are in a parallel universe? They tell us that there is not enough care, and people are stuck in hospital or unable to get the support they need. Everyone says there is a crisis, but as we shall no doubt hear from the Minister, the Government just say, “We recognise that there is a problem, and we are doing this and this about it”. In reality, there is a crisis on the ground, and the Government need to recognise it and respond to it.

Jim McMahon: That is right. I had the pleasure of facing the Minister across the Committee Room during consideration of the Local Government Finance Bill, where we debated that at length. I asked him clearly whether he believed there was a social care crisis, and his response was crystal clear: he did not believe that there was. That goes completely against the professional advice of people working in the sector, the 1.2 million people who need care but are denied it, and the advice of the Local Government Association, which represents its member authorities across all political parties—the point is not a party political one at all. The Minister seems to want to hunker down and pretend there is not a problem on that scale.

Huw Merriman: Will the hon. Gentleman give way?

Jim McMahon: I need to make progress, with all due respect, so that the Minister can give a meaningful response to the debate.
[Jim McMahon]

Even with the 25% council tax increase, which will obviously put pressure on low-income families, particularly in areas with a low tax base, there will still be a £2.6 billion adult social care funding gap. The money will not even pay for a national insurance contributions increase, local authorities’ obligations under the apprenticeship levy requirements, or the national living wage. That is before we get to the point of tackling the poor quality of care provision in the private home care market in particular.

That is the scale of a problem that could have been avoided, and the cruelty of the situation we are in. I do not say that we could create a perfect system. We need to accept that although we will evolve a system far better than today’s, we have lost critical time for the reforms that are needed. In any transitional phase between systems there must be adequate resources in place to deal with the transition and, effectively, double-running of the system. People already in the system must be paid for, and new entrants to it must also be paid for, perhaps in a different way, to ensure that they will be looked after following the transition to the new way of working. That could be a 10, 15 or 20-year programme, and there is no appetite from the Government to look even beyond this Parliament, let alone so far ahead.

The total deficit in public service provision, at local level, is now running at £5.8 billion. That is the amount that councils need to fulfil their statutory obligations and provide basic public services. I do not agree at all that it is not a question of choices—it absolutely is. The corporation tax cuts cost us £5 billion, which could have been used either to offset the £2.6 billion adult social care deficit or even to make sure that councils could provide the 700 services that central Government require of them at local level.

Councils are being put in a difficult position. They will be expected to put up council tax by 25% at a time when the universal services that people can see, and that they believe they pay their council tax solely for, are being withdrawn—altogether, in some cases. The public will rightly ask, “What am I paying my council tax for? The park isn’t being maintained any more. The streets aren’t being cleaned any more.” In fact, most people believe they pay council tax only to get their wheelie bins emptied—and that happens less often than it used to, so where is the money going? The relationship between the taxes people pay and what they get in return is critical for democracy and for holding decision makers to account, and that link is being eroded. The truth is that a social care system reliant on 1991 property values is not a base on which to build a social care and health system for the future. It is not progressive and does not reflect people’s ability to pay, based on the income they earn. Of course, people in poorer areas ultimately pay more.

An offer has been made but not taken up yet, though it should be, to put party politics to one side. It is about choices, and we shall hold the Government to account where they make choices in favour of adult social care. There is a broad consensus across the political parties about the solution—about changing the system and ensuring that those who need adult social care can get it.

Sir Hugo Swire: Will the hon. Gentleman give way, so that I can correct him factually?

Jim McMahon: In that case, yes.

Sir Hugo Swire: The hon. Gentleman said an offer had been made for a cross-party group but not taken up. That is wrong. A cross-party group has been to see the Prime Minister, and we are in talks.

Jim McMahon: There is a world of difference between a cross-party delegation having an audience with the Prime Minister, who ignored what was said in that meeting, and a reach-out from the shadow Minister to the Minister in the Local Government Finance Bill Committee to say that we should work together.

There are two issues, one of which is public service delivery, responsibility for which sits with local authorities, social care providers and health providers. Fundamentally, however, it will come down to brass tacks—where is the money? In the Opposition, that question is the responsibility of the shadow Communities and Local Government team; and in the Government it is the responsibility of the DCLG. There has been an offer to work in a cross-party way to find a solution.

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr Marcus Jones) indicated dissent.

Jim McMahon: The Minister shakes his head, but he should read Hansard or pay attention in sittings of the Local Government Finance Bill Committee, where I made that offer. The cost of doing nothing is delayed discharge and more than 1 million people not receiving the care they deserve, but also the Government letting down people who have worked all their lives and contributed to society, and who deserve better than the lot they are given.

10.47 am

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr Marcus Jones):
I congratulate the right hon. Member for Kingston upon Hull West and Hessle (Alan Johnson) on securing this important debate. I know he has championed the issue of adult social care for some time. Social care funding clearly matters deeply to many Members from across the House, as we have seen today. That is not surprising, as it is a big and complex challenge.

As the right hon. Gentleman put it when he was Secretary of State for Health:
“We have no magic bullet to load and fire to solve this problem...there is no quick fix here.”

He was right. We are all living longer—which is a good thing. I do not agree with the assertion by the hon. Member for Oldham West and Royton (Jim McMahon) that any blame is levelled at anyone who is getting older and deserves good quality social care. This debate is precisely about the fact that we face the challenge of an ageing population, and need to provide for those people as they get older.

Vernon Coaker: Will the Minister give way?

Mr Jones: I will make progress first.
Last year councils spent more than £14 billion on adult social care, including more than £300 million more than they had budgeted for. It is a significant and growing cost pressure, and, despite what some have said today, it is one that the Government are seeking to relieve. We have added to the package that was put in place at the spending review—a package of nearly £3.5 billion of additional funding for adult social care by 2019-20—by providing councils with access to almost £900 million of additional funding over the next two years. That includes a dedicated £240 million adult social care support grant, which will be worth £1.5 billion by 2019-20, together with allocations from the improved better care fund and the additional council tax flexibility that we have given to local authorities, which will provide up to a further £208 million to spend on adult social care in 2017-18 and £444 million in 2018-19.

There has been some objection to the social care precept on the grounds that central Government should pay for adult social care, but it is important to consider where funding comes from; whether raised at a local or national level, in the end it is all taxpayers' money. The social care precept means that council tax payers' money is support mechanisms for raising and protecting vulnerable members of their community. As the right hon. Member for Kingston upon Hull West and Hessle touched on, some councils will be able to raise more than others, which is why the improved better care fund, which will be worth £1.5 billion by 2019-20, will take into account councils' ability to raise funding through the precept, so in that sense nobody loses out.

However, more money is not the only answer. The right hon. Gentleman suggested on a number of occasions may not cover that living wage increase will cost £49 million in 2017-18, Government Association estimates that the national living wage, which is extremely important. It has been mentioned many times in the debate that we need to attract more people into the caring profession, and the national living wage will certainly do that, but as the right hon. Gentleman pointed out, it has to be paid for. The Local Government Association estimates that the national living wage increase will cost £49 million in 2017-18, with the adult social care precept, which it has been suggested on a number of occasions may not cover that cost, actually raising up to £1.23 billion this year. We can see that the actual precept that has been given to local authorities is significant.

Jim McMahon: Will the Minister give way?

Mr Jones: No, I will make some more progress and deal with these points before I give way to the hon. Gentleman.

The right hon. Member for Kingston upon Hull West and Hessle also had concerns about the varying council tax bases across the country, which is an extremely important point. That is why we have profiled the improved better care fund’s distribution—which is £105 million this year, £825 million the following year and £1.5 billion the year after that—based on an area’s ability to raise additional funding through council tax. I hope he is reassured by that. Taking into account his point about the short term, we have put in place the additional adult social care support grant of £240 million this year to give additional support to local authorities, bearing in mind that the improved better care fund is back-loaded, as the right hon. Gentleman said.

The right hon. Gentleman made another point about Hull and the implementation of 100% business rates retention. An assertion was made and, I think, a figure put on the amount that would be available to Hull under that system. At the moment, no allocations have been made and no baseline funding has been set. We have been clear throughout the process of setting 100% of business rates retention that we would take into account a local area’s ability to raise business rates. We certainly recognise that redistribution will need to be part of the new system, to ensure that just because one area does not raise as much in business rates as another it is not left behind.

The right hon. Gentleman also mentioned the difference in funding between Kingston upon Hull and Kingston upon Thames. I will deal with that issue head-on, because for 2017-18, putting together the potential 3% increase under the adult social care precept, the adult social care support grant and the improved better care fund, Kingston upon Hull will actually get £6.86 million from those sources, while Kingston upon Thames will get only £4.88 million from the same sources. I hope that deals with some of his concerns about how funding is being distributed.

My right hon. Friend the Member for East Devon (Sir Hugo Swire) almost said that my presence at this debate was an outdated model—I hope that Mrs Jones does not take the same view in due course—but I know he did not mean it personally. He made some important points, including about unpaid carers. The Department of Health is leading on the development of a new national carers strategy that focuses on raising awareness of caring and on helping carers to ensure that they have the right support. He also mentioned the business rates retention system and the additional £12.5 billion of business rates that will go to local authorities. We have been clear from the outset of that process that that will be fiscally neutral, with additional responsibilities therefore going to local government in that sense. We are in the process of determining what those additional responsibilities will be, and we are consulting on a number of things at the moment. However, we have ruled out devolving attendance allowance to local authorities.

The hon. Member for Kingston upon Hull North (Diana Johnson) mentioned skills in the care sector, which is an extremely important point. The Department for Health is doing a significant amount of work to try
to improve skills in that regard, and I think the national living wage will also help. The hon. Lady also mentioned a particular incident in her constituency relating to the national living wage. We are absolutely clear that the national living wage should be paid to people working for whatever company on the basis of the hours that they work. If there is any abuse going on, I encourage the hon. Lady to contact Her Majesty’s Revenue and Customs.

The hon. Lady also mentioned the allocation of funding in relation to deprived areas. I hope it reassures her that the average spending power per dwelling for the 10 most deprived local authorities is around 21% more than for the 10 least deprived local authority areas this year.

Alan Johnson: Will the Minister give way?

Mr Jones: I will, but I do not want to eat into the right hon. Gentleman’s time to wind up the debate.

Alan Johnson: He already is, so just in case I lose my two minutes, I have a question for the Minister. He has a letter from the chief executive of Hull City Council, Matt Jukes. I have mentioned the disgraceful behaviour of the Secretary of State not committing himself to a meeting that he himself had suggested. Will the Minister commit to having that meeting, at which we can look at the latest round of figures? The first ones were not too good; we will have a stab at this one. That is the short-term problem, but will the Minister also say something about the long-term issue, which my hon. Friend the Member for Oldham West and Royton (Jim McMahon) raised from the Labour Front Bench, and which Government Members have also raised? This must surely be a short-term issue, with a vision of something better for the longer term.

Mr Jones: I will have that meeting to deal with the points that the right hon. Gentleman mentioned. I say finally that the Prime Minister was absolutely clear last week about the need to find a long-term, sustainable solution to this. The Cabinet Office is driving that work across Government, with my and other relevant Departments, to find that sustainable solution. Local authorities have a duty to care for our most vulnerable people, but we also have a moral duty—

Motion lapsed (Standing Order No. 10(6)).
The problem is that the situation was already tight before the new funding formula. Steve Williams, chair of governors at St Werburgh’s and St Columba’s Primary School, reminds me of the governors’ view nationally, which is that the £3 billion gap will lead to an effective 8% cut in school budgets on its own. They say:

“As far as budgets go we are now in the trenches. The new formula may mean pupils get a fairer portion but it will be a fairer portion of not enough.”

The Government then introduced the national fair funding formula.

In Cheshire West and Chester, we were already £400 per pupil below the national average, near the bottom of the pile. In 2015-16—coincidentally, a general election year—we received a £9.4 million uplift to bring us closer to the national average. The Government recognised we had a problem.

Antoinette Sandbach: Will the hon. Gentleman give way again?

Christian Matheson: Oh, go on then—just one more time.

Antoinette Sandbach: I am very grateful. I am sure the hon. Gentleman will appreciate that that £9.4 million was very hard fought for by members of the f40 and by a number of MPs. I certainly was fighting on behalf of my schools in Eddisbury to get that slice of funding, and we do not seem to see that coming forward in the current proposals from the Government.

Christian Matheson: The hon. Lady refers to the hard work that was undertaken, which is reflected in hard work being undertaken now, but the Government recognised a problem previously with the £9.4 million, whether that was because it was a general election year or not—who knows? I hope they now recognise that the structural problem remains, and that it needs to be addressed in the same way it was addressed just a couple of years ago.

We received the £9.4 million uplift to recognise that problem, so we have moved from the bottom of the pile to the top, but only in terms of suffering the biggest cuts. We stand to lose £4.2 million in the first year, rising to £6.4 million beyond that. Perhaps the best way to illustrate the damage that those cuts will make is to quote the headteachers’ public statements. Damian Stenhouse, head of Christleton High School, has said he faces a reduction in funding of £169,000, forcing him to reduce staffing, have larger class sizes, increase teacher loads, which runs the risk of increased sickness absence, and decrease support for more vulnerable pupils.

John Murray of the Catholic High School, Chester, has told parents that funding for his sixth-formers has dropped £200,000 since 2011 and that the school faces a further £54 cut per child next year, combined with £78,000 of local and national funding formula cuts, making increased class sizes much more likely. Paula Dixon, head of Upton-by-Chester High School, which is rated good with an outstanding sixth form, told parents:

“If the outcome of the NFF is to financially disadvantage schools like ours we will have little option but to further erode the breadth of our curriculum offer to our students at both Key Stage 4 and Key Stage 5 levels and increase our class sizes in order to generate sufficient staff savings to achieve the level required, as our non-teacher staffing expenditure has been cut to the bone already.”

Dave Wallace of St Oswald’s Primary School in Mollington has said that the cut of £429 per pupil will mean losing one of the 5.4 teachers he currently has, which will have, in his words, “a significant impact on the standard of education in what is an oversubscribed village school.”

Marian Ryder, head of St Clare’s Catholic Primary School in Lache, another less advantaged area, joined the school when it required improvement and has been recognised with her staff by a positive Ofsted report for the improvements they are making. However, she tells us that the reduction of her budget means they will have to look at staffing structures.

At primary and secondary level, in the rural parts of the constituency, on the big estates and in the centre of my city, the story is the same: staff cuts, increased class sizes, fewer subjects offered, attainment levels likely to fall and support for the neediest pupils diminished. I am also fearful that areas such as sport and music will be the easiest options to cut. Those not only enrich our children’s lives but improve health. They get children active and used to being active, which continues into later life and has health benefits. Once again, short-term cuts lead to long-term damage; it is a false economy.

The Government’s response has been to call for greater efficiency savings, but I know that my schools are already running beyond maximum efficiency. One high-achieving local multi-academy trust, which includes Mill View Primary in my constituency and has twice been rated outstanding, is a case in point. It tells me that, since 2011, it has done everything possible to make cash stretch and cut costs, setting up businesses in catering and out-of-hours services, reducing the number of teaching assistants, turning off heating after lunch, limiting the amount of paper any member of staff is allowed to use, putting limits on photocopying and printing and asking to see a fully used Pritt Stick before a new one is issued. They still achieve top Ofsted marks because of their staff. However, staff cannot be expected to continue to achieve with ever dwindling resources.

This is back of the sofa stuff, scrabbling around for pennies, and that is before the new fair funding formula comes in. If we add to that the £57 million of Government cuts to the local council’s overall budget, there is no slack left. For the Government to tell the NAO that they expect schools to make savings through “better procurement”, and by using their staff “more efficiently”, wholly misjudges the scale and the nature of the problem, and is downright insulting to staff and parents at schools such as Mill View.

I note that several areas of the country have benefited from the funding formula. West Sussex gets an extra 1.9% and Hampshire gets 0.7%. Surrey gets an extra 1.7%—perhaps they had a special deal. I do not doubt that these funding formulas are hard to draw up, but it must surely be evident to Ministers that they have got this one wrong. I do not believe it was their intention to redistribute cash from north to south. When every single school in my constituency is looking to make staff cuts and almost every headteacher is writing to parents with, frankly, understated stories of impending financial chaos, it is evident that something has gone very badly wrong.
The cuts are not only deeply unfair; they break a promise in the Conservative manifesto, which stated:

“Under a future Conservative Government, the amount of money following your child into school will be protected.”

If the new national funding formula is implemented, that promise to the people of this country will have been broken.

Antoinette Sandbach: Will the hon. Gentleman give way?

Justin Madders: I am sorry, but I do not have time. We need to hear from the Minister as well.

In fact, that promise has been not just broken but comprehensively shattered, with 98% of all schools facing a real-terms reduction in funding for every child.

I will take the Minister through just a few of the comments that I have received from parents. They take a huge interest in their children’s education and can articulate far better than I can what the proposals might mean for their own children. One parent said:

“I have never contacted an MP before but I am so concerned...the thought of losing staff, support staff or cuts to opportunities is horrifying. The staff work so hard to provide them with enriching experiences that will disappear if cuts are made and their education will suffer”.

Another said:

“The new funding scheme will see a serious reduction in standards, staff and teaching, ultimately lowering outcomes for children and young people across the country and in turn reducing opportunities for the next generation in society”.

It is very sad to see those letters from parents who are extremely concerned about the proposals.

Finally, I want to read out a letter that I have received from a head at one of the primary schools in my constituency, which sets out the scale of the challenge we face. He told me:

“Today, schools are expected to do more and more by politicians and society—overweight and inactive children—‘schools can sort that out’. The increase in childhood mental health problems—‘schools can sort that out’. The poor standards of speech and language when pupils start school—‘schools can sort that out’…Simply, we are expected to do so much more with so much less!

This is alongside the recent, ridiculous, increase in expectations in standards of attainment in the end of Key Stage tests and the negative impact that has had on staff, pupils and the teaching profession.

This year, to save money, I have started to teach some lessons and we will have to seriously consider the staffing levels at our school for 2017-18.

We have worked hard to create a team of talented, experienced and dedicated teachers and teaching assistants. These people are the vital ‘bricks’ in the education we provide. The proposed funding cuts will mean that some of these ‘bricks’ may need to be removed and, as a result, the weaker the team we have built will become, the poorer the education we offer will be and the weaker the foundation we provide.

In my opinion—quality teachers and TAs make the biggest impact in education. Reducing the funding to schools will result in schools losing the very people we have spent years investing in and training. The result will be—less teachers, less TAs, larger classes and an even further decline in staff morale and attainment.

I believe that as a school we will also have to reduce the number of extracurricular activities we offer our pupils—e.g. fewer clubs, fewer art days, fewer visits and visitors to school...We are already in a difficult position financially and attainment will suffer should the cuts go through under the new National Funding Formula.
‘Balancing the books’ has become one of the worst aspects of my job. Begging letters to parents for equipment, repairs and resources are common in some schools. I feel that class sizes will increase and the curriculum will be pared back to the basics as a direct result of the NFF. To put it bluntly—children will be the losers.”

That sums up perfectly the challenges that we currently face.

11.15 am

The Minister for Apprenticeships and Skills (Robert Halfon): It is an honour to serve under your chairmanship, Mr Bailey. I congratulate the hon. Members for City of Chester (Christian Matheson) and for Ellesmere Port and Neston (Justin Madders) on the thoughtful and considerate way in which they have approached this debate. I am grateful also for the contribution of my hon. Friend the Member for Eddisbury (Antoinette Sandbach).

Today I am standing in for my right hon. Friend the Minister for School Standards, who has unavoidable duties elsewhere, but I am pleased to be here, because this opportunity has allowed me to look in more detail at the topic of fair funding. Now more than ever, no matter where they live and whatever their background, ability or need, children should have access to an excellent education, and I think there is agreement that the current funding system prevents that. We currently have a postcode lottery, which is random and haphazard and means that money is often not getting to the places that most need it and to the poorest students.

Few people will disagree that the system is unfair. One example that particularly struck me from the first consultation was that the same school, with the same kind of pupils, would get 50% more funding in Hackney than it would in Barnsley. We have to change the historical unfairness by introducing the national funding formula; that is why it was a key manifesto commitment. It will mean that the same child, with the same needs, will attract the same funding regardless of where they happen to live.

We launched the consultation in March. We asked for views to underpin the formula. More than 6,000 people responded, and there was widespread support for the proposals. In December, we launched the second stage. That document sets out the detail of the formula and shows how it would impact on every school in the country, but I stress that this is a consultation. We have allowed more than three months for the consultation. This debate is incredibly important, and I will feed back to the Schools Minister what Members have said today. Indeed, the consultation will stay open until 22 March.

The purpose of the proposals is to focus money towards the pupils who face the greatest barriers to success. The formula is designed to boost support for those who are deprived and live in areas of deprivation, but who may not be eligible for free school meals and the pupil premium. Those pupils are from the families who are just about managing—no doubt many constituents of Members here today, and many of mine. Overall, under the proposals, more than half of all schools will benefit from increased funding through the formula. They will see overdue increases in funding of up to 3% per pupil in 2018-19 and up to a further 2.5% per pupil in 2019-20. No school will face reductions of more than 1.5% per year or 3% overall per pupil as a result of the formula.

Antoinette Sandbach: The issue is that the unfairness in the system, involving the f40 group of worst-funded councils, is locked in by that 3% cap. In fact, councils that transfer money from their general schools budget into higher needs are actually penalised under the current formula. I hope that the Government will listen to representations made in that regard.

Robert Halfon: Of course we will listen and, as I said, I will feed back all the comments made today to my right hon. Friend the Minister for School Standards.

A substantial part of the reason for the change in the formula is to ensure that money goes to the most deprived students. We want to ensure that every child can achieve their full potential and succeed, and that means directing funding to those who need the extra support. We know that disadvantage has a significant impact on pupils’ attainment. That is seen throughout the school system and is compounded in areas of higher deprivation.

This is not about north versus south, to comment on what the hon. Member for City of Chester said. We can look at the biggest gains in the north: Derby is gaining by 8.6% and Barnsley by 6.9%. Deprived areas of the north-west, where there is much higher deprivation, and my colleagues’ constituencies, are getting significant increases. Halton local authority has very high rates of deprivation and is seeing a 2.2% increase in funding for its schools, as do St Helens, which is having a 1.6% increase, and Salford, which will have a 2.6% increase. Areas where there are high levels of deprivation are seeing increases in their funding. That is why we publish data for every school in the country—so that they can see how the formula affects them.

Justin Madders: Both my constituency and that of my hon. Friend the Member for City of Chester (Christian Matheson) have areas of real deprivation as severe as in some of the areas the Minister has just mentioned. Does he accept that a local authority is a broad area that has different levels of wealth and poverty?

Robert Halfon: Of course every area will have areas of deprivation, but overall the hon. Gentleman’s area has less deprivation than others, and because we do not have an unlimited pot of money we are trying to make sure that the money goes to those in the most need. As I said, there is a consultation; we are hearing from parents, colleagues across the House, governors and schoolteachers so that we can get this historic change right.

The changes make it all the more important that we get funding right. We want to put schools on an even footing. As the hon. Member for City of Chester mentioned, all schools need to make the best use of their resources, ensuring that every pound has the maximum impact on standards. He was right to highlight that more than 93% of schools in his area and that of the hon. Member for Ellesmere Port and Neston are good or outstanding—148 of them, which is 37 more than in 2010. That suggests that although funding is incredibly important, it is about not just funding but the quality of teachers. I pay tribute to the teachers and schools in their constituencies who have made it possible to have such a good record in education.

We will continue to produce a comprehensive package of support. We have recently published a school buying strategy and will try to improve that model over the
coming months. I know that the hon. Members here today have played an important role in the 40 group, which has campaigned for years for fairer funding. I recognise that because of that campaign. Members may have expected an increase in funding for schools under the national formula. I am sure that the hon. Member for City of Chester will understand that the national funding formula has been designed to ensure that funding is allocated according to need on the basis of up-to-date measures. However, we have deliberately set a long consultation period so that we might hear the widest range of views.

I thank hon. Members representing the Cheshire West and Chester constituencies for their dedication to this important topic and for raising it in the way that they have. We have continued to fund the pupil premium, which goes to the poorest pupils, and their constituents get a sizeable amount it. The schools budget does take pupil numbers into account and will rise as pupil numbers rise throughout the Parliament.

The introduction of the national funding formula will be a historic reform. It is the biggest change to school funding in more than a decade. Of course it is difficult, as the hon. Member for City of Chester was fair enough to acknowledge, but for the first time we will have a clear, simple and transparent system that matches funding to children's needs and the schools that they attend. It will enable all schools equally to create opportunities for their pupils and provide a first-class education. I know that my right hon. Friend the Minister for School Standards is looking forward to engaging with Cheshire MPs later today. I hope that what I have said will reassure hon. Members that the Government are committed to reforming school funding and making it fair for all schools in the country.

Question put and agreed to.

11.25 am

Sitting suspended.

Commonwealth: Trade

2.30 pm

Jake Berry (Rossendale and Darwen) (Con): I beg to move,

That this House has considered promoting trade with the Commonwealth.

May I say what a pleasure it is to serve under your chairmanship, Mr Davies?

“Brexit means that Britain is back. The country that gave the world the English language, common law and the Mother of Parliaments is once more to seize its destiny as a global leader. This is an exciting time for Britain and an exhilarating one for the countless millions elsewhere who appreciate Britain’s... contribution to western civilisation.”

Those are not my words, but the words of the hon. Tony Abbott MP, the 28th Prime Minister of Australia, in the foreword to a report produced earlier this year by the Free Enterprise Group called “Reconnecting with the Commonwealth”. He was reflecting a new feeling of optimism about global Britain following our vote to leave the European Union last year.

On 23 June the British people sent a powerful message to all politicians that they wanted Britain to be a strong, independent trading nation facing the globe, not merely the EU. It is worth noting that if Vote Leave had been a political party and the referendum a general election, that party would hold over 400 seats—a bigger majority than Tony Blair had in 1997 and a powerful mandate that all of us in Westminster would do well to heed.

Much of the talk since the referendum has, for understandable reasons, been focused on when, where and how Britain will trigger article 50. Although that has not been exactly finalised—the legislation is going through the other place—it seems that the matter will be settled and article 50 will be triggered in March. It is now time to move on to discussing the future of global Britain—I hope that today’s debate is an opportunity to do so—and what the country that our children and grandchildren will inherit from those of us who are now in Parliament will look like.

Mark Field (Cities of London and Westminster) (Con): Although I share my hon. Friend’s positive, buccaneering hope and optimism, it is also worth saying that this country has never given up on having a global role. Notwithstanding our 44-year membership of the European Union, we should not forget that in the Commonwealth and beyond, we have been and will remain a strong global player diplomatically and in terms of trade and all the cultural elements to which I am sure he will refer.

Jake Berry: It is undoubtedly the case that Britain ceded to Europe control of trade negotiations and the ability to go out in the world and create free trade agreements. That is now over, and following the vote to leave the European Union, it is time for us to decide whether Britain will be a sad shadow of its former self, beset by recession, or a globally outward-facing nation, which I believe can be a beacon of free trade—I hope we can debate that today. It is not just me saying that. The Prime Minister acknowledged it and set up the Department for International Trade, which is hugely positive for our nation. In a speech in Davos earlier this year, she correctly talked about not only wanting a
strong European Union, which is vital for Britain to succeed, but creating a Britain that looks beyond the confines of Europe for its future trading relationships.

Richard Graham (Gloucester) (Con): I join others in saluting my hon. Friend for securing the debate. Does he agree that the opportunity is not either for trade with Europe or with the rest of the world, but to do both better in a new context? Does he also agree that next month’s meeting of the Commonwealth Trade Ministers in London offers a great opportunity to get a coalition of the willing for a Commonwealth trade and investment agreement moving?

Jake Berry: I will come to that point. We cannot offer enough plaudits to my right hon. Friend the Member for East Devon (Sir Hugo Swire)—he is sitting here on my right—and our noble Friend Lord Marland for all the work that they have done to ensure that that first Commonwealth Trade Ministers meeting takes place next month.

In 2010 when I became a Member of Parliament, I was given a fantastic opportunity by the Commonwealth Parliamentary Association to visit the Commonwealth parliamentary conference in Nairobi. I was delighted to attend, largely because I have always been a supporter of the Commonwealth, which is a unique family of nations, and all that it stands for and represents. In that meeting in Kenya, I was struck by an overwhelming message from parliamentarians from other Commonwealth countries: they had begun to believe that the Commonwealth did not matter to Britain anymore and that it had become of dwindling importance since Britain joined the EU. Notwithstanding the comments made by my right hon. Friend the Member for Cities of London and Westminster (Mark Field), successive Governments of all political hues have neglected the Commonwealth and its tremendous potential.

Despite the neglect, it is at the time of our greatest national need that these countries have stood shoulder to shoulder with Britain. They have stood by us when, as a nation, we have faced our darkest hours. Commonwealth soldiers have left home to fight and die alongside British troops on far-flung battlefields half a world away from their home, in Europe, Africa, the middle east and south-east Asia. They have not forgotten our bond of shared culture and history that binds the Commonwealth together. It is now time for Britain to remember its old alliances. We must celebrate the Commonwealth and all that it represents.

Deidre Brock (Edinburgh North and Leith) (SNP): Does the hon. Gentleman agree that one of the best ways to tackle poverty in Commonwealth countries is through renegotiating the many exploitative trade treaties that were signed in the bad old days of colonial rule, as advocated by my hon. Friend the Member for Kirkcaldy and Cowdenbeath (Roger Mullin)?

Jake Berry: The best way for us to tackle poverty in the Commonwealth is for us to start trading freely and to make every single citizen of the Commonwealth richer. In truth, that is the best way of tackling it, along with other measures to which she referred.

I pay tribute to my right hon. Friend the Member for East Devon and our noble Friend Lord Marland. Together with the Maltese and the Commonwealth Enterprise and Investment Council, they have driven the issue of Commonwealth trade by organising the first ever Commonwealth heads of trade meeting, which takes place in London next month. That meeting has the sole purpose of increasing co-operation and trade between Commonwealth Governments and businesses. I hope it will put Commonwealth trade at the top of our Government’s agenda. Not only is it an exceptional meeting of Trade Ministers, but it is the perfect springboard for a successful meeting of Commonwealth Heads of Government meeting next year. I hope the Minister discusses next month’s meeting in his contribution to this debate, and takes the opportunity to put on record his commitment and that of our Government and his Department to expanding trade with our Commonwealth partners.

Andrew Rosindell (Romford) (Con): I congratulate my hon. Friend on securing this very important debate at this time, as we leave the European Union. It is fantastic that he speaks passionately about the Commonwealth, but does he also include the overseas territories and the Crown dependencies? There are 21 of them and they are not members of the Commonwealth in their own right. Does he agree that we must include them in any discussions about trade and co-operation in future?

Jake Berry: I agree absolutely. I was in touch only this week with the Falkland Islands Government, who are watching this debate to see what is said about the Crown dependencies and overseas territories. I will come to how we must absolutely ensure that they are not left behind in any new Commonwealth trade deals.

Doing business in the Commonwealth makes sound economic sense for Britain. This is not a throwback to a sepia-tinted view of the Commonwealth; it is about ensuring that Britain’s economy grows. The facts speak for themselves. The Commonwealth is a market that comprises 52 largely English-speaking countries with a combined population of 2.6 billion, covering a third of the globe. Some 60% of its citizens are under 30, and half of the top 20 global emerging cities are in it. It should be noted that, although the UK has a trade deficit with the EU, it has a trade surplus with the Commonwealth that stood at £1.9 billion in 2015. The Commonwealth contains mature and open economies such as Canada, Singapore, Malaysia, New Zealand and Australia, exciting new emerging markets such as India, and developing economies in Africa, the Caribbean and the Pacific. It has a combined GDP of more than $10 trillion. It includes five G20 countries, with trade projected to surpass $1 trillion by 2020.

Mr John Spellar (Warley) (Lab): Among the mature economies and G20 countries that the hon. Gentleman mentions is Canada, and I hope he joins me in welcoming the Government’s decision on 8 February to endorse the EU-Canada trade deal. In parallel with that deal, should not we look into a trade deal with Canada to take place shortly after we have left the EU? After all, if we cannot do a deal with Canada, where many of us have relations and with which we have strong links and a strong strategic and security alliance, who the hell can we do a deal with?

Jake Berry: I believe we can do a trade deal with Canada. The whole country was recently united in shouting “Where on earth is Wallonia?” That shows that the
European approach to negotiating trade deals is wrong—I will come on to how the Government can set out a better approach than the EU-Canada trade deal. Canada has indicated that it wants a trade deal with Britain.

The Commonwealth’s GDP does not match the EU’s, which is some $16 trillion. However, the EU’s growth rate has averaged only 1.7%, while the Commonwealth’s is currently more than 4%. As Britain prepares to leave the European Union, it is with the Commonwealth—our extraordinary family of nations—that we should seek to strike trade deals. A recent report on the Commonwealth states that on average it is 19% cheaper for businesses in the Commonwealth to do trade, because of our common legal systems, language and culture. The Commonwealth and its nations represent a growing and increasingly important market for Britain; Britain, in turn, represents the fifth largest economy in the world and a gateway into Europe for Commonwealth nations.

When it comes to trade deals, we in this country have a lot to learn from our Commonwealth partners, which are blazing a trail for free trade among themselves. Australia already has a free trade agreement with New Zealand and is negotiating a free trade deal with India, and both Australia and New Zealand are parties to the Association of Southeast Asian Nations deal. Britain should seek to emulate such trade deals. Unlike the EU, Australia and other Commonwealth partners have not made the perfect the enemy of the good. In many cases, they have opted for a sectoral approach. They are prepared to sign multiple trade deals—the one between Australia and Singapore is an example—and when areas of co-operation are agreed, they sign a trade deal about those areas and put the more divisive areas to one side. We should compare that with the eight years that it has taken the EU to negotiate with Canada.

I hope that at the Commonwealth Trade Ministers meeting next month the Minister and his Department will seek to start negotiations with Canada, Singapore, Australia, Malaysia and New Zealand, which are large, open economies.

Oliver Colville (Plymouth, Sutton and Devonport) (Con): I congratulate my hon. Friend on securing the debate. Does he agree that we should also consider trade deals in southern Africa, which is very much dependent on agricultural economies, and specifically in Malawi, which is dependent on tobacco, to deliver cheaper food for our constituents?

Jake Berry: The issue of agriculture and Commonwealth trade is quite tricky to tackle. South Africa has said that it would like to sign a trade deal with Britain the day after Brexit—it is unfortunate that it cannot be signed the day before, but the day after would be very welcome. I hope that the Minister will initiate talks with the large, open economies. They should be a key negotiating priority for Britain; indeed, several of them have already indicated an interest in exploring trade deals. New Zealand has reportedly even offered to help Britain by providing trade negotiators to assist the Minister and his Department.

We also need to open trade deal talks with India. That will be a huge challenge for the Minister and his Department, but we will be helped significantly by the Indian diaspora of 1.4 million people, which creates strong cultural ties between our nations, and by the fact that India is currently the UK’s largest export market in the Commonwealth. A recent Commonwealth study estimated that a UK-India free trade agreement would increase two-way trade by 26% and predicted that UK exports to India could increase by 50% every year. I hope that all hon. Members can see that that would be a huge prize, not only for Britain but for India. The Government must make it a priority next month.

John Howell (Henley) (Con): My hon. Friend speaks about the benefit of such trade deals to the UK. Does he agree they would also provide the ability to bring stability, because of what we could do as a result to help countries in regions that are often quite troubled?

Jake Berry: Yes, I agree that they are a good way of bringing stability. Sometimes Commonwealth countries have been frustrated that rather than talking to them about trade, the Government have simply talked about development, democracy and human rights while entering into trade deals, agreements and contracts with China. One of the best ways to instil stability, democracy and human rights is to have a good trading nation that makes its population richer.

Next month we must also ensure that we do not leave behind Africa, the Caribbean, the Pacific states and the Crown dependencies. We should offer tariff-free and quota-free deals with access to the UK market, and we should pursue deals with South Africa, CARICOM—the Caribbean Community—and the east and west African groupings. Achieving those deals will be complicated and time-consuming—we have seen and heard that trade deals take several years to agree—but the time to start the negotiations is at the Commonwealth Trade Ministers meeting next month, not in 2019 as the Minister’s Department has indicated.

Other practical steps that we need to take include looking at departmental reform to eliminate silos. Trade Ministers should be able to move freely between the Department for International Development, the Foreign and Commonwealth Office, the Department for International Trade and the Home Office. To strike trade deals, we will need to tackle issues such as visa reform, aid and the FCO’s use of soft power; we will also need to use our influence to promote the Commonwealth and all its benefits and trade deals.

Mr Gregory Campbell (East Londonderry) (DUP): I commend the hon. Gentleman for securing the debate. On the subject of the Commonwealth Trade Ministers meeting next month, does he agree that although the EU has been quite insistent on its restrictions on when it will begin discussions and negotiations, no such inhibitions apply to Commonwealth nation states? We should quickly get down to trying to negotiate with our willing partners the type of deals that he has outlined.

Jake Berry: I agree wholeheartedly, and I hope the Minister will confirm that approach. The Government said in response to a parliamentary question that we would have to wait until 2019, but I hope that that is not the case. If we are leaving the EU, we should be negotiating with the Commonwealth and should not be as worried about what the EU has to say about it.
The issue of visas is a tricky one. I am sure the Minister is aware that 40 Conservative MPs signed a letter that was published in last week’s Sunday Telegraph asking for simple changes at our border to extend the hand of friendship to the Commonwealth nations. We are not calling for changes in visa restrictions; we are simply asking that border officials acknowledge the importance of the Commonwealth when people arrive here.

Finally, I call on the Minister to consider whether he could publish a White Paper on trade, and specifically on Commonwealth free trade, following the meeting in March. The Government published the last White Paper on trade in 2011. Clearly that was before Brexit, and it was produced under the coalition Government. A new White Paper on Commonwealth trade could set out a road map for Britain’s new relationship with our Commonwealth partners and, crucially, could focus bilateral meetings at CHOGM next year on trade and co-operation.

I hope that such a White Paper can cover, among other issues, what steps the Minister will take to increase the number of trade envoys deployed to Commonwealth countries; which Commonwealth countries the Department has prioritised for trade agreements; which Commonwealth nations have come forward seeking trade agreements post-Brexit; how many Departments’ new trade audits have been set up with Commonwealth countries; and what steps he is taking to improve exports to Commonwealth destinations.

As we have heard, the task is legion, but next month’s meeting is an important rallying call to the Minister and his Department. If Britain is truly back, it is time to demonstrate that the Government accept that the Commonwealth is a key trading partner for this country and that the distance between our nations is no barrier but a natural highway, over which we will see international trade flourish.

Philip Davies (in the Chair): I must get to the Front-Bench spokesmen as close to 3.30 pm as possible. There are around 10 colleagues seeking to catch my eye, so I must impose a time limit. The most generous time limit to get everyone in equally is four minutes, but I must add that if people take interventions that will reduce the time left for people further down the line. However, if everyone sticks to four minutes without intervention, we should be okay.

2.52 pm

Simon Danczuk (Rochdale) (Ind): It is a real pleasure to serve under your chairmanship, Mr Davies.

I thank the hon. Member for Rossendale and Darwen (Jake Berry) for securing what is a very timely debate. In a way, it kills two birds with one stone: where can we find trading opportunities after we leave the EU, and the age-old question, “What is the purpose of the Commonwealth?”

In November 2012, a Foreign Affairs Committee report highlighted concerns that Commonwealth member states were not making the most of the economic and trading opportunities offered by the Commonwealth. However, the same report concluded:

“It is clear that the creation of a free trade area with Commonwealth countries would require a fundamental and potentially risky change in the UK’s relationship with the European Union, and the benefits may not outweigh the disadvantages.”
No one cares more passionately about the Commonwealth than I do. I ceased being Minister for the Commonwealth in July 2016, after just over four years in the post, and I am absolutely delighted to have joined the board of the CWEIC, which designed the meeting on 9 and 10 March at Lancaster House and is also hosting it.

That meeting is incredibly important. It will be an opportunity to discuss the significance of Brexit for international trade, and we will cover six themes: financial services; ease of doing business; technology and innovation; business and sustainability; creating an export economy; and attracting investment. Also, there will be roundtables on the second day, each one designed to identify areas where Commonwealth countries can co-operate, to promote the agenda for growth and to help achieve the $1 trillion intra-Commonwealth trade target.

I will not rehearse some of the arguments put forward so eloquently by my colleagues, but we need to be aware of the Commonwealth advantage: when bilateral partners are Commonwealth members, they tend to trade 20% more and generate 10% more in foreign direct investment flows than when one or both are non-Commonwealth nations.

Commonwealth trade and investment flows of all kinds are now growing noticeably faster than overall world trends, and currently account for some 15% of total world exports. The Commonwealth has a combined GDP of $8.4 trillion and an annual growth rate of 3.7%.

However, we do not need to get hung up on this idea of free trade deals; they are not the be-all and end-all. The CWEIC is also encouraging exporting, which is absolutely critical, especially exporting by UK small and medium-sized enterprises. Our Commonwealth First programme aims to help 100 companies to trade and invest across the Commonwealth over the next three years.

Currently, the UK exports around £220 billion-worth of goods and services to the EU, and as a result it has withdrawn from a lot of the Commonwealth countries over time, so the opportunities of Commonwealth trade are absolutely huge.

It is also worth bearing in mind the fact that the UK is the largest EU goods export destination for numerous Commonwealth countries, including Australia, Canada, India, New Zealand, South Africa, Pakistan, Sri Lanka and Jamaica. I believe that this meeting in March will be critically important.

I will therefore ask the Minister some questions. Given that we hope to follow up the meeting with a business forum, as we had in Sri Lanka and then in Malta, can he tell us today when the date and location for CHOGM will be announced? Also, can he confirm that the Commonwealth Heads of Government have been notified of that proposed date and that it has been discussed with them? Will he take the opportunity today to reaffirm the Government’s commitment to the Commonwealth, and to congratulate the CWEIC on the initiative that it has shown in setting up this meeting in March? Will he clearly state on record today the Government’s commitment to the Trade Ministers meeting, to the work that the CWEIC is doing and to the idea that CHOGM in 2018 should largely be focused on trade and business and that the Government will support a business forum at that time?
of Great Britain and Ireland, and not just Northern Ireland, together as one. That would be special, but I will settle for it being in the Commonwealth.

It is clear that deals with countries such as Australia, Canada and New Zealand will be important. They can open up big areas of new trade. It all depends on the terms we decide we will abide by in coming out of Europe, but we must ensure that we reach further. The initial talks with New Zealand have indicated the position that we will be seeking to establish post-Brexit: a foundation of respect and a hope to see winners in all areas. If we can do that across the Commonwealth and the United Kingdom, we should.

For too long we have had to labour under trade rules that did not allow for the foundations of the Commonwealth to be explored. Now is the time to seize the opportunities and to enjoy the benefits of the ties to our Queen and her aims, which we all hold dear in this place and further afield.

I will conclude, as I am conscious that I got an extra minute for taking an intervention. One Commonwealth charter principle is that

“international peace and security, sustainable economic growth and development and the rule of law are essential to the progress and prosperity of all.”

Let us enhance our links, so that we pay more than mere lip service to that charter principle. Let us start the planning right now.

3.4 pm

Mr Shailesh Vara (North West Cambridgeshire) (Con): It is a pleasure to serve under your chairmanship, as always, Mr Davies. I commend my hon. Friend the Member for Rossendale and Darwen (Jake Berry) on securing this important debate. To the extent that it is relevant, I declare that I am co-chairman of the Conservative Friends of India group.

Our existing trade with the Commonwealth is not insignificant. In 2015, our exports to the Commonwealth totalled £47.4 billion, and our imports from the Commonwealth totalled £45.5 billion. The Commonwealth is comprised of 53 member states, representing a quarter of the world’s landmass and 2.2 billion people. Some 60% of the Commonwealth’s population is under the age of 30. There can be no doubt about the massive opportunities that lie ahead for our country. Forecasts by PwC suggest that India will be the world’s third largest economy in 2030, behind China and the USA. That is hardly surprising—according to the most recent United Nations global population estimates in 2015, people aged under 35 comprised 64% of the population of India.

Some say we should concentrate on only a handful of Commonwealth countries. UK trade is heavily focused on a small number of countries. For example, in 2015, Australia, Canada, India, Singapore and South Africa accounted for 70% of UK exports to Commonwealth countries and 65% of UK imports from the Commonwealth countries. It is important to remember that, as members of the European Union, we did not simply concentrate our efforts on Germany, France and Italy, but also made efforts with the smaller nations. Likewise, it is important that we do not just concentrate on the larger nations of the Commonwealth, big though they may be.

Oliver Colvile: Will my hon. Friend consider that America could be invited to join the Commonwealth, thereby allowing for a trade deal to be done much more simply, as with other Commonwealth countries?

Mr Vara: My hon. Friend makes a valid point, but I hope he will appreciate that it is not for us to invite countries to join the Commonwealth.

We are equal partners, and it is important to remember that, in the Commonwealth, we should not pick favourites. We should give the smaller nations equal treatment, particularly given that our aim is to increase trade. There is the potential to increase trade with those smaller countries, too. I will not abuse the extra minute I have received by virtue of that intervention and will make hasty progress.

Britain remains a popular destination for Commonwealth citizens, both for business and non-business purposes. It is right and proper that the Government take seriously the suggestion of my hon. Friend the Member for Rossendale and Darwen on making things easier at our airports. It would send a powerful message to the rest of our Commonwealth partners. Next month’s Trade Ministers meeting seems an appropriate place. I hope the Minister will not say that it is logistically not possible because we are only days away from the meeting. It is perfectly feasible to make the announcement at the Ministers meeting and say it will take effect in three months, six months or whenever we have gone through the logistical procedures.

The Prime Minister has said that we want to build a “truly global Britain... one of the firmest advocates for free trade anywhere in the world.” At the Commonwealth Trade Ministers meeting next month, we have the perfect opportunity to make a powerful statement to our Commonwealth partners by doing just that.

3.8 pm

Stuart Blair Donaldson (West Aberdeenshire and Kirktown) (SNP): It is a pleasure to serve under your chairmanship, Mr Davies. I congratulate the hon. Member for Rossendale and Darwen (Jake Berry). It is good to see so many of his colleagues here after his shameless promotion of the debate yesterday in Foreign and Commonwealth Office questions. I also welcome the many Government Members who want to promote trade with Commonwealth countries, the overwhelming majority of which have become independent from the UK.

On an unrelated note, Scotland is a proud trading nation. Supporting Scottish business to export and attract direct foreign investment is good for Scottish business, for our economy and most importantly for the people of Scotland. Three out of Scotland’s top 20 export destinations in 2015 were Commonwealth nations: Australia in 15th place, Singapore in 16th and Canada in 18th. Scottish Development International has eight offices in multiple locations around the Commonwealth to assist companies looking for opportunities in Scotland. SDI’s support has helped businesses settle and invest in Scotland. For example, around 50 Canadian companies located in Scotland support more than 5,800 Scottish jobs, and Indian companies have made investments of around £700 million in the past five years, providing around 2,500 Scottish jobs.
Scotland’s international exports were worth £28.7 billion in 2015, excluding oil and gas, which represents a 17.3% increase from 2010. Under the SNP Scottish Government from 2007 to 2015, the value of international exports has increased by nearly 40% from £20.4 billion to £28.7 billion.

In two days’ time we will celebrate four years since Scotland became a fair trade nation. On Monday, we will mark the start of Fairtrade fortnight, which will run from 27 February to 12 March. Fair trade is a trading partnership, based on dialogue, transparency and respect, that seeks greater equity in international trade. It contributes to sustainable development by offering better trading conditions and securing the rights of marginalised producers and workers. I urge the Government to bear those important factors in mind when embarking on Commonwealth trade deals.

I am sure the House will join me in welcoming today’s launch of the Scotland Malawi Partnership’s “Buy Malawian” campaign, which encourages people to buy ethically produced, fairly traded Malawian products in Scotland and is a great way to support farmers, entrepreneurs and small businesses in Malawi. That supports the creation and sustainability of livelihoods for people right across the supply chain, from smallholder farmers in rural Malawi to local fair trade retailers in Scotland. Malawi, of course, a country of the Commonwealth and one with which Scotland has close ties as a result of Dr David Livingstone. Through his travels, Dr Livingstone fought against the slave trade and looked to open new trade routes into Africa to support its economic development. More than 150 years later, the Scotland Malawi Partnership has continued that mission and is hoping to cement Livingstone’s birthday on 19 March as an annual “Buy Malawian” day to promote Malawian produce and sustainable economic development.

The sustainable development goals can influence trade with the Commonwealth. As a supporter of the HeForShe campaign, sustainable development goal 5 on gender equality is very important to me. Future trade deals must recognise the rights of women and the economic gains of gender equality and an empowered female population. That applies both to the UK and to the countries that it seeks deals with.

I firmly believe that promotion of the SDGs must play a major role in any future trade deal and hope the Government respond positively.

3.13 pm

_Sitting suspended for a Division in the House._

3.27 pm

_On resuming—_

**John Howell** (Henley) (Con): It is a great pleasure to serve under your chairmanship, Mr Davies. I congratulate my hon. Friend the Member for Rossendale and Darwen (Jake Berry) on securing the debate. I want to use the example of one country to illustrate some of the points that he and other Members have made. The country is Nigeria, where I am the Prime Minister’s trade envoy. [HON. MEMBERS: “Hear, hear!”] I thank hon. Members for that endorsement of my role. My appointment was a pre-Brexit one, although admittedly it has relevance in a post-Brexit world, which goes to show how much this country values the relationship it would like to have with Nigeria. Trade is of mutual benefit—it benefits not just one but both of the countries concerned. We can do enormous good when we operate in a country if, as well as ensuring that our own markets are fulfilled there, we ensure that that country’s markets are also developed.

Nigeria’s size is significant in that respect—with 170 million people it is, I think, the most populous Commonwealth country in Africa—but it also has enormous regional importance. At a dinner organised for me in Lagos recently, the common theme around the table of Nigerian and British businessmen was that it was impossible to see sub-Saharan Africa taking off without the development of Nigeria. Anything we can do to help Nigeria to develop will bring stability to that part of the world. We need to show that we are doing that, as a good member of the Commonwealth family. It is an important part of the message we want to give.

I am trying to do something about the status of our trade relations with Nigeria, which are currently abysmal because they are based on one factor—oil and gas—that has seen an enormous drop. We and the President of Nigeria are determined to diversify the economy to ensure that British companies across the board have a role to play in the Nigerian market.

In terms of the way of doing business, there is a tremendous amount of low-hanging fruit. I am happy to gather that low-hanging fruit as I go, but I am more interested in the long-term business relationships that will cement the UK-Nigerian way forward.

**Kirsty Blackman** (Aberdeen North) (SNP): Will the hon. Gentleman give way?

**John Howell**: I will not. We are too pressured for time.

I know from my experience in central and eastern Europe that those business relationships take a tremendous amount of management time to get right.

There is a way of doing business that depends on getting people together to hunt as a pack, to ensure that all views are known and that we do not act for just one company. I have gathered those companies together in an advisory group that I have set up, with PwC as the secretariat. That group is just about to have its first meeting, and will take forward the approach of operating as a UK group in Nigeria, as our French and German colleagues do with their companies.

I echo the comments made about the diaspora. We have the second largest Nigerian diaspora in the world in this country and I recommend that we make the best use of that.
and want to promote our universities. I want to stress to the Minister how important a business sector the higher education field is. It delivers about £73 billion to our economy, more than 800,000 jobs. In international standing, it is second only to the US. International students are a significant source of finance, not just to universities but to the wider UK economy, and non-EU students, many of whom are from Commonwealth countries, contribute about £3.2 billion in tuition fees to UK universities. Overall, their contribution is more than £7 billion to the UK economy, and that could grow.

Our Commonwealth partners are already doing that. As the Minister will know, universities compete in an increasingly globalised economy. It is a growing economy, where there is a great deal of competition. Australia wants to grow its international student numbers by 2025 and is doing that by putting in substantial funding and post-study employment opportunities. Since 2004, the number of international students in Australia has grown by 50%. Canada is doing the same.

I notice that the priorities for the Department for International Trade include “negotiating plurilateral trade deals”, focused on specific sectors, and “providing operational support for exports and facilitating inward and outward investment”.

It seems to me that the higher education sector would benefit from being promoted through the new Department and that Ministers in that Department will do what they can to make it easier for international students, particularly those from Commonwealth countries, to come to the UK. That means looking at whether the visa system can make it easier for students to come here, and ensuring that students are taken out of net migration figures.

Unfortunately, the message that has been given to international students is that they are not welcome here. In the post-Brexit era, universities need to be able to grow their international offer—not only in respect of students coming here, but in respect of universities operating more easily in Commonwealth countries, and developing educational opportunities and business start-ups from which UK companies can benefit. There could be a win-win for the higher education sector and for the Government if they encourage growth in that sector with Commonwealth countries.

Stephen Hammond (Wimbledon) (Con): I apologise to the Front-Bench spokespersons that I have to leave the Chamber to deal with a statutory instrument in a few minutes.

I congratulate my hon. Friend the Member for Rossendale and Darwen (Jake Berry). He was right in his exposition to point out that we already trade with the Commonwealth. I have some brief remarks on how we can facilitate greater trade within the Commonwealth to our mutual benefit, and extend the partnership of equals that it must be.

Notwithstanding my hon. Friend’s remarks about trading with all nations in the Commonwealth, a priority for us must be to start with looking at the most developed Commonwealth countries right away. My right hon. Friend the Member for East Devon (Sir Hugo Swire) was right that that does not need to be free trade agreements, although we want those to come. We want to start trading and exporting, and exporting more. One thing we can do before any free trade agreement is look at the certification regimes and non-tariff barriers, which are burdensome in regulation and do not need to be there.

Secondly, there is an opportunity for our services sector, especially in emerging markets where we see the middle class growing. There is a demand for banking, accountancy, insurance, cyber-technology and all that goes with that. We have expertise in those areas, and can export and grow it to mutual benefit. Services are affected far more than goods by factors such as language and legal differences, so harnessing our ties with the Commonwealth in those areas, combined with our already world-leading services sector and the growing demand in most of those countries, makes that an obvious area for immediate post-Brexit opportunity. It is therefore clearly essential that we join the Trade in Services Agreement as soon as possible.

Several speakers have talked about the Commonwealth trade advantage. Recent study has shown that factors such as geography and regional trade blocs mean that Commonwealth counties trade among themselves more than they do with other parts of the world. It is therefore key that we do everything we can to build the capacity for trade. Several hon. Members have pointed out that the ministerial meeting happening next month is a big opportunity for us to start building on the Commonwealth trade advantage. It is not a trade organisation as such at the moment, but over the years to come, a greater role, exposition and commitment from Ministers to trade will see opportunities for economic growth for everyone across the Commonwealth.

I am interested in what the infrastructure sector can do with trade across the Commonwealth more immediately. Some deals struck by other countries in the last decade are beginning to unwind, in all sorts of areas of physical infrastructure such as roads, ports and airports. Across the Commonwealth, there are opportunities for British firms, particularly with high-end contracting skills, to make a contribution to improving and streamlining those projects, and to look at customs procedures between members. Building a trading infrastructure as well as a physical infrastructure will lead to opportunities in the world for financial services. Embedding skills that we have into capital markets, a number of which are growing rapidly across Commonwealth countries, would be a huge benefit not only to the United Kingdom but to the whole Commonwealth.

Sir Paul Beresford (Mole Valley) (Con): I am delighted to serve under your chairmanship, Mr Davies. I congratulate my hon. Friend the Member for Rossendale and Darwen (Jake Berry) on securing this debate.

We talk freely about free trade and opening barriers. I have a couple of declarations to make. First, I belong to the National Farmers Union in this country. Secondly, as hon. Members can tell from my accent, I have a dual nationality: New Zealand and the UK. When we went into the Common Market, New Zealand’s trade with this country teetered from 90% to 50%. After an agreement by Holyoake, the Tory Prime Minister, it dwindled to 5%. Later, a New Zealand Prime Minister called Muldoon, whose politics were really Labour even though he was a Tory, built up barriers right across the country. He was a very difficult man and was renowned for the statement—I
apologise to our antipodean colleague, the hon. Member for Edinburgh North and Leith (Deidre Brock)—that any New Zealander moving to Australia increases the IQ of both countries at a stroke. The barriers he introduced crippled the economy. We then had a Labour Government, who introduced what we in New Zealand called Rogernomics. They tore down barriers and told the whole of the agriculture industry, “No ties, no restrictions, no subsidies.”

I think of that when I look round my farms. We have a dairy farm in my area that is supposed to be big—it has 350 cows. We have sheep farms with perhaps 1,000 sheep, and some of those farms get 90% of their income from subsidies. If we are going for free trade, I think we are going to have to wake up. We are going to have to give our farmers—I am concentrating on farmers—the opportunity to wake up and do something before the avalanche arrives.

On the North Island of New Zealand, there are square miles of vineyards. I have the biggest vineyard in Europe in my constituency—it is going to have to wake up. We have got dairy farms, but they are nothing compared with the dairy farms I know of in New Zealand, where 1,500 to 2,500 cows are milked twice a day. The farm I came off in the middle of the South Island had 1,000 head of cattle, 1,000 head of deer and 23,000 lambing ewes—when they lambed we had 50,000 sheep. There is nothing to compete with that here. The size and power of that industry in New Zealand could shatter us because we are not ready.

I know we are keeping subsidies till 2020, but we need to be aware that while we are welcoming people in, we need to be braced for what is going to hit us. I hope that our NFU is going to wake up. It wished us to stay, but we need to be braced for what is going to hit us. I hope that while we are welcoming people in, we are not ready.

I, too, would take student numbers out of migration figures. When we get control of our borders, we need to be sensitive and ensure we have the right talent when people come to this country to work. For example, Russell Group universities have on average twice as many non-EU students as EU students. When EU students finish their studies they can do a postgraduate course or work here, whereas many of the non-EU students cannot work and have to go back to their country, as in many cases they find it very difficult to get a work permit or a visa. I think that industry and business need the advantages that will come from our being able to pick the brightest and best without any discrimination in favour of one country or another.

I absolutely agree with what my hon. Friend the Member for North West Cambridgeshire (Mr Varadkar) said a moment ago about border controls. How we treat Commonwealth citizens is going to be really important in the future, and what clearer and more emphatic innovative signal can we send than changing our border arrival arrangements? I suggest that, post-Brexit, we should have one queue for UK citizens, including citizens of the overseas territories and citizens of the realm—the Commonwealth countries that chose to keep Her Majesty as Head of State—another queue for Commonwealth citizens, or perhaps Commonwealth and EU together, and another for the rest of the world. That would show our trading partners where our loyalties and interests lie.

Andrew Rosindell: On that very point, does my hon. Friend agree that the Commonwealth realms have been neglected? The constitutional link that they have with the United Kingdom in sharing Her Majesty the Queen as the Head of State should be cherished. Their citizens should be given preferential treatment not only when they arrive at Heathrow and enter this country, but in other ways. We should build a closer relationship based on sharing Her Majesty the Queen.

Andrew Rosindell: My hon. Friend is absolutely indefatigable on that issue. Of course he is absolutely right. I hope the Minister will take notice of that point and respond to it.

There are huge opportunities out there. It is incumbent on this country and the Government to seize them now.

Sir Henry Bellingham: My hon. Friend is absolutely indefatigable on that issue. Of course he is absolutely right. I hope the Minister will take notice of that point and respond to it.

Philip Davies (in the Chair): We now come to the Front Benchers. Our new finishing time is 4.14 pm, so if each of the Front Benchers speaks for eight or nine minutes we might even have a few seconds at the end for Mr Berry to wind up the debate.
3.47 pm

**Kirsty Blackman** (Aberdeen North) (SNP): It is a pleasure to serve under your chairmanship, Mr Davies. I congratulate the hon. Member for Rossendale and Darwen (Jake Berry) on securing this really important debate. I hope we can continue the debate over the next two years in the main Chamber of the House of Commons, because it is really important, particularly in the light of statements that were made in advance of the EU referendum about how strong our links with the Commonwealth are going to be.

Coming to debates on any issue surrounding Brexit, it is particularly interesting to hear about the wonderful fantasy world in which some people live. I obviously campaigned for remain, and I believe we are economically, as well as culturally, better off as part of the European Union. I do not believe in the wonderful land of milk and honey and beautiful free trade arrangements that is being proffered to us for a number of really good reasons. The European Union has free trade agreements with 32 of 51 Commonwealth countries, so we are going to have to renegotiate those 32 trade agreements. It is not as though we will be suddenly free to negotiate with the Commonwealth; we will lose those trade agreements when we leave the EU. Why would those countries choose to give a better deal to the UK, which has a population of 65 million, than they give to the EU, which has a population of 500 million?

We will also be negotiating under time constraints, because we will be desperate to ensure we can export. We will have a time imperative that the EU did not have when it was negotiating its deals, so for us to get a good deal will be more difficult.

**Dr Daniel Poulter** (Central Suffolk and North Ipswich) (Cons): I voted the same way as the hon. Lady in the referendum, but I am sure she accepts that the EU sometimes made trade deals with Commonwealth countries on terms that were not always favourable to the United Kingdom, such as on the free movement of medical professionals. For example, medical professionals from Australia and New Zealand, nurses in particular, were prevented from coming to the UK by prohibitory EU rules on training requirements. There will be advantages to Britain being able to negotiate its own trade agreements with some countries.

**Kirsty Blackman**: I absolutely agree that some small areas for some industries in some sectors have been disadvantaged by some of those EU trade deals. Some companies talk about how disadvantaged they have been, such as Tate & Lyle because it imports cane sugar, but it is important to note that in any trade deal with another country we might still have to cede some of our sovereignty, because that is how trade deals work—we have to concede some things and to compromise when we make a trade deal. That is what such deals are about—to compromise—so we will lose some of the ability to make our own decisions, because it will be wrapped up in the trade deals.

I tried to intervene on the hon. Member for Henley (John Howell) to mention this, but I have a huge Nigerian population in my constituency because so many people have come to Aberdeen North to get involved in the oil and gas industry. If the Government are truly keen to create better links with such Commonwealth countries, however, they need to have better relationships now, because in 2015, the most recent year for which figures are available, the UK Government refused 33% of visitor visas from Nigeria. If the UK Government want better relationships, they need to up such numbers—they only approved 57% of visitor visa applications from Ghana and 50% from Pakistan. Members were talking about special Commonwealth lines at airports and so on, but we need to change the high levels of visitor visa refusals, which are continuing and getting worse, if we want to have a better relationship with those countries and eventually to make free trade agreements with them.

The other point about free trade agreements was mentioned by my hon. Friend the Member for Edinburgh North and Leith (Deidre Brock) and was in connection with the private Member’s Bill promoted by my hon. Friend the Member for Kirkcaldy and Cowdenbeath (Roger Mullin). The Double Taxation Treaties (Developing Countries) Bill sought to look at the tax treaties we have historically signed with countries to their disadvantage. A number of Commonwealth countries are affected. If we want to pave the way for smooth, positive trade deals, we need to look at the ways in which we have created disadvantage for those countries and generate some positive feeling would be for the UK Government to look at things such as tax treaties, because that would encourage those countries and increase the likelihood of a favourable trade deal.

The World Trade Organisation has requirements for what should be included in a free trade arrangement in order for it to be a free trade arrangement and not simply something that falls into the most favoured nation category. A free trade arrangement cannot be made for only one type of good or service—that is not acceptable to the WTO—but needs to be much wider. We will not easily be able to make agreements with New Zealand on lamb, for example, or on any such specific; we will need to make much more wide-ranging free trade agreements in order for them to be acceptable and not challenged in the WTO. Furthermore, the WTO is not dissimilar to the European Union in that, for schedules to be approved and so on, the WTO members need to agree them. The WTO road is not smooth, but bumpy, and a huge number of problems will be in our way, not least the cliff edge we are likely to fall off.

Finally, I want to talk about the historical links with the Commonwealth. For people my age or younger, in many ways our only link with the Commonwealth is the Commonwealth games. That is pretty much the only thing. I do not know whether this is generational, but some people believe that the empire was a sort of wonderful, historical panacea and an amazing relationship, but people of my age do not think that. We do not hark back to those days of empire; we look back to the subjugation that we—

**Sir Hugo Swire**: The hon. Lady must know enough to know that some countries in the Commonwealth were never part of the British empire.

**Kirsty Blackman**: That is the case, but most countries in the Commonwealth were.

**Sir Hugo Swire**: My point is that we will be trying to make trade deals with countries with which we have not necessarily had a positive relationship. Fair enough, we have the Queen as a figurehead, but that is not necessarily enough for us to give them a positive trade deal, or for them to give us one, and it is
not enough for the WTO to agree that we should give preferential agreements to each of those countries. The WTO will not agree to that unless we have given them to all countries.

3.55 pm

Barry Gardiner (Brent North) (Lab): Your firm guidance and chairmanship, Mr Davies, are always much appreciated by Members.

This has been an excellent debate. I pay tribute to my hon. Friend the Member for City of Durham (Dr Blackman-Woods) and to the hon. Member for North West Norfolk (Sir Henry Bellingham), both of whom spoke very powerfully about the importance of education and visas connected with education. I especially want to draw out the remarks of the hon. Member for Mole Valley (Sir Paul Beresford), who spoke with great knowledge and understanding of the dangers that exist for our farmers.

I pay tribute, too, to the hon. Member for Rossendale and Darwen (Jake Berry) for initiating the debate. I thought it could have been subtitled “The importance of old friends”, because long before the Common Market became a twinkle in Edward Heath’s eye we had the Commonwealth. At a time when we are loosening the bonds with our nearest friends after a 40-year partnership in the EU, we have come to realise the value of those old friends. We seek to strengthen our ties with India, Canada, New Zealand, Jamaica, Australia, Pakistan, Bangladesh, South Africa, Kenya, Nigeria and all 52 Commonwealth members.

Trade is one of the most effective means of creating shared prosperity and decent jobs. Opposition Members understand the power of fair and open trade. We share the dream of the vast majority of people around the world who want to see closer ties between countries. We want to build trade links, not protectionist walls. We are therefore emphatic in our support for promoting trade with the Commonwealth and in welcoming the Commonwealth Trade Ministers conference to London next month. In that regard, I pay tribute to the work of the right hon. Member for East Devon (Sir Hugo Swire).

Albert Owen in the Chair

It would be foolish, however, to think that we in the UK may simply pick up where we left off before we joined the EU. The world has changed, the power balance has changed and the nature of global trade has been transformed beyond recognition. Yesterday, His Excellency Y. K. Sinha, the new high commissioner for India in London, made that absolutely clear at a conference in East Anglia. He said that the key to a post-Brexit free trade agreement would be to resolve the issue of workers’ mobility—how familiar does that sound from our Brexit debate? He made it clear that, for India, it is essential to ensure that its financial services and IT professionals could come to and go from the UK freely. He said:

“For India mobility is key”

and went on to point out that a recent study suggested that a free trade agreement could increase UK-India trade by 25%—I use that figure, but it was the hon. Member for Rossendale and Darwen said 26%. That would boost UK exports by only 0.4% of total exports. The hon. Gentleman spoke of the “huge prize” that that would be, but let us be clear and do the maths: none of the UK’s top 10 export partners is a Commonwealth country. Indeed, in respect of those Commonwealth countries for which the Government have announced trade working groups and dialogues, the volume of exports from the UK is extremely low. India accounts for 1.7% of our exports, Australia 1.7%, Canada 1.2% and New Zealand approximately 0.2%. Let us add Singapore, given the Secretary of State’s recent visit—that accounts for an additional 1.2%.

Mr Vara: Will the hon. Gentleman give way?

Barry Gardiner: Because of the time, I will not.

The Conservative Free Enterprise Group think-tank identified those countries as the priority target for trade agreements. It also recognised that the 10 largest Commonwealth export markets for the UK account for no more than 8% of our total exports but almost three quarters of our exports to the Commonwealth. Clearly, any shift away from the EU would require a substantial uplift in our export growth to make up for the potential loss from the European Union.

It has properly been said that trade between Commonwealth countries is enhanced and facilitated by the context of shared languages, cultural familiarity and particularly common legal and regulatory frameworks. The various communities in the UK from Commonwealth countries, including those in my borough, Brent, are our very best trade advantage. It is estimated that the so-called Commonwealth effect reduces overhead costs for businesses trading between markets by up to 15%.

However, there has been a move to greater regional co-operation through formalised partnerships and institutions very like the European Union, and the increased regulatory harmonisation that goes with that, which has unlocked similar benefits for those Commonwealth countries. It can be no coincidence that the countries mentioned by the hon. Member for Rossendale and Darwen are all members of the Trans-Pacific Partnership agreement. That drive to regional partnerships is significant. We must consider that, although the United Kingdom has determined that it will withdraw from the EU, many Commonwealth countries seek precisely to strengthen their own participation in such regional agreements, and not to recreate the Commonwealth’s old links with the UK. Two Commonwealth countries—Malta and Cyprus—remain members of the EU and will find themselves similarly restricted from pursuing the trade agreements that the UK now seeks.

I will try to move to a close in the next couple of minutes, Mr Owen, as I was asked to. That means leaving out a great deal, but let me pick up one essential thing. By withdrawing from the European Union, we will lose the EU’s generalised system of preferences, which allows developing countries favourable market access through generous tariff reductions, which essentially remove tariffs on approximately two thirds of imports from those countries.

I want to ask the Minister about the GSP-plus enhanced preference scheme for countries that have ratified and implemented core international conventions relating to human and labour rights, the environment and good governance, and the “Everything but Arms” arrangement for least developed countries, which grants duty-free and quota-free access to all products from those countries.
except arms and ammunition. Will he give us a strong reassurance that, when the UK leaves the EU, those very poorest countries, many of which are Commonwealth countries, will not see their exports to the UK effectively fall off a cliff edge? Will he assure us that the Government will continue the generalised system of preferences arrangements after the UK leaves the EU?

Albert Owen (in the Chair): I call the Minister to respond to the debate and perhaps allow Mr Berry a minute at the end to wind up.

4.3 pm

The Minister for Trade and Investment (Greg Hands):

It is a great pleasure to serve under your chairmanship for the first time, Mr Owen. I congratulate my hon. Friend the Member for Rossendale and Darwen (Jake Berry) on securing this debate about our current and future trading relationships with the Commonwealth, which has truly been remarkable, uplifting and enormously encouraging. It is testimony to the popularity of the debate that I counted some 26 Back Benchers in the Chamber, most of whom stayed for the duration despite the Division. That shows the strength of interest in this subject.

In an uncertain and increasingly challenging world, the Commonwealth is more important than ever. It is an enormous market, but it is more than just a market. The Commonwealth charter has prosperity at its very centre. Members are “committed to an effective, equitable, rules-based multilateral trading system” and “the freest possible flow of multilateral trade”.

I will try in the limited time available to answer the many questions and points that were made, but I am happy to meet or write to Members if I miss anything. My hon. Friend made a strong and compelling speech and presented a comprehensive vision of our future trading relations with the Commonwealth. He began by referencing the Commonwealth Parliamentary Association, which was most appropriate here in the mother of Parliaments. We should recognise the importance of parliamentary diplomacy. Like many Members in the Chamber, I am a long-standing supporter of the Commonwealth Parliamentary Association. My hon. Friend mentioned the recent CPA conference. I went to a Commonwealth Parliamentary Association meeting in New Delhi in 2007, which was quite an experience, and have also participated in CPA visits to Nigeria, Sierra Leone and Sri Lanka.

My hon. Friend mentioned that we have stood shoulder to shoulder in conflict with the Commonwealth countries on our side. I am reminded whenever I go to a Commonwealth country that there are sometimes war memorials to our common endeavours in different conflicts in small and surprising places. I remember seeing a memorial in the town of Kumasi in Ghana to the important service of Ghanaian forces in the small and in many ways forgotten—it is probably not forgotten in Ghana—conflict with German-occupied Togo. That is not to mention the millions of people from Australia, New Zealand, Canada, India, Pakistan and other countries who have participated on our side in conflicts.

My hon. Friend mentioned the kind offers from New Zealand and other countries to help prepare our Department for negotiating free trade agreements. We took up New Zealand’s offer, and a senior official from New Zealand was seconded to the Department. I expect that we would look favourably on further such offers, including from Australia and Canada.

My hon. Friend mentioned that trade deals can take several years. That is not necessarily the case. He mentioned the Comprehensive Economic and Trade Agreement with Canada, which will take only 14 months to negotiate. This is not necessarily the model for where we go from here, but it indicates the potential speed of dates.

My hon. Friend also asked whether we should wait until 2019. I say to him clearly that we will not. We are already out there. We have working groups on trade with Australia, New Zealand and India. Notably, the Prime Minister made her first bilateral trade mission to a Commonwealth country—India. The Secretary of State and I accompanied her on that mission. We have also made ministerial visits to Australia, New Zealand, India, Singapore, Malaysia and so on. We have six Commonwealth trade envoys—one spoke in the debate and at least one other was present. My hon. Friend the Member for Gloucester (Richard Graham) rightly referred to the inaugural meeting of Commonwealth Trade Ministers.

The hon. Member for Rochdale (Simon Danczuk) made important points about the importance of human rights in trade talks. The UK has always been at the forefront of ensuring that important issues such as human rights, the environment and consumer protection are at the heart of such deals.

My right hon. Friend the Member for East Devon (Sir Hugo Swire) has in many ways been the very embodiment of the Commonwealth in Her Majesty’s Government for the last four years. He and I had several interactions during that time in all kinds of roles. He is quite right about the importance of the coming meeting of Commonwealth Trade Ministers. I expect that all four trade Ministers will play a role in support of the Secretary of State. No. 10 will come to a decision about the date and location of next year’s CHOGM in due course, but I am sure other Commonwealth leaders will be consulted. After all, we want them to come, so it stands to reason that we will check that date as far as we reasonably can to ensure that we maximise their attendance.

Businesses will of course be involved. At the very centre of trade is commerce and at the very centre of commerce is business and businesses. How they will be involved at CHOGM will be a matter for ongoing engagement. The Secretary of State and I meet businesses on a regular basis.

The hon. Member for Strangford (Jim Shannon) and my hon. Friend the Member for North West Cambridgeshire (Mr Vara) mentioned the importance of smaller countries. Some 50% of Commonwealth countries benefit from preferential access to the UK via the general scheme of preferences, economic partnership agreements, market access regulation and so on. That is an important part of it.

My hon. Friend also mentioned the Commonwealth immigration channel. I am keenly aware of a recent letter to the Home Secretary. I understand that a meeting with my hon. Friend the Immigration Minister is coming
up for the people who wrote that letter. Immigration queues are a matter for the Home Office, with input from the Foreign Office and the Department for International Trade. We in the Department for International Trade are always interested in how we can make business travel easier so that those people we depend on for the free flow of trade between the UK and other nations are not unfairly penalised when entering the country.

The hon. Member for West Aberdeenshire and Kincardine (Stuart Blair Donaldson) said that trade was good for Scotland, and I totally agree. That is exactly the point I was making earlier today in front of a Scottish Parliament Committee on the European Union. What I have to say to the Scottish National party is this: the most important market for Scottish exports is the rest of the United Kingdom. Some 64% of goods and services leaving Scotland go to the rest of the United Kingdom, compared with just 15% to the European Union. Moreover, the rate of growth in trade with the rest of the UK has been almost 10 times as fast as that with the European Union over the past nine years.

My hon. Friend the Member for Henley (John Howell), who is a trade envoy to Nigeria, made an important point about trade with Nigeria. Within that was an incredibly important point about the importance of the diasporas to trade. That is a key UK unique selling point in terms of our ability to trade with the Commonwealth, whether those are from Nigeria, India, Pakistan, Bangladesh, the Caribbean or so on.

The hon. Member for City of Durham (Dr Blackman-Woods) mentioned the importance of higher education—trade and business is incredibly dependent on access to the best talent—and of ensuring that universities are a key part of the UK offer in attracting foreign direct investment.

My hon. Friend the Member for Wimbledon (Stephen Hammond) talked about the importance of services. Some 80% of our economy is in services and we need to ensure that the UK is playing an active role in the Trade in Services Agreement, which we are.

My hon. Friend the Member for Mole Valley (Sir Paul Beresford) mentioned the importance of New Zealand. We have no better friend in the world when it comes to trade than New Zealand. I mentioned earlier the support it has been providing, and the recent visit of the New Zealand Trade Minister was a strong sign as well.

My hon. Friend the Member for North West Norfolk (Sir Henry Bellingham) is another person who has taken a strong interest in the Commonwealth in recent years as head of the all-party parliamentary group for the Commonwealth. I will take back his idea of a pre-meet with Commonwealth high commissioners in advance of the trade meeting and discuss that with the Secretary of State to see whether it is practical in the time available.

I did not get a chance to address the main issues, but hopefully I have got across the importance of the Commonwealth to the Government. In the limited time I have left, I do have to say to the official Opposition that they must sort themselves out. We heard from the right hon. Member for Warley (Mr Spellar) in an intervention. He has said that, if we cannot do a trade deal with Justin Trudeau-led Canada, with whom can we do one?

The incredible sight last week of the official Opposition and the nationalists on Monday deciding that they supported CETA, changing their minds on Tuesday and calling a deferred Division, and then on Wednesday voting against that very matter, was amazing to behold. I am sure that was noted widely not only in the European Union but in Canada and across the Commonwealth.

Albert Owen (in the Chair): Order. The Minister has taken his allocated time.

*Motion lapsed (Standing Order No. 10(6)).*
Lancashire County Council

4.14 pm

David Morris (Morecambe and Lunesdale) (Con): I beg to move,

That this House has considered local government funding and Lancashire County Council.

It is a pleasure to serve under your chairmanship, Mr Owen. I have called for this debate because I am concerned that Lancashire County Council has trouble in managing its budget. It talks about Government cuts as an excuse for any problem, and I do not have confidence that it understands how to manage a budget in its entirety. Its deputy leader, David Borrow, recently presented a no-change budget. He went on to say that the budget was “in the face of massive savings needed because of massive Whitehall grant cuts imposed by this Tory Government”, which was quite perplexing.

On the back of that statement, I looked up the answer to a question I had asked, which said that on 31 March 2016 the council had £716 million in reserves. Out of that £716 million, £314 million was not ring-fenced, while £402 million was. Figures are bandied about all over the place in the county council, the press and wherever. I am not bothered about that. What I am bothered about is trying to get to the bottom of what is allocated by central Government to the county council in its various forms.

The leader of Lancashire County Council, Jennifer Mein, said:

“These cuts in the Government grant are shocking...They are unprecedented.”

She also said:

“The county council faces the greatest financial challenge in its history, a challenge so great that within a couple of years we will not have the money to deliver the statutory services we must deliver by law.”

All of that focuses on only one area of Government funding. I might add, which is the revenue support grant. That grant is only part of what central Government gives to the county council. In 2016-17, Lancashire County Council received £118.8 million in revenue support grant—that was 7.1% of its actual spend. In 2017-18 it is due to receive £81.5 million, which on last year’s budget, without any savings, would be 4.8% of actual spend.

The revenue support grant is a small amount of the county council’s overall budget. Although it was acknowledged by all political parties after the financial downturn that savings needed to be made, that is not the reason for all the problems the council seems to have in balancing its books. Lancashire County Council’s political leadership seems to focus on the revenue support grant as if it were the only factor in the budget. In fact, in 2015-16 it received £1.1 billion in different Government grants, and only 14% of that was revenue support grant.

As I said, I called the debate to get to the bottom of how much funding Lancashire County Council is getting from central Government. I asked the House of Commons Library to compile a list of the different streams of funding given to Lancashire County Council. They are settlement funding grant; the new homes bonus; adult social care grant; transition grant; rural services delivery grant; the improved better care fund; learning disability and health reform funding; Care Act funding; local welfare provision; the early intervention fund; and lead local flood authorities funding. There are also ring-fenced grants such as the public health grant; the dedicated schools grant; housing benefit administration subsidy; and the former independent living fund grant. Figures show that for that last grant, Lancashire County Council received the largest grant of any council in the country in 2015-16—£4.8 million in nine months. In 2016-17 it is getting £6.07 million, in 2017-18 it will be £5.9 million, in 2018-19 it is projected to be £6.7 million and in 2019-20 it will be £5.5 million, which will still be the largest amount of any county council nationwide. The list continues: the council receives council tax support administration subsidy, as well as money from the highways maintenance fund and the potholes action fund, with funding to fill 23,415 potholes in this financial year and further funding to fill 32,415 potholes next financial year.

As Member of Parliament for Morecambe and Lunesdale, my main concern has been that the political leadership of the county council is failing my constituents. It seems that the leadership seek to hold back my constituency. They blame Government cuts, but they have consistently held back my plans for an enterprise zone—I know those zones may be phased out, but I am sure they will be replaced with some other kind of funding stream—and ensured, with their seats on the local enterprise partnership, that funding for my constituency was not applied for. I firmly believe that.

In response to that charge, Jennifer Mein said:

“I’m proud of our track record of promoting jobs and growth right across the county and particularly in the Lancaster & Morecambe area. I can think of several initiatives that the county council, the Lancashire Enterprise Zone and Lancaster City Council have worked jointly on: The delivery of the long-awaited Bay gateway which has opened huge opportunities for employment and business growth across the county.”

Incidentally, neither she nor the current Labour administration had anything to do with the bay gateway; I secured the funding and it was a Tory-led county council that enacted it.

Mrs Mein went on to wax lyrical about funding from the Government, which features no cuts at all and in most cases is awarded to stakeholders outside of the county council’s direct influence:

“Working with the University and the Enterprise Partnership, as well as the City Council, we have: assisted in bringing forward the Health Innovation Campus with an investment worth over £17m; Secured Garden Village status for South Lancaster...”

which is effectively a new town—

“(one of only 14 such designations in the country) with extra funding for infrastructure work at Junction 33—”

on the back of the new town—

“Seen investment of £2.5m in the Lancaster Teaching Hub of Cumbria University aimed at training new nurses and care workers; Facilitated £4m of commercial lending in support of the Luneside East development. Our Business Growth Hub, ‘Boost’, has worked with over 140 growing SME businesses in Lancaster over the past two years. This work looks to continue and grow following the County Council’s further investment of £3m to support the work of ‘Boost’.”

I am sure that is very welcome in those vicinities, but in response to my charge, she failed to list one project that the current administration has directly funded in Morecambe and Lunesdale. The link road was given the
green light before the local enterprise partnership—and that administration—came along, so I fail to see exactly what she claims has been done in my constituency.

Julie Cooper (Burnley) (Lab): On the hon. Gentleman’s comments about the failure of political leadership in Lancashire County Council, is he aware that the leader of the council, together with the deputy leader of the Conservative group and the leader of the Liberal Democrat group, all recently attended Parliament to meet Labour MPs? All were of one voice in speaking of the inadequate funding provided by the Government.

David Morris: I know that the leader of the county council also went to see the special advisers in the Department for Communities and Local Government. They told her categorically, if she needs more money or thinks the council will go bankrupt, to go and see the Secretary of State.

The politicisation of the LEP seems to be a huge problem in Lancashire. It is extremely rare to have county council officers also officiating over the LEP. The LEP’s agenda seems to be the same as the county council’s, meaning that the growth deal funding is used in Preston and is Preston-centric. Lancashire County Council also prioritises Blackpool, presumably because of the combined authority proposals. The LEP currently presides over £1 billion of funding, of which not one penny has been scheduled to be spent in Morecambe and Lunesdale.

The county council commissioned a £7 million-plus report from PricewaterhouseCoopers, which stated that, if the council does nothing, it will go bankrupt and the Government will need to take over statutory services—that is what I was alluding to in my answer to the hon. Lady’s question. That money was wasted on a report that told the council that it needs to take action to manage its budget, with PwC also asking what services could have been protected for that money. The report into statutory services cost £1 million alone, and the social care report cost £6.6 million. That money was spent to find out how to save £36 million, but the report’s proposals are the same as what is happening in the “Better Care Together” strategy that is already being piloted in Lancashire.

Will the Minister tell me the full breakdown of each grant given to Lancashire County Council by central Government over the past four years? Will he assure me that the Department will investigate Lancashire County Council, to ensure that money is being spent appropriately and not on vanity projects while services are being cut? Will he also reassure me that political neutrality is being adhered to on the LEP, and that the political leadership of the county council does not have undue influence over the running of the LEP by county council officers who are effectively dual-jobbing?

Finally, I would love the Minister to assure me that any changes announced within the last hour by the Secretary of State for Communities and Local Government, either to devolve further spending and revenue responsibilities or to form a combined authority, are heavily scrutinised and are given the green light only once Lancashire County Council can prove that it can manage its budget.
Albert Owen (in the Chair): Order. I am sure the hon. Gentleman is coming to the end of his contribution.

Mr Hendrick: Yes. I will be 30 seconds.

The hon. Gentleman talked about funding being Preston-centric. He has not accepted invitations to county hall or Westminster to talk about these issues with other MPs from Lancashire. If he looks at the reports from the LEP, he will see that many of those projects are spread throughout Lancashire and are not focused particularly on Preston.

4.30 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Andrew Percy): It is a pleasure to serve under your chairmanship, Mr Owen. I congratulate my hon. Friend the Member for Morecambe and Lunesdale (David Morris) on securing this important debate. He is a doughty champion for Morecambe and Lunesdale, with a record of delivering for his constituency on a whole range of issues and helping to secure funding for it. This afternoon he is, again, battling away for his constituents and, indeed, for Lancashire.

Only this morning, I was in what I consider Lancashire—albeit Manchester now, which has been slightly carved out. This is an area of the country I take some interest in, given my direct role through the northern powerhouse portfolio. I apologise on behalf of the Under-Secretary of State for Communities and Local Government, my hon. Friend the Member for Nuneaton (Mr Jones), that because of what is going on in the main Chamber, he is not able to respond to this debate.

We should start any debate on local government finance by being honest about what we, as politicians and political parties, went into the last election promising. I am not so sure about the manifesto policies of the Labour and Conservative manifestos both included a commitment to no extra funding on top of that which is available to local government if there were a change of Government.

We have recognised, as both my hon. Friend the Member for Morecambe and Lunesdale and the hon. Member for Preston highlighted, that social care pressures for councils are very significant at the moment, as our population ages and as, I am afraid to say, we reap the failure of Governments of both colours years ago to properly plan for demographic shifts. However, we have enabled local authorities to access up to £7.6 billion in dedicated social care funding over this spending review period.

I shall now look specifically at Lancashire County Council over the course of this Parliament. Its core spending power is set to increase from £730 million in 2015-16 to £751 million in 2019-20. Unfortunately, the figure for 2019-20 is indicative. The staff who work at Lancashire County Council, as is true of council staff across the country, are dedicated to delivering local services, so this is not a criticism of them. However, the council is sadly among the 3% of local authorities that have not signed up to the long-term funding settlement, so that is an indicative figure. I am disappointed that Lancashire has not accepted our multi-year offer.

The majority of Lancashire County Council’s core spending power is raised locally, as my hon. Friend pointed out. In 2016-17, £402 million will be raised in council tax, and £7.9 million in the adult social care precept; so £410 million of spending for Lancashire County Council is raised locally, and £118 million is provided through the revenue support grant, which, to be perfectly honest, reduces over time, as Members know. We all are committed to local government playing its part as we try to deal with the deficit we inherited.

We accept the particular issues with the changes that the hon. Member for Preston highlighted, which is why we are providing £1.1 million of transition funding this year to Lancashire and will provide £1.2 million in 2017-18. Last month we introduced the Local Government Finance Bill, which will mean that by the end of this Parliament, local authorities will retain 100% of local business rates to spend on services. That move towards self-sufficiency is one that I strongly supported, as a former local councillor for 10 years, and that local government generally has been an advocate of.

As I said, Lancashire County Council is receiving £1.1 million in transition funding this year. That will ease the change between those two systems for Lancashire. The fair funding review, which we heard a lot about in the statement this afternoon, will also establish what the relative needs assessment formula should be in a world in which local government spending is funded mainly by local resources and not central Government grants.
It is nearly 10 years since the current local government funding formulae were looked at thoroughly. Demographic pressures, which we also heard a lot about in the main Chamber this afternoon, such as the growth of the elderly population, may have affected areas in different ways. It is appropriate that we have this review.

I know that one of the pressures in Lancashire, as in many parts of the country, relates to social care. Earlier today, we confirmed the new adult social care precept flexibilities and the introduction of the adult social care support grant, which will enable Lancashire County Council to access an additional £9.7 million in funding for adult social care in 2017-18 alone. That is an ability to bring forward the precept increases. It is 3%, 3% and then zero. Unfortunately it is sometimes presented as though in the final year there will be no increase. That, of course, is built into local funding in the council tax base. That is real money, realised in every single one of those years, and bringing it forward lever in nationally nearly £1 billion extra.

I am aware of the independent statutory services budget review by PwC that took place in September last year in respect of Lancashire’s budget to deliver statutory services. As was mentioned, the council met officials in my Department in October last year following the review to discuss the findings. However, it is the responsibility of elected members and officers of the council in Lancashire to find solutions to address the challenges it faces. Similar changes are faced by other councils, which are responding appropriately. In so doing, they can make use of the sector-led support from the Local Government Association, which is funded by this Government.

We expect local authorities to act in an open and transparent way about their service provision and spending locally. It is important that local councils are honest with their constituents. In many of these debates, including in my own area, it is almost as if the entirety of local government spending is what the Government provide to it. When cuts of 20%, 30% or 40% are referenced, it is in a deliberate way to lead people to conclude that the council’s finances are being cut by 20%, 30% or 40%. That is simply not the case. We must all be honest; we all have a responsibility to be honest with our constituents about that. In relation to particular challenges in Lancashire, I urge the council to consider all options to drive forward public service reform and achieve appropriate efficiency savings.

My hon. Friend the Member for Morecambe and Lunesdale also talked about other funding that we have put into the area. It is important to reference that in this debate, because although we can look at the revenue support grant and the changes to it, we must also look at the other Government support. Just this morning I was pleased to launch the northern powerhouse investment fund, which will provide £400 million of lending and debt financing and equity to small and medium-sized enterprises across the north. That is Government funding and funding from other partners as well. It will enable businesses in Lancashire to grow and expand, and of course there will be a knock-on effect on local government finance as a result of that growth.

I hear my hon. Friend’s concerns about the local enterprise partnership and the distribution of some of the projects. He will forgive me if I cannot intrude too much on local grief; it is not for me to dictate to the LEP where the project priorities should be. All I will say is that it is important that the LEP is cognisant of the fact that it represents the whole of its geography and that the funds and projects that it puts forward should be for the benefit of all. Within the £70 million of local growth funding just for Lancashire that we announced just a few weeks ago—I remind hon. Members that that was from a £556 million pot for the north of England; the biggest share of the budget for the whole of England came to the north—there were some projects that will benefit Lancashire on a county-wide basis.

It is not unusual for LEPs to have people who are double-hatting, as my hon. Friend said, in terms of being from local authorities in the area. That is normal and appropriate so long as they always remember that their responsibility is to the whole of the geography of the LEP area.

My hon. Friend referred to the work of the LEP. Through the growth programme, it has been able to invest nearly £1 billion of public investment. The LEP has also established, with the support of the Government, one of the largest enterprise zone programmes in the northern powerhouse, with four EZ sites at Samlesbury, Warton, Blackpool airport, which I visited recently, and Hillhouse. Again, we are talking about significant Government commitments. Those zones come with big incentives for local businesses in Lancashire. Again, all of that helps to create jobs and wealth and to generate tax revenues for the local area.

I was pleased to visit only two weeks ago Lomeshaye industrial estate in Pendle, which my hon. Friend the Member for Pendle (Andrew Stephenson) advocated and lobbied for. That will receive £4 million from the Government to expand and create up to 1,000 jobs. Again, there is an absolute Government commitment to Lancashire in the form of that growth deal.

The Preston, South Ribble and Lancashire city deal is delivering an infrastructure delivery and investment programme worth over £430 million, which will expand transport infrastructure in Preston and South Ribble, create 20,000 new jobs and generate the development of more than 17,000 new homes. It is anticipated that that will leverage in £2.3 billion in new private investment.

The LEP has commercially invested its £20 million Growing Places fund in eight major developments across Lancashire. I cannot comment on the locations of those; that is of course a matter for the LEP. The LEP has also supported the development of four regional growth fund business growth programmes, valued at £40 million. It has an important role to play, but, as I said, must always be cognisant of the geographical challenges and demands of the area.

I will also just say, in terms of another Government commitment—

Albert Owen (in the Chair): Order. The Minister will have to save that for another time.

Motion lapsed (Standing Order No. 10(6)).
Cerberus Capital Management: Purchase of Distressed Assets

4.44 pm

George Kerevan (East Lothian) (SNP): It is a pleasure to speak under your chairmanship again, Mr Owen. This is a very complex issue. I shall try to cover it as briefly—

Albert Owen (in the Chair): Order. The hon. Gentleman needs to move the motion.

George Kerevan: Indeed. I shall move the motion that we are to consider—actually, I do not have the official piece of paper with me; forgive me, Mr Owen.

As I said, this is a very complex issue. I want to be as fair as possible to everyone, including Cerberus itself. I will take interventions, but I ask hon. Members to delay as rapidly as possible, the—

Albert Owen (in the Chair): Order. Will the hon. Gentleman take his seat? I want to start doing this properly; we have already had two debates in which the Member did not move the motion. If the hon. Gentleman just reads from the Order Paper, his motion will be in order.

George Kerevan: I beg to move,

That this House has considered the purchase of distressed assets by Cerberus Capital Management.

Cerberus Capital Management is an American private equity firm that specialises in distressed investing—purchasing so-called distressed or non-performing loans. Few people in the UK have heard of Cerberus, but it is the biggest purchaser of distressed assets in the world. Since 2010, Cerberus has acquired more than 1.2 million distressed or non-performing loans, worth more than $80 billion. Simply put, Cerberus is the world’s largest debt collector.

Let me begin by saying that so-called distressed loans are often anything but. Since the banking crisis of 2008, we have seen a sorry catalogue of thousands of instances in which banks have forced legitimate borrowers into distress or even insolvency through no fault of their own. The so-called distress that we are discussing is largely manufactured. That has come about for a variety of reasons: interest rate swap mis-selling, the infamous Royal Bank of Scotland global restructuring group’s loan book. As a result, thousands of legitimate customers find themselves being sold on to firms such as Cerberus, at which point there are no guarantees about the behaviour of those companies and how customers will be treated.

Corri Wilson (Ayr, Carrick and Cumnock) (SNP): Will my hon. Friend give way?

George Kerevan: If my hon. Friend will forgive me, I will not, because I need to develop my case a little so that the Minister knows where I am going.

Cerberus has taken advantage of the situation. It is now the biggest purchaser of distressed real estate debt in Europe. It has acquired loans from such banks as Santander, RBS, Clydesdale, Yorkshire, Lloyds and banks in Italy and Scandinavia. It purchased £13.3 billion-worth of Northern Rock mortgages in 2015. Cerberus has also—we may come to this, and I will treat it in a very gentle fashion—purchased the Northern Ireland loan book of the National Asset Management Agency, which was set up by the Irish Government to dispose of property loans inherited from failed banks. We know that that is subject to serious fraud inquiry, and I will be very careful not to step into those legal areas.

The key question is how Cerberus makes its money. It claims to make a return for its investors in the range of 17% to 20% per annum, which is a staggering amount. The key way it makes its money is through tax avoidance. That is perfectly legal, but hardly the business model that the Treasury should be encouraging.

Cerberus manages distressed debt bought in the UK and Europe through a multiplicity of shell companies based largely in the Irish Republic. Those entities usually have the word “Promontoria” in their titles. They are, in turn, subsidiaries of other Cerberus Group companies registered in the Netherlands. Essentially, the Dutch companies lend money to their Irish subsidiaries at high interest rates to effect the asset purchases. That ensures that most of the cash generated from the purchased loans, or from liquidating distressed assets, flows back to the Netherlands in the form of transfer payments.

According to an investigation by The Irish Times, six key Cerberus Promontoria holding companies in Ireland collectively paid a miserly €15,500 in tax in 2015.

The tax avoidance scheme means that Cerberus can offload the risk of purchasing so-called distressed loans. With the bulk of the financial risk removed, the true surplus profit for Cerberus comes from squeezing the distressed assets. That explains why Cerberus has been prepared to outbid rival US equity firms to acquire

Jim Shannon (Strangford) (DUP): I thank the hon. Gentleman for bringing this matter to Westminster Hall for consideration. In the light of what he has said, does he agree that although the mortgages and loans currently owned by entities licensed by the Financial Conduct Authority, they, like any UK mortgage, could be sold in the future to an entity that is not regulated, meaning that customers would need to seek redress under the Consumer Rights Act 2015? Does he agree that the Government must consider additional protection for people whose lives have been turned upside down since the collapse of the Northern Rock bank?

George Kerevan: I agree, and the hon. Gentleman gets to the heart of the issue that we want to bring before Treasury Ministers, which is that even when loans were initially regulated, they can be sold on to unregulated parties, such as Cerberus, at which point there are no guarantees about the behaviour of those companies and how customers will be treated.
swathes of European distressed debt. My question to the Minister, and my key point, is this: has the Treasury made any calculation of the tax loss to the UK of the purchase by Cerberus of British so-called distressed assets, mortgages and properties? In particular, what corporation tax has Cerberus paid on the loan book purchased from United Kingdom Financial Investments Ltd in 2015—the Northern Rock portfolio?

Corri Wilson: Does my hon. Friend agree that trying to get answers from Cerberus Capital Management on this issue is like drawing blood from a stone? Attempts to communicate with it, by both myself and my constituents, have been impacted, have proven entirely fruitless, and calls for a meeting have fallen on deaf ears.

George Kerevan: My hon. Friend reveals something that many other Members, and people in other jurisdictions, have discovered: the company is unwilling to engage publically and is known to be highly secretive in its operations.

I want to continue on the issue of how Cerberus makes its cash. Cerberus is not a bank. Its business is not to make loans and earn interest. It is an investment fund that seeks a capital return, and that means it has to extract more value from the loan book than it paid to acquire it. Cerberus appoints local agents to review the loan books that it purchases, and it either squeezes more revenue by increasing lending rates or puts the client into liquidation in order to realise the value of the property.

Of course, it is theoretically open for SME clients to pay off their loan by refinancing with another lender. The problem is that Cerberus and its agents have no interest in letting that happen unless they can extract facility fees, which make such a transfer prohibitively expensive in most cases. Such fees often represent a significant percentage of the overall size of the original loan. For instance, the support group working with clients caught in the mis-selling of interest rate swaps by the Clydesdale and Yorkshire banks—clients transferred to Cerberus without their consent—reports that in many cases Cerberus or its agents refuse to accept full repayment of the loans. Instead they insist on adding backdated default interest and break clause costs, which were the subject of the original mis-selling.

I will now turn briefly, if you will indulge me, Mr Owen, to events in Northern Ireland. Again, I refer to the sale by NAMA—the Northern Ireland toxic bank agency—of property loans in the north of Ireland. That is subject to criminal investigation, and I will not go there, but I want to give some of the timings and the background of what happened.

The original bidder for the NAMA assets in Northern Ireland was a company called PIMCO, which is a California-based global investment company. PIMCO withdrew from that sale when it became aware of a £15 million private fee arrangement involving PIMCO’s US lawyers, Brown Rudnick, and two Irish individuals close to NAMA. After PIMCO withdrew, Cerberus had an unsolicited approach by agents acting on behalf of NAMA itself on 6 February 2014. Barely a week later, on 14 February 2014, Cerberus asked to be, and was, admitted to the bidding process for the NAMA loan book.

Cerberus submitted a bid of £1.24 billion on 1 April 2014, a scant six weeks after entering the bidding process. The Cerberus bid was accepted on 3 April. Altogether, that is a breathtaking pace for a purchase of that magnitude—from entering into discussions on 6 February to the winning bid on 3 April.

We should note that at that point Cerberus had no investment history in Ireland, north or south. So why did the company feel confident enough to make such a large purchase—£1.24 billion in six weeks? Why was Cerberus willing to pay so much? As it admitted to the Irish Parliament, it was to gain detailed knowledge of the debts it was buying. However, NAMA had specifically banned prospective buyers from engaging directly with debtors or key stakeholders. Irish Deputies have accused Cerberus of paying Brown Rudnick so much—£15 million for one week’s work—precisely to obtain knowledge of debtors that it would not have been able to acquire through the formal bid process. Cerberus denies that—I put that on the record—but I leave it to others to assess why the company paid Brown Rudnick so much money for such a short amount of work.

That brings me to my next line of questioning to the Minister. Will he agree to conduct an inquiry into the NAMA sale of its assets in Northern Ireland once the legal proceedings have run their course? That way the issue can be aired, and if there was wrongdoing it can be found out, but if there was not everyone can be cleared. I make no allegations of illegality against Cerberus, but I do criticise its business methods and its growing stranglehold over so-called distressed assets in the UK and Europe. Its business model is bad for small companies and bad for the UK economy. In that context, I have a final question for the Minister: is there any substance to the persistent rumours that Cerberus has approached the Treasury with a view to buying debt from Her Majesty’s Revenue and Customs?

4.57 pm

Sammy Wilson (East Antrim) (DUP): It is a joy to serve under your chairmanship, Mr Owen. May I first of all apologise for the earlier interruption as a result of my phone going off? I congratulate the hon. Member for East Lothian (George Kerevan) on securing this debate. The issue of how Cerberus has dealt with the distressed loan books that it has purchased and the impact that has had on individual businesses is of great importance in Northern Ireland.

I say at the outset that I do not want to deal with the issues raised by the hon. Gentleman at the end of his speech about the sale of the NAMA assets to Cerberus, other than to say this: there was an acknowledgment at that time in Northern Ireland that NAMA had taken £4.7 billion of loans in Northern Ireland under its auspices for a number of years and had been in charge of those loans, but that there were flaws in how it was dealing with the loans. It was felt that there were very
good reasons for getting away from a Government- 
controlled agency, which had difficulties making decisions 
because of the political connotations and political 
constraints, and that it was better that those loans were 
moved from NAMA to another body.

Indeed, there was support for that in Northern Ireland. It 
was seen as a way of freeing up the market. Having 
taken the loans on and written them down, and with the 
Irish taxpayer having been responsible for the costs of the 
write-down of many of them, it was a difficult 
decision for NAMA to make and for the Irish Government 
to allow. They tried to get the market moving again, and 
allow those people who had borrowed money and defaulted 
on loans some liberty—they wanted to get equity or 
money back into the market, and allow people to develop 
assets and perhaps make money from them. It was 
therefore felt that moving the assets to a separate body 
would be better. That is the background to the sale of 
the assets, for which Cerberus was eventually the successful 
bidder.

At that stage Cerberus made a number of promises, 
which it conveyed to the Northern Ireland Executive. 
First and significantly, it said that it would adopt a 
long-term strategy and was not involved simply to make 
money quickly by moving in, closing down the businesses , 
selling off their assets and leaving. Many of the businesses 
were viable in their own right but had moved into the 
property market during the property boom and found that 
their core business was affected by the loans they 
had taken on for property. Cerberus made it clear that it 
would adopt a long-term strategy and look for assets 
that could grow in capital terms over a longer period 
and that had an income stream. It indicated that it 
would be prepared to make money available because it 
had funds not only to purchase the assets, but to lend to 
owners of the assets when it was felt that there was 
potential to enable them to develop and grow, and pay 
back the loans.

Secondly, Cerberus made it clear that there would be 
no fixed period and that it was not looking at a time 
horizon. Again, that provided assurance for many 
businesses.

Thirdly, Cerberus said that it would use local staff, 
and that it would employ people who understood the 
market and the businesses. Significantly, I remember 
dealing with one case that perhaps shows how Cerberus 
were much more aggressive. An individual faced a staff 
member that Cerberus had employed from the bank 
that he had previously banked with and which held his 
loan. That same person was demanding far harsher 
terms from him when working for Cerberus than they 
had offered as a bank employee when the loan rested 
with that bank. That shows what happened, despite the 
promises that were made. By the way, the banks were 
not easy on their customers, and yet the same employee, 
when operating for a different firm, was much more 
aggressive and hard-headed.

Fourthly and very importantly, Cerberus indicated 
that—I do not know whether this is true of the loan 
books that were purchased from other banks—it does 
not pay and build into the value of any loans that it 
purchases the value of personal guarantees. Cerberus 
made much of that, saying that, as no value was 
attached to the personal guarantees, it would be easy to 
exempt people from personal guarantees. Very often, 
the personal guarantees prevented businesses from being

able to borrow, and to try and develop an asset, because 
they always had the value of the personal guarantee 
hanging over them.

Fifthly, Cerberus said there would be a presumption 
in favour of the incumbent—in other words, where 
possible, it would try to work with the people who held 
the loans. That made good sense. They knew the assets 
and were probably already involved in the business, so 
they would be easier to work with.

Lastly, Cerberus indicated that it would find ways of 
trying to liquidate the companies through equity finance 
and loans, and in other cases by writing down debts.

As I am sure Members have found time and again, 
Cerberus claimed that it wanted to work with individuals 
and to have a consensual approach with the people who 
held the loans. That has not been the experience, although 
in some cases, businesses will testify that it worked. I 
can think of large businesses in Northern Ireland that 
were able to do deals, but by and large, the approach has 
been aggressive—aggressive to the point of incompetence, 
in fact, as one financial adviser put it to me. Sometimes 
there was a deal to be done, but when those working on 
behalf of Cerberus saw a chink of light and that a 
business was able to pay, they went even further and 
pushed harder until they pushed them to the brink. In 
one case when they were on the brink of a deal, some of 
the assets that were part of the deal were sold, which 
brought the deal down. There was aggression to the 
point of incompetence. It might be argued that what 
happened was good for Cerberus. In some cases it 
might not have been, but importantly, it was often not 
good for the businesses. Viable businesses were put to 
the wall. In some cases, when they did survive, individuals 
and business owners were driven almost to distraction 
and had health issues.

Another difficulty was reaching an agreement—I think 
of what an individual I dealt with said. Cerberus would 
only speak to businesses when it wanted to speak to 
them, and businesses wanting to try to move on often 
found that they were hitting a blank wall—so much for 
the consensual approach. Even when that did happen, 
trying to get information about what a deal would look 
like was very difficult. Rather than trying to help businesses, 
the approach has almost been more about staring them 
out, and businesses have been adversely affected.

In most cases—financial advisers tell me this—despite 
the fact that no timescale was set, Cerberus is loth to do 
deals beyond two years. A two-year horizon is much too 
short for businesses when there have been large debts 
and a big fall in the assets, and when they have been 
relaying on building up an income stream and looking 
for capital increases in the value of assets as the economy 
picks up. That has forced many businesses simply to say, 
“Look, we can’t continue. We will have to accept bankruptcy 
or constrain ourselves much more than we had anticipated.”

This is the important point: there is very little if any 
sight of this area and no regulation, yet it has a huge 
impact on our economy. Businesses that employ 
people, pay tax to the Treasury and provide local services 
are put in jeopardy as a result of loans that can be easily 
transferred from one financial institution to these 
companies. There is little or no regulation and the 
people who originally took out the loans have no say. 
The terms of those loans can then be changed at the whim 
of the business that has taken over. I do not believe that 
that is good for the economy. Some strengthening of the
[Sammy Wilson]

regulations and oversight of the businesses is needed. There also needs to be protection for those who have taken out loans in the first place on certain terms, so they cannot have those loans changed.

Finally, the Treasury needs to look at a point that was well made by the hon. Member for East Lothian: as a result of transfer pricing, the local subsidiary is given loans at high rates of interest to purchase the assets, which keeps its profits down in the United Kingdom, thus avoiding taxes. I would be interested to hear the Minister’s response on the levels of corporation tax paid by businesses such as Cerberus.

Roger Mullin (Kirkcaldy and Cowdenbeath) (SNP) rose—

Albert Owen (in the Chair): Order. While Mr Mullin takes his seat on the Front Bench, let me say that the debate will finish at 5.44 pm, so Members have plenty of time, but they should leave at least 10 minutes for the Minister to respond to the debate and two minutes for Mr Kerevan to wind up.

5.10 pm

Roger Mullin (Kirkcaldy and Cowdenbeath) (SNP): It is a pleasure to serve under your chairmanship once again, Mr Owen. Thank you for inviting me to take my seat on the Front Bench.

We all owe a great debt to my hon. Friend the Member for East Lothian (George Kerevan) for securing this debate, especially the companies that have been driven to the wall or destroyed by the actions of Cerberus. I know that some of those companies are represented in the Public Gallery today: I hope they find that we have done justice to their cause. My hon. Friend certainly has.

Patrick Grady (Glasgow North) (SNP): I have a constituent who was affected by the behaviour of the Royal Bank of Scotland’s global restructuring group. Does my hon. Friend the Member for East Lothian (George Kerevan) outline, when it sought to buy assets in Northern Ireland and was only too happy to make promises such as adopting a long-term strategy—that would be a novel thing for it to do.

Roger Mullin: I agree wholeheartedly. Indeed, in a debate on a related issue last week, I raised the fact that many people and small businesses will find it extraordinary that banks such as RBS have no duty of care towards the customers they deal directly with. Given all the tales of misery caused either by the banks directly or by Cerberus, surely we can expect the Government to be concerned about the effect on the good people who have suffered at its hands. In my constituency, a perfectly good trading company of many years’ standing was completely destroyed by the actions of Cerberus, in a similar way to another company mentioned earlier. It was willing to repay the loan, but the additional fees that it was stuck with and the way in which Cerberus operated drove it to bankruptcy. I will not name the company, because like other hon. Members I do not want to embarrass anyone who may be listening, but I am genuinely concerned about the health of the family who were treated in that way.

Let me comment on some points made by other hon. Members. My hon. Friend the Member for Ayr, Carrick and Cumnock (Corri Wilson) said in an intervention how difficult it has been to get a conversation between Cerberus and those affected by its actions. It seems that it is unwilling to speak except in the remarkable case that the hon. Member for East Antrim (Sammy Wilson) mentioned, when it sought to buy assets in Northern Ireland and was only too happy to make promises such as adopting a long-term strategy—that would be a novel thing for it to do.

Sammy Wilson: The hon. Gentleman makes a point about banks’ duty of care and their improper behaviour. The coalition Government commissioned a review into that matter, but it has never been published. One wonders why its contents have not been made open for debate so that we can see the banks’ practices.

Roger Mullin: I agree entirely. Perhaps the Minister will give a more detailed response to that point than I can, because it dumbfounds me that such secrecy has surrounded so much of this.

Yesterday I spoke on the Criminal Finances Bill, so I feel particularly at ease speaking about this matter a day later. As we have heard from a number of Members, much of what has happened has involved what ordinary members of the public would call criminal activity. Indeed, some legal actions are under way; obviously I cannot speak about them in detail, but the fact that they are being pursued speaks for itself. I am not sure what the correct term is, but if there were ever an example of a company that operates to standards that are the very reverse—[Interruption.]

Albert Owen (in the Chair): Order. The Minister and his Parliamentary Private Secretary may pass notes to each other but not speak. There should be only one speaker at a time.

Roger Mullin: If the messages that are being passed are going to answer some of my questions, I will not object too severely.

As I was saying, Cerberus is an example of a company that operates to standards that are the very reverse of a duty of care towards small businesses in our country. Surely we can expect the Government to be concerned about the effect on the good people who have suffered at its hands. In my constituency, a perfectly good trading company of many years’ standing was completely destroyed by the actions of Cerberus, in a similar way to another company mentioned earlier. It was willing to repay the loan, but the additional fees that it was stuck with and the way in which Cerberus operated drove it to bankruptcy. I will not name the company, because like other hon. Members I do not want to embarrass anyone who may be listening, but I am genuinely concerned about the health of the family who were treated in that way.

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George Kerevan: On the subject of secrecy and Cerberus, is my hon. Friend aware that Stephen Feinberg, Cerberus’s founder, is the leading candidate to undertake the review of the American secret service under Donald Trump?

Roger Mullin: Yes, I am aware of that. One can be fairly confident that that review of the secret service will itself be done in the greatest of secrecy.

I was also taken by some of Cerberus’s other promises that the hon. Member for East Antrim mentioned, such as making a presumption in favour of the incumbent and not squeezing value out of assets. It would appear that Cerberus has decided to act in a way that is precisely the reverse of its public promises.
I must pay yet more tribute to my hon. Friend the Member for East Lothian for the clear way in which he set out one or two facts that I hope the Minister will respond to, particularly the manufacturing of distress by the operation of such institutions and the movement from regulated to unregulated markets.

Cerberus proudly proclaims that it can make profits of 17% to 20% out of the tax avoidance schemes that it engages in, extracting value by moving between the UK, Ireland and the Netherlands. It is therefore not only small and medium-sized enterprises that are victims of the way in which Cerberus is operating, but the Treasury as well. I particularly look forward to the answer that the Minister must surely give to the question that my hon. Friend asked in his opening remarks: what has the loss been to the taxpayer in the UK from the actions of Cerberus? Everyone deserves to receive an answer to that this afternoon.

5.19 pm

Peter Dowd (Bootle) (Lab): It is, as ever, a pleasure to serve under your stewardship, Mr Owen.

Hon. Members have already made excellent points in the debate, particularly the hon. Member for East Lothian (George Kerevan), who I know has been interested in this matter for some time and has a great deal of knowledge of it. I appreciate that he has enabled us to have the opportunity to consider this matter and that he has shared his thoughtful views, which were, as always, penetrating.

This matter has its origins in the financial crisis. I do not want to regurgitate the debate about the origin of that crisis, but increasingly it is apparent that it is not simply about the claims, for example, that the last Labour Government “maxed out” on the country’s credit card—a hackneyed claim, if ever there was one, and one that does not go to the heart of why this situation has occurred.

The 2008 crisis almost brought down the world’s financial system; it took huge taxpayer-financed bail-outs to shore up the industry. In that regard—this relates to the last point that the hon. Member for Kirkcaldy and Cowdenbeath (Roger Mullin), the Scottish National party spokesman, made—it is important that taxpayers get value for money when assets are sold. The process must be as open and transparent as possible, and it must stand up to scrutiny at the time and thereafter, especially when public services across the board are under such strain. The Government ought not to sell on assets when the people at the other end of the process are going to be treated unfairly and unjustly at some point. That is not acceptable. As has been said, the Government have a duty of care.

I will concentrate my comments today on the here and now, as other Members have covered the pertinent background and context of this matter, for which I am grateful. I will not repeat what they have said, other than to say that issues about on-selling, the plight of customers, business models, tax avoidance, the cost to the taxpayer, the regulatory issues and—fundamentally—the duty of care to people and businesses have gone completely around and around in a circle, and no one can break it.

The Government’s response to the Public Accounts Committee’s 24th report of this Parliament was sandwiched in between the PAC’s reports on “Universal Credit and fraud and error”, and the “UnitingCare Partnership contract”, and those reports do not exactly show Government management in those policy areas to be particularly competent either. I believe that the PAC’s report on this matter is a good place to start, as it is the current Government who made the decision to dispose of this £13.5 billion of mortgages and loans to Cerberus.

As you know, Mr Owen, in Greek mythology Cerberus was the three-headed “hound of Hades” who guarded the doors of hell, to stop the dead from leaving and the living from getting in. That is a metaphor for this organisation; it stops people from leaving. It gets them by the throat and they are trapped forever, and that is not acceptable. I am not sure what to make of that name for a company, but it is well worth leaving that in the air for people to ponder on for a moment.

As hon. Members will be aware, we have been led to understand that the sale of these assets represented the Government’s largest ever financial asset sale, and we have been told that it was “value for money”. I would expect the Government to claim nothing less, so there is no surprise in their making that statement. However, it prompts the question: what evidence have the Government given to support that assessment? The answer is, “Very little”.

If the Government’s claims stack up, why are they so reluctant to accept certain recommendations set out in that PAC report, not least those on the issue of transparency? Why have the Government rejected the recommendations regarding the setting up of an independent panel of valuation experts for all major sales, to review and challenge valuations in advance of all large asset sales and the reliability of the organisations that those assets are going to? If that had been done in this instance, we might not be in this situation. Surely such an evaluation would vindicate the Government’s position that what they did was correct, above board and transparent, and that no one is any worse off for the decision they took. However, that has not happened.

Similarly, the Opposition find it difficult to understand why, if the Government are committed to tackling tax avoidance and evasion, they rejected the PAC’s recommendations that Government Departments should be required “as far as possible” to discount gains from tax avoidance that may be factored into bids, and that the Treasury should produce unambiguous guidance, for both selling Departments and potential bidders, on how tax will be taken into consideration as part of a sale or a contract award. The Government have done nothing about those recommendations either, and their answer to the PAC’s report is incredibly vague. It goes around and around in a circle, and no one can break into it.

Nevertheless, the Government are proud of their enormous financial asset sale, claiming, as I have said, that it was a good deal for the taxpayer. I am not convinced about that, and it certainly was not a good deal for the end users who were on the receiving end of it.

It is true that the National Audit Office said that some aspects of the sale were conducted appropriately, but the NAO also raised a number of key concerns about the Government’s approach. Mortgage holders who are worried about the future will not have been reassured by anything that the Government have done, and the NAO pointed out:

“While the mortgages and loans are currently owned by FCA-licensed entities, they, like any...mortgage, could be sold in the...
future to an entity which is not regulated. If...customers needed to seek redress, they would have to do so under the Consumer Rights Act”.

That is not right. The Government have a duty of care, but they did not seem to care, as they wanted these assets off the books.

It does not stop there. The NAO criticised other aspects of the sale, saying, for example, that UK Asset Resolution Ltd’s “limited competitive tendering in the procurement process for its financial adviser was not good practice.”

That refers to the sale of assets, which was not done under appropriate good practice. Similarly, the financial advising company involved—Credit Suisse—also acted as financing bank to the bidder. The NAO said of that: “Due to a potential conflict of interest, this had not been permitted under previous sales.”

So I ask the Minister—what of that? Or is that detail unimportant?

When it comes to people’s lives and businesses, and for example to public sector staffing, we should note that, according to the NAO:

“UKAR identified an alternative sale option which had a higher...valuation.”

So the assets might have gone to someone more appropriate, but UKAR “did not have enough staff capacity to run multiple transactions concurrently”.

There is something wrong with that situation, and it goes to the heart of the duty of care not only to the taxpayer but to the people affected by this matter, who in effect got a double whammy.

The Government have a lackadaisical attitude to this matter; indeed, it borders on the insouciant. Surely, given that there was such value for money for the taxpayer, it is not unreasonable to ask how it can be that our hospitals and schools are in a state of crisis and starved of funding, because they are being affected by this as well. When Opposition Members hear the phrase “value for money”, which has been rammed down our throats time after time in relation to this matter, we ask, “Which values?” and, “For whom?”

This week, NHS trusts posted a massive deficit of almost £1 billion at the end of the third quarter, and yet we are told that this sale is value for money. Meanwhile, social care is in crisis, with 1.2 million elderly people needing care, but we are still told that this is value for money. Selling off assets not in the interests of the many, not in the interests of the taxpayer and not in the interests of the people sitting behind us in Westminster Hall today, but just to fund a failed deficit reduction programme, is not acceptable. It is a false saving.

Finally, the Government say that they will learn lessons from these reports, and I applaud them for that. The question is, when will they share those lessons with the rest of us and prevent this dreadful scam from ever happening again?

**Danny Kinahan (South Antrim) (UUP):** Will the hon. Gentleman give way?

**Albert Owen (in the Chair):** Order. The hon. Gentleman has finished speaking. I will call the Minister, who may want to give way to you.

5.29 pm

**The Economic Secretary to the Treasury (Simon Kirby):** It is a pleasure to serve under your chairmanship, Mr Owen. I congratulate the hon. Member for East Lothian (George Kerevan) on securing this debate. I will give way if the hon. Member for South Antrim (Danny Kinahan) wishes to contribute.

**Danny Kinahan (South Antrim) (UUP):** I want to ensure that we are going to put in place or ask for regulations to stop people being able to move from one side of a deal to another. It does happen, and we need transparency and the duty of care. Will the Minister look at the issue? One person moved from being on the board to being on the other side and making money out of the deal. They were then caught taking a bribe in a car. We need a very clear system.

**Simon Kirby:** It is the long-standing policy of this Government to unwind the interventions made in the financial sector during the banking crisis of 2007-09 and return the assets acquired then to the private sector. That is a key part of restoring normality to the financial system, but in that we need to ensure value for money in getting back taxpayers’ money. We are making good progress in that. UK Asset Resolution, which is responsible for the assets of the former Northern Rock and Bradford & Bingley, has already reduced its balance sheet from £116 billion in 2010 to £37 billion last year. The sale of £13 billion of former Northern Rock mortgages to Cerberus Capital Management was another important step along the way.

As with any transaction of such complexity, the sale required careful analysis and meticulous planning. First and foremost, the Government had to consider whether the sale would meet one fundamental condition: good value for money for the British taxpayer. Secondly, however, the deal needed to ensure the continued fair treatment of existing customers. In this case, they held around 270,000 mortgages and unsecured loans. We are confident that as a result of the detailed preparation we conducted, those conditions were fully met.

It is perhaps worth providing a brief outline of the processes followed. The sale was initially announced at the 2015 Budget, following various expressions of interest and favourable market conditions. A full sales process was then launched that summer. It attracted a good level of competition, with multiple bidders involved, as the National Audit Office noted. At each stage of the process, experts in UKAR worked closely with UK Financial Investments and independent external advisers to assess against the four main criteria used in any public sale, namely: propriety, regularity, feasibility and value for money. Cerberus is an active buyer of assets across the UK and elsewhere, and UKAR carried out thorough due diligence before it was selected. Its bid represented a £280 million premium to the book value of the loans, and, importantly, it maintained the fair treatment of customers.

**George Kerevan:** I accept what the Minister is saying—it has been justified by the National Audit Office—but in the assessment of the bid from Cerberus, was any account taken of the likelihood that it would use tax avoidance measures to complete the sale?
The hon. Member for East Antrim expressed various concerns about the treatment of businesses by Cerberus. I listened to those concerns carefully. When it came to the UKAR sale, customer treatment was a key consideration. Our sale did not contain any commercial loans. The NAO report states that the FCA protections for the borrowers whose mortgages were sold remain in place, and that the FCA continues to be satisfied.

We are aware that Cerberus is a buyer of assets across the UK and further afield. It is subject to the UK regulatory regime here and other regulatory regimes in other jurisdictions in which it operates. I am glad to say that the UK Government have ensured that we have a strong system of regulation here in the UK.

We have heard today about other asset purchases by Cerberus. It is an active buyer of assets across the UK and further afield. As I have said, it is not for me to comment on sales made by other parties to a commercial bidder, but we assess all bids thoroughly through our extensive due diligence carried out on any bidder for any assets. We particularly assess value for money and, importantly, continued fair treatment for customers. The assets in the recent £13 billion sale were not distressed assets. Having been originated a number of years ago, they were considered well seasoned assets, and Cerberus paid above book value for them. In any case, ensuring the continued fair treatment of existing customers is a key consideration in all sales, as I have said.

In short, the sale of £13 billion of former Northern Rock assets to Cerberus was a successful step on the way to returning assets to the private sector. It meant £5.5 billion coming back into the national purse, as well as the transfer of nearly £8 billion of liabilities from the public balance sheet to Cerberus. The sale was managed effectively, and it attracted good competition and secured a good price.

Roger Mullin: Minister, you have been talking for some considerable time. Am I being unfair in saying that the gist of your argument is that you do not consider that Cerberus has acted in any way unfairly—

Albert Owen (in the Chair): Order. I know that the hon. Gentleman was referring to the Minister, not to me, but the Minister must respond now.

Simon Kirby: It is important that the Government attract good competition and secure a good price, but at the same time safeguard the rights of existing customers. It is not just our assessment that that happened but the conclusion of the independent National Audit Office. The Public Accounts Committee also concluded that the sale had been well executed. There is still work to be done in returning to the private sector assets that we acquired in the financial crisis. We will continue to do all we can to meet the same high standards and keep delivering the highest possible value to the British taxpayer.

Albert Owen (in the Chair): Mr Kerevan has a minute to wind up the debate.

5.43 pm

George Kerevan: I thank all Members who have taken part in the debate, and I thank your good self, Mr Owen, for ensuring that the debate was in order.
I know that the Minister has tried to be helpful, within his brief, but the point still stands that Cerberus uses a tax model across all its purchases that is not beneficial to the Treasury. We will continue to press on this matter in the days to come.

Question put and agreed to.

Resolved.
Westminster Hall

Thursday 23 February 2017

[Ms Karen Buck in the Chair]

BACKBENCH BUSINESS

Disabled People: Publicly Accessible Amenities

1.30 pm

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): I beg to move, That this House has considered publicly accessible amenities for disabled people.

It is a pleasure to serve under your chairmanship, Ms Buck. As chair of the all-party parliamentary group for disability, I have the privilege of hearing about the lives of disabled people from across the United Kingdom. From what I have heard, it is clear that disabled members of our communities are being prevented from obtaining full access to fundamental services, including public transport, sports grounds and shopping centres, to name but a few.

To begin with, I would like to share the experience of one of my constituents who was prevented from attending his Department for Work and Pensions fitness to work interview because the assessment centre was unable to provide access to him in his mobility scooter. To reiterate, he was not able to be assessed regarding the impact of his disability on his social and occupational functioning because the very building in which assessments occurred was not accessible to him.

The assessment was rearranged for a different centre in a separate location, at great inconvenience to the gentleman. At that centre, the car park, including both of the two disabled parking bays, was occupied. As such, he struggled to make his way to the building for the assessment. That situation effectively summarises the lack of consideration that widely abounds for individuals with disability, such that they are prevented from seeking support for their disability as a result of the lack of reasonable adjustment for it. It is particularly shocking that that occurs even in Government-approved contractors' buildings. How can we expect individuals to seek support to reach their full potential in life and lead full lives when they are prevented from accessing basic public services?

There are currently about 11.6 million disabled people in Great Britain, constituting 16% of the working age adult population. That means that about a sixth of our population is likely to hold factors that, by definition, could act as a barrier to their engaging in valued activity.

As we know, legislation exists to support the access needs of disabled individuals. The Equality Act 2010 makes clear that service providers must take reasonable steps to ameliorate the substantial disadvantage experienced by an individual as a result of their disability. That requirement holds whether the cause of disadvantage is the manner of provision, a feature of practice, a physical feature of a service or, in fact, the absence of an auxiliary aid. Similarly, the 2006 United Nations convention on the rights of persons with disabilities, which the United Kingdom has signed up to, states that member countries "are to guarantee that persons with disabilities enjoy their inherent right to life on an equal basis with others". Given the legislation, it is remarkable that such substantial disadvantage continues to take place.

The House will be aware of the recent experiences of Anne Wafula Strike, an award-winning Paralympic athlete, who was unable to access a toilet on a three-hour train journey and was therefore forced to urinate herself. That demonstrates the huge practical and emotional toll of the lack of equitable access for people with disability. In Ms Wafula Strike's situation, the train did have an accessible toilet but it was out of order and no appropriate alternative was provided. Simply providing a basic level of service and assuming accessibility is achieved in insufficient. It is surely reasonable in this day and age to expect access to a disabled toilet. Anything less than that is simply unacceptable. As Ms Wafula Strike stated:

"People with disabilities don't want perfection, we just want the basics and to have our independence. But lack of access and inclusive facilities make us feel as if we are an afterthought."

The Government, working alongside business, industry and public service providers, need to ensure that individuals with disability are not an afterthought, and indeed that services are designed with accessibility right across the United Kingdom.

Experiences similar to Ms Wafula Strike's were reported in the BBC investigation of late last year in which two researchers with disability attempted to engage in leisure activities such as going to a restaurant or taking a taxi. That highlighted the vast proportion of companies and service providers in the United Kingdom that do not act in proper accordance with the 2010 Act. Disabled individuals are being marginalised and excluded from public services every day of the week. As a result, they are excluded from a wide range of leisure activities. Data indicate that disabled individuals are less likely than non-disabled peers to participate in cultural, leisure and sporting activities.

I would like to spend some time speaking about three important areas: public transport; sporting and leisure grounds; and shopping centres. I am sure colleagues will add other issues to the debate. In terms of public transport, the key issue for the disabled population is accessibility. It is a basic issue: simply being able to gain access to public transport services. The recent Supreme Court ruling in the case of Paulley v. FirstGroup PLC, the bus company, gives a good example of the difficulties faced by disabled individuals.

In February 2012, Mr Paulley, a wheelchair user, was refused transport on a bus, as the dedicated wheelchair space was in use by a non-disabled service user. We must support the calls made by Lord Toulson in the ruling for greater clarification of the law. Clarity in legislation will ensure the appropriate and consistent application of the law such that disabled individuals can be confident that it will be applied on all occasions and in all settings. One such opportunity presents itself with the upcoming Second Reading of the Bus Services Bill, which includes recommendations for improved information to be provided to passengers in an accessible format on all bus services nationally.
Achieving a fully accessible public transport system is a key element of policy. Some work has been done on UK railways, with the Access for All programme ensuring that 150 of the UK’s 2,552 railway stations—a small proportion—are step-free, with smaller-scale adaptations at other stations. However, I understand that funding for the programme is being cut. I would be obliged if the Minister responded to that point. Work is already being done at only a proportion of stations, and cutting the programme would simply make accessibility even poorer for the disabled population.

That situation can be contrasted somewhat with London, where Mayor Sadiq Khan has committed a further £200 million to increase the number of step-free underground stations from 70 to at least 100. That still represents just over one third of all the capital’s underground stations, leaving the rest inaccessible. With recent increases in disabled individuals using rail transport—research indicates a rise in train assistance for disabled individuals of 21% over the three years up to 2015—further support to facilitate use is sorely needed.

I for one would like to know whether providers anticipate meeting targets. If not, what steps can be taken to ensure that they do so in as timely a fashion as possible? A programme of clear checking of improvements with timescales and appropriate penalties when an Act is not adhered to will help to ensure that disabled individuals can have faith in the frameworks used to ensure their wellbeing and inclusion. In that regard, we can look for guidance from excellent third sector organisations, including, for example, Changing Places, which is doing admirable work to ensure that toilets are accessible for all of those who might need them.

In relation to sports grounds, I am sure that colleagues will join me in the assertion that the many impressive achievements of UK athletes in the Olympic and Paralympic games have been a source of tremendous national pride, and an opportunity to increase participation in sporting activity throughout and across our communities. The stated legacy of the 2012 Olympic games included that: “Every man, woman and child can find a sport they enjoy and in which they are able to get involved easily, regardless of their ability or disability”.

However, sufficient progress has not been made in the infrastructure and accessibility of sporting centres to successfully capitalise on the national mood.

The Select Committee on Culture, Media and Sport recently published its “Accessibility of Sports Stadia” report, which details the results of the investigation into the basic accessibility of sports stadia, primarily football stadia. It found: “a shocking lack of provision for supporters with disabilities of all kinds, including in some cases a failure even to train staff in basic disability awareness.”

Despite the assertion from all premier league football clubs that accessibility would be improved by August 2017, a recent update has demonstrated little discernible improvement. We should also be looking at stadiums right across the United Kingdom—people enjoy sports, particularly football, in other nations too. The Committee reports: “Detailed best practice guidance exists at both national and European level, but some clubs seem content to do the minimum legally required, without considering whether access is really adequate.”

That strongly echoes the findings on accessible travel I already discussed. Although legal and policy frameworks exist to protect the accessibility rights of disabled individuals, there is a fundamental absence of appropriate mechanisms to monitor adherence to that guidance and to follow up with reasonable consequences for breaches.

If we consider that access to grounds for disabled spectators is insufficient, it is not unreasonable to suspect that the direct involvement of disabled individuals in sporting activity is similarly poor. It is important to note that, where accessible leisure facilities are already available, they are not invulnerable to the pressures of our current climate. For example, I understand from people across the United Kingdom who have contacted me in my capacity as chair of the all-party parliamentary group for disability that the council-run Jubilee pool in Bristol, which has a range of accessibility aids, is due to be closed following recent council budget cuts. Surely that is a retrograde step. It cannot be taken. Given the paucity of freely accessible sports and leisure facilities, it is particularly sad that increasing financial restrictions are stopping local councils from continuing to support their citizens with disabilities to access vital public services.

The final area of accessibility I would like to discuss today is shopping centres—I am a bit of an expert on them, as my husband would attest. The 2014 DisabledGo investigation audited 27,000 high-street retail outlets and found that only five of those failed to provide wheelchair access. Only a third of department stores had wheelchair accessible changing rooms and one third did not have an accessible toilet. Only 15% of retailers had hearing loops to support customers with hearing impairments. Again, despite the framework provided by the Equality Act, shoppers with disabilities are restricted in the simple act of shopping. A follow up to that investigation to track more recent advances would certainly be welcome.

The situation is also an economic error. As a large segment of our population, disabled individuals and their families hold a combined spending power of £200 billion—what the Department for Work and Pensions has termed the “purple pound”. For us to block the financial contribution of this segment of the community from our economy is both unnecessary and absolutely illogical.

Furthermore, the employment capabilities of individuals with disability are vastly underused, with a gap in employment between disabled and non-disabled individuals of 32%, which clearly results in further economic disadvantage. Accessibility—accessing potential workplaces or public transport to workplaces—is relevant in that respect. It is my belief that tackling accessibility will take us in the right direction towards the Government’s stated aim of halving the disability employment gap.

In Scotland, the 2010 framework, “A Working Life for All Disabled People”, underscores the importance of local authority support for employment, and the need to work with business partners to improve support and access for disabled people to enter the workplace. A new Scottish employability programme that will be introduced from April 2018 emphasises working in tandem with stakeholders to tackle the barriers to employment that face disabled individuals. It goes without saying that people with disability have a vast ability to contribute to their communities, their places of work
and our society, and problems of accessibility should not prevent them from so doing. Further investment in creating advanced accessibility on the high street, in our stadiums, across our leisure facilities and in the workplace is needed.

The needs of disabled individuals throughout our communities and across the UK are not being met by the accessibility of our shops, transport and leisure facilities. We are therefore marginalising and excluding one sixth of our society—one sixth who are able to contribute so much, but who are prevented from doing so by simple, solvable issues of accessibility. I call that we amend the legislation so that consequences are put in place for business and industries who do not act in accordance with the law. In doing so, we can protect and support the rights of our fellow citizens to engage with valuable community activities, live the lives of which they are capable, and achieve their full potential.

We may also follow the guidance of our Scottish Government counterparts, who in 2016 developed a cross-governmental disability delivery plan, in which accessibility problems were identified as a significant barrier to improving outcomes for people with disability. A series of clearly defined actions, including, for example, the development of a Government-moderated accessible travel hub to collate information and share good practice on accessible transport, and a help guide with practical advice for businesses in increasing accessibility, have been identified and can now be monitored.

I have a number of questions for the Minister. What plans do the Government have to continue to increase access to public and leisure services for disabled people in our country? What power are the Government willing to use to ensure industry compliance with the terms of the Equality Act? Do Ministers anticipate any barriers to obtaining ongoing compliance, and how will they deal with them? What steps are the Government willing to take to ensure compliance with the Equality Act within publicly provided services? What value do the Government place on ensuring access to leisure activities for disabled people? Can they indicate whether it is held in parity with work access, which I am aware is a priority? I suggest that the Government undertake a wide-scale investigation into the inaccessibility of leisure activities, so that the full scale of the current situation is understood, and so that well-targeted plans to ameliorate disadvantage can then be devised. Will the Minister lend support to the development of a UK Government disability delivery plan, detailing commitments and actions to improve accessibility for all members of our communities?

I thank all the organisations, constituents and individuals from across all parts of the United Kingdom who contributed their thoughts and experiences for the debate today. We are in 2017—let us make 2017 the year in which we deliver for people with disability.

1.49 pm

Chris White (Warwick and Leamington) (Con): I congratulate the hon. Member for East Kilbride, Strathaven and Lesmahagow (Dr Cameron) on securing this important debate—I apologise if I got my pronunciation completely wrong there.

It is absolutely right that we consider how we as a society can be as inclusive as possible. Too often, people with disabilities are left in uncomfortable, inconvenient and distressing circumstances because of the lack of adequate facilities.

In particular, I want to raise awareness of a local campaign in my constituency, which has the innocent-sounding title of “No More Floor”. I am pleased to be involved with the initiative, which seeks to install changing facilities in Leamington to make a huge difference for children with severe disabilities and their families. As the name indicates, those children and young adults often have to be changed on the floor of a public convenience. I admit my ignorance: until I was approached by the campaigners, I thought that a disabled toilet would be perfectly adequate and cover all eventualities. I now understand the need for a hoist, which is the only alternative to changing someone on the floor. Such facilities are absolutely imperative and, as the hon. Lady mentioned, Changing Places is one of the organisations that helps to install them.

I am grateful to the Royal Priors, a shopping mall in my constituency, for giving up the necessary space to make such a changing facility possible and for making a financial commitment to the campaign. It is a shame, however, that a private sector organisation has had to deliver something that ought to be accessible to all. There is certainly an argument to be made that provision of such facilities ought to be put on a statutory footing, so that local authorities construct them within a particular radius or for a certain size of population. There is a facility in Shire Hall, the county hall in Warwick, but the next nearest is in Solihull, which does not give people many options. Such heavy restrictions on families must be addressed.

I take this opportunity to pay tribute to the two families involved in the campaign, and specifically to Emily Naismith and Francesca Anker, for their hard work and persistence in their aim to make a real difference to their community. I look forward to continuing to work with them. I have tremendous respect for the families who—I am sure they will not mind me saying—have already had to jump through a number of hoops just going through their daily lives. I wish they did not have to fight for such facilities but, as the campaign gets going, there will be a great deal of support for what they are trying to achieve.

Also in Warwick, I am delighted that Network Rail’s Access for All programme includes the installation of lifts at the train station. Warwick is a wonderful town and attracts thousands of visitors every year. Making access easier for people who need wheelchairs or have other disabilities will be a major step forward. The Rail Minister, the hon. Member for Blackpool North and Cleveleys (Paul Maynard), is not present, but I thank him for taking the time and trouble to look at that issue so we can bring the date of the project forward.

I look forward to the response of the Minister present today. In particular, I am interested in hearing his views on whether to put such matters on a statutory footing.

1.53 pm

Corri Wilson (Ayr, Carrick and Cumnock) (SNP): I thank my hon. Friend the Member for East Kilbride, Strathaven and Lesmahagow (Dr Cameron) for securing this important debate. I am delighted that we are having it at a crucial time for disabled people.
Disability policy should be based on the social model of disability—that disability is caused by the way society is organised, rather than by the person’s impairment or difference—and it is hugely important to look at ways of removing barriers that restrict life choices for disabled people. When barriers are removed, disabled people can be independent and equal in society, with choice and control over their own lives. It is therefore not the impairment or condition that disables, but society’s inability to adapt and to accommodate different needs. Our duty as parliamentarians is to ensure that disabled people are not left at a disadvantage when using facilities and services, that they are not disadvantaged in accessing employment or education and that we seek to remove the barriers that many people face in their everyday lives.

Much work has been done on the issue, and we have come a long way in recent years. The Equality Act 2010 provided some statutory protections, but we cannot sit back and suggest that means we are now all equal—we are not. The Act does not spell out what “reasonable adjustments” are in all cases, and it does not place a duty on any shops, cafes and public buildings. We have seen great improvements in accessible toilets, but wheelchair and ambulant-accessible toilets do not meet the needs of many people with profound learning disabilities, for example, or of those who need the help of at least one carer to lift or change them, such as people with muscular or neurological conditions, a stoma or limb loss, so I understand why people continue to campaign for facilities with additional space, hoists or an adult-sized changing bench.

I have spoken in this place before on behalf of the many people in my constituency with inflammatory bowel disease. Almost 2,000 public toilets have closed throughout the UK in the past decade, which has had a direct impact on people with IBD. A survey by Crohn’s and Colitis UK found that a quarter of young people with IBD believed that their condition made socialising almost impossible, and many cited the need to know the proximity of a toilet as a key factor. Members will be familiar with the “Breastfeeding Welcome” signs displayed in many shops, cafes and public buildings. I want to see a similar initiative for people with the “Can’t Wait” card, issued to those with Crohn’s disease, colitis and IBD. I am aware of a pilot scheme for the card, and we would welcome a national roll-out, because it could give people with IBD more confidence to take part in the kind of everyday activities that the rest of us take for granted.

A substantial number of buildings in the UK receive public funding, from libraries and museums to council buildings and town halls, and they could all be open to people with conditions such as IBD. The impact on those people’s lives would be significant. The issues faced by people with IBD are indicative of many of the barriers faced by people with hidden disabilities. I have heard repeated reports of people being berated for using accessible toilets or parking bays when they “do not look disabled”. The issue of hidden disabilities is very close to my heart, and I was delighted to hear of the moves made by Asda, which will hopefully be adopted by other major supermarket chains, to adapt its signage to reflect the reality that many conditions are not immediately apparent. That kind of action helps to combat stigma for many people, and it should be applauded.

Disabled people can live the life they choose, participating equally alongside other citizens, their families, communities and workplaces—but only if they are given the support to do so. There are many examples of good practice across the country, where voluntary groups have identified barriers to participation and come up with innovative solutions to enable access to services and amenities.

I take this opportunity to highlight the sterling work of the Girvan Youth Trust in my constituency to make the beach at Girvan accessible to wheelchair users. Its Family Sandcastles initiative will allow wheelchair users the opportunity to feel the sand between their toes and to spend time at the beach with their friends and family, rather than having to sit on the prom watching from a distance. The only other barrier to their enjoyment of this part of our fantastic Ayrshire coastline will be the one we all face—the Scottish weather. Another local group, the Carrick angling club, has installed wheelchair-accessible fishing platforms to ensure that mobility issues are not a barrier to participating in that popular activity. The club has been investigating further options to extend its accessible offerings.

We need to encourage those kinds of local initiatives to make specific barriers to involvement and participation, and we need to emulate them when setting Government disability policy. It is extremely disappointing, therefore, to see UK Government policy so utterly condemned by the United Nations Committee on the Rights of Persons with Disabilities inquiry. The findings of the UN report starkly illustrated that the Government are undermining the rights of disabled people by imposing their obsession with austerity and social security cuts on some of the most disadvantaged people in our society. In this job I have witnessed the real hardship and distress caused by the Government’s policies. The Government’s Green Paper on disability employment support alludes to reform, but the process is fundamentally flawed and needs a radical overhaul. The Green Paper was a critical opportunity to get the system right for sick and disabled people, but one cannot help but be sceptical when the Government continue to insist on pressing ahead with cuts to employment and support allowance.

Dr Cameron: Does my hon. Friend agree that one outcome of those cuts is a drastic reduction in people’s accessibility and mobility due to the removal of Motability cars, which they depend on and feel are a lifeline that has helped them to get into employment and achieve full lives?

Corri Wilson: I completely agree.

In Scotland, we aim for a fairer, more equal and more inclusive society. To that end, the Scottish National party-led Government announced just before Christmas their plan to transform the lives of disabled people in Scotland. That plan was developed with disabled people, because we believe that the more than 1 million disabled people who contribute to our society should have control, dignity and freedom to live their lives as they choose and be supported to do so. That is in stark contrast to the cuts agenda that runs through every UK Government announcement about disability support, and we now face a further hurdle to equality for disabled people: a hard Brexit. That poses a real threat to disabled people’s rights. The Government must ensure that rights and protections for disabled people are not diluted as a result of us leaving the EU and stop paying lip service to equality issues.
2.1 pm

Patricia Gibson (North Ayrshire and Arran) (SNP): I thank my hon. Friend the Member for East Kilbride, Strathaven and Lesmahagow (Dr Cameron), who is a great champion for disabled people’s rights.

It is always a pleasure to speak in debates where there is, broadly speaking, so much consensus. We all want disabled people to be socially included to the fullest possible extent. We all want to live in a society that sees the person, not the disability. We all want to remove the barriers that fate has placed in the way of any individual so that they can play a full role in society.

Alison Thewliss (Glasgow Central) (SNP): Is my hon. Friend aware of the challenge that some councillors and individuals undertook in Inverness during the week? They took to wheelchairs in the streets to get a better idea of those barriers. Would she encourage other people to do that in cities around the UK?

Patricia Gibson: I would indeed. That useful initiative gives those of us who are lucky enough not to have to live with a disability a unique insight into the kinds of challenges that disabled people have to face every single day of their lives, and I commend such practices.

We have heard poignant and human examples of such barriers and the effects that they can have on individuals who live with a disability, such as the constituent that my hon. Friend the Member for East Kilbride, Strathaven and Lesmahagow mentioned. She also outlined the distressing example of Ms Wafula Strike, which I am sure is not an isolated one. Like the hon. Member for Warwick and Leamington (Chris White), I commend the work that Changing Places has done to promote fully accessible toilets. The problem is that work still needs to be done, which throws into stark relief how far we still have to go in catering for people who live with a disability and removing the barriers they face.

The Equality Act 2010 is important legislation. It contains the public sector equality duty and requires “reasonable adjustments” to be made to avoid a person with a disability being placed at a “substantial disadvantage” to a non-disabled person when accessing services and facilities. However, we have heard that there are loopholes in that Act. It does not prescribe what a reasonable adjustment is in particular circumstances or place a duty on all service providers to make specific disabled adaptations such as installing lifts or hearing loops, as my hon. Friend the Member for Ayr, Carrick and Cumnock (Corri Wilson) so clearly set out.

There is no doubt that we have an absolute duty as a society to ensure equality of access to facilities. That ought to apply equally in the private sector and the public sector. It was absolutely correctly pointed out that equality of access should not be an afterthought. We must always guard against the marginalisation of disabled members of our communities. The disability employment gap shows that that is a real and present danger, and we cannot afford to be complacent, as my hon. Friend the Member for East Kilbride, Strathaven and Lesmahagow so eloquently pointed out.

This issue is not just about access to work, important though that is. It is about all elements of life: work, social life and leisure. Justice and fairness demands that. I commend the No More Floor campaign in the constituency of the hon. Member for Warwick and Leamington, but the fact that such a campaign is needed should be cause for shame. It is a reminder of how little progress we have made in reality. A shortage of basic facilities consigns some people with a disability to being trapped in their homes, which can have a hugely negative impact on their lives, as my hon. Friend the Member for Ayr, Carrick and Cumnock pointed out. It is surely bad enough that people living with a disability often face negative attitudes without finding themselves excluded in and from public spaces—although perhaps those negative attitudes lead to exclusion.

It is worth repeating that there is an economic dimension as well as social and moral elements. Some 7 million working-age people have a disability. That adds up to an awful lot of spending power. The so-called purple pound is apparently worth £249 billion to the economy. Is it not madness for 7 million people to be excluded from the ordinary, mainstream life that so many of us do and should take for granted? As has been mentioned, many people with a disability rely on Motability vehicles to access amenities in our communities, and Motability must continue to be supported.

I am proud that the SNP Scottish Government have devised a new disabled delivery plan—a policy commitment to disabled people—based on the need to remove any further barriers and ensure full access to buildings, including disability-inclusive housing, transport and communication. Some 93 actions will be achieved by 2021. We aim to secure transformational change in support for disabled people in Scotland. I urge the Minister to look at the Scottish Government’s plans to see what can be learned from that policy commitment.

It would be remiss of me, while we are debating publicly accessible amenities for disabled people, not to mention that, with their new powers, the SNP Scottish Government are committed to establishing a social security system based on dignity and respect that will allow people with a disability to live as full and independent a life as possible, which I am sure we all agree with. Unfortunately, the UK Government have made cruel and punitive cuts to support for people living with a disability, as my hon. Friend the Member for Ayr, Carrick and Cumnock set out.

I hope the Minister will pledge that any laws regarding disability rights and equality will be fully repatriated to Scotland in the wake of Brexit. It is essential that the SNP Scottish Government’s good work continues and develops. [Interruption.] The Minister really should pay attention. There is a very real concern among disabled people that their rights in law will no longer be protected by European Court of Justice judgments post-Brexit. That could lead to equality rights being more narrowly interpreted, as well as the loss of vital research funding and pooling of expertise that EU membership provides. Through European research, important treatments have been developed for diseases so rare that no one country could have developed them alone. As we agree that people living with a disability must have access to amenities, so we should agree that the rights of disabled people should be protected in the widest sense. I hope we do.

2.8 pm

Marie Rimmer (St Helens South and Whiston) (Lab): It is a pleasure to serve under your chairmanship,
Disabled people were not necessarily born disabled. In fact, 90% of disability is acquired. I am one of the 90%. As some Members may know, I have a disability. For the last 20 years, I have worn a bone anchored hearing aid, without which I cannot hear a sound. I understand the difficulty facing many disabled people and the trauma that they go through.

Since the passing of the Disability Discrimination Act 1995, it has been illegal to discriminate against a disabled person. The Equality Act 2010 places a duty on providers of goods, services and facilities to make “reasonable adjustments” in order to avoid a disabled person being placed at a “substantial disadvantage” compared with non-disabled people when accessing services and facilities. Service providers’ failure to comply is a form of disability discrimination.

How many times have we seen disabled people denied basic access to vital services such as public transport? As recently as mid-January, the Supreme Court ruled, on a case bought by disability campaigner Doug Paulley, that bus drivers must ensure that there is sufficient space for wheelchair users to ride the bus safely. Outside the big cities and in many rural communities, the local bus service is often the only lifeline for disabled people to get out and about. Without access to that vital service, many disabled people may be left alone and housebound.

Many hon. Members here will have heard the frankly appalling story—the hon. Member for East Kilbride, Strathaven and Lesmahagow (Dr Cameron) for outlining it—of Anne Wafula Strike. How disgusting that she was forced to urinate on herself. That is humiliating, inhumane and totally unacceptable; unfortunately, it is not uncommon. Last week in Bristol, I came across a disabled lady in a wheelchair who told me how she was pushed to the sidings and left sat in her wheelchair while she waited for assistance to get on a train that she had booked some days previously. For too long, transport providers have failed to provide adequate basic facilities for disabled passengers. When will the Minister liaise with rail providers to ensure that they make the correct adjustments, so disabled passengers can travel in dignity and comfort?

I will quickly discuss the term “reasonable adjustments”. It seems to mean one thing to disabled people and a completely different thing to many employers. To some employers, it means doing the bare minimum to meet the legal requirements. Will the Government legislate for all employers to provide disability awareness training for their staff, and provide the right support for small to medium employers to achieve that? A Government review found that the number of cases taken to employment tribunals has fallen by 70% since court fees were introduced. It has therefore become very difficult for disabled employees to bring their employers to task for failing to make reasonable adjustments. Will the Minister urge the Government to scrap the extortionate fees that make it harder for disabled people to challenge bad practice in the workplace?

Disabled people who believe that they have experienced discrimination as a result of not being able to access a good, a service or a facility are typically responsible for taking action themselves, via the courts, against their employer. That is often a difficult, daunting and arduous process—more so for a person with a disability. Reasonable adjustments do not only mean adjustments to accommodate physical disabilities. Many people have learning disabilities or a mental health condition. Those so-called hidden disabilities are often forgotten. They require a different set of reasonable adjustments to someone who has a physical impairment.

I have experience of a case involving one of my constituents, who suffers from autism, learning difficulties and a severe form of tinnitus. He was called in for an assessment by the Department for Work and Pensions and was escorted by his 84-year-old mother. When she tried to explain that her son was not able to hear because of the noise around the room, she was told that the hearing would be terminated if she did not refrain from interfering. His assessment resulted in a major reduction of points, from 32 to six. He and his 84-year-old mother were left traumatised. It placed him in a difficult situation, and he was placed in what they call a support group. Anyone who meets this gentleman—he is a gentleman—will fully realise that he should not have been put in that group.

I took the case up. He had a reassessment in an appropriate place where there was no noise, his mother could accompany him, and there was someone who empathised with his difficulties. He wears ear muffs around his neck. He puts them on. Just one sound can set him off and make him severely ill. His reassessment resulted in the reinstatement of the original points. It was the most traumatic experience that that man has gone through. His mother still suffers from the aftereffects of being with him.

For too many disabled people, the legal requirements are nowhere near good enough. It is a shame that the Equality Act 2010, which replaced the Disability Discrimination Act 1995, failed to set out exactly what reasonable adjustments entail. That lack of clarity has a real impact on disabled people’s ability to live full and independent lives.

Alison Thewliss: I thank the hon. Lady for the great case that she is making. I have spoken to a number of organisations based in my constituency that work with deaf people, which have also found it difficult to get around the phrase “reasonable adjustments”. They feel as though they do not get access to the interview stage, never mind getting past that and getting a job, because people think that they will unable to do it because of their disability.

Marie Rimmer: I concur. I know of and have been involved in many cases like that. I urge the Minister to provide urgent clarity on exactly what constitutes reasonable adjustments to stop irresponsible employers from skirting around the law.

There are too few disabled people in public office, including in this place. The access to elected office fund, which enables disabled people to stand for elected office and meet additional access requirements, has been suspended, and the Government’s evaluation report has been kicked into the long grass. Will the Government publish that evaluation and ensure that disabled people seeking to represent any party have support to meet the additional costs they face in standing for election?
A recent report by the Culture, Media and Sport Committee on the accessibility of sports stadiums highlighted the failure of some clubs to provide adequate facilities for disabled fans attending matches. Having a disability should not prevent someone from attending and enjoying a sports match. Provision for disabled fans should not be patchy depending on which club they support. Everyone has the right to see their favourite sports team win or lose. What steps are the Government taking to ensure that premier league clubs, with their huge revenues, prioritise improving access for disabled fans?

The majority of the daily problems faced by disabled people arise from confusion over the rules, poor or insufficient communication, inadequate training of service providers and/or a lack of enforcement by the relevant authorities. Will the Minister explain what mechanisms are in place to enforce the Equality Act to ensure that disability discrimination does not go unchallenged?

Organisations such as Euan’s Guide offer information on accessibility for disabled people by offering access reviews of a range of service providers. It aims to inspire disabled people to try out new places and “remove the fear of the unknown.” What are the Government doing to ensure that more organisations like Euan’s Guide are better supported to ensure that disabled people get the information that they need to access all facilities? That fear of the unknown prevents too many disabled people from being able to fully participate in society—and society suffers for that. The Government must do more to provide disabled people with the right information. By doing so, they would empower so many more disabled people to go out and lead full and independent lives.

2.19 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr Marcus Jones): It is a pleasure to serve under your chairship, Ms Buck. I begin by thanking the hon. Member for East Kilbride, Strathaven and Lesmahagow (Dr Cameron)—I got a nod there, which is a good sign—for bringing this important issue forward for debate. I know that as chair of the all-party parliamentary group for disability, she has a particular interest in issues that have an impact on disabled people.

We need public amenities in the right place. We want to be sure they are well managed, clean and open, and we need to find toilets with the right layout for our needs. I will focus my comments on the issues that the hon. Lady mentioned in relation to facilities for disabled people. I will also try to answer some of the wider questions that have been raised.

First, I will talk about building regulations, which play an extremely important role in ensuring that facilities are available for disabled people. The aim of building regulation requirements is to ensure that toilet layouts work for as many people as possible. The first building regulations on accessibility were introduced in 1984, and requirements have been updated regularly to ensure that new building work takes the needs of disabled people into account. Building regulations already set out minimum standards for accessible toilets in most public buildings. That includes standards for unisex accessible toilets even in small buildings and additional provision in larger buildings.

Because people's needs and expectations evolve over time, my Department has commissioned a research project to look at the existing standards in Part M of the building regulations. That work relates to both the development that would trigger building regulation requirements.

Several hon. Members mentioned Changing Places, and I think we can all agree that having more Changing Places is a good thing. They provide an adult changing bench, a hoist, washing facilities and space for carers and users to use the facilities safely. Part M of the building regulations, entitled “Access to and use of buildings”, was amended in 2013 to refer to Changing Places toilets as desirable and to provide links to information on their installation and use developed by the Changing Places Consortium. However, building regulations are not retrospective, and building control relates primarily to new buildings or works that involve major refurbishment.

Several hon. Members mentioned Changing Places, and I think we can all agree that having more Changing Places is a good thing. They provide an adult changing bench, a hoist, washing facilities and space for carers and users to use the facilities safely. Part M of the building regulations, entitled “Access to and use of buildings”, was amended in 2013 to refer to Changing Places toilets as desirable and to provide links to information on their installation and use developed by the Changing Places Consortium. However, building regulations are not retrospective, and building control relates primarily to new buildings or works that involve major refurbishment. They do not apply to all buildings, so railway stations, airports and ports fall outside building control. Important locations such as high streets may not see the major development that would trigger building regulation requirements.

In his evidence to the Women and Equalities Committee, my hon. Friend the Member for Warwick and Leamington said that we need a mixed economy in increasing provision. He is determined to look at the evidence we are now gathering to see what more needs to be done to provide the facilities needed for people with disabilities.

I am pleased to say that my Department has worked for the past 10 years, and continues to work, to encourage more Changing Places. We are working closely with Mencap, the British Toilet Association, PAMIS and the Changing Places campaign. The Government have supported great progress, which at the moment has been mainly on a voluntary basis.

Since the Department for Communities and Local Government became involved with Changing Places toilets in 2007, the number of Changing Places in the UK has increased from around 140 to 926 today. In March 2016 the figure was 813, and it is now 926, so we can see that the take-up is quite considerable and that momentum is growing.

We have also funded the development of a website to help people find the nearest Changing Places toilet quickly and easily. Using the site, anyone can find a Changing Places toilet on their planned route or wherever they are. However, I take on board the comment of my hon. Friend the Member for Warwick and Leamington.
(Chris White); we certainly need more Changing Places, because they are not available in every place that people might want to visit or across the transport network.

It is great to see my hon. Friend the Minister for Disabled People, Health and Work on the Front Bench today, listening intently to this debate. I know that she raised the issue of access and accessible toilets for disabled people at a Premier League event last autumn. At the time, only three premier league clubs had Changing Places facilities. That has now risen to five clubs with registered facilities and two further clubs with similar unregistered facilities. I understand that 10 other clubs are now looking into the issue to see what further action they can take, following significant work from the Changing Places Consortium and others.

Of course, other legislation supports the provision of more publicly available disabled toilets. Section 20 of the Local Government (Miscellaneous Provisions) Act 1976, for example, gives local authorities the power to require toilets to be provided and maintained for public use in any place that provides entertainment, exhibitions or sporting events, and places serving food and drink for consumption on the premises. Environmental health officers review plans and premises’ licence applications, which includes advising on whether the sanitary facilities provided are sufficient in number, design and—most crucially in the context of our debate—layout. Once buildings are in use, there are duties on employers and service providers under the Equality Act 2010, which has helped to ensure that the needs of disabled people are anticipated and catered for.

Through the planning system, local authorities can also impose requirements or negotiate with developers to ensure that enhanced accessible toilets such as Changing Places are brought forward in new large-scale developments or in buildings with strategic importance. Furthermore, the Department for Work and Pensions has taken forward initiatives on the wider accessibility agenda, such as the accessibility hack, which explores ways to harness technology, people power and its work with sector champions to tackle the issues that disabled people face as customers.

Figures for the spending power of people with disabilities were mentioned on a number of occasions, which is a very important point. The figure I have is that people with disabilities and their families have £250 billion to spend. That reinforces the reason why people developing new shopping centres, motorway services and so on should really think about providing proper facilities, particularly Changing Places, that would be supported by customers with disabilities and their families.

I will answer as many of the specific questions asked by hon. Members as I can. The hon. Member for East Kilbride also mentioned particularly changes to the work capability assessment, with the aim of ensuring that we have far better data so that we cut down on the number of assessments that are needed in the first place. As I understand it, that would also help with the assessments for personal independence payment.

The hon. Lady made several points about accessibility for disabled people on public transport. That is a very important issue. We have all seen the recent stories and been shocked at some of the things that have happened. Transport is clearly a very important issue. My counterparts at the Department for Transport have recently given evidence to the Women and Equalities Committee inquiry on disability and the built environment. We are looking closely at how transport services can be improved. I will write to the hon. Lady to set out the Government’s position in more detail, and I will also write to the hon. Member for East Kilbride—perhaps we need to remind service providers that that is a duty, not an option. That is a very important message that we can send from the House today. We consider the public sector equality duty carefully and expect every public body to consider it in undertaking its work. Again, that is not an option but a requirement.

The hon. Lady asked what powers we can use to ensure compliance. Compliance with building regulations, for example, is a legal requirement. Non-compliance can result in fines, which can be unlimited. Compliance with the Equality Act 2010 is certainly also a legal duty—perhaps we need to remind service providers that that is a duty, not an option. That is a very important message that we can send from the House today. We consider the public sector equality duty carefully and expect every public body to consider it in undertaking its work. Again, that is not an option but a requirement.

My hon. Friend also talked about putting Changing Places on a statutory footing and requiring Changing Places to be provided. I hear what he says. As I said before, we have commissioned research, and we will look carefully at its findings. The Minister for Housing and Planning will then look carefully at the point that my hon. Friend makes.

In relation to the comments by the hon. Member for North Ayrshire and Arran (Patricia Gibson), we are working on improving the issues to do with Motability vehicles, particularly as regards appeals.
The hon. Member for St Helens South and Whiston asked a question about elected office. We are working across political parties on this matter. All political parties have signed up to the Disability Confident work, on which the DWP is leading. I am informed by the Minister for Disabled People, Health and Work that we are also looking forward to introducing measures to ensure that we enable people with disabilities to hold elected office, which is extremely important. We do not have in this place enough people with disabilities, who have more depth of understanding of these issues when they are spoken about here. The same goes for people who represent their local areas on local authorities, and I will certainly be keen to work on that with my hon. Friend, who is here representing the DWP.

Dr Cameron: The Minister has given a thorough response so far. Given that a number of research and evaluation projects are under way, would he be able to come to the all-party parliamentary group for disability to update us on the progress being made in that regard and to inform us directly about the way forward?

Mr Jones: The hon. Lady makes a very good point. It is always a bit risky to put a colleague in the frame to undertake a meeting, but I will certainly bring that point to the attention of the Minister for Housing and Planning, who is always keen to engage with organisations in relation to his area of responsibility.

This is an extremely important issue. We should always take into account the needs of disabled people, and particularly the accessibility of public buildings, public toilets and Changing Places. We look forward to continuing a collaborative approach not just with hon. Members from both sides of the House, but with a number of voluntary and charitable organisations that I have mentioned today. I thank the hon. Member for East Kilbride for bringing these important issues to the House.

2.39 pm

Dr Cameron: I thank all hon. Members who have taken part in this debate, and I thank the Backbench Business Committee for enabling it. It would be helpful if a Minister could attend the all-party parliamentary group for disability to update us on the research. I am keen to take that forward.

We did not have a chance to speak about building regulations, but I am keen to understand how the refurbishment of the Palace of Westminster will be undertaken in relation to accessibility. Perhaps we can also look at that issue. I have previously spoken to the Minister for Disabled People, Health and Work on the Floor of the House about the possibility of allowing home visits where DWP offices are not accessible.

I thank everybody for taking part in this debate. We will certainly continue to look at this issue.

Mr Jones: I thank the hon. Lady for giving way—I had plenty of time to speak, but I just want to make two more points. First, my hon. Friend the Minister for Disabled People, Health and Work is looking at the refurbishment of the Palace, and I am sure she will have a discussion with the hon. Lady about it. Secondly, on building regulations and the work that the all-party group is doing, my officials are engaged with officials in the Scottish Government on those matters.

Dr Cameron: To conclude, it is important that we take these issues forward across the nations and Governments of the United Kingdom to ensure that there is not a postcode lottery for people with disability. We must work together in a progressive way to ensure accessibility for all.

Question put and agreed to.

Resolved.

That this House has considered publicly accessible amenities for disabled people.

2.41 pm

Sitting suspended.
Road Traffic Law Enforcement

[Mike Gapes in the Chair]

3 pm

Mrs Louise Ellman (Liverpool, Riverside) (Lab/Co-op): I beg to move,

That this House has considered the Second Report of the Transport Committee of Session 2015-16, Road traffic law enforcement, HC 518, and the Government response, HC 132.

Deaths on our roads have decreased over the past decade following sustained efforts to improve road safety. Nevertheless, in 2015, 1,730 people were killed on our roads and 22,144 seriously injured, many of them suffering life-changing consequences. That is the background against which the Select Committee on Transport carried out our inquiry into road traffic law enforcement. Our report was published in March 2016, and the Department responded in June.

There are three strands to road safety—education, engineering and enforcement—and they cut across Departments. Our report concentrates on enforcement, but inevitably touches on the other aspects. The National Police Chiefs Council told us that its task was to act in relation to the fatal four offences: inappropriate speed, drink and drug-driving, non-wearing of seat belts and driving while distracted, which mainly refers to the use of mobile phones but also involves other aspects.

Enforcement requires detection, which is implemented by a combination of specialist officers to apprehend offenders and the application of technology. Deterrence, which includes motorists’ perceptions of the likelihood of being caught, is an extremely important aspect of traffic law enforcement. Over the years, there has been greater reliance on technology than on specialist officers. We expressed great concern about the major reduction in specialised road policing officers, the number of whom fell from a full-time equivalent of 7,104 in 2005 to 4,356 by 2014. Between 2010 and 2014, there was a 23% decrease in their number. There are regional variations on those figures, reflecting the different decisions of the 43 separate police areas overseen by police and crime commissioners. They take their own individual decisions about what they think is operationally appropriate, but all of them do so in the context of deciding different priorities against a background of a reduction in spending. There is no Home Office guidance on the issue, so those decisions are taken in individual areas.

It is interesting to note that although overall detected traffic offences halved over that period, the number of offences related to causing death on the roads, which are always reported, did not fall. That leads to the question whether the reduction in reported offences means that driving standards have improved or that detection rates have fallen. It is an important question to ask. We ask that the Department assess the impact of that drastic reduction in specialist road police officers. It is an important matter that is often not recognised.

Speed can kill. Driving too fast for conditions was a contributory factor in 7,361 accidents in 2015, 167 of which were fatal and 1,380 of which caused serious injury. That represents 11% of all fatal accidents and 8% of serious accidents. Exceeding the speed limit was a contributory factor in 5,272 accidents, 222 of which were fatal, and 1,152 causing serious injury. That constitutes 15% of fatal accidents and 7% of serious accidents. Behind every one of those figures and each of those statistics lies a death or a life changed, perhaps forever.

Some 90% of fixed penalty notices imposed for breaking the speed limit were camera-detected. Speed cameras are frequently controversial. We listened to the experiences about speed cameras that have been put in different places, considered the various responses and concluded that it is important that cameras are placed where they can improve safety and that their financing is transparent, with excess revenues being invested in improving local road safety rather than financially benefiting the Exchequer or local councils. The financing for fixed speed cameras has changed in recent years. Recent changes have caused some local authorities and partnerships to remove such cameras, but they can be extremely important in improving safety, so there must be a proper assessment of where they are placed and how effective they are. We said that we felt the Road Safety Trust should review how the cameras are working and what is the most effective way to deploy them.

Motorists seem to regard penalties imposed for average speeds as fairer than those levied for speed at the moment when the camera flashes. We noted the growth of diversionary courses as an alternative to speeding penalties, with drivers paying for the courses. We asked a number of questions about those courses. We need to know much more about how effective they are. There should be more transparency about how they are financed, and more consistency in their availability across the country. Drivers pay to go on the courses, and they might pay different amounts in different areas; different courses are available in different policing and local authority areas, and it is not entirely clear how effective they are. We felt that a proper assessment should be made.

Although the Department told us that it was issuing guidance, and Highways England is also looking at the issue, it is not entirely clear what works best to make our roads safer. We felt that specialist officers should be deployed in areas where high speed causes fatalities, and that that should be combined with an educational campaign. In many areas, an educational campaign must go together with enforcement.

Recently, there has been a great deal of publicity about the horrendous deaths caused by drivers using handheld mobile phones, which falls under the category of distraction in vehicle. A driver using a handheld mobile phone was recorded as a contributory factor in 440 accidents in 2015, 22 of which were fatal and 75 of which involved serious injury. The wider category of distraction in vehicle was a contributory factor in 2,920 accidents, 61 of which were fatal and 384 of which caused serious injuries.

It is of great concern that fixed penalty notices for using a handheld mobile phone while driving have decreased by 90% from 167,000 in 2006 to fewer than 17,000 in 2015. The Government now state that they are planning tougher penalties, which is welcome, but those penalties will be effective only if drivers believe that they will get caught for using their handheld phone.

Jim Fitzpatrick (Poplar and Limehouse) (Lab): I saw the statistics that my hon. Friend has just cited about the 90% reduction. Could the Committee identify what caused that reduction? When I read that, I could not believe it was an accurate figure.
Mrs Ellman: My hon. Friend’s comments are extremely important. It seems to be about a reduction in detection rates and in officers on the roads, which is of great concern to us. When we spoke to police who gave evidence to our inquiry, they told us that they felt the use of handheld mobile phones was an important factor in relation to road safety—perhaps an even more serious one than drinking and driving. The issue must be flagged up as one of great concern on which further action needs to be taken.

Since the publication of our report, I have been approached by people with proposals for using technology to both deter and prevent the use of handheld mobile phones when driving. Some of the proposals were extremely interesting, including a proposal for technology that would switch off the possibility of using a handheld mobile phone while the car was in motion, except for emergency needs. Another proposal referred to technology to detect the use of a mobile phone while somebody was driving. Some of the people who spoke to me were going to meet Ministers to discuss the matter further. I urge the Minister to look at how technology can be used to make progress in this area. It is horrendous when we hear of people being killed—people in cars or pedestrians at the side of the road—because of a driver being distracted by a handheld mobile phone. It is a very serious matter. We should not wait for the statistics that I read out to increase so that the problem becomes even more evident than it is already. Such an important issue should be addressed.

Pedal cyclists and motorcyclists are vulnerable road users. In 2015, 100 cyclists were killed on the roads and more than 3,000 were seriously injured. In the same year, 365 motorcyclists were killed and more than 5,000 seriously injured. One of the concerns raised by cyclists who gave evidence in our inquiry was the lack of enforcement of traffic laws and the lack of consistency in reporting near misses—accidents that almost happened. It should always be remembered that for a cyclist, a near miss could mean near death. There does not seem to be consistency in applying road traffic laws in relation to cyclists, and there is no proper national collation of what happens in such incidents, so we call on the Department to investigate and try to get national information about what is happening in different places. That is extremely important.

There are also issues to do with the Department’s actions in relation to local authorities, which should be given the power to enforce civil regulations in moving traffic. The decriminalisation of parking offences shows what role local authorities can play. Enforcing civil regulations in moving traffic includes enforcing laws with regard to bus lanes, one-way systems and ignoring box junction markings. It is regrettable that the Department has again refused to activate part 6 of the Traffic Management Act 2004. It is not clear why the Government keep refusing, despite repeated requests. We were told that there was no call for it, but that is not correct because local authorities, among others, repeatedly ask for the measure to be activated. The provision is already has already been passed into law, so I would be grateful for further information from the Minister on why the Department cannot implement that part of the Act. It has already been agreed to, and it would have significant implications for local road management, for road safety and for the saving of lives.

Drinking and driving do not mix. Drivers impaired by alcohol contributed to 4,788 accidents in 2015; 126 of those were fatal and 1,120 caused serious injuries. It is important that information is gathered on whether drivers involved in accidents who have been drinking but are below the legal limit are in fact impaired in their drinking. If that information is not gathered at the moment, it should be. It might help us come to a reasoned assessment of whether the limits should be changed. It is also important that the impact of other jurisdictions’ decisions to lower the legal limit be assessed so that we can find out what impact that has made.

Wearing seat belts is extremely important. It is of great concern to know that 22% of car occupants who were killed in 2015 were not wearing seat belts. A major education campaign is required. Since 2014, cars sold in Europe have to have visual and audio warnings about seat belts. However, that applies to new cars, and it will take a long time for that to have an effect on our roads, so I call for a major campaign on that. It could be done simply and could save lives.

Heavy goods vehicles and road freight present their own challenges. The Driver and Vehicle Standards Agency’s use of technology and its intelligence-based approach bring real benefits. Joint working in London and the south-east is particularly impressive. We saw how impressive that was in London. It is important that random checks are not abandoned, because they matter as well. The London safer lorry scheme should be assessed for wider application.

Issues surrounding the use of EU cross-border directives when non-UK drivers commit offences must be resolved. There has been a problem in that UK traffic law is based on charging the driver of a vehicle rather than the registered keeper, whereas the directive focuses on the keeper. The Government have been trying to resolve that issue, and we were told it would be resolved by May 2017. It is unclear how Brexit might affect that issue. What progress has been made in dealing with it? Again, this is to do with saving lives.

Penalties must be seen to be fair and consistent. When drivers are found to have been breaking road traffic laws, they should feel that the process is fair and that they were not simply caught in a random way. Since 2013, police officers have been able to issue fixed penalty notices for careless and inconsiderate driving offences. Specialist officers should be visible and act consistently in different parts of the country.

Road traffic law enforcement is essential, as our report has shown. It is, however, part of a wider approach to road safety, including not only enforcement but education and engineering. Those three strands must work together, cutting across Government Departments. The welcome reduction in casualties over the past decade has come about because the Department has given road safety a consistent focus over many years and different Departments have worked together. The Minister has already indicated that he will act on some aspects of our report, and I welcome the interest and commitment that he has shown. I call on him to explain what further steps he will take to reduce the number of people who die or are maimed on our roads, and how he will work with other Departments and local government to achieve that.
Iain Stewart (Milton Keynes South) (Con): It is a pleasure to serve under your chairmanship, Mr Gapes. It is also a pleasure to follow the hon. Member for Liverpool, Riverside (Mrs Ellman), who has chaired the Select Committee very well over the many years I have sat on it. I want to pick up on some of the points she has made in a very good summary of our work. I enjoyed taking part in our inquiry. We heard good evidence from road safety experts across the field. I agree with the general thrust of the report. The UK does have a good record on road safety, but there is absolutely no room for complacency. There are a few worrying trends on which we need to take action. I want to say a few words on drink-driving, cycling, using mobile phones, using technology to help, speed cameras, and the regional variations in enforcement policy among different police forces.

Statistics show that, in the past decade, we have made good improvements on drink-driving, but it is still an issue. The improvement is partly cultural. My father’s generation thought it acceptable to go out for a few pints and drive home. That was completely wrong, and the younger generation certainly seems to be much less tolerant of people who have a few drinks and then drive. It still happens too much, and this country has one of the highest drink-driving limits in Europe at 80 micrograms per 100 ml, whereas in most of Europe it is 50 micrograms. We noted in our inquiry that Scotland recently reduced its limit to 50 micrograms. It is probably a little too early properly to assess whether that has materially changed behaviour in Scotland, but it is certainly something we should look at.

I have always been somewhat sceptical about reducing the limit from 80 micrograms to 50 micrograms, something on which the Transport Committee in the previous Parliament conducted an inquiry. I have often felt that there is a risk of sending out mixed messages. At various times, including Christmas, the Department sensibly runs “Don’t drink and drive” campaigns telling people not to drink at all. Yet by reducing the level from 80 micrograms to 50 micrograms, we are saying it is still okay to have a little and drive. If we want to go down the road of lowering the limit, I think we should follow countries such as Finland where it is effectively zero. The limit there is 20 micrograms per 100 ml—that cannot be a zero limit because we all have alcohol in our systems for a range of reasons, such as from aftershave, perfume and deodorant, so 20 micrograms is agreed as the effective zero limit.

It was interesting to learn during the inquiry that statistics show very few people being caught for drink-driving related matters in the 50 microgram to 80 microgram range. Most people were way over the 80 microgram limit. I have a slight concern that it might not be best to focus campaign efforts against drink-driving on reducing the limit. I should like to consider wider measures for tackling it. However, I do not have a blinkered view and, for example, evidence from Scotland were to show a marked difference we should clearly consider doing the same in England.

It is a concern that the number of cycling fatalities and serious injuries is increasing. That is probably due in part to the fact that more people now cycle, which is a good thing for health and wellbeing and environmental reasons, and for congestion. The Government are doing a lot to help promote cycling. It is not an entirely uncontroversial area, but the introduction of separate cycle lanes in London is making cycling better. However, there is an issue of enhanced law enforcement. Too many drivers pass cyclists without leaving sufficient room and are intolerant of them on the roads. That cuts both ways, however. I have seen plenty of cyclists who do not behave properly on the road. I should be interested to see better enforcement and education in both directions.

In Milton Keynes, we have a completely segregated cycle system. It was one of the design features—a system of “redways” right across the city, primarily to keep pedestrians and cyclists separate from the 60-mph grid roads. I find it incredibly frustrating that cyclists do not use them, and cause risk to themselves and other drivers by using the main grid roads. I should like slightly better education about how to behave. I did my cycling proficiency test at school. I do not know whether that is still a common feature—I understand that it changed its name to Bikeability—but the Department for Transport could perhaps work with the Department for Education on promoting it. I should be interested to hear what cycling measures the Government propose.

I want briefly to talk about speed cameras. I absolutely agree with the general thrust of the report. The UK does have a good record on road safety, but there is an issue of overuse, and of particularly at dangerous junctions. The Committee also considered average speed cameras. They can be valuable, but that there is a danger of overuse, and of
confusion about the grace limit. Some people have said it is only 1 mph or 2 mph above the 50-mph average speed limit. Others say it is 10% plus 2 mph, so that people can go at almost 60 mph. There is a need for greater clarity about what is enforced. Average speed limits should not be used where there is no need for them. I agree that there are dangerous stretches of road where using average speed is very appropriate, even in normal circumstances. Certainly, it is absolutely right to use it to protect the workforce during motorway repair work. Too often, however, Highways England blocks off an enormous stretch of road—20 miles in some instances—when the work is happening in only a very small part of that. It increases driver frustration and the likelihood of risky behaviour. Some care should be used in deploying average speed technology.

**Jim Fitzpatrick:** I am interested in the hon. Gentleman’s suggestion. Notwithstanding the anomalies that he suggests exist with average speed cameras—between where it is 1 mph or 5 mph over 10% or whatever—with fixed speed cameras, we can see people slow down and immediately speeding up again when they go past them. They might go up to 70 mph, 80 mph, 90 mph, below 100 mph or whatever. With average speed, drivers do not go more than maybe 10% plus 2 mph, so they are far more effective in reducing the speeds of every driver, and motorists actually obey them, surely.

**Iain Stewart:** The hon. Gentleman makes a very good point and I agree with him. Fixed cameras have their role, for example where there is a dangerous junction, to get speeds down to 30 mph or whatever—with fixed speed cameras, we can see people slow down and immediately speeding up again when they go past them. They might go up to 70 mph, 80 mph, 90 mph, below 100 mph or whatever. With average speed, drivers do not go more than maybe 10% plus 2 mph, so they are far more effective in reducing the speeds of every driver, and motorists actually obey them, surely.

I do not want to detain Members much further. Lastly, there is the issue of enforcement practice around the country. The Chair of the Committee was absolutely correct to say it varies from police force to police force. In many ways, it is right that we have that local flexibility and that police and crime commissioners can adapt their policies and resources to the specific needs of their area. It also allows innovation to take place with new practices, new technology and the rest.

However, there must be a better system of collating best practice information and then sharing it with other authorities, so that the good new ideas can actually influence the whole country. The Department has a better role to play in doing that. I would not want to see everything absolutely set rigidly from the centre—it is appropriate to have some local discretion on how enforcement takes place—but, as I say, we should learn from the best. That is one of the benefits of a devolved system.

I hope this has been a helpful contribution. It was a very interesting inquiry. We are not trying to fix a dreadful problem, because this country has one of the best records in this area, but one death is too many. There is a need to improve our safety record must be welcomed. Once again, I thank my fellow members of the Committee and the Chair for this work. It was very interesting and I look forward to hearing what the Minister says.

**Jim Fitzpatrick** (Poplar and Limehouse) (Lab): It is a pleasure to serve under your chairmanship this afternoon, Mr Gapes. There are at least two members of the Speakers’ Panel who Chair our meetings who are fellow West Ham United supporters. I know that confers no special privilege; if anything, it is probably a disadvantage. However, it is a pleasure to see you in the Chair this afternoon.

I am delighted to follow the hon. Member for Milton Keynes South (Iain Stewart)—[Interruption.] There you go; there’s fame for you. I am not in the main Chamber, as the annunciator says; I am here in Westminster Hall. Apparently I am in both at the same time. How does that work? Well, that might make a diary piece somewhere.

As I say, I am delighted to follow the hon. Gentleman and my hon. Friend the Member for Liverpool, Riverside (Mrs Ellman), who is the Chair of the Transport Committee, with whom I had the pleasure of serving on that Committee for a couple of years. I am very grateful for the Committee’s report. I should say that I am vice-chair of the Parliamentary Advisory Council for Transport Safety’s all-party group on road safety, and I am grateful to Katy Harrison for her briefing for this debate.

I begin by quoting from the opening paragraph of the summary of the Transport Committee’s report, which I think needs a little qualification. It says:

“The UK has a very good road safety record in global terms. However, the decline in fatalities in road accidents”—

I always challenge that questionable use of the word “accidents”. The hon. Member for Milton Keynes South said in his comments that people speeding and people on mobile phones cause “accidents”. They do not cause “accidents”; they cause crashes, because they are making decisions deliberately, selfishly and carelessly that lead to collisions. Therefore, these things are not “accidents”; they are deliberate human mistakes and they could be avoided. Calling them “accidents” gets people off the hook, because we all have accidents, such as spilling glasses of water and all the rest of it. Crashes are not “accidents”; they are deliberate human acts.

The Committee’s report goes on to say that the decline in road fatalities “has slowed in recent years, and the most recent annual figures show a small increase in the number of road fatalities. The increase in injuries among pedal cyclists is of particular concern” and that:

“While Education and Engineering are important, they cannot stand alone”—

as my hon. Friend the Chair of the Committee said. The report also states:

“Enforcement must be adequate and its methods designed to ensure safety in order to continue the trend in reducing road fatalities and injuries.”

The UK’s safety record may very well be in danger, because, as was mentioned by both the previous speakers, the figures are moving in the wrong direction and the number of road fatalities is slightly increasing. Perhaps the Minister, when he responds to the debate, can confirm that the number of people being killed or seriously injured—the KSI figures—in the last two or three years is going in the wrong direction.
As was mentioned by both previous speakers, our record in global terms is excellent—we need to say that. The Minister will know that I am chair of Fire Aid, which supports the UN’s sustainable development goals on KSI reductions, particularly in the area of post-crash response, which includes exporting the British fire service’s expertise and professionalism in extracting victims from vehicles and dealing with road collisions. We are working in 30 countries around the world and taking British expert advice, training and equipment out to those countries, which are in eastern Europe, Africa, Asia and elsewhere.

The Government signed up to the sustainable development goals, which apply to the United Kingdom and not just to other countries, to say that we want a 40% reduction in the 1.25 million people who are killed and the 20 million people who are seriously injured on the world’s roads every year. Those targets—those ambitions—apply to the UK and not just to other countries. The European Union also has KSI targets to which the Government have signed up.

That makes the decision in 2010 by the former Secretary of State for Transport to abandon the UK’s KSI reduction targets all the more disappointing. The Government’s abandonment of a clear commitment to save more lives and reduce serious injuries was not only a signal lack of ambition but a retreat from the 30-year consensus started by the Thatcher Administration in the 1980s, probably by the hon. Member for Worthing West (Sir Peter Bottomley) when he was the Minister with responsibility for road safety. As I say, it commanded cross-party support for more than thirty years, but was abandoned because the former Secretary of State for Transport, it was reported, did not want to fail to meet the targets and consequently be accused of failure. However, not having targets basically said, “Well, we’re not really having any ambition,” which was very defeatist.

Let me turn to some of the specific recommendations in the Transport Committee’s report and the Government response. Recommendations 1 and 2 basically deal with the number of traffic police officers and the fact that their number is falling. My hon. Friend, the Chair of the Committee, said that the number of offences for causing death has not fallen, but the number of traffic offences being detected has fallen significantly.

The Government response to those recommendations says:

“The level of effective roads policing is not necessarily dependent solely on one factor, for example all police officers can enforce the law, including road traffic law, and there can be improved targeting of resources on particular problems.”

However, the Transport Committee’s report says:

“The National Police Chiefs Council...emphasised”—in the evidence it gave to the Committee—

“that road policing is a specialist skill set and a highly technical specialism that cannot be replicated by a ‘regular front-line operational officer’.”

As my hon. Friend the Chair of the Committee said, the number of specialist road police officers has consistently fallen over the last decade and it is now down to about 4,300 from about 7,100. The report states:

“The total number of detected motoring offences has more than halved over the past decade”

between 2004 and 2015. The need for a skilled and adequate road policing presence remains, not least to protect vulnerable road users. My question to the Minister is this: have cuts to the number of specialised road policing officers led to fewer traffic offences being detected? Obviously, if they have, that needs to be examined.

I had a brief exchange with the hon. Member for Milton Keynes South on speed cameras. I was tickled, I must confess, by recommendation 4 in the report, which said:

“Further deployment of average speed cameras (ASC), which are generally better received by motorists”.

“Better received” is a euphemism. They are better obeyed by motorists. There are some motorists out there who do not think we should have speed cameras. We beg to differ on “better received”. I might have argued for a stronger word than “received”, because speed is clearly an issue, as both my colleagues have mentioned.

Recommendation 6 states:

“We recommend that the Government monitor the placement of speed cameras by local authorities to ensure that this is the case.”

I will come back to the strong point that the Chair of the Select Committee made on devolution to local authorities and using their expertise and technology to enforce the laws. Does the Minister have up-to-date information on how wide the deployment is of civilians in communities trained by the police in using handheld speed radar guns? It empowers local communities that think they have a problem with speeding to take the matter into their own hands and deter people from making the roads where they live dangerous.

Recommendation 15 states:

“We recommend that the Department fund research into the development and effective deployment of technology to detect illegal mobile phone use while driving.”

That point was made by the Chair of the Select Committee. The Government’s response cites the statistic that only 1.6% of car drivers were observed using a handheld mobile phone. I would like to think that that is anecdotal, because certainly in London the percentage seems to be higher. Obviously, this is a study that the Government would have undertaken. Given the serious dangers that the hon. Member for Milton Keynes South pointed out, even 1.6% is an issue.

If I may, I say hello to our civil servants. The last sentence of this part of the Government’s response says:

“Ultimately, use of such a devise”.

There is a spelling mistake, and we rarely find those in Select Committee reports and Government responses. I do not know how that sneaked in.

Will the Government consider the Transport Select Committee’s recommendation to “fund research into the development and effective deployment of technology to detect illegal mobile phone use while driving”?

That is of great interest to me and other road safety campaigners.

My second point on mobile phone use is that RAC research shows that motorists who offend are offered educational courses. With the welcome introduction of new penalties by the Government, they appear to be suggesting that courses will not be offered in future. Are they now discouraging the option of educational courses for illegal
mobile phone use? The key issue here, as the Chair of the Select Committee said, is detection. People do not commit offences if they think they will be found out. If they think they will get away with it, they will commit the offence. With fewer road traffic police on our roads and less visibility, more people think they will get away with it and more people will offend.

Recommendation 16 talks about how the “vulnerability of cyclists provides a particular road enforcement challenge.” That is a huge issue for Members from all parts of the House. Central Government and local government are making great efforts to protect cyclists more, to promote cycling and to reduce the number of people who are vulnerable when they are cycling. I got a briefing from Cycling UK, and I must confess that I baulked at one of its responses to the Government’s response. It said:

“Cycling UK would suggest that the subsequent THINK! Campaign, urging cyclists to ‘hang back’ from lorries, merely added to the perception that cycling was dangerous, whilst also blaming victims.”

I think that is nonsensical. It is absolute rubbish. When I cycle from east London into Westminster, I travel down Lower Thames Street and the Embankment. Before we had cycle superhighway 3 and a dedicated lane, whenever I approached a junction or a traffic light and had an HGV in front of me, common sense would say to me, “Hang back.” It is basic common sense for the THINK! campaign to say to cyclists, “Hang back.” For Cycling UK to say that that is patronising or reinforces the fact that cycling is dangerous demeans the campaign for better cycling. I know what Cycling UK is trying to say, but when we undermine the solid messaging from the THINK! campaign on safer cycling, it does the promotion of cycling no good at all. We all want to see safer cycling, safer cyclists and more of us.

Recommendation 19 states:

“We recommend that the Home Office commission research on how collisions or near misses are handled by the police”.

The Chair of the Select Committee majored on that and outlined why the Committee thought that that was absolutely necessary.

My last reference is to recommendations 37 and 38. I agree entirely with the Committee that devolving powers could be a way forward. I understand the Government’s anxiety, especially given the abuses of unscrupulous parking companies levelling fines and massively increasing fines for people who are guilty of not paying the appropriate parking fee. Given the advances in technology, communities expect to be protected against unsocial and criminal elements. Speeding cars in urban environments, such as in my constituency—we have a rash of it in Wapping at present—should be tackled by the police and the council. CCTV, automatic number plate recognition cameras and other evidence-gathering technology should be deployed to protect communities against those who do not care about the rest of us. Given the support of local authorities, I reinforce the point that the Chair of the Select Committee made: I do not understand the Government’s reluctance to embrace local councils as allies in the fight against illegal, criminal and dangerous activity, especially in a climate of devolution where every level of government is devolving powers to local communities.

Our fellow citizens are more likely to come up against unacceptable behaviour and illegality on our roads than probably at any other time in their lives. Too many will die and far too many will suffer life-changing serious injuries. The report is important, and I commend the Committee and all its members for bringing it forward. The Government need to do more to reassure our communities.

I do not in any way challenge the Minister’s personal commitment to having safer roads. On a personal level, I know he is totally determined to do the right thing. It is the same for the THINK! campaign and all the civil servants within the Department who work overtime to try to ensure that are roads are safer. The Chair of the Select Committee made references to education and campaign activity. Can the Minister tell us how much money was deployed on the THINK! budget last year, and how much will be deployed this year and next year? With no disrespect to the Minister, he inherited a suite of policies and decisions that fundamentally point the Government in the wrong direction on road safety. The reduction in road police, the U-turn on the Green Paper on new and younger drivers, and the abolition of KSI reduction targets, are all fundamental policies that have taken the Government in the wrong direction. We are very keen to see the KSI statistics for 2014, 2015 and 2016. I think they will suggest the Government are going in the wrong direction, and they are the only people who can change that direction. I am keen to listen to the responses of the shadow road safety Minister—my hon. Friend the Member for Birmingham, Northfield (Richard Burden)—and the Minister.

3.48 pm

Richard Burden (Birmingham, Northfield) (Lab): It is a pleasure to serve under your chairmanship, Mr Gapes, I think for the first time. I cannot claim to be a West Ham supporter—I very much hope you will forgive me for that.

The Parliamentary Under-Secretary of State for Transport (Andrew Jones): You should claim to not be a West Ham supporter.

Richard Burden: I will not rise to the Minister’s bait, even though he temptes me to do so. I congratulate the Transport Committee and its Chair, my hon. Friend the Member for Liverpool, Riverside (Mrs Ellman), on securing this debate and on considering the Government’s road safety strategy and, in particular, the issue of enforcement. I thank the hon. Member for Milton Keynes South (Iain Stewart) and my hon. Friend the Member for Poplar and Limehouse (Jim Fitzpatrick) for their important contributions to the debate. My hon. Friend’s contribution was remarkable. As he observed, he managed—according to the announcer—to achieve omnipresence, being here in Westminster Hall and speaking in the Chamber simultaneously.

This is a really important report. We all know—it has been mentioned several times in the debate—that the UK has a proud road safety record. At least, it had one for almost two decades, when deaths and serious injuries fell sharply, but the worrying reality is that since 2010 that progress has stalled. The latest rolling figures show that there has been no reduction in total road deaths and a 2% increase in serious casualties in the past 12 months. Meanwhile, even though a great deal was achieved over those decades, drinking and driving-related casualties have been effectively stuck at about 240 a year since 2010.
My hon. Friend the Member for Liverpool, Riverside, and all hon. Members who spoke, drew attention to the situation regarding mobile phone use at the wheel. I know that at the end of last year the Government introduced more stringent measures on mobile phone use, which are welcome. However, is that really enough when the RAC’s latest report on motoring estimates that almost one in three drivers still thinks it is okay to check their phone while at the wheel? In the way that it was made socially unacceptable to ignore having seatbelts in a car or to drink and drive, we must use every tool at our disposal to change the culture of drivers using mobile phones at the wheel.

Personally, like my hon. Friend the Member for Poplar and Limehouse, I do not doubt the Government’s sincerity on road safety. However, the reality of their record has been one of disappointment in recent years. They are failing on their manifesto commitment to reduce casualties year on year. Some important causes of that failure have already been alluded to. The first, which my hon. Friend was right to mention, concerns road safety targets. They were introduced under Labour, and I have no doubt that they successfully reduced the number of KSIs—those killed or seriously injured. The reduction was about a third. Road safety targets focused minds and attention, and I still do not see the reason and logic behind the Government’s persistent refusal to bring them back. As my hon. Friend mentioned, why, when we support international targets at the UN and European level, do we still reject them as far as our own country is concerned?

We also need to think about whether the Government’s 2015 road safety statement was really up to the mark. I do not think it was. There was no clear statement of resources or guidance for local authorities, and there were no objective measures to improve young drivers safety. Throughout virtually all of the last Parliament we were eagerly awaiting a Green Paper on young drivers that never materialised. It was going to be published “next year”, then “at Christmas” and then “shortly”, but then it never came at all. The 2015 statement also had no mention of the “Vision Zero” goal that other countries have adopted—the goal of eliminating deaths as part of a safe systems approach to road safety. As for measures to protect vulnerable road users, we are still waiting for the fully funded cycling and walking strategy that the Government have been promising “shortly”—in their word—for quite an extraordinary length of time.

The fact is that the Government’s approach on this issue has been piecemeal and limited in effect. Central to that failure is the title of today’s debate and the key recommendation underlined by the Transport Committee in its report last year: the question of enforcement. According to the response to my written question on 1 February, official figures show that since 2010 the number of officers outside the Metropolitan police with road policing functions has fallen from 5,337 to 3,436. That is a cut of about one third; it is actually a bigger cut than that identified by the Transport Committee. The Committee is right to say that a combination of education, engineering and penalties is key to improving road safety conditions, but also that those things “must be backed up by effective enforcement with road users knowing that infringements will be detected.”

That brings me to the question of how policing priorities are set and the constraints in that regard. The Government can say that policing priorities are a matter for local forces and in a sense that is right—it is important that they are set locally and reflect local conditions—but they cannot be in any way meaningful if the police up and down the country simply do not have the resources to deliver the priorities that they want to deliver across the piece.

As the Transport Committee noted in paragraph 7 of the report, road policing is not a nationally set strategic priority, and the variation in strategies appears to be continuing. For example, in quarter 1 of last year, seven forces did not even submit casualty reports to the Government on time, forcing the DfT to estimate the figures. Meanwhile, across the country we have seen fixed penalty notices for mobile phone usage plummet by not far short of 90% over five years. I would like to think that that reflects a sea change in the attitude of motorists to using mobile phones, but I think we know from the RAC report and elsewhere that the reality is likely to be different. In evidence to the Select Committee, the Institute of Advanced Motorists noted that the falling levels of enforcement risk developing a culture in which being caught is seen as a matter of bad luck rather than bad driving.

I therefore ask the Minister to address the question that has been put to him twice in this debate so far. Will he reveal what impact assessment he has done on the effect of falling police numbers on road safety, and if there has been no such impact assessment, will he please undertake one? Can he also assure us that he will speak to his Home Office colleagues to ensure that forces send through accurate and timely casualty reports, which are essential? What meetings has he had with the Association of Chief Police Officers following the report from the Transport Committee and the latest statistics for the number of officers involved in road safety duties?

I have no doubt that every police and crime commissioner and every chief constable in this country wants to see safe roads. I have no doubt that every single one of them wants to devote as many officers as they can to achieving safety on our roads. However, if they do not have the resources to do that, all too often it is road traffic policing that ends up falling off the end of the list of priorities. My hon. Friend the Member for Poplar and Limehouse was right: the Department for Transport has a key role to play if that culture is to be turned around.

There needs to be a cross-Government strategy. It is vital that central Government does not work in silos on this issue and that the DfT steps up to take the lead on how we can ensure that the necessary resources are made available for effective enforcement. I hope the Government will think about how road safety can be integrated into their third attempt at producing a clean air strategy, and will they also think about whether the second road investment strategy can allocate a specific budget to road safety?

I hope that the Minister will address the important point made by my hon. Friend the Member for Liverpool, Riverside about ensuring that cross-border work on road safety, particularly in relation to the European Union, is maintained at a high level and that Brexit does not jeopardise or undermine that.
Will the Government also think about what levers can be used to incentivise further the uptake of telematics or black boxes and the use of technology to deter mobile phone use at the wheel, which various hon. Members have mentioned? Could the recently published Vehicle Technology and Aviation Bill, which has clauses on automated vehicles, be used as a vehicle—pardon the expression—for pursuing some of those agendas?

I hope the Minister will recognise, from today’s debate and others, that there is cross-party concern about this issue. I hope he will agree to take full stock of his Government’s road safety approach and recognise that despite their sincere pledges to improve road safety, the strategy is falling short as things stand. This is a cross-ministerial challenge for not only his Department but the Ministry of Justice and, equally, the Home Office. I hope he will ensure that the Home Office, police and local authorities are all on the same page and have the capacity, in practice, to enforce the law as we all want to see it enforced.

I would like to end with four further questions to the Minister on improving road safety. Will he commit to ensuring that all police forces have sufficient support to deliver reductions in all forms of casualties? What work is he undertaking to review the Scottish drink-drive limits that the hon. Member for Milton Keynes South mentioned? We need to look at what the impact has been of reducing the limit there and whether we can learn any lessons.

Will the Minister give us a timeframe for when the cycling and walking investment strategy will be published and an assurance that it will have the resources to back it up when finally it is published? Finally, will he listen to campaigners within the road safety community and do what my hon. Friend the Member for Liverpool, Riverside has urged him to do, and which I urge him again to do, by reinstating road safety targets? They can perform a valuable role in achieving the vision of nobody being killed or seriously injured on our roads in future.

4.2 pm

The Parliamentary Under-Secretary of State for Transport (Andrew Jones): I am not sure I have served under your chairmanship, Mr Gapes. I am not a West Ham supporter; I have to put that on the record right away. I congratulate the hon. Member for Liverpool, Riverside (Mrs Ellman) on securing this debate. Before we go any further, I must say that I will relay the comments on road policing to the Minister responsible in the Home Office. I have regular meetings with colleagues in the Home Office. This is very much a cross-departmental initiative, and we have had some very positive moves. I expect to see that continue.

In the Government’s road safety statement in December 2015, we welcomed the fact that the Transport Committee was looking at this topic, and I am happy to reiterate that welcome in today’s debate. This debate is extremely timely. Three weeks ago, my Department published road casualty statistics for the third quarter of last year. The figures for those killed and seriously injured on our roads showed an increase of 6% in the year ending 2016 compared with 2015. That is clearly in the wrong direction, and we must not in any way be complacent, but we must also be cautious before jumping to conclusions. There is not enough evidence yet to conclude that the change can be explained by statistical natural variation in deaths over time. I am very aware that we will want to keep that under close review.

We have a manifesto commitment to reduce the number of road users, including cyclists, who are killed or injured on our roads every year. Enforcing road traffic laws to ensure that offenders pay the penalty for their wrongdoing can help to get that statistic on a downward trend again. I was asked whether I met regularly with the police service on the matter, and I do. The police lead is Chief Constable Suzette Davenport from Gloucestershire. I have also written to each of the forces around the country about their reporting, so I am happy to give confirmation right away on some of the questions asked.

Richard Burden: Before the Minister leaves the question of the police, I accept and am pleased about what he said before—that he will talk to his Home Office colleagues—but he was also asked a direct question on at least two occasions today about whether he had undertaken any review of the reductions in police numbers devoted to road policing and the impact on road safety. If he has not undertaken any such review, will he do so?

Andrew Jones: We look at all the ingredients that combine to influence road safety. On penalties for use of mobile phones, for example, it was highlighted that the number of penalties issued had fallen significantly—that is a fact—but during that time the number of people who have suddenly lost their lives in incidents in which handheld mobile phone use was considered a factor has remained exactly the same. The figure has been consistent. That tells us that mobile phone use is an ingredient, but that there is no direct causal link between one fact and another—a number of factors are in play. Do I think that enforcement matters, however? Yes, I do. I agree entirely with the principles of education, engineering and enforcement. Are we reviewing that? Yes, it is one of the many ingredients that we review constantly.

To go back to the big four, as the hon. Member for Liverpool, Riverside, the most common traffic offence is indeed speeding. We know that excessive speed kills, and I agree with the Select Committee that cameras are an important and effective technology in detecting speeding offences. We use technology in every other part of human life, so why on earth would we not use it in something as critically important as road safety? I occasionally get letters saying, “We need to remove cameras. They are an infringement of civil liberties”, or that we are unfairly targeting motorists. That is absolute nonsense. It is, however, for local authorities and local police forces to determine where cameras should be sited for their best effect.

The best effect lies, I agree, in getting drivers to respect the speed limits, not in simply generating revenue. Where a camera generates significant ongoing revenue, the local safety partnership should be asking why and whether, for example, the speed limits are clearly signed. The Government are not generally in favour of hypothecating tax revenues—we are no different from Governments of all colours over many years—but, having said that, we are working to hypothecate the vehicle excise duty to Highways England and the road investment strategy. There is not, however, a parallel between hypothecating speed fines and road safety.
I agree that there is a high level of compliance—the hon. Member for Poplar and Limehouse (Jim Fitzpatrick) called it “obedience”, but it is compliance. That is the word we are looking for when we see the use of average speed cameras, because a marked change in driver behaviour results. That is a personal observation. He also asked if we had information from communities on local camera use and so on. I do not have that information, but I will see whether we can find some. If we can, I will share it with the hon. Gentleman.

Drink-driving is clearly a critical issue. We certainly take seriously the threat that all dangerous drivers, including drink and drug-drivers, pose to the safety of other road users. However, I must be up front and say that we have no plans to change the drink-drive limit. The rigorous enforcement of the limit and the serious penalties for drink-driving in this country are a more effective deterrent than changing the limit. We may have a higher drink-drive limit than other countries, but we also have a more successful culture of enforcement and of removing the issue than other countries.

It is also fair to recognise that we have made other changes. We changed drink-driving legislation in April 2015 to require high-risk offenders to undertake medical tests before they are allowed to drive again. We have also removed the so-called statutory option that allowed suspected drink-drivers the choice of an evidential breath test or a specimen of blood or urine, which afforded the potential for people to sober up during the time lag between the two. That option has now gone. My hon. Friend the Member for Milton Keynes South (Iain Stewart) is correct in saying that the average blood alcohol level for those stopped and convicted is not in the 50 to 80 mg category, which represents about 2% of those stopped. The average is in the 150 to 180 mg category. The people causing drink-drive problems pay absolutely no regard to drink-drive limits; they just do not think that the limits apply to them. The limits are not the issue here.

The Select Committee report did not explicitly consider drug-driving, but the Government’s response did, noting that drugs in a driver’s bloodstream can pose as much of a danger as alcohol. We have provided £1 million to police forces in England and Wales to support drug-driving enforcement. The evidence so far is that it has been highly successful, and for 2016 we are expecting an eightfold to tenfold increase over the previous year. When the data come out, we will be able to confirm that properly, but that is the indication thus far. We have some time to go before we get the final data, but it is clearly a successful policy.

The anecdotal feedback from police services around the country is that it has been a great addition to their toolkit, and that they have used the drug-driving laws to disrupt far more criminal activity, such as drug-dealing rings, tackling the drivers to take the rings out of circulation for a period. That is interesting. It is not exactly why we introduced the drug-driving rules, but it is a welcome side effect nevertheless. In March last year, just as the Select Committee report was being published, we launched a THINK! campaign to educate people about the dangers of drug-driving and send a clear message that it is unacceptable. A point was made about social unacceptability. We want drug-driving to be as socially unacceptable as drink-driving. We as a society are a little further back on that journey, but it is clearly the direction that we want to go in. I want everybody to know that the consequences for drug-driving will be serious.

We talked a little about mobile phone use, particularly under the heading of distractions. I know that the Select Committee welcomes the higher penalties that Parliament has approved for drivers who use their mobile phones. Whether they are calling, texting or using an app, motorists caught using a handheld device will receive a fixed penalty notice of £200 and six penalty points on their driving licence. The changes will come into effect next week, on 1 March, making it one of the toughest fixed penalties. Drivers risk losing their licence after two offences, totalling 12 points, and new drivers who reach six points in one offence will lose their licence right away and have to retake both theory and practical driving tests. Such penalties will be effective only if drivers believe that an offence will be detected.

The hon. Member for Poplar and Limehouse asked whether fixed penalty notices were still appropriate. Our police service has operational independence. It is fair to say, though, that the Government would like more fixed penalty notices to be issued, particularly at the start of this major change to the penalty regime, so that the heavy penalties are understood and widely communicated and are used to effect behaviour change, because that is what this is about. If people see others losing their licences, it will effect a behaviour change.

Jim Fitzpatrick: Does that not reinforce the point that the Select Committee made about devolving some responsibility for fixed penalty notices to local authorities and other bodies, so that there can be allies in the field to detect and punish the people who breach the regulations that the Government want enforced?

Andrew Jones: I will come to the local enforcement of moving traffic offences, but the hon. Gentleman’s underlying point is correct. Do we need alliances? Progress on road safety issues is achieved by campaigners—they often lead the way—local government, national Government and various agencies, such as Highways England and High Speed 2, which have road safety budgets, all working together. That is how we have made progress as a country, and I see that as the way forward, too.

I certainly want to ensure that we get this message across, and there will be a strong THINK! campaign to warn drivers as part of the launch of the changes on 1 March. We are also working with the police on an enforcement campaign, but prevention is better than cure, and we have the opportunity through that advertising campaign to make clear the risk that drivers take. I want to make using a handheld mobile device at the wheel—including texting—as socially unacceptable as drink-driving. I am sure that the hon. Member for Liverpool, Riverside is absolutely correct that technology can help. Indeed, I will meet mobile phone companies next week and have already met other technology companies. Technology is moving pretty fast in this area. I am not normally at the cutting edge of technology, but I am happy to learn and I certainly see that technology can help here.

Seatbelts were mentioned. We recently had the 50th anniversary of seatbelt legislation, and I do not think any other single policy has generated a better
return in terms of improving road safety than seatbelts. I am pleased that compliance with seatbelt wearing remains very high. The awareness-raising work that has been done over a long period has clearly struck home and wearing a seatbelt is now automatic for the vast majority of us. However, we are not complacent, and we will conduct a roadside survey later this year to establish whether there has been any significant change from the last time we conducted a survey, which was 2014.

Many colleagues mentioned vulnerable road users. It is a tragedy that three cyclists were killed on London’s roads in just a week earlier this month—two of them in just 12 hours. I will come to that later, but the stories that one learns are truly tragic. All road users have a responsibility to those with whom they share the road. That responsibility is all the greater to road users whose mode makes them more vulnerable. London leads the way on cycling, ensuring that goods vehicles are properly equipped for seeing other road users and keeping them apart. We believe that decisions about restricting vehicle movement are best taken locally, although we recognise that having different standards in different places could be operationally quite difficult for road users.

The hon. Member for Poplar and Limehouse highlighted the THINK! Hang Back campaign, which actually had two strands. He mentioned the strand for cyclists, but there was a further strand of communication targeted at HGV drivers, including through trade organisations. That campaign was developed because research revealed that around 30% of cyclists were unaware of the dangers of being on the inside of an HGV that might turn left. Given that so many people thought that was a safe space to be in, we were quite robust in some of our communication to get the message across. There was no suggestion of apportioning blame—that is obviously ridiculous. We are trying to make people aware and get them to take responsibility for themselves and other road users. I made the point earlier that people have a responsibility to those with whom they share the road.

On fixed penalty notices and diversionary courses, the Sentencing Council has announced that penalties for people found guilty of serious speeding offences will increase on 24 April. Most speeding is not wilfully over the posted limit, and in such cases a fixed penalty notice is often the best way to remind drivers of the need to monitor and control their speed. The last increase in fixed penalty fines for speeding was in 2013. We keep them under review. Where there is a clear case for change, as with mobile phones, we have acted and will continue to act.

Police officers have discretion to decide how to dispose of an offence. Where an officer believes that the driver will benefit, the offer of a diversionary course is an effective way to proceed. What we are seeking to do is to change behaviour. The police officer makes a call on how that might be best achieved and we want to maintain the operational independence of our police.

As the Committee noted, we are evaluating the national speed awareness course, the most widespread of the diversionary courses that are offered. We hope to complete that work later this year. The Committee recommended that the cost of diversionary courses be standardised. I have some sympathy with drivers faced with a range of different costs for the same course, without any explanation for the variation. However, I can also see that the cost of delivery will vary from place to place. Where courses are delivered by an external provider, contractual commitments may need to be taken into account. For the time being, therefore, we do not intend to mandate a single national charge for each type of course.

The Government’s response to the Committee’s report noted the objective of 188,000 vehicle compliance checks this year. So far, the Driver and Vehicle Standards Agency has checked 167,555 vehicles at the roadside, so it is well on track to meet that target. It has also found just over 20,000 serious defects and offences, which is well ahead of where it expected to be at this point in the year. We are therefore confident that the agency will meet both targets by the end of this financial year. The London industrial HGV taskforce uses the combined powers of the two bodies to target those identified as at the biggest risk of non-compliance. That targeting is working well, but we have not yet been able to develop similar programmes in other parts of the country.

On the cross-border enforcement directive, in our response to the Committee report, we stated that we would attempt to influence the European Commission to amend the directive in the future. Quite a bit has happened in policy in this area over the last few months. The purpose of the directive was to support member states in the investigation of eight different kinds of offence committed by drivers when driving in other member states and the legislation mandates sharing information about vehicle keepers. However, the UK prosecutes only drivers for the offences in question—a point that was made by the hon. Member for Liverpool, Riverside. There is nothing in the directive that obliges member states to compel their citizens to admit liability or to name the driver.

Parliament has seen our explanatory memorandum on the European Commission’s review of the directive, which recognises that there is an issue for member states that have driver liability in place. We have some support from other member states on the topic and we continue to press for change.

My hon. Friend the Member for Milton Keynes South made an important point about sharing best practice. We feel that there is a role for the Department in sharing best practice. I have attended and spoken at roads policing conferences, which bring together enforcement leaders around the country. The sharing of best practice is not just carried out in this part of our departmental activity, but is spread much more widely.

We made clear in the Government’s response to the report that the devolution of parking enforcement has not been without considerable concerns from motorists—a point that was noted by the Committee in its 2013 report, which expressed concern about the way in which local authorities used CCTV for parking enforcement. There have been concerns about revenue raising, penalty levels and the number of penalty charge notices issued. In response to that, new legislation was enacted in March 2015 to restrict the use of CCTV for parking enforcement. I received a letter in the last few days from a councillor suggesting that the powers be granted so that they could use them precisely for revenue raising. That is not quite what we were seeking—this is about safety and behaviour change.

Against that backdrop, the Government remains to be convinced about the case for giving authorities the powers to enforce moving traffic contraventions. I am not keen to see local authorities installing a raft of new
A number of points have been made on whether to have targets. If other countries wish to have targets, that is obviously fine, but frankly I do not think that we need them. I do not think that targets have a direct cause and effect on policy in quite the same way that some colleagues here do. I do not need a target to tell me that this is an important issue or to bring forward ideas and initiatives: I just do not think it is related. We are bringing forward ideas because this is an issue that matters. It is simply not the case that policy is as simple as publishing a target and then seeing a cause and effect like that. We have seen many other areas of Government policy in which targets have even had a perverse effect—most notably in health targeting. We have no plans to introduce targets, but we have plenty of plans to continue what we are doing to make our roads safer.

The Select Committee report noted that effective enforcement was one of the three E’s, and a necessary adjunct to the engineering and education initiatives that help to deliver our road safety initiatives. The report also noted that road users should know that infringements will be detected. I agree, and I hope that I have demonstrated to the House that the Government take road safety seriously. I am grateful for the comments about my personal commitment to the subject from colleagues across the House. It is actually the first policy area upon which I commissioned work when I became a Minister, which I hope gives an indication of my personal commitment to it.

I am acutely aware of the importance of this issue. Behind every statistic is a shattered life or a shattered family. I have met many such families, and those are hard meetings, but they spur me on to do more in this area. It is clear that we have taken and are taking action. We have some of the safest roads in the world, and I will work to make them ever safer.

4.29 pm

Mrs Ellman: This is very much ongoing business. I thank all hon. Members for the important comments that they have made, and I thank members of the Select Committee, who have contributed so well—particularly the hon. Member for Milton Keynes South (Iain Stewart) who, as hon. Members will have heard, made insightful and informed comments. We will continue to work together. I say to the Minister that resources are needed to make progress, and that a cross-departmental approach is required. If it is Government policy not to have targets, how will we know whether sufficient progress has been made? The Transport Committee will continue to pursue all of these issues.

Question put and agreed to.

Resolved.

That this House has considered the Second Report of the Transport Committee of Session 2015-16, Road traffic law enforcement, HC 518, and the Government response, HC 132.

4.30 pm

Sitting adjourned.
 Written Statements

Monday 6 February 2017

EDUCATION

Government Assets Sale

The Minister for Universities, Science, Research and Innovation (Joseph Johnson): Today, the Government are starting the process required to sell part of the English student loan book under the Sale of Student Loans Act 2008. The sale covers loans issued under the previous (“pre-2012”) system, specifically those which entered repayment between 2002 and 2006.

The Government’s intention to launch this sale at this time, subject to market conditions, was set out in last year’s autumn statement. The decision to launch this process is consistent with the Government’s fiscal policy and approach to asset sales. The position of all graduates, including those whose loans are part of a sale, would also not change as a result of the sale.

This Government are committed to cutting the deficit, reducing debt, and living within our means as a country. The Government’s policy is to sell assets where it is value for money to do so and where there is no policy reason to continue to own them. Selling assets gives headroom for the Government to invest in other policies with greater economic or social returns and reduces fiscal pressures.

The Government’s policies towards student finance and higher education are not being altered by this sale. Under the current system of student support (the framework for which has been in place since 2012) we will continue to offer financial support so people who have the qualifications and want to pursue higher education are able to do so, with no limit on their numbers. This is part of making sure our economy works for everyone.

Students are protected by statute and completely unaffected. A sale would not alter the mechanisms and terms of repayment and sold loans would 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. These protections mean that purchasers would have no right to change any of the current loan arrangements or to directly contact borrowers.

The Government have launched the first sale process on the basis there is a good prospect of achieving value for money, but will only proceed with the sale subject to market conditions and a final value for money assessment. The assessment of value for money is in accordance with the HMT Green Book framework and includes a comparison of the value of retaining the student loan book and receiving payments over time (the retention value) and receiving cash now (the proceeds of the sale). This sale will comprise the future repayments on the outstanding balances on a selection of loans, with a total face value of around £4 billion. The retention value to Government is lower and is calculated using standard Treasury Green Book methodology developed for asset sales, and also accounts for Government subsidy of the student loan system. The loans which are being sold have already been in repayment for over 10 years, and therefore much of the original value of the loans has already been paid back to Government.

The sale process is expected to take several months. Selling the loan book involves securitising the remaining future repayments on the loans and selling securities representing the rights to these to a range of purchasers. The House will be informed if and when a sale is completed.

[HCWS458]

EXITING THE EUROPEAN UNION

General Affairs Council: February 2017

The Minister of State, Department for Exiting the European Union (Mr David Jones): The General Affairs Council (GAC) on 7 February will be held in Brussels under the Maltese presidency. The agenda will cover 1) follow up to the December European Council; 2) preparation for the March European Council; and 3) Commission communication on next steps for a sustainable European future.

Follow up to the December European Council

The presidency is likely to present an update on the implementation of the December 2016 European Council conclusions on migration, security (internal and external), economic and social development (youth), Cyprus and external relations (covering the EU/Ukraine association agreement and Syria).

Preparation for the March European Council

There will be a discussion on the agenda of the March European Council. The agenda includes: security; jobs and growth; external relations; and migration.

Commission communication on next steps for a sustainable European future

The Commission will present a communication on next steps for a sustainable European future and there will be an exchange of views. The communication sets out the EU’s commitment to deliver the 2030 agenda for sustainable development which was agreed at the 2015 UN General Assembly.

[HCWS461]

HEALTH

National Health Service

The Minister of State, Department of Health (Mr Philip Dunne): My hon. Friend the Parliamentary Under-Secretary of State (Lord O’Shaughnessy) has made the following written statement in the House of Lords:

This Government are committed to making sure that only those people who are living here and contributing to the country financially will get free National Health
Service care. Following a two year programme of work to improve identification and cost recovery from chargeable patients in hospitals we consulted on extending the charging rules to areas of NHS care that are currently free to all. Proposals for this were set out in a public consultation entitled “Making a fair contribution—a consultation on the extension of charging overseas visitors and migrants using the NHS in England”, which ran from December 2015 to March 2016.

The proposals explored within the consultation aimed to support the principle of fairness by ensuring those not resident in the United Kingdom pay for NHS care. The proposals would not restrict access, but rather make sure that everyone makes a fair contribution towards the cost of the care they receive.

We are today publishing our response to that consultation. It summarises respondents’ views and sets out how the Government intend to extend charging and increase cost recovery from patients not eligible for free care, including:

- Requiring NHS providers to obtain charges upfront and in full before a chargeable patient can access non-urgent treatment.
- Including out-of-hospital secondary care services and NHS-funded services provided by non-NHS organisations within the services that chargeable patients will have to pay for.
- Removing NHS assisted reproduction services from the range of services provided free of charge under immigration health surcharge arrangements.

The principle that the NHS is free at the point of delivery for people ordinarily resident in the UK will not be undermined by this work.

The most vulnerable people from overseas, including refugees, will remain exempt from charging. Furthermore, the NHS will not deny urgent and immediately necessary healthcare to those in need, regardless of payment. Exemptions from charging will also remain in place for the diagnosis and treatment of specified infectious diseases in order to protect the British public from wider health risks.

The potential income generated through the extension of charging will contribute towards the Department of Health’s aim of recovering up to £500 million per year from overseas migrants and visitors by the middle of this Parliament (2017-18). The recovery of up to £500 million per year will contribute to the £22 billion savings required to ensure the long-term sustainability of the NHS.

We are also publishing today on gov.uk the evaluation of the initial phase of the programme, the lessons from which we are factoring in to the future operation of the programme.

It is also available on line at: http://www.parliament.uk/business/publications.

[HCWS460]

HOME DEPARTMENT

Proceeds of Crime Act 2002

The Minister for Security (Mr Ben Wallace): I am pleased to lay before Parliament the 2015-16 annual report of the appointed person under the Proceeds of Crime Act 2002. The appointed person is an independent person who scrutinises the use of the search and seizure powers that support the measures in the Act to seize and forfeit cash used for criminal purposes and to seize and sell property in settlement of confiscation orders.

The report gives the appointed person’s opinion as to the circumstances and manner in which the search and seizure powers conferred by the Act are being exercised. I am pleased that the appointed person, Mr Douglas Bain, has expressed satisfaction with the operation of the powers and has found that there is nothing to suggest that the procedures are not being followed in accordance with the Act. Mr Bain has made no recommendations this year.

From 1 April 2015 to the end of March 2016 over £67 million in cash was seized by law enforcement agencies in England and Wales under powers in the Act. The seizures are subject to further investigation, and the cash is subject to further judicially approved detention, before forfeiture in the magistrates court. These powers are a valuable tool in the fight against crime and the report shows that the way they are used has been, and will continue to be, monitored closely.

[HCWS459]
Written Statements

Tuesday 7 February 2017

ATTORNEY GENERAL

Serious Fraud Office (Contingencies Fund Advance)

The Solicitor General (Robert Buckland): I would like to inform the House that a cash advance from the contingencies fund has been sought for the Serious Fraud Office (SFO).

In line with the current arrangement for SFO funding agreed with HM Treasury, the SFO will be submitting a reserve claim as part of the supplementary estimate process for 2016-17.

The advance is required to meet an urgent cash requirement on existing services pending parliamentary approval of the 2016-17 supplementary estimate. The supplementary estimate will seek an increase in both the Resource Departmental Expenditure Limit and the net cash requirement in order to cover the cost of significant investigations.

Parliamentary approval for additional resources of £5.5 million will be sought in a supplementary estimate for the Serious Fraud Office. Pending that approval, urgent expenditure estimated at £5.5 million will be met by repayable cash advances from the contingencies fund.

The advance will be repaid upon Royal Assent of the Supply and Appropriation (Anticipation and Adjustments) Bill.

[HCWS463]

TREASURY

Bills of Sale

The Economic Secretary to the Treasury (Simon Kirby): In 2014, HM Treasury asked the Law Commission to review the Victorian-era bills of sale Acts. This legislation enables consumers and small businesses to borrow money using their goods as security, while allowing borrowers to retain possession of the goods. In recent years, bills of sale have been most commonly used in relation to logbook loans, which are loans that are secured on a consumer’s vehicle.

The desire for a comprehensive review reflected the Government’s significant concerns about consumer detriment in the logbook loan market, in particular the lack of protections available to consumers who took out a logbook loan, as well as innocent third party purchasers who unknowingly buy a vehicle that is subject to a logbook loan.

In 2014, the Government also fundamentally reformed the consumer credit market, by transferring regulation from the Office of Fair Trading to the Financial Conduct Authority (FCA). This more robust regulatory system is helping to deliver the Government’s vision for a well-functioning and sustainable consumer credit market which is able to meet consumers’ needs.

The Government have ensured that the FCA has strong powers to protect consumers, including the power to levy unlimited fines and require firms to compensate consumers who have lost out, where it finds wrongdoing. The FCA assesses every firm’s fitness to trade as part of the authorisation process, and it has put in place binding standards on firms. It proactively monitors the market, focusing on the areas most likely to cause consumer harm, and it has a broad enforcement toolkit to punish breaches of its rules. This has ensured that firms treat consumers fairly and consumers are better protected from sharp practice by firms.

However, the FCA cannot tackle the inadequacies of the bills of sale Acts, which mean that there are still significant gaps in the protection available for consumers who use logbook loans and third party purchasers.

The Law Commission’s final report and recommendations to reform the bills of sale Acts were published in September 2016, and the Government have now had the opportunity to consider the report fully.

The Government are grateful to the Law Commission for a report which is exhaustive and careful in its treatment of this complex matter, and which makes detailed recommendations for reform.

The Government agree with the Law Commission’s conclusion that consumers and unincorporated businesses should continue to be able to use their existing goods as security while retaining possession of them but that the bills of sale Acts no longer provide an appropriate legal framework and should be reformed. As well as accepting the overarching thrust of the recommendations, the Government welcome many of the detailed suggestions for reform. There are, however, some recommendations where the Government’s acceptance is qualified. We will want to reflect further on these points, and take discussions forward with the Law Commission, stakeholders and other Government Departments.

This is an opportunity for the Government to continue their work in creating a modern, fit-for-purpose consumer credit regime. The recommendations will improve outcomes for consumers by simplifying the information that is presented to them and providing increased protections if they get into financial difficulty. The recommendations will also remove unnecessary burdens for firms, and create new opportunities for small, unincorporated businesses to access finance.

Copies of the Government’s full response to the report’s recommendations will be placed in the Libraries of both Houses once these have been fully considered and agreed with the Law Commission.

The Government are keen that this work should move forward, and have agreed to support the Law Commission in drafting primary legislation to enact the necessary reforms. The Government will seek to use the special parliamentary procedure which is available for Bills that implement uncontroversial Law Commission recommendations, subject to agreement with the usual channels, and to bring forward the legislation when parliamentary time allows.

The Law Commission’s final report is available at:

[HCWS462]
The Minister for Policing and the Fire Service (Brandon Lewis): I want to update the House on progress made since the Prime Minister, as then Home Secretary, set out plans last May to reform the fire and rescue service in England to become more accountable, efficient and professional than ever before.

Services are already transforming and seizing opportunities for collaboration, for example, delivering a single suite of national operational guidance, creating a single, cross-service research and development function and developing a cross-service new commercial strategy. The service has also recently formed the National Fire Chiefs’ Council which will transform the operational voice of fire and rescue services.

Our reform agenda is based around three distinct pillars: efficiency and collaboration, accountability and transparency, and workforce reform.

The Government have legislated through the Policing and Crime Act 2017 to transform local fire and rescue governance, enabling police and crime commissioners to become the fire and rescue authority where a strong local case is made. The Act also creates a statutory duty to collaborate. Better joint working can strengthen our emergency services, deliver significant savings to the taxpayer and—most importantly—enable them to better protect the public. This new duty requires emergency services to keep collaboration opportunities under review and to take on collaboration opportunities where it would be in the interests of efficiency and effectiveness to do so. It will come into force in April.

While fire and rescue authorities have achieved significant savings to date, I believe they can go further. Last year I undertook a basket of goods exercise to ascertain the prices each fire and rescue authority pays for a basket of 25 common items. The exercise illustrated that procurement practices need to be improved and so the Home Office has supported the sector develop a new commercial approach to aggregate and standardise procurement. This exercise will be repeated in the autumn to ensure progress is being made and a separate exercise will be undertaken this spring on different, high-spend items.

I will create an independent inspectorate and am considering options. I want this inspectorate to be rigorous in application and forensic in process, to deliver rounded and comprehensive inspections to assess the operational effectiveness and efficiency of each service. This independent scrutiny will ensure that fire authorities are held to the highest possible standards. I will update the House in due course as this body is formed.

Transparency of fire and rescue services increased last year by the publication of new procurement and workforce diversity data and will be strengthened further by the creation of a new website that will hold a range of information, in one place, about services. This will include information such as chief officer pay, expenditure and workforce composition and further information is planned.

I will create a professional standards body to further professionalise the service. The Home Office is working with the sector to develop options for this body which I hope will form later this year. I propose this body to set standards on a range of issues such as leadership, workforce development, equality and diversity and codifying effective practice.

Finally, I published the independent review into firefighter terms and conditions by Adrian Thomas in November. The review’s recommendations, if implemented, will secure the future of the service for years to come by creating a diverse working environment free from bullying and harassment, with strong leadership and more flexible working conditions. I am encouraged that the Local Government Association, in partnership with the sector, recognise the need to take swift action in response to this report and deliver vital reforms to the workforce. I expect the recommendations of the review to be followed, particularly in relation to reforming the national joint council and the Grey Book, and I will be closely monitoring progress.

I also expect services to step up and find solutions to the current lack of diversity so clearly highlighted in the workforce statistics we published last year, with just 4% of firefighters from an ethnic minority background and just 5% female.

Delivering this ambitious reform agenda does not simply rest with me, or with the Government. Ultimately, the sector itself must shape and deliver these changes. It is for their benefit and the benefit of the communities they serve, and I look forward to seeing the results.

[HCWS464]
Year 2017-18.

for each service in the armed forces during Financial

the maximum numbers of personnel to be maintained

been laid before the House today as HC968. This outlines

The Ministry of Defence Votes A Estimate 2017-18, has

of the Immigration Act. The remainder were transferred

support for the Calais camp clearance. Over 200 of

included more than 750 from France as part of the UK' s

those granted a refugee family reunion visa.

In the year ending September 2016, the UK granted

the most vulnerable children. The UK has contributed

from Calais and to address the humanitarian needs of

commitment to the transfer of hundreds of children

refugee children arriving in the UK has risen over the

region under the vulnera ble children' s resettlement scheme.

We also received over 33,000 asylum claims in the UK

as required by the legislation, we have consulted with

local authorities on their capacity to care for and support

unaccompanied asylum-seeking children before arriving

at this number. Local authorities told us they have capacity for around 400 unaccompanied asylum-seeking

children until the end of this financial year. We estimate

that at least 50 of the family reunion cases transferred

from France as part of the Calais clearance will require

a local authority placement in cases where the family

reunion does not work out. We are grateful for the way

in which local authorities have stepped up to provide

places for those arriving and we will continue to work

closely to address capacity needs.

The Government will continue to meet our obligations

under the Dublin regulation and accept responsibility

for processing asylum claims where the UK is determined

to be the responsible member state, ensuring that it is in

their best interests to come here. We are working closely

with European partners to ensure the timely and efficient

operation of the Dublin regulation.

Of the over 4,400 individuals resettled through the

Syrian vulnerable persons resettlement scheme so far,

around half are children and last year we welcomed the

first families to the UK under the vulnerable children’s

resettlement scheme. We are fully committed to an

effective response in the affected regions and to resettling

the most vulnerable directly from those regions. Within

Europe, the UK has also established a £10 million

refugee and migrant children arriving in Europe. The

refugee children’ s fund to support the needs of vulnerable

Europe, the UK has also established a £10 million

fund includes targeted support to meet the specific

needs of unaccompanied and separated children.

Here in the UK, we have launched the national

transfer scheme to ensure a fairer distribution of unaccompanied asylum-seeking children across England

and ease pressure on the children’s services of those

local authorities with large numbers of unaccompanied

children. To implement the national transfer scheme the

Home Office has established a dedicated team to process

the transfer of children quickly while at the same time

acting in accordance with the child’s best interests. The

Home Office also published detailed guidance for local

authorities setting out the processes involved in transferring

unaccompanied asylum-seeking children from one local

authority to another, including the need to ensure that

the scheme is driven by the welfare of the child.
As announced on 1 November, the Government will also deliver a safeguarding strategy for unaccompanied asylum-seeking children. This will ensure the Government put in place a comprehensive safeguarding strategy for unaccompanied asylum-seeking and refugee children living in or being transferred or resettled to the UK.

To further support the transfer arrangements and underline our commitment to unaccompanied asylum-seeking children, the Government significantly increased the funding they provide to local authorities who look after unaccompanied asylum-seeking children. Local authorities now receive £41,610 per annum for each unaccompanied asylum-seeking child aged under 16 and £33,215 per annum for unaccompanied asylum-seeking child aged 16 and 17. This represents a 20% and 28% increase in funding respectively. In addition, the Government went further and also increased the funding they provide to local authorities for those young people who turn 18 and go on to attract leaving care support by 33%. These significant increases in Government funding will have a very positive impact on local authorities’ ability to care for unaccompanied asylum-seeking children.

The Government have also announced the £140 million controlling migration fund in England, which is intended to cover a broad range of costs associated with migration. It cannot duplicate or top up unaccompanied asylum-seeking children rates, but it may support short-term costs not included in the mainstream unaccompanied asylum-seeking children grant and costs related to family reunion cases. This could include costs such as the safeguarding assessments, recruitment campaigns for social workers or support workers, specialist counselling or training on the specific needs of unaccompanied children. Additional funding has also been offered to strategic migration partnerships across the UK to help them bolster local structures and ensure they are equipped to deal with the diverse needs of unaccompanied asylum-seeking children.

The Government have taken significant steps to improve an already comprehensive approach to supporting asylum-seeking and refugee children. This latest announcement provides further evidence of the Government’s commitment to playing its part in the global migration crisis. In addition to the tens of thousands of children in conflict regions and in Europe that are benefiting from UK aid and development assistance, we are providing protection to thousands of children in the UK each year.

The UK should be proud of its overall contribution.

[HCWS467]

JOINT

Foreign National Offenders and British National Offenders: Repatriation

The Lord Chancellor and Secretary of State for Justice (Elizabeth Truss): A minute has been laid before Parliament regarding the Ministry of Justice’s escorting of foreign national offenders and British national offenders and specifically in relation to incurring a contingent liability.

My Department is responsible for the transfer of foreign national offenders (FNOs) to their home countries and the repatriation of British national offenders (BNOs) held overseas. This role was carried forward by the Ministry of Justice (MOJ) from the Home Office at the time the MOJ was established.

The escorting of FNOs continues to play an important part in reducing the number of Foreign Nationals who are held within our justice system.

Previously, the Home Office had provided Heathrow Airport Holdings Ltd (formerly BAA) with confirmation of HM Government’s agreement to indemnify them against any claims in respect of damage or injury caused to third parties in the event that the National Offender Management Service (NOMS) were found to be negligent in the discharge of their duties. The National Offender Management Service was an Executive agency of the Home Office and was transferred to the Ministry of Justice at the same time as the Ministry was established.

The Ministry of Justice will continue to provide this assurance and I am updating the House on this new agreement. NOMS has prepared written assurance for Heathrow Airport Holdings Ltd and other third parties (e.g. airlines) which may be affected by our operations. This assurance covers the following amounts:

- Up to £50 million for damage or injury per incident to third parties caused airside in the event of negligence of NOMS.
- Up to £250 million to damage or injury to third parties per incident in the event of negligence by NOMS while on board an aeroplane.
- Up to £10 million for personal accident and/or sickness for NOMS staff while on escorting duties.

The addition of a contingent liability to the accounts of a Government Department or agency is a standard approach that ensures full disclosure of all assets and liabilities and is in line with the rules laid out in the financial reporting manual.

The Treasury has approved the proposal in principle. If, during the period of 14 parliamentary sitting days beginning on the date on which the minute is laid before parliament, a Member signifies an objection by giving notice of a parliamentary question or by otherwise raising the matter in Parliament, final approval to proceed with incurring the liability will be withheld pending an examination of the objection, and the existing indemnities will continue.

[HCWS466]

Prisons and Probation

The Lord Chancellor and Secretary of State for Justice (Elizabeth Truss): A new Executive agency of the Ministry of Justice, called Her Majesty’s Prison and Probation Service, will replace the National Offender Management Service from 1 April 2017. The service will be responsible for the roll out of the Government’s programme to improve the way we reform offenders to protect the public and tackle the unacceptable levels of reoffending. Michael Spurr will become the Chief Executive of the new HM Prison and Probation Service from 1 April 2017.

HM Prison and Probation Service will have full responsibility for all operations across prison and probation. The Ministry of Justice will take charge of commissioning services, future policy development and be accountable for setting standards and scrutinising prison and probation performance.

[HCWS467]
The creation of HM Prison and Probation Service will build a world-leading, specialist agency, dedicated to professionalising the prison and probation workforce, backed by an additional £100 million a year and 2,500 additional prison officers. The service will be a place that staff are proud to work, attracting the brightest and best talent to deliver modernised offender reform, strengthened security, counter-terrorism and intelligence capability.

In recognition of the vital work carried out by prison and probation staff, new schemes to improve promotion opportunities have been launched, including enhanced professional qualifications for probation officers, a new leadership programme, an apprenticeship scheme to launch in April and higher pay and recognition for specialist skilled officers dealing with complex issues such as counter-terrorism, suicide and self-harm support and assessment.

This forms part of our far-reaching organisational reforms to the system, which will make services more accountable to Ministers for delivery and performance. This will be further supported by measures within the prison and courts Bill, which will create a new framework and clear system of accountability for prisons.

Probation services will also offer improved training and learning opportunities for offenders to ensure they do not return to a life of crime, working hand in glove with prisons to ensure a more integrated approach. We will set out more details later this spring.

A key priority of HM Prison and Probation Service will be to focus on the particular needs of offenders. To meet the needs of women offenders across the whole system, for the first time there will be a board director responsible for women across custody and community. Sonia Crozier, Director of Probation, will take on this responsibility (reporting directly to the CEO) from 1 April 2017. We set out also in December 2016 the Government’s plans for the youth justice system, putting education and training at the heart of youth custody. We are working closely with the Youth Justice Board to review existing governance arrangements and will set out changes in due course.
The Government transformation strategy defines our vision and ambition for a Government that is “of the internet” rather than simply “on the internet”. It sets out how Government services, and other interactions with the public and businesses, will be improved and enhanced—both in terms of providing service to citizens and in gaining (and keeping) their trust. Digital is the best way of achieving this.

The strategy sets out five pillars for the future direction of Government:

1. Create shared platforms, components and reusable business capabilities: continuing with Government as a platform, reducing duplication, cost and increasing efficiency across Government.
2. Make better use of data: ensuring that Government data is properly managed, protected and (where non-sensitive) made available and shared effectively. To accelerate the transformation of Government, and ensure we retain public trust and confidence in our use of data, we will appoint a new Chief Data Officer for Government.
3. Business transformation: developing end-to-end services that meet the needs of their users across all channels, in co-ordination with a fundamental rethink of back-office operations.
4. Grow the right people, culture and skills: continuing to ensure that we have the right people, with the right skills and training, employed in the right place working in the right way.
5. Build better tools, processes and governance for civil servants: transforming the inside of the civil service to become an organisation that is digital by default.

One of the most important and challenging aspects of delivering transformed online services is identity assurance—establishing that the user is who they say they are and not someone pretending to be them. Gov.uk Verify, the Government’s online identity verification service, went live in May 2016. We will continue to enable individuals to prove their identity online and to access Government services securely and safely. To achieve this, we will work towards 25 million people having a gov.uk Verify account by the end of 2020.

This strategy also sets out the evolving role of the Government digital service to support, enable and assure transformation delivered by Government Departments. It provides the direction of travel and does not in and of itself constitute any additional spending commitments.

I will place a copy of this strategy document in the Libraries of both Houses.

[HCWS469]
benefit from the proceeds of a growing economy.

to support local jobs and local firms, and directly
social care, a fairer funding review, medium and longer-term
bespoke devolution deals, the integration of health and
funding will make councils less dependent on money
with several councils and it will be publishing more
has already held discussions about the 2018-19 pilots
Department for Communities and Local Government
it could participate in the 2018-19 pilot. All other
subject to due process and meeting the necessary criteria,
that this was not possible for 2017-18, but said that,
non-executive ones, including licensing, until the Council
executive functions of the authority, as well as some
He directed that Commissioners should exercise all
funding in compliance with the best value duty. Returning
these functions was the start of building effective and
accountable political leadership and represented a clear
milestone on the road to recovery. On 13 December
2016, I announced the return of licensing functions to
the Council. I am pleased now to be able to report on
further progress made.

In his 10 November 2016 progress report, Lead
Commissioner Sir Derek Myers provided robust evidence
to support his recommendation for economic growth,
town centres, external partnerships and grounds
maintenance to be returned to the Council. Additional
information provided in December 2016 gave me sufficient
assurance on the return of audit, and adult social care
and NHS partnership.

The Commissioners will continue to have oversight of
these six service areas to ensure continued compliance with
the best value duty. With the exception of adult
social care and NHS partnership, where Commissioners
will have the power of direction, the other five service areas
will be returned to the Council with the Commissioners
having the power of advice.

Today, I have written to the Council to say that I am
now minded to return these service areas to the Council
but will seek representations before making a final
decision. I am placing a copy of the documents associated
with these announcements in the Library of the House
and on my Department’s website.

CULTURE, MEDIA AND SPORT

Sporting Future: Annual Report

The Parliamentary Under-Secretary of State for Culture,
Media and Sport (Tracey Crouch): I am today publishing
the first annual report on the Government’s sport strategy
“Sporting Future: a New Strategy for an Active Nation”.

Sporting Future set out a new Government vision to
redefine what success looks like in sport by concentrating
on five key outcomes—physical wellbeing, mental wellbeing,
individual development, social and community development
and economic development. It was a bold new strategy
for an active nation. It marked the biggest shift in
Government policy on sport for more than a decade. Much
has been achieved so far, and this first annual report
sets out the steps we have taken towards making sure
absolutely everyone can benefit from the power of sport.

Investment in sport and physical activity is now focused
on the five key outcomes. Funding is being opened up
to organisations who can demonstrate how they will
consistently deliver some or all of those shared goals.

Progress has been made against the three major outputs
described in Sporting Future—engagement in sport as
a participant, volunteer and spectator; maximising
international and domestic sporting success and the
impact of major events; and supporting a more productive,
sustainable and responsible sport sector across the board.

I am grateful to all those who are working to make
Sporting Future such a success. The annual report is
being deposited in the Libraries of both Houses and is
available at:
https://www.gov.uk/government/publications/
sporting-future-first-annual-report.

Rotherham Metropolitan Borough Council

The Secretary of State for Communities and Local
Government (Sajid Javid): On 26 February 2015, the
then Secretary of State for Communities and Local
Government (Eric Pickles) and the then Secretary of
State for Education (Nicky Morgan), having considered
the report of the inspection by Dame Louise Casey CB
and advice note from Sir Michael Wilshaw (HM Chief
Inspector of Education, Children’s Services and Skills),
concluded that it was both necessary and expedient for
them to exercise their intervention powers as Rotherham
Metropolitan Borough Council was failing to comply
with its best value duty. Due to the extent and the
gravity of the failings in the Council, the then Secretary
of State for Communities and Local Government decided
that the intervention should be broad and wide ranging.
He directed that Commissioners should exercise all
executive functions of the authority, as well as some
non-executive ones, including licensing, until the Council
could exercise them in compliance with its best value
duty. A team of Commissioners was appointed to exercise
these functions.

On 11 February 2016, my predecessor returned certain
functions to the Council, including education, housing
and planning. He was satisfied with the progress made
and that the Council was able to exercise the identified

functions in compliance with the best value duty. Returning
these functions was the start of building effective and
accountable political leadership and represented a clear
milestone on the road to recovery. On 13 December
2016, I announced the return of licensing functions to
the Council. I am pleased now to be able to report on
further progress made.

In his 10 November 2016 progress report, Lead
Commissioner Sir Derek Myers provided robust evidence
to support his recommendation for economic growth,
town centres, external partnerships and grounds
maintenance to be returned to the Council. Additional
information provided in December 2016 gave me sufficient
assurance on the return of audit, and adult social care
and NHS partnership.

The Commissioners will continue to have oversight of
these six service areas to ensure continued compliance with
the best value duty. With the exception of adult
social care and NHS partnership, where Commissioners
will have the power of direction, the other five service areas
will be returned to the Council with the Commissioners
having the power of advice.

Today, I have written to the Council to say that I am
now minded to return these service areas to the Council
but will seek representations before making a final
decision. I am placing a copy of the documents associated
with these announcements in the Library of the House
and on my Department’s website.

[HCWS475]
DEFENCE

Service Museums

The Minister for the Armed Forces (Mike Penning): My noble Friend the Minister of State in the House of Lords, Earl Howe, has made the following written statement:

Further to my written ministerial statement of 15 October 2015 (HLWS241), I am today announcing the publication of the findings of the review of the three service museums: The National Museum of the Royal Navy, the National Army Museum and the RAF Museum. Periodic reviews of non-departmental public bodies (NDPBs) are part of the Government’s commitment to ensuring, and improving, the accountability and effectiveness of public bodies.

The review concluded that the service museums support the heritage objectives of the Ministry of Defence and the functions performed are still required. The review recommended that the service museums should be retained as NDPBs of the Ministry of Defence.

The review was carried out with the participation of a wide range of internal and external stakeholders and I am grateful to all those who contributed to this review.

The Review of the Service Museums report has been placed in the Library of the House. It will also be available on the Government website at: www.gov.uk.

[HCWS473]

EXITING THE EUROPEAN UNION

General Affairs Council: February 2017

The Minister of State, Department for Exiting the European Union (Mr David Jones): The General Affairs Council (GAC) was held on 7 February in Brussels under the Maltese presidency.

The agenda covered follow up to the December European Council; preparation for the March European Council; and Commission communication on next steps for a sustainable European future. The UK permanent representative to the EU represented the UK.

A provisional report of the meeting and the conclusions adopted can be found at:


Follow up to the December European Council

The Maltese presidency presented the EU’s key priorities and progress, stating that further work was needed in all areas. The Commission added that member states should not lose sight of making progress on relocation and the common European asylum system.

Preparation for the March European Council

The presidency presented the draft agenda which includes: jobs, growth and competitiveness, which would take stock of single market strategies; security, where leaders would examine decisions taken at December’s European Council; and a place-holder for external relations. The presidency presented conclusions of a conference on the future of the European monetary union held in Portugal in January. The meeting was attended primarily by representatives from southern European countries, called for the EU to work together to promote growth and convergence across eurozone countries, backed by a socially sustainable increase in public and private investment.

[HCWS477]

TRANSPORT

Commercial Spaceflight

The Secretary of State for Transport (Chris Grayling): We intend to publish a draft spaceflight Bill later this month, dedicated to commercial spaceflight in the UK. This legislation will be fundamental to enabling small satellite launches and sub-orbital flights from the UK, ensuring the UK is well placed to take advantage of a growing global market. The Government’s intention is to introduce this Bill formally early in the next Session, following a period of scrutiny and engagement with industry and other interest groups.

The space sector is vital to the future of the UK economy, with a strong record of creating high-value jobs and generating wealth across the country. To help the creation of the space launch market in the UK, the UK Space Agency is inviting commercial space consortia to apply for grant funding to take the action that will make our ambitions a reality.

Together, the proposed legislation and grant funding announced today will have the potential to enable commercial spaceflight from a UK spaceport by 2020.

[HCWS471]

Ministerial Cars

The Minister of State, Department for Transport (Mr John Hayes): My noble Friend the Parliamentary Under Secretary of State for Transport (Lord Ahmad of Wimbledon) has made the following written statement.

I am publishing today details of the charges incurred by Departments for the use of official Government cars provided to Ministers by the Government Car Service during the financial year 2015-16, which are in the attached table.

Official transport is provided so that Ministers can carry out their work effectively and securely, including working on sensitive and confidential Government documents while travelling.

We are committed to continuing our focus on reducing the cost to the taxpayer of the provision of secure ministerial cars. The Government Car Service has reduced its running costs by three quarters since 2010. We continue to be committed to reducing the cost to the taxpayer of the provision of secure transport.
To assist public scrutiny, equivalent figures for the £6.7 million charges to each Department under the last Labour Government can be found at 28 October 2010, Official Report, column 23WS.

![Image](https://www.publications.parliament.uk/pa/cm201011/cmhansard/cm101028/wmstext/101028vm0001.htm#10102827000372)

## WORK AND PENSIONS

### Fraud, Error and Debt Measures

The Secretary of State for Work and Pensions (Damian Green): We are committed to ensuring an effective and accurate benefit system, as part of creating a welfare system which is fair to those who use it, and fair to the taxpayers who fund it. An important part of this is recovering money owed to the Government through overpayment of benefits.

Fraud and error in the DWP benefits system is historically low, and at 1.9% is lower than in 2010. Claimant error and official error are at their lowest level ever, and we are protecting taxpayers’ money by recovering a record amount in overpaid benefits. For 2015-16 around £1 billion was recovered jointly by the Department and local authorities, an increase of £70 million since 2014-15. Using DWP powers to recover tax credits debt

In order to build on this success, today, I can announce that from April 2018 the Department for Work and Pensions (DWP) will recover a segment of HM Revenue and Customs (HMRC) tax credits debt associated with people whose tax credits claim has ended. This is debt that has been subject to recovery by HMRC but where repayment has not been secured.

The claimants who have these historic debts will have previously been contacted numerous times by HMRC and invited to start a voluntary repayment plan. They will also have had the opportunity to appeal and challenge the debt.

From April 2018 DWP will begin to try to recover this debt using a wider range of methods. Where people have not voluntarily made arrangements to repay, this may, as a last resort include recovery directly from earnings. DWP has greater powers than HMRC in this regard.

This initiative helps deliver the Government’s commitment to reform the benefits system and switch to universal credit. During transition HMRC will continue to administer financial support for those with ongoing entitlement to tax credits.

Using data and analytics to identify potential fraud and error

Many people rely on the benefit system for support—it provides a vital safety net for people who are out of work, people with disabilities, those who are carers, bringing up children, retired, or on low incomes. So it is vital that we protect it from the very small minority who try to claim taxpayers’ money they are not entitled to.

According to the most recent fraud and error national statistics around £110 million is lost annually to DWP as a result of fraud and error relating to undeclared partners. The most up to date information (financial year 13-14) suggests around 1.5% of income support (IS) expenditure is overpaid annually as a result of fraud and error in the DWP benefits system (IS) expenditure is overpaid annually as a result of fraud and error in the DWP benefits system. The most up to date information (financial year 13-14) suggests around 1.5% of income support (IS) expenditure is overpaid annually as a result of fraud and error in the DWP benefits system.

Using DWP powers to recover tax credits debt

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In order to build on this success, today, I can announce that from April 2018 the Department for Work and Pensions (DWP) will recover a segment of HM Revenue and Customs (HMRC) tax credits debt associated with people whose tax credits claim has ended. This is debt that has been subject to recovery by HMRC but where repayment has not been secured.

The claimants who have these historic debts will have previously been contacted numerous times by HMRC and invited to start a voluntary repayment plan. They will also have had the opportunity to appeal and challenge the debt.

From April 2018 DWP will begin to try to recover this debt using a wider range of methods. Where people have not voluntarily made arrangements to repay, this may, as a last resort include recovery directly from earnings. DWP has greater powers than HMRC in this regard.

This initiative helps deliver the Government’s commitment to reform the benefits system and switch to universal credit. During transition HMRC will continue to administer financial support for those with ongoing entitlement to tax credits.

Using data and analytics to identify potential fraud and error

Many people rely on the benefit system for support—it provides a vital safety net for people who are out of work, people with disabilities, those who are carers, bringing up children, retired, or on low incomes. So it is vital that we protect it from the very small minority who try to claim taxpayers’ money they are not entitled to.

According to the most recent fraud and error national statistics around £110 million is lost annually to DWP as a result of fraud and error relating to undeclared partners. The most up to date information (financial year 13-14) suggests around 1.5% of income support (IS) expenditure is overpaid annually as a result of a partner not being declared appropriately.

We will engage with an external data provider to identify benefit claimants thought to be most likely to have an undeclared partner more effectively. We expect that this will provide more and better evidence to enable us to identify high risk cases. The data provider will not have any contact with claimants directly or any decision making authority. All cases will be progressed through the existing DWP fraud and compliance processes.
We expect to award a contract for around 18 months and will evaluate its effectiveness in order to inform decisions about whether this type of data matching provides a useful indication of undeclared partners for future use in the universal credit system.

[HCWS474]
Written Statements

Monday 20 February 2017

COMMUNITIES AND LOCAL GOVERNMENT

Local Government Finance

The Secretary of State for Communities and Local Government (Sajid Javid): I have today laid before the House, the report on Local Government Finance (England) 2017-18, which represents the annual local government finance settlement for local authorities in England.

I would like to thank all colleagues in the House, and council leaders and officials, who contributed to the consultation after the provisional settlement was published before Christmas. Representations from nearly 200 organisations or individuals have been carefully considered before finalising the settlement.

In 2010 we inherited the largest deficit in our peacetime history. As we continue to bring that down, local government, which still accounts for nearly a quarter of public spending despite the savings delivered since 2010, must continue to play its part.

At the same time, local residents rightly continue to expect excellent public services. I commend all councils for how they are getting on with the job. Public satisfaction with local services has been maintained, and councils are engaged in substantial efforts to modernise, transform local services, and reduce waste so that frontline services can be protected.

The 2017-18 local government finance settlement supports councils to continue in that regard, and progresses funding reforms to make councils more self-sufficient.

We remain committed to increasing funding certainty for local government. In total, local government spends more than £120 billion a year and the 2015 Spending Review and 2016-17 settlement delivered a flat-cash settlement for local government, providing four year funding allocations for the first time. The settlement being published today is the second year of the four year offer which was accepted by 97% of councils. To enshrine this commitment to stability in law the Local Government Finance Bill establishes a legal framework for multi-year settlements.

Councils are able to use this increased funding certainty to continue reforming the way they work and become more efficient, both in back-office functions and front line service delivery. Building on the £508 million savings already delivered from shared service arrangements, councils are using improved digital technology, new delivery models and innovative partnerships to deliver savings across local government.

We listened to the unanimous view that we must prioritise spending on adult social care services that councils provide to our elderly and vulnerable citizens. The Spending Review put in place up to £3.5 billion of additional funding for adult social care by 2019-20. Recognising the immediate challenges in the care market facing many councils next year, this settlement repurposes £240 million of money which was previously directed to local authorities via the New Homes Bonus to create a new adult social care support grant next year. It also grants councils extra flexibility to raise the adult social care precept by up to 3% next year and the year after.

These measures make available almost £900 million of additional funding for adult social care over the next two years, bringing the total dedicated funding available for adult social care to £7.6 billion over the four-year settlement period.

But more money is not the only answer. We will bring forward reforms to provide a sustainable market that works for everyone who needs social care. And I welcome the consensus across both sides of the House that every area should move towards the integration of health and social care services by 2020, so that it feels like one service.

Councl tax referendum principles

We are committed to keeping council tax down, and will maintain referendum principles to protect hard-working taxpayers from rising bills. Council tax in England has fallen by 9% in real terms from the levels left behind by Labour in 2010, and is expected to be lower in real terms in 2019-20 than it was in 2010-11.

This year, in addition to the further flexibility on the Adult Social Care Precept, we are proposing a core council tax principle of 2% for principal authorities, or £5—whichever is greater—for all shire district councils, and for Police and Crime Commissioners in the lowest quartile.

100% business rates retention

To reduce local government’s dependence on Central Government for funding—long campaigned for by councils—we have announced that by the end of this Parliament, local government will keep 100% of the income raised locally through business rates. Councils will take on new responsibilities to be funded from this additional income—estimated to be around £12.5 billion—as Central Government grants are phased out, and to ensure councils with less business rates do not lose out, there will continue to be redistributions between authorities.

The Local Government Finance Bill, currently before Parliament, provides the legislative framework for these reforms. This will allow us to continue to work closely with interested parties over the coming months on the more detailed aspects of reforms.

A consultation has already been conducted. The Government response to that announced that, in the reformed system, Revenue Support Grant, Rural Services Delivery Grant, the Public Health Grant and the Greater London Authority Transport Grant will be funded through retained business rates. Taken together these account for around half of the additional retained business rates that we estimate will be available to councils. We will continue to engage with local government on the remaining responsibilities to be devolved as part of these reforms but it has already been confirmed that the devolution of Attendance Allowance funding is no longer being considered as part of the Business Rates Retention reforms.

A further consultation has been published seeking views on many of the important aspects of the new system—for example, how growth in business rates can best be rewarded, and how the system can help authorities to manage and share risk. Responses to that consultation are invited by 3 May.
Pilots of these reforms will take place from April 2017 in Liverpool, Greater Manchester, West Midlands, West of England, Cornwall and Greater London. We have also confirmed that we are interested in building on the existing pilot scheme and will be inviting all councils to apply to participate in piloting aspects of 100% Business Rates Retention from April 2018. We will be publishing more information about this process shortly.

Conclusion
Reforms to Local Government Finance, based around 100% business rates retention offer a bold and innovative response to the twin challenges of promoting economic growth and securing more self-sufficient and sustainable local government. They will help determine the role, purpose and means of delivery for local government in the years ahead. The 2017-18 Local Government Finance Settlement provides the financial stability authorities need as they transition towards the reformed system in 2019-20; these longer-term reforms will ensure the councils people rely on for their local services are both sustainable, and more self-sufficient.

The consultation outcome can be found at: https://www.gov.uk/government/consultations/self-sufficient-local-government-100-business-rates-retention.

The further open consultation can be found at: https://www.gov.uk/government/consultations/100-business-rates-retention-further-consultation-on-the-design-of-the-reformed-system

FOREIGN AND COMMONWEALTH OFFICE

Foreign Affairs Council: 6 February 2017

The Minister for Europe and the Americas (Sir Alan Duncan):
My right hon. Friend the Secretary of State for Foreign and Commonwealth Affairs attended the Foreign Affairs Council on 6 February. The Foreign Affairs Council was chaired by the High Representative of the European Union for Foreign Affairs and Security Policy, Federica Mogherini. The meeting was held in Brussels.

Foreign Affairs Council
A provisional report of the meeting and conclusions adopted can be found at:

Agenda items included Libya, Ukraine, Egypt and the Middle East Peace Process. Ms Mogherini briefed Foreign Ministers on the Serbia/Kosovo dialogue and on planning for a conference on Syria to be held in Brussels in the spring.

Libya
The Council discussed the situation in Libya and adopted conclusions. The EU remains committed to an inclusive political settlement under the framework of the Libyan political agreement, with Libyan ownership of the political process and encouragement to all Libyan actors to engage constructively. There can be no military solution to the conflict. The EU reaffirmed its continued support for the UN Support Mission in Libya and welcomed engagement by Libya’s neighbours and regional organisations. Ministers also discussed the need to stem irregular migration along the central Mediterranean route.

Ukraine
Foreign Ministers discussed the recent escalation in violence in eastern Ukraine and the resulting humanitarian situation around the town of Avdiivka. They also discussed how the EU could increase support for the full implementation of the Minsk agreements. Ministers agreed on the need for continued strong support for Ukraine’s reform agenda, which is crucial to strengthen Ukraine’s resilience, and welcomed the progress Ukraine has made on reform to date.

Egypt
Foreign Ministers discussed the economic and political challenges facing Egypt, including the human rights situation, and agreed on the need for closer co-operation on these issues. Ministers also agreed that working more closely with Egypt on regional issues is a priority, given Egypt’s status as a strategic partner in countering terrorism and tackling illegal migration.

MEPP
Foreign Ministers discussed issues relating to the middle east peace process. The Council discussed possible timing for the next EU-Israel Association Council and agreed to revert to the issue. Member states expressed concern about the increase in Israel’s settlement building and the new settlement legislation passed by the Israeli Knesset.

Ministers agreed without discussion a number of measures:
The Council updated the information related to 21 persons and one entity subject to restrictive measures against the Democratic Republic of the Congo.
The Council took note of the annual progress report on the implementation of the European Union strategy against the proliferation of weapons of mass destruction (WMD).
The Council took note of the annual report on the implementation of the European Union strategy to combat the illicit accumulation and trafficking of small arms and light weapons and their ammunition — actions in 2015.
The Council approved the conclusion of an agreement aimed at continuing the International Science and Technology Centre (ISTC).

HOME DEPARTMENT

Independent Reviewer of Terrorism Legislation

The Secretary of State for the Home Department (Amber Rudd): I am pleased to announce that I am appointing Max Hill QC as the new Independent Reviewer of Terrorism Legislation.

Mr Hill has been a QC for nine years and has extensive experience both defending and prosecuting complex cases involving terrorism, homicide, violent crime, high value fraud and corporate crime. He successfully prosecuted the 217 bombers, and he appeared in the inquest into the 7/7 bombings. He also sits as a Recorder at the Old Bailey.
Mr Hill will take up this role from 1 March 2017. He takes over from David Anderson QC, who has served as Independent Reviewer with great distinction since 2011, and to whom I am extremely grateful for the significant contribution he has made.

WORK AND PENSIONS

Defined Benefit Occupational Pension Schemes

The Parliamentary Under-Secretary of State for Pensions (Richard Harrington): Today the Government are publishing a Green Paper “Security and Sustainability in Defined Benefit Pension Schemes”. This paper also forms part of the Government response to the Work and Pensions Select Committee report into defined benefit pension schemes. I would like to thank the Committee for its report.

Defined benefit schemes are an important pillar of the UK economy and our pensions system. In order to generate the funds needed to pay the pensions of retired workers, around £1.5 trillion is invested by nearly 6,000 schemes. The Government are committed to a system that works for employers, schemes and the 11 million people who are in a defined benefit scheme.

While the Government do not believe that there is any systemic issues within the sector, it is clear that experiences differ from scheme to scheme. The Government recognise that recent years have been particularly challenging for some employers providing defined benefit pensions and the trustees responsible for running these schemes.

The Green Paper looks at a range of issues that have been raised by various stakeholders, for example, whether the Pensions Regulator’s powers should be extended to improve member protection. It focuses on four key areas—funding and investment, scheme affordability, member protection and consolidation, so that we can start to build consensus on whether we may want to reform the current system.

The paper relates only to private sector defined benefit schemes and is not concerned with other types of pension provision, such as public service pension schemes or defined contribution schemes.

The Government want to hear from all those with an interest in defined benefit schemes, in particular from scheme members themselves. The consultation will close on 14 May 2017.
The Chief Secretary to the Treasury (Mr David Gauke):

A meeting of the Economic and Financial Affairs Council (ECOFIN) will be held in Brussels on 21 February 2017. EU Finance Ministers are due to discuss the following items:

**Early morning session**

Ministers will be briefed on the outcomes of the 20 February meeting of the Eurogroup, and the European Commission will present an update on the current economic situation following the publication of the Commission’s winter forecasts on 13 February. Ministers are also expected to discuss points of clarification in relation to the intergovernmental agreement on the single resolution fund.

**Anti-tax avoidance directive**

Ministers will be invited to reach a general approach to the second anti-tax avoidance directive (ATAD2).

**Current financial services legislative proposals**

The Council presidency will provide an update on current legislative proposals in the field of financial services.

**Criteria and process leading to the establishment of the EU list of non-co-operative jurisdictions for tax purposes**

Council will take stock of further work that has taken place following the Council conclusions agreed at ECOFIN on 8 November 2016.

**Preparation of the G20 meeting of Finance Ministers and central bank governors on 17 and 18 March 2017 in Baden-Baden**

Ministers will be asked to mandate the Economic and Finance Committee (EFC) to finalise the EU terms of reference for the next G20 meeting of Finance Ministers and central bank governors.

**Discharge to be given to the Commission in respect of the implementation of the budget for 2015**

On the basis of a report from the European Court of Auditors, Ministers will be asked to approve a recommendation—to be forwarded to the European Parliament.

**Budget guidelines for 2018**

Ministers will be asked to adopt Council conclusions on the guidelines for the 2018 budget, which will serve as a point of reference in the forthcoming budgetary cycle.

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The Minister of State, Department for Environment, Food and Rural Affairs (George Eustice):

I represented the United Kingdom at the Agriculture and Fisheries Council on 23 January in Brussels.

Council opened with a presentation by the Maltese presidency on its work programme for the next six months.

This was followed by an update from Commissioner Hogan on the progress of EU trade talks, including a discussion of the findings of the Commission’s report on the cumulative economic impact of future trade agreements on EU agriculture. The UK intervened to point out the benefits of an ambitious approach to future EU free trade agreements.

The Council then discussed the dairy market situation and the recent report on the EU milk package, along with ongoing outbreaks of avian influenza. Member states including the UK welcomed the fragile recovery of the dairy market. Commissioner Hogan stressed that the release of supplies of skimmed milk powder held in public intervention would be handled carefully to avoid any negative impact on the market. On avian influenza, the UK joined with several other member states to raise concerns about the impact of necessary disease control measures on free-range egg producers. Commissioner Hogan agreed that the Commission would examine policy options and report back quickly.

A number of other items were discussed under “any other business”:

- The Slovakian delegation provided information on the conclusions of the 40th conference of directors of paying agencies;
- The Commission responded to a request for information regarding the scope of the Commission’s powers to adopt delegated acts for exceptions from the rules on protected designations of origin for wines.

Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. The outcome of these negotiations will determine what arrangements apply in relation to EU legislation in future once the UK has left the EU.
Written Statement

Wednesday 22 February 2017

TREASURY

Finance Bill 2017

The Financial Secretary to the Treasury (Jane Ellison):
Finance Bill 2017 will be published on Monday 20 March.

Explanatory notes on the Bill will be available in the Vote Office and the Printed Paper Office and placed in the Libraries of both Houses on that day.

Copies of the explanatory notes will also be available on gov.uk.

[HCWS485]
Written Statements
Thursday 23 February 2017

COMMUNITIES AND LOCAL GOVERNMENT

Local Growth

The Secretary of State for Communities and Local Government (Sajid Javid): Further to my statements of 23 January 2017 and 2 February 2017 regarding the growth deal awards to the local enterprise partnerships (LEPs) in the northern powerhouse, east of England, south-east and London, I am today announcing the six individual awards to LEPs in the south-west of England.

Between them they will benefit from £191 million of Government support from the local growth fund, on top of the £780 million committed in previous growth deals.

<table>
<thead>
<tr>
<th>LEP</th>
<th>Funding Award (£m)</th>
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<tbody>
<tr>
<td>Cornwall and Isles of Scilly</td>
<td>18.03</td>
</tr>
<tr>
<td>Dorset</td>
<td>19.46</td>
</tr>
<tr>
<td>Gloucestershire</td>
<td>29.13</td>
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<tr>
<td>Heart of the South West</td>
<td>43.57</td>
</tr>
<tr>
<td>Swindon and Wiltshire</td>
<td>26.09</td>
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<tr>
<td>West of England</td>
<td>52.80</td>
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We have now awarded over £9 billion to LEPs from the local growth fund. With the home building fund and local transport majors launched in 2016 we have fulfilled our manifesto commitment to a £12 billion local growth fund. It is a crucial part of the Government’s agenda to drive growth and devolve power to local areas, with decisions being made by those who know their local area best, and supporting the Government’s commitment to build an economy that works for everyone.

This was the most competitive round yet, and awards were made based on a bidding round that took place last year.

The expanded deals will provide LEPs in the south-west with the power and funding to support local businesses, unlock housing where it is most needed and develop vital infrastructure to allow places to thrive. The funding will also be used to create jobs, equip a new generation with the skills they need for the future and attract billions of pounds of private sector investment. This investment is Government stepping up, not stepping back, building on our strengths to boost national productivity and growth.

I will announce the awards in the midlands shortly.

[HCWS491]

CULTURE, MEDIA AND SPORT

National Heritage Memorial Fund

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Tracey Crouch): I am today announcing the start of a tailored review of the National Heritage Memorial Fund (NHMF). As a non-departmental public body (NDPB), the NHMF, including its activities operating as the Heritage Lottery Fund (HLF), is required to undergo a tailored review at least once in each Parliament.

The review will consist of two stages. The first stage will provide a robust challenge for the continuing need for the functions performed by the NHMF and the HLF; and, if there is, whether some or all of these functions should be delivered by alternative delivery models or continued to be delivered by a NDPB.

If it is agreed that the functions should continue to be delivered as a NDPB, the second stage will review the organisational control and governance arrangements in place to ensure that they are compliant with the recognised principles of good corporate governance and delivering good value for money. The structure, efficiency and effectiveness of both the NHMF and the HLF will be considered as part of both stages.

The findings at both stages of the review will be examined by a challenge group, chaired by DCMS non-executive director Charles Alexander. A separate steering group will consist of representatives from the Welsh Government, Scottish Government, Northern Ireland Executive and UK Government.

In conducting the review, officials will engage with a broad range of stakeholders across the UK from heritage, culture and natural environment sectors. The review will follow guidance published in 2016 by the Cabinet Office: “Tailored Reviews: Guidance on Reviews of Public Bodies”. The terms of reference for the review and a survey seeking evidence about NHMF and HLF can be found on the DCMS website.

I will inform the House of the outcome of the review when it is completed and copies of the report of the review will be placed in the Libraries of both Houses.

[HCWS492]

FOREIGN AND COMMONWEALTH OFFICE

International Court of Justice: Optional Clause Declaration

The Minister for Europe and the Americas (Sir Alan Duncan): The Government have informed the UN Secretary-General of an amendment to the United Kingdom’s optional clause declaration accepting the compulsory jurisdiction of the International Court of Justice (Court/ICJ). The declaration accepts the jurisdiction of the Court in contentious cases that come within its scope.

The Government keep their declaration under review. The ICJ case on nuclear disarmament filed by the Marshall Islands against the United Kingdom in 2014 concluded with a judgment of 5 October 2016 that upheld the United Kingdom’s preliminary objections to jurisdiction. We have now decided to build into our declaration two key elements that underpinned the principal arguments that the Government made in those preliminary objections.

The revised declaration requires other states to give six months’ notice of a claim or dispute against the UK that they propose to submit to the ICJ. This would provide an opportunity for diplomatic engagement with...
the state concerned. The prior notification of a claim is an established part of domestic dispute resolution in the United Kingdom, as well as being a feature of the dispute settlement provisions in many international treaties. The judgment of the ICJ in the nuclear disarmament case accepted that a state must be made aware that litigants have opposing views, otherwise a respondent state does not have the opportunity to react to those opposing views before the institution of proceedings against it. The revised declaration incorporates the UK position that was advanced in the proceedings that prior notification of the kind described is an appropriate step before an application instituting proceedings, seising the Court, can be submitted.

The United Kingdom would be held to the terms of the new declaration in respect of any proceedings that it may wish to institute. The Government are content to be held to this standard.

In addition, the revised declaration also includes a reservation excluding from the Court’s jurisdiction any cases related to nuclear weapons and/or nuclear disarmament unless the other four nuclear non-proliferation treaty (NPT) nuclear-weapons states also accept the Court’s jurisdiction with respect to the case. The Government do not believe the United Kingdom’s actions can meaningfully be judged in isolation. This amendment to our declaration provides that the ICJ will only have jurisdiction over nuclear weapons or nuclear disarmament disputes when the proceedings involve all five of the NPT nuclear-weapons states.

We have also made changes to advance the cut-off date for historical cases to 1987, keeping it at 30 years, and to make clear that a repeated claim, as well as a dispute, is also excluded.

The Government are firm in our commitment to a rules-based international order. We continue to accept the compulsory jurisdiction of the ICJ and believe that the Court has a valuable role to play in resolving international disputes peacefully.


The Investigatory Powers Act does three key things:

- It brings together powers already available to law enforcement and the security and intelligence agencies to obtain communications and data about communications. It makes these powers—and the safeguards that apply to them—clear and understandable.
- It radically overhauls the way these powers are authorised and overseen. It introduces a “double-lock” for the most intrusive powers, including interception and all of the bulk capabilities, so that these warrants cannot be issued until the decision to do so has been approved by a judicial commissioner. And it creates a powerful new investigatory powers commissioner to oversee how these powers are used.
- It ensures powers are fit for the digital age. The Act makes a new provision for the retention of internet connection records in order for law enforcement to identify the communications service to which a device has connected. This will restore capabilities that have been lost as a result of changes in the way people communicate.

This Act provides world-leading transparency and privacy protection. It received unprecedented and exceptional scrutiny in Parliament and was passed with cross-party support. There should be no doubt about the necessity of the powers that it contains or the strength of the safeguards that it includes.

All of these draft codes of practice set out the processes and safeguards governing the use of investigatory powers. They give detail on how the relevant powers should be used, including examples of best practice. They are intended to provide additional clarity and to ensure the highest standards of professionalism and compliance with this important legislation.

The consultation will last six weeks. Copies of the consultation document and draft codes will be placed in the Library of the House. Online versions will be available on the www.gov.uk website.

EU Resettlement Framework

The Minister for Immigration (Mr Robert Goodwill): The Government have decided not to opt in to the EU proposal for a regulation establishing a common European Union resettlement framework.

Under the proposed EU resettlement framework, the total number of people to be resettled to the EU in a given year and the countries to be resettled from would be decided by the Council following a proposal from the Commission and set out in annual Union resettlement plans. The framework would also establish certain common elements for the resettlement process, including: rules on admission, including eligibility criteria and exclusion grounds; the standard procedures governing all stages of the resettlement process; the status to be accorded to resettled people; and, the decision-making procedures for implementing the framework.

The UK is of the view that resettlement schemes are best operated at the national level. This allows for greater control and flexibility over both the source countries to be resettled from and the resettlement...
The Government are of the view that the stated reasons for action at EU-level, such as alleviating pressures on countries hosting a disproportionate number of displaced individuals, gaining influence in policy dialogues with third countries, and improving the resettlement process, can equally be achieved through close co-operation between international partners operating national resettlement schemes. National schemes also allow resettlement efforts to be aligned with the domestic and international priorities of individual member states, including maintaining full control over the numbers to be resettled.

The UK has committed to resettling 20,000 Syrians to the UK under our Syrian vulnerable person’s resettlement scheme (VPRS), and 3,000 vulnerable children and their families to the UK under the vulnerable children’s resettlement scheme, by the end of this Parliament. In the year ending September 2016, 4,162 people were resettled under the Syrian VPRS, across 175 different local authorities. These commitments are in addition to our longstanding gateway protection programme and mandate resettlement scheme.

Until the UK leaves the EU, it remains a full member, and the Government will continue to consider the application of the UK’s right to opt in to forthcoming EU legislation in the area of justice and home affairs on a case-by-case basis, with a view to maximising our country’s security, protecting our civil liberties and enhancing our ability to control immigration.

**Government Transparency**

The Secretary of State for the Home Department (Amber Rudd): I have today laid before the House the second iteration of the Government transparency report on the use of disruptive and investigatory powers (CM 9420). Copies of the report will be made available in the Vote Office.

In view of the ongoing threat from terrorism, which remains at “Severe”, meaning an attack is highly likely, and the persistent threats from organised crime and hostile state activity, it is vital that our law enforcement, and security and intelligence agencies can use disruptive and investigatory powers to counter those threats and to keep the public safe. This report sets out the way in which those powers are used by the agencies and the independent oversight which governs their use.

This Government remain committed to increasing the transparency of the work of our security and intelligence and law enforcement agencies, and this next iteration of the transparency report is a key part of that commitment. Since the last report was published, the Government have published extensive material on the use of investigatory powers. And the passage through Parliament of the Investigatory Powers Act 2016 saw more information about the work of the agencies put into the public domain than ever before. The transparency report builds on that.

It is split into two main sections. The first includes statistics on the use of disruptive and investigatory powers, explains their utility, and outlines the legal frameworks that ensure they can only be used when necessary and proportionate.

The second section explains the roles of the commissioners, and other bodies, that provide independent oversight and scrutiny of the use of the powers. The report also provides an overview of the Investigatory Powers Act 2016 and points to changes which will occur once the Act is implemented.

Publishing this report ensures that the public are able to access, in one place, a guide to the range of powers used to combat threats to the security of the United Kingdom, the extent of their use and the safeguards and oversight in place to ensure they are used properly. It is designed to be read in conjunction with the annual reports on the counter-terrorism (CONTEST) and serious and organised crime strategies.

Of course, there remain limits to what can be said publicly about the use of certain sensitive techniques, because to go too far could aid criminals and terrorists, encouraging them to change their behaviour in order to evade detection. However, it is vital the public are confident that the security and intelligence, and law enforcement agencies have the powers they need to protect the public, and the knowledge that those powers are used proportionately.

**INTERNATIONAL DEVELOPMENT**

**Supply Process**

The Secretary of State for International Development (Priti Patel): Like other Departments, the Department for International Development will meet a number of pre-existing and routine commitments from the Contingencies Fund due to the timing of the Royal Assent for the Supply and Appropriation (Anticipation and Adjustments) Bill.

Parliamentary approval for additional net cash of £512,182,000 (five hundred and twelve million, one hundred and eighty two thousand pounds), was sought in the 2016-17 Supplementary Estimate for the Department for International Development, which was published on 9 February 2017. To meet cash requirements ahead of that approval, expenditure estimated at £345,855,000 (three hundred and forty five million, eight hundred and fifty five thousand pounds) will be met by repayable cash advances from the Contingencies Fund. The advance will be repaid upon Royal Assent of the Supply and Appropriation (Anticipation and Adjustments) Bill.

The total official development assistance (ODA) allocation agreed with HM Treasury has not changed and the transaction will be returned upon Royal Assent of the Supply and Appropriation (Anticipation and Adjustments) Bill. This is a routine part of the normal intra-Government accounting process.

**JUSTICE**

**Prison Governors**

The Lord Chancellor and Secretary of State for Justice (Elizabeth Truss): I have today introduced the Prisons and Courts Bill, which will create a new statutory framework to support the Government’s plans to make
prisons places of safety and reform. The measures in the Bill are a vital part of the wider structural reforms announced in the Prison Safety and Reform White Paper published on 3 November 2016.  

The right framework and standards for improvement

In the White Paper we committed to reforming how the prison system is structured in order to make lines of accountability clear and create sharper and more transparent scrutiny.

To deliver this, the Prisons and Courts Bill will enshrine in statute the purpose of prison, setting out for the first time that reform of offenders is a key aim for prisons. The Bill makes clear how the Secretary of State for Justice will account to Parliament for progress in reforming offenders.

The Bill also provides strengthened powers to Her Majesty’s inspectorate of prisons, including enabling the chief inspector to trigger an urgent response from the Secretary of State where they have significant concerns about a particular prison that need to be addressed as a matter of urgency. It puts the prisons and probation ombudsman on a statutory footing, giving them greater permanence and powers.

The White Paper set out how this new framework will be underpinned by new standards, a new commissioning structure and new powers for governors. This will create a more focused prison system where governors are clear what they need to deliver and are empowered to do so.

To deliver this, we will create new, three-year performance agreements signed by the Secretary of State and the governor of each prison. The agreements will be phased in over the next two years: the first third of prisons will sign the new agreements on 1 April, with the other two thirds moving to this approach by 1 April 2019. The agreements will include the following standards, based on the aims for prisons set out in the Bill, which governors will be held to account for:

- Protecting the public. We will do this by measuring, from April 2017:
  - The number of escapes from closed prisons;
  - The number of absconds from open prisons; and
  - Compliance with key security processes such as searching.
- Reforming offenders. We will do this by measuring:
  - Time spent out of cell, starting from April 2017 in the prisons where the technology to track this has been introduced;
  - Progress made in getting offenders off drugs. Prisoners will be tested on entry and exit with a phased roll-out beginning in 2017;
  - Progress made in health, starting with a measure of medical appointments attended by prisoners starting in England from April 2017;
  - Progress made in maths and English, starting with qualifications gained from April 2017 and introducing testing on entry and exit in the longer term; and
  - Progress in maintaining or developing family relationships. This will be a new measure which we are currently developing.
- Preparing prisoners for life on release. We will do this by measuring, from April 2017:
  - Rate of prisoners being released to suitable accommodation;
  - Rates of sustainable employment, including apprenticeships, and education in the period following release.
- Improving safety. We will do this by measuring, from April 2017:
  - Assaults on prison staff and prisoners;
  - Disorder and self-harm; and
  - Staff and prisoner perceptions of safety.

We want the public to understand what progress is being made in our prisons, so we will publish data setting out how prisons are performing. We will collect the data from April 2017 and begin publishing official statistics regularly from October 2017.

To support delivery of these reforms on the ground, on 1 April we are creating a new, operationally focused executive agency, Her Majesty’s Prison and Probation Service, which will be responsible for all operations across prison and probation and will refocus headquarters on supporting, not micro-managing, governors. The Secretary of State will set standards, commission services, and hold them to account.

Empowering governors to deliver

If we are to hold governors to account for meeting this new standards, they must be given the power to deliver change. We are devolving key operational policies to give governors greater flexibility, and have already cancelled 101 policies to help reduce bureaucracy for prisons. We will also remove current restrictions so that from 1 April 2017, governors have the freedom to:

- Design their regime to match local delivery needs and target training and work in prisons to match the local labour market. Prisoners could, for example, work shift patterns to deliver new commercial contracts. This would help them to meet the standards to reform offenders and prepare prisoners for life on release.
- Decide their workforce strategy, including their staffing structure, to support meeting the standards. They could bring in specialists to work with particular types of prisoners, and tailor their staffing to support the prison regime they have designed.
- Control how they spend their resource budget. They could choose, for example, to pay for increased dedicated police officer time to reduce criminal activity in prison to improve safety and protect the public.
- Plan and take decisions about health services jointly with local health commissioners, through a co-commissioning framework.

Over the coming months, we will build on these essential freedoms even further by giving governors additional scope to:

- Decide what education opportunities they offer. Over 2017 and 2018, we will give governors control of the education budget, so that they can overhaul education and training to match the skills and qualifications prisoners need in the local labour market.
- Control how family support services work. From autumn 2017, governors will control budgets for family services, like visitors’ centres and parenting skills courses, so they can choose the right way to support family relationships.
- Have more say on the goods and services in their prison. As each national contract ends, for example on food or equipment, we will determine how to devolve responsibility to governors.

This process of devolution and deregulation is being supported by learning from the work of the six reform prisons. These prisons will continue to explore and identify options for devolution across the estate as wider reforms are implemented. We have commissioned a formal evaluation to support this with regular feedback being provided to inform policy development ahead of the final report in early 2018.
These reforms are major changes that will result in sustained improvement over a decade. By the end of this Parliament this strategy will have delivered much needed new facilities, empowered governors and introduced modern technology to improve regimes, support reform and combat security threats.

[HCWS493]

WORK AND PENSIONS

Social Security

The Minister for Disabled People, Health and Work (Penny Mordaunt): Today I am laying before Parliament amendments to the personal independence payment (PIP) regulations to restore the original aim of the benefit, making sure we are giving support to those who need it most.

PIP is a modern and dynamic benefit which contributes to the extra costs faced by people with disabilities and health conditions. It replaces disability living allowance (DLA), which no longer properly took into account the needs of disabled people. Since PIP’s introduction, greater support is going to the most vulnerable; over a quarter of those on PIP receive the highest level of support compared to just 15% of DLA’s working-age claimants.

At the core of PIP’s design is the principle that non-physical conditions should be given the same recognition as physical ones. That is why we developed the assessment criteria in collaboration with disabled people and independent specialists in health, social care and disability. Now, over two thirds of PIP claimants with mental health conditions get the higher daily living award, worth £82.30 per week, compared to 22% under DLA.

The Government continue to monitor the effectiveness of PIP to ensure it is delivering its original policy intent and supporting those who face the greatest barriers to leading independent lives. Two recent upper tribunal judgments have broadened the way the PIP assessment criteria should be interpreted, going beyond the original intention. In order to make sure the initial purpose of PIP is maintained, we are making drafting amendments to the criteria which provide greater clarity. This will not result in any change in the amount of PIP previously awarded by DWP.

The first judgment held that needing support to take medication and monitor a health condition should be scored in the same way as needing support to manage therapy, like dialysis, undertaken at home. Until this ruling, the assessment made a distinction between these two groups, on the basis that people who need support to manage therapy of this kind are likely to have a higher level of need, and therefore face higher costs.

The second judgment held that someone who cannot make a journey without assistance due to psychological distress should be scored in the same way as a person who needs assistance because they have difficulties navigating. By way of example, the first group might include some people with isolated social phobia or anxiety, whereas the second group might include some people who are blind. Until this ruling, the assessment made a distinction between these two groups, on the basis that people who cannot navigate, due to a visual or cognitive impairment, are likely to have a higher level of need, and therefore face higher costs.

If not urgently addressed, the operational complexities could undermine the consistency of assessments, leading to confusion for all those using the legislation, including claimants, assessors, and the courts. It is because of the urgency caused by these challenges, and the implications on public expenditure, that proposals for these amendments have not been referred to the Social Security Advisory Committee before making the regulations.

PIP is being devolved to the Scottish Government and I will continue to work closely with Scottish Ministers on the transfer of responsibilities.


[HCWS495]
BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

EU Energy Council

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Jesse Norman): There will be a meeting of the Energy Council in Brussels on 27 February.

The Council will begin with an initial exchange of views on the Commission’s “clean energy for all Europeans” package published on 30 November 2016. This will include discussion of the electricity market design proposals consisting of the recast of the regulation on the internal electricity market, the recast of the directive on common rules for the internal electricity market, a regulation on risk preparedness in the electricity sector and the recast of the regulation establishing a European Union Agency for the Co-operation of Energy Regulators (ACER). The discussion will also cover the proposals for the recasts of the directives on the promotion of the use of energy from renewable sources, energy efficiency and energy performance of buildings, and the new proposal for a regulation on governance of the Energy Union.

The Commission will then present the second state of the energy union report which was published on 1 February. The report highlights progress in 2016 taking forward the aims and objectives of the energy union and considers trends since the first state of the energy union report was published in 2015.

The presidency will provide an update on the “state of play” on a number of legislative dossiers currently under negotiation. Both the regulation concerning measures to safeguard the security of gas supply and the regulation setting a framework for energy efficiency labelling are currently the subject of trilogues with the Commission and European Parliament. Negotiation has recently commenced on the proposed legislation to amend the energy efficiency directive and that to amend the energy performance of buildings directive.

The Commission will also make a presentation on the ocean energy forum, which in November 2016 published a strategic roadmap building on European leadership in ocean energy, and the development of technologies that could meet a significant amount of Europe’s future power demand.

Finally, the Czech delegation will look ahead to the European nuclear energy forum in May 2017, an annual event hosted alternately by the Czech Republic and Slovakia bringing together all relevant stakeholders in the nuclear field, to discuss issues of mutual interest.

Written Statements

Friday 24 February 2017

Avian Influenza

The Secretary of State for Environment, Food and Rural Affairs (Andrea Leadsom): High pathogenicity H5N8 avian influenza has been circulating in Europe since the autumn. There have been nine confirmed cases in poultry in the UK and several findings in wild birds across England. Public Health England advises that the risk to public health from H5N8 is very low and the Food Standards Agency has said there is no food safety risk for UK consumers.

In response to the threat from H5N8 to poultry, my Department has taken robust precautionary action. This has included an indefinite ban on poultry gatherings, enhanced wild birds surveillance and an avian influenza prevention zone across England. The zone was put in place on 6 December and amongst other things requires the compulsory housing of poultry and captive birds or where this is not possible, their separation from wild birds.

Where H5N8 has been detected in poultry or captive birds, this has been dealt with effectively by the Animal and Plant Health Agency, and I am grateful for all involved in this considerable effort to control and stamp out this disease.

On 28 February, the avian influenza prevention zone will have been in place for 12 weeks. This is the maximum allowable period that poultry can be housed for disease control purposes and retain free range marketing status.

The risk of H5N8 in wild birds across the UK remains high. As a result, from 28 February, my Department will put in place a new avian influenza prevention zone. This will continue to require that all keepers of poultry and captive birds observe heightened biosecurity requirements regardless of their location. Subject to these measures being put in place, housing will no longer be required for the vast majority of keepers.

Within England, there are some areas that are at higher risk of H5N8 due to their proximity to substantial inland or coastal bodies of water where wild waterfowl collect. In these higher risk areas, which will cover around 25% of poultry premises, mandatory housing or fully netting outside areas will be required. This may temporarily result in the loss of free range status for keepers in these areas unless they apply netting of range, rather than housing.

The higher risk areas are based on expert advice on the latest veterinary and ornithological data and have been reviewed by leading experts.

I am very mindful of the impact that temporary loss of free range status will have on affected businesses. During this unprecedented period of high risk, I have taken this decision based on the best scientific and veterinary advice in order to control disease and protect our poultry industry. Effective disease control will always be our priority: disease outbreaks cause birds to suffer, damage businesses and cost the UK taxpayer millions. We do not anticipate any significant disruption to the supply of free range eggs after 28 February.

These measures will be put in place in the first instance until the end of April, but will be kept under constant review with the aim of lifting the targeted measures within higher risk areas as soon as risk levels allow it.
EU Environment Council

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Dr Thérèse Coffey): I will attend the Environment Council that takes place on 28 February in Brussels alongside the Minister for Climate Change and Industry, my hon. Friend Member for Ruislip, Northwood and Pinner (Mr Hurd).

Following the adoption of the agenda, the list of “A” items will be approved.

Under legislative deliberations, Council will debate a proposal to amend the directive on cost-effective emission reductions and low-carbon investments (that is, the EU emissions trading system) with a view to reaching an agreed Council position or “general approach”.

Under non-legislative activities, Council will exchange views on implementation of the 2030 agenda for sustainable development; and the links between greening the European semester and the recently published EU environment implementation review.

The following items will be discussed under ‘any other business’:

a) Emissions Trading System (ETS)—aviation.
b) EU action plan for the circular economy.
c) Natura 2000 in the European solidarity corps.
d) Scientific conference on “Sustainable development and climate changes in the light of the encyclical letter of Holy Father Francis, entitled Laudato Si’ (Warsaw, 15 October 2016).
e) Luxembourg circular economy hotspot (Luxembourg, 20-22 June 2017).
f) Paris agreement: international developments.
g) Environmental concerns regarding a Belarus nuclear power plant.

On 23 June, the EU referendum took place and the people of the United Kingdom voted to leave the European Union. Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Government will continue to negotiate, implement and apply EU legislation. The outcome of these negotiations will determine what arrangements apply in relation to EU legislation in future once the UK has left the EU.

FOREIGN AND COMMONWEALTH OFFICE

Hong Kong (Sino/British Joint Declaration)

The Secretary of State for Foreign and Commonwealth Affairs (Boris Johnson): The latest six-monthly report on the implementation of the Sino-British joint declaration on Hong Kong was published today, and is attached. It covers the period from 1 July to 31 December 2016. The report has been placed in the Library of the House. A copy is also available on the Foreign and Commonwealth Office website (www.gov.uk/government/organisations/foreign-commonwealth-office). I commend the report to the House.

It can also be viewed online at: http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2017-02-24/HCWS499/.

[HCWS497]

HOME DEPARTMENT

Use and Retention of Custody Images

The Secretary of State for the Home Department (Amber Rudd): I am pleased to announce that today I am publishing the “Report on the Review of the Use and Retention of Custody Images”, copies of which are available in the House Library and online at www.gov.uk. These are the images taken when people are arrested.

This review has found that the police make extensive use of custody images and that they are a standard feature of everyday policing. It sets out the Government’s view of the framework for the use and retention of custody images by the police.

The review acknowledges the important role that custody images and facial searching plays in the detection and prevention of crime. However, it recognises the need to strike a careful balance between protecting individual privacy and giving the police the tools they need to keep us safe.

Accordingly, following consultation with key partners, the principal recommendation is to allow “unconvicted persons” to apply for deletion of their custody image, with a presumption that this will be deleted unless retention is necessary for a policing purpose, and there is an exceptional reason to retain it. In practice, this will mean that people could apply to chief officers for their image to be deleted where they have not been convicted of the offence in relation to which their image was taken.

Further, the review recommends that there should be an even stronger presumption of deletion upon application for unconvicted persons whose image was taken when they were under 18 years old and that such images should be retained only where there are exceptional reasons to do so.

Where the image of an unconvicted person is not deleted, or where no application is received, the review recommends that it should be reviewed in accordance with the periods set out in the College of Policing’s authorised professional practice guidance (the APP), with a presumption of deletion at the next review unless there is an exceptional reason to retain the image (a strong presumption of deletion and highly exceptional reasons in the case of a person whose image was taken when they were under 18).

The review also recommends that persons who are convicted of the offence in relation to which their image was taken should have a limited right to apply for deletion of their image. Forces would only be required to consider such applications for deletion six or 10 years after conviction or release from custody where the person was sentenced to a term of imprisonment or detention for the offence in question or another offence, depending on the APP group that the offence falls into.
There would be no presumption of deletion at the point of review, other than where the image was taken when the individual was under 18. In all cases the police will be able to retain the image if this is necessary for a policing purpose and proportionate to the level and type of risk the individual poses.

Where the image of a person convicted of a recordable offence is not deleted, or where no application is received, the review recommends that its retention should be reviewed in accordance with the periods set out in the College of Policing’s authorised professional practice guidance (the APP), with no presumption in favour unless it relates to an image taken when they were under 18.

A person convicted for a “non-recordable” offence (which are broadly less serious than recordable offences), would be able to apply for deletion of their image six years after conviction. If the image was taken when the person was an adult, there would be a presumption in favour of deletion; if the image was taken when the person was under 18, there would be a strong presumption in favour of deletion.

Where the image of a person convicted of a non-recordable offence is not deleted, or where no application is received, the review recommends that its retention should be reviewed six years from conviction (or release from custody) and every five years thereafter, with a presumption in favour of deletion and a strong presumption unless it relates to an image taken when they were under 18.

The core recommendations will be implemented through changes to the APP.

[HCWS500]

JUSTICE

Justice Update

The Minister for Courts and Justice (Sir Oliver Heald):

Today the Government have published their response to the consultation on proposals to reform fees for grants of probate. The consultation opened on 18 February and closed on 1 April 2016.

The Government are committed to providing a modern, world-leading justice system which is proportionate and accessible. In 2015-16, the courts and tribunals system cost £1.9 billion to run and we recovered only £700 million of that through fees and other income.

The best way to protect access to justice in the long term is with a properly funded justice system. The income fees generate is necessary for an effective courts and tribunals system that supports victims and vulnerable people, and is easy for people to use.

The Government will therefore, subject to approval from Parliament:

- implement the fee structure as consulted on;
- raise the threshold under which no probate fee is payable from £5,000 to £50,000; and
- remove the grant of probate fee from the fee remissions scheme. We will retain the Lord Chancellor’s power to remit fees in exceptional circumstances.

This means we are abolishing flat fees and replacing them with a banded structure, related to the value of the estate. This includes raising the fee threshold from £5,000 to £50,000 and lifting 25,000 estates out of fees altogether. Overall, 58% of estates will pay no fee at all and 92% will pay £1,000 or less for this service.

We are confident through our engagement with organisations like the British Banking Association and Building Societies’ Association that executors will have a range of options to finance the payment.

The new fee structure will generate around £300 million per year in additional fee income, which will all be reinvested back into Her Majesty’s Courts and Tribunals Service.

Full details of how the Government intend to take forward these proposals is set out in the consultation response document which has been published on the gov.uk website.

[HCWS501]

Youth Justice

The Lord Chancellor and Secretary of State for Justice (Elizabeth Truss): In December 2016, we set out our plans to reform our approach to youth justice, which will help drive forward improved outcomes for young offenders both in custody and in the community.

We are today announcing the next steps of our reforms with a package of measures which will create stronger, clearer governance for the youth justice system.

I have appointed Charlie Taylor as the new chair of the youth justice board. He is uniquely well placed to take on this role: he has led changes in Government policy on the education of children who have been excluded from school, is a former head teacher of an outstanding school for children with complex behavioural, emotional and social difficulties, and his youth justice review set out a compelling vision for reform. As the chair of the board, it is this vision that he will work with my Department to drive forward.

We will create a new Youth Custody Service as a distinct arm of HM Prison and Probation Service, with a dedicated director accountable directly to the chief executive and working closely with the chair of the youth justice board. The director will have operational responsibility for the day-to-day running of the youth estate, will keep a firm grip on performance, and will be a board-level member of HM Prison and Probation Service. The Youth Custody Service will have its own workforce separately recruited and trained to work in the youth estate, and we will create distinct career pathways for those wanting to work with children and young people in the secure estate, including a new youth justice specialist worker role.

We will bring responsibility and accountability for commissioning youth custody services into the Ministry of Justice. Working closely with the chair of the youth justice board, the Department will be responsible for setting clear standards for the provision of youth justice and will be responsible for intervening decisively to address poor performance.

These changes will enable the youth justice board to build on its strong track-record and focus on its statutory function of providing vital independent advice on, and scrutiny of, the whole system, advising the Government on what standards to set for the youth justice system and monitoring delivery of those standards. It will continue to work closely with youth offending teams to promote early intervention in the community and share best practice across the system.
The youth justice system covers England and Wales and the majority of services for children and young people in Wales are devolved. We will continue our collaborative approach with the youth justice board Cymru and the Welsh Government under these new arrangements.

We are very grateful to Lord McNally, whose term as chair ends shortly, for his dedicated leadership of the youth justice board over the past three years, and thank him for the drive and passion he has shown.

Charlie Taylor will become the new chair of the youth justice board when Lord McNally’s term ends. Under the Governance Code on Public Appointments, which came into effect on 1 January this year, Ministers can, in exceptional circumstances, make an appointment without a competition. I have decided to appoint Charlie Taylor as the new chair of the youth justice board on these terms and, in accordance with the Code, have consulted the Commissioner for Public Appointments who has accepted the decision.

We are also publishing today the findings and recommendations of the youth custody improvement board. The board was set up to explore and report on the current state of the youth custodial estate and recommend how the system could be improved, particularly focusing on any current risks to safety and well-being. We are very grateful to its members for their work. The board’s report underlines the importance of reforming the youth custody system. Many of their recommendations are reflected in our plans, and we will consider all their recommendations as we implement our reforms.

[HCWS502]
Petition

Wednesday 8 February 2017

OBSERVATIONS

FOREIGN AND COMMONWEALTH OFFICE

Visa fees for Pilgrimage to Hajj and Umrah by Saudi Arabia

The petition of residents of Leicester East,

Declares that the Ministry of Hajj of Saudi Arabia has decided to increase the visa fees for foreign visitors to visit the country in order to complete the Islamic pilgrimage for a second time. Hajj is one of the Pillars of Islam that every Muslim must complete once in their lifetime by visiting Mecca in Saudi Arabia. The increase in visa fees will cause hardship to many people who wish to perform this pilgrimage for a second time, which is sometimes carried out on behalf of a family member who is unable to carry out the pilgrimage due to ill health or age.

The petitioners therefore request that Her Majesty’s Government makes representations to the Council of Ministers of Saudi Arabia which is chaired by the Crown Prince Mohammad Bin Naif to reconsider the decision to increase the visa fees.

And the petitioners remain, etc. — [Presented by Keith Vaz, Official Report, 29 November 2016; Vol. 617, c. 1491.]

Observations from the Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Mr Tobias Ellwood):

In 2016, 18,500 British pilgrims performed the Hajj. The Hajj visa quota for UK pilgrims granted by the Saudi Arabian Government is generous—it is one of the highest per capita participation rates of non-Muslim majority countries. For 2017, the total is expected to rise to around 23,000 visas for British Muslims.

The Saudi Arabian authorities do not charge a fee for visas for first time pilgrims for Hajj or Umrah, which makes it possible for all Muslims to fulfil their religious duty to make one pilgrimage during their lifetime without payment of a visa fee.

Officials at the British Embassy in Riyadh have raised the issue of charges for second and subsequent Hajj pilgrimage visas with the Saudi Arabian Government. Our ability to persuade the Government to waive such charges is limited, as visa policy remains the prerogative of the host country in this as in all other cases. I can understand the frustration that your constituents must feel. The British Embassy has however been successful in negotiating reduced general visit visa fees for the holders of British passports; the Saudi Arabian Government have set these at a level which roughly matches UK charges for visas for the UK. This is substantially below the level applicable to the holders of most other kinds of passport.
Petition

Monday 20 February 2017

PRESENTED PETITION
Petition presented to the House but not read on the Floor

Implementation of the 1995 and 2011 Pension Acts

The petition of Residents of Wells,
 declares that as a result of the way in which the 1995
Pension Act and the 2011 Pension Act were implemented,
women born in the 1950s (on or after 6 April 1951) have
unfairly borne the burden of the increase to the State
Pension Age; further that hundreds of thousands of
women have had significant changes imposed on them
with little or no personal notice; further that implementation
took place faster than promised; further that this gave
no time to make alternative pension plans; and further
that retirement plans have been shattered with devastating
consequences.

The petitioners therefore request that the House of
Commons urges the Government to make fair transitional
arrangements for all women born in the 1950s (on or
after 6 April 1951) who have unfairly borne the burden
of the increase to the state pension age.

And the petitioners remain, etc.—[Presented by James
Heappey]

[P002015]
Petition

Thursday 23 February 2017

OBSERVATIONS

WORK AND PENSIONS

Implementation of the 1995 and 2011 Pension Acts

The petition of Residents of Wells,

Declares that as a result of the way in which the 1995 Pension Act and the 2011 Pension Act were implemented, women born in the 1950s (on or after 6 April 1951) have unfairly borne the burden of the increase to the State Pension Age; further that hundreds of thousands of women have had significant changes imposed on them with little or no personal notice; further that implementation took place faster than promised; further that this gave no time to make alternative pension plans; and further that retirement plans have been shattered with devastating consequences.

The petitioners therefore request that the House of Commons urges the Government to make fair transitional arrangements for all women born in the 1950s (on or after 6 April 1951) who have unfairly borne the burden of the increase to the State Pension Age.

And the petitioners remain, etc.—[Presented by James Heappey, Official Report, 20 February 2017; Vol. 621, c. 3P] [P002015]

Observations from the Secretary of State for Work and Pensions (Damian Green):

The pension system, along with the whole welfare system, needs to change to reflect the reality of today. In recent decades we are living longer, and we are able to work for longer as we become healthier.

The equalisation and acceleration of State Pension age for both men and women was necessary to ensure the system’s sustainability in light of increasing life expectancy and increasing pressure on public resources, and the package now in place is balanced and affordable.

The changes to the State Pension age began with the gradual equalisation of State Pension age at 65 for both men and women, which was first set out in the Pensions Act 1995. This was necessary to meet the UK’s obligations under EU law to eliminate gender inequalities in social security provision.

The increase of the State Pension age to 66 was set out in the Pensions Act 2007 and due to increasing life expectancy the Pensions Act 2011 accelerated this process to allow for a rise to 66 by 2020 for both genders and provided for the equalisation of the State Pension age to 65 by November 2018.

During the 2011 Pensions Act the Government made a concession which slowed down the increase of the state pension age for women so no one would face an increase of more than 18 months compared to the increase as part of the Pensions Act 1995. Transitional arrangements at a cost of £1.1 billion were made in order to lessen the impact of these changes for those worst affected, and for 81% of these women the increase will be no more than 12 months. This concession benefited almost a quarter of a million women who would otherwise have experienced delays of up to two years.

Reversing the 1995 Act would be unaffordable—costing a minimum estimate of £7.7 billion. Without equalisation, and in 2010, women would spend on average 41% of their lives in retirement with a State Pension age of 60.

These changes were fully debated and voted on in 2011 when legislation was before Parliament, and all those affected by increases in State Pension age by the 2011 Act were written to in the period between January 2012 and November 2013.

The Department for Work and Pensions provided a range of additional information in order for all individuals to find out their State Pension age and the conditions of their benefits.

Since April 2000, the Department has provided more than 14 million personalised State Pension estimates to people who requested them either online, via telephone or post, and encourages people to request these State Pension estimates as part of ongoing communications.

In addition, employment maximises people’s opportunities to build up savings, helps to maintain social networks, and is beneficial to health provided the employment takes into account the person’s broader circumstances. For most people work is beneficial not only because it provides an income, but also because it also gives individuals greater control over their own lives, and independent analysis by the Institute for Fiscal Studies has shown that the rise in women’s State Pension age since 2010 has been accompanied by increases in employment rates for the women affected.

For those who struggle to find employment and where people need it, there is a safety net in place through the welfare system.

Supporting individuals aged 50 years and over to remain in the labour market and tackling the barriers to them doing so is a key priority for this Government. By the mid-2030s the number of individuals aged 50 and over will represent over half of the UK adult population and employers increasingly need to employ and retain the skills and experience of older workers. To support these individuals the Default Retirement Age was abolished, so individuals can retire when it is right for them, and the right to request flexible working was extended.

This Government are deeply committed to ensuring that employers are aware of the wealth of skills and experience that older workers bring to the workplace, and on 4 October the Government announced the appointment of the Business in the Community Age at Work leadership team led by Andy Briggs, CEO of Aviva UK and Ireland Life, as Business Champion for Older Workers. Mr Briggs and this team of employers will spearhead the Government’s work to support employers to retain, retrain, and recruit older workers.

Jobcentre Plus Work Coaches have the flexibility to offer all claimants, including older people, a comprehensive menu of help which includes skills provision and job search support. Work Coaches undertake extensive training before taking up the post, and build up a wide range of skills and in-depth labour market knowledge, and additional training modules are available for Work Coaches when they deal with older claimants to support them more effectively and in understanding the challenges older claimants face.

Older Claimant Champions were introduced, in April 2015, in the seven Jobcentre Plus Regional Groups to tackle the barriers faced by older claimants in getting
back to work. Older Claimant Champions work with Jobcentre Work Coaches—and other staff—to emphasise the importance of supporting older claimants, share best practice and challenge out of date perceptions to support this group of people.

Where there are health conditions or disabilities, the Department has published the Work, Health and Disability Green Paper which looks at ways of better joining up the health, welfare and employment systems to support those seeking work as well as those in work. A Carers in Employment pilot has been established across nine Local Authorities to explore how businesses can give employees with caring responsibilities more help, for example promoting flexible working patterns and setting up carers surgeries to help carers manage their caring responsibilities alongside their paid work.

In addition to increasing employment prospects for women above the age of 60, this Government have introduced the New State Pension. The system in place for people who reached their State Pension age before 6 April 2016 was extremely complex and the new State Pension brings greater clarity by helping people to understand their State Pension more easily. It is also much more generous for many women who have been historically worse off under the old system. On average, women reaching State Pension age last year get a higher state pension over their lifetimes than women who reached State Pension age at any point before them, even when the acceleration of State Pension age is taken into account. And, by 2030, over 3 million women stand to gain an average of £550 extra per year as a result of these changes.

The New State Pension works hand in hand with Automatic Enrolment, enabling many more people to save in a workplace pension. And, combined with reviews of the State Pension age, these measures are designed to form the main elements of a sustainable basis of retirement income in the decades to come.

The Government have already made transitional arrangements for those most affected by changes to their State Pension age and introducing further concessions cannot be justified given the imperative to focus public resources on helping those most in need.
Petition

Friday 24 February 2017

OBSERVATIONS

JUSTICE

Exoneration of persons convicted of gross indecency and related “homosexual offences”

The petition of citizens of the UK,

Declares that there are many people who were convicted of gross indecency and related “homosexual offences” prior to the Sexual Offences Act 2003; further that these offences were decriminalised by that Act and would not now be an offence; and further that any person (alive or deceased) convicted of any such offence should be exonerated.

The petitioners therefore request that the House of Commons urges the Government to exonerate automatically any persons alive or deceased who were convicted of gross indecency and related “homosexual offences” prior to the Sexual Offences Act 2003 in cases where their offences were decriminalised by that Act.

And the petitioners remain, etc. —[Presented by Diana Johnson, Official Report, 15 December 2016; Vol. 618, c. 1062.]

[001998]

Observations from the Parliamentary Under-Secretary of State for Justice (Dr Phillip Lee):

The Government believe it is hugely important that people convicted of historical sexual offences who would be innocent of any crime today are pardoned.

Through provisions of the Policing and Crime Act 2017, which became law on 31 January, we met our manifesto commitment to build on the pardon granted to Alan Turing by HM the Queen (in December 2013) by implementing a pardon for deceased men convicted of historical sexual offences who would be innocent of any crime today.

Also under this legislation, everyone living who has obtained or obtains a disregard for a historical sexual offence, under the Protection of Freedoms Act 2012 (meaning they are treated as if they had never committed the offence), will also be pardoned.

The Government are satisfied that this new legislation is the best way of righting these historical wrongs.
Ministerial Correction

Wednesday 8 February 2017

INTERNATIONAL DEVELOPMENT
Occupied Palestinian Territories

The following is an extract from Questions to the Secretary of State for International Development on 11 January 2017.

8. [908004] Tommy Sheppard (Edinburgh East) (SNP): Among the buildings that the Israeli authorities have demolished are community facilities, some of which have been funded and developed with money from the Minister’s Department. I would welcome his statement, but I think that we need action rather than words. Has the time not come to send Mr Netanyahu the bill for the demolition of structures funded by the British taxpayer?

Rory Stewart: The British taxpayer has not funded any structures that have been demolished by the Israeli Government. The European Union has funded structures that have been demolished by the Israeli Government, but so far it has not decided to seek compensation.


Letter of correction from Rory Stewart.

An error has been identified in the answer I gave to the hon. Member for Edinburgh East (Tommy Sheppard) during Questions to the Secretary of State for International Development.

The correct answer should have been:

Rory Stewart: The British taxpayer has not directly funded any structures in recent years that have been demolished by the Israeli Government. The European Union has funded structures that have been demolished by the Israeli Government, but so far it has not decided to seek compensation.
Ministerial Correction

Wednesday 22 February 2017

EDUCATION

Night Schools and Adult Education

The following is an extract from the response to the right hon. Member for Tottenham (Mr Lammy) during the Adjournment debate on night schools and adult education by the Minister for Apprenticeships and Skills on 13 January 2017.

Robert Halfon: Including the levy and taken together, the adult education budget, apprenticeship funding and advanced learner loans will provide more funding to support adult further education participation than at any time in our island’s history.


Letter of correction from Robert Halfon:

An error has been identified in the response I gave to the right hon. Member for Tottenham (Mr Lammy) during the debate.

The correct response should have been:

Robert Halfon: Including the levy and taken together, the adult education budget, apprenticeship funding and advanced learner loans will provide more funding to support adult further education participation by 2020 than at any time in England’s history.
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