

**Wednesday
20 January 2016**

**Volume 604
No. 100**



**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES
(HANSARD)**

Wednesday 20 January 2016

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The House met at half-past Eleven o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

Oral Answers to Questions

NORTHERN IRELAND

The Secretary of State was asked—

Economic Development

1. **Jake Berry** (Rossendale and Darwen) (Con): What recent discussions she has had with the Northern Ireland Executive on economic development. [903075]

The Parliamentary Under-Secretary of State for Northern Ireland (Mr Ben Wallace): Last week, the Secretary of State and I met the Executive parties to review the implementation of the Stormont House and fresh start agreements, and the economic pact. Commitments include devolving corporation tax and rate-setting powers, if sustainable Executive finances are secured. This has the potential to have a truly transformational impact on the local economy.

Jake Berry: I congratulate the ministerial team and the Department on their success in the creation of the economic pact, which has such a direct impact on Northern Ireland. What further steps can be taken to ensure that the Executive remain focused on how they can deliver those objectives?

Mr Wallace: The best thing we can do is to celebrate the fact that, under the recent spending review, the Chancellor put in place measures to see a 12% rise in real-terms funding for capital projects by 2021. That will mean over £600 million more will be available than if we had frozen funding at 2015-16 levels. That is good news for Northern Ireland infrastructure. Hopefully, it will mean the A5 and the A6 will start to progress and we can open up Northern Ireland for more foreign investment.

9. [903083] **Ms Margaret Ritchie** (South Down) (SDLP): Does the Minister agree with the CBI and the trade union movement that the UK's exit from the European Union would be damaging to economic development in Northern Ireland? Will he encourage his colleague the Secretary of State to argue for a yes vote?

Mr Wallace: There is a temptation in front of me. What I would say is that to date membership of the European Union has been good for Northern Ireland. I support the Prime Minister's efforts to achieve reform. A reformed EU is where the United Kingdom wants to be: an EU that works for the benefit of everyone in the United Kingdom. If we can achieve that, we can take

advantage of being neighbours of Ireland, one of Northern Ireland's biggest economic partners, to make sure that the economy goes from strength to strength.

Mr Laurence Robertson (Tewkesbury) (Con): Later this week I will have the pleasure of visiting Royal Portrush golf course in Northern Ireland, which has been awarded the 2019 Open golf championship for the first time since 1951. Does the Minister agree that this is a tremendous achievement and opportunity for Northern Ireland? Will he work closely with the Executive and the golf club to ensure that it is a success similar to that in Scotland last year, which brought £140 million into the economy?

Mr Wallace: I am struck by how much effort Northern Ireland has made in trying to secure becoming the new home of golf. The marketing and promotion of golf courses in Northern Ireland is a real strength. *[Interruption.]* I know Scottish nationalists are so insecure about everything that they may take issue with that, but what is good for Northern Ireland and golf is also good for golf in Scotland. It will go from strength to strength. Major sporting events, whether horse-racing or golf, bring in real money in today's economy.

Mr Speaker: The Chair of the Select Committee wishes to undertake a practical inspection of the course.

Mr Nigel Dodds (Belfast North) (DUP): I am sure we all look forward to visiting the Open in 2019.

Further to the Minister's answer on infrastructure, will he undertake to speak to the National Infrastructure Commission and Treasury colleagues about transport links between Northern Ireland and the rest of the UK? This is an important issue. Infrastructure spending is vital for the development of Northern Ireland's economy. This would be a very good way to ensure that more investment came to Northern Ireland.

Mr Wallace: I and my right hon. Friend the Secretary of State are determined to maintain air links. For example, when British Airways purchased Aer Lingus, we both had conversations with it over the past few months to ensure there was no degrading of the service provided to people at both main airports in Northern Ireland. We will work very hard, in partnership with the Executive, to maintain it. We should also point out that today's economic figures for Northern Ireland are tremendously successful. It is the eighth successive month of growth, according to the Ulster bank purchase managers' index. Over the year, the claimant count is down by 11,000 in Northern Ireland, a fall of 22.1%, outstripping the rest of the United Kingdom.

Mr Dodds: I join the Minister in welcoming that news, and I certainly pay tribute to colleagues on the Northern Ireland Executive for their excellent work on the economy and the new First Minister's commitment to making economic growth her first priority.

At the last Northern Ireland questions, the Secretary of State undertook to speak to the Chancellor about linking Northern Ireland to the northern powerhouse. This is a very important initiative, and I would welcome any news of progress on that front. Will the Minister update the House?

Mr Wallace: My right hon. Friend the Secretary of State has spoken to the Chancellor, who I think is considering the matter as we speak. I fully support the initiative. As a Lancashire MP, I certainly know the importance of our links with the west, including the Isle of Man and Belfast, via the ferry at Heysham, for example. I think we can both work to our mutual advantage on the northern powerhouse.

Deidre Brock (Edinburgh North and Leith) (SNP): Further to the question from the hon. Member for South Down (Ms Ritchie) about EU membership, would the Minister care to comment on a study by an Irish think-tank last year that said:

“Estimates...suggest that a Brexit could reduce bilateral trade flows between Ireland and the UK by 20 per cent.”

and that

“the expected impact of Brexit is likely to be more significant for Northern Irish exporters to Ireland”?

Mr Wallace: The hon. Lady asks if I would like to comment. The answer is no.

Vernon Coaker (Gedling) (Lab): The Minister will know that there is very real concern in Northern Ireland about the impact of withdrawal from the EU on trade, investment and funding for various projects, as other Members have already mentioned. An Economic and Social Research Institute report at the end of 2015 said that a Brexit would have “very serious consequences” for the Northern Ireland economy. Has he discussed this matter with the Northern Ireland Executive?

Mr Wallace: Obviously I have regular discussions with Ministers in the Executive and the south of Ireland. Of course, an economic free zone in the EU, which we are part of, is important to our trade, not only for England but in Northern Ireland. The ability of the 34,000 businesses in Northern Ireland to trade without barriers across the border to the south is very important to its economy. That is why the Prime Minister wants Britain to remain in a reformed EU. The first thing we can do is wait to see what those reforms are.

Vernon Coaker: Notwithstanding that, the Minister will know there are very serious concerns in Northern Ireland about a possible Brexit, particularly because it is the only part of the UK with a land border with another EU country. Will he reassure the Executive and the people of Northern Ireland on this matter, in view of the mixed messages on Brexit emanating from the ministerial team? In particular, I am talking about his views, as opposed to the Secretary of State's.

Mr Wallace: There is no mixed message. Both I and my right hon. Friend are keen for the EU to produce some reforms, as is the Prime Minister in his strategy. Perhaps the hon. Gentleman knows—perhaps he has a special hotline—what reforms the EU will agree. When those reforms are presented to the House, we will be able to make a decision. For my part, I believe that in the past membership of the EU has been good for Northern Ireland.

Legacy Issues

2. **Caroline Ansell** (Eastbourne) (Con): What steps the Government are taking to deal with the legacy of Northern Ireland's past. [903076]

The Secretary of State for Northern Ireland (Mrs Theresa Villiers): The cross-party talks in 2014 and 2015 have brought us closer than ever to a consensus on the best way to deal with the legacy of Northern Ireland's past. I will work with the Northern Ireland parties, representatives of victims and survivors and the Irish Government to try to build the support needed to enable legislation to be brought forward to establish the bodies envisaged in the Stormont House agreement.

Caroline Ansell: Former Eastbourne MP Ian Gow, who was murdered by the Provisional IRA, was remembered last year at a public speaking competition organised in my constituency to remember and celebrate his life and legacy, his courage and his conviction. What steps is my right hon. Friend taking with schools in Northern Ireland to deal with the legacy of the past and bring about change in community relations?

Mrs Villiers: My hon. Friend's predecessor was a great parliamentarian, and I am sure the whole House will join her in thinking sadly of the atrocity that led to his death. The UK Government strongly support the programmes in Northern Ireland designed to build a shared society, many of which impact on schools and colleges. As a way of addressing the remaining difficulties, it is vital that we do all we can to break down past divisions so that sectarianism becomes entirely a thing of the past in Northern Ireland.

Mr Jeffrey M. Donaldson (Lagan Valley) (DUP): The Secretary of State will be aware that, sadly, there was no agreement on how to move the legacy issue forward, but money has been set aside, particularly for the proposed historical investigations unit. We have 3,000 unsolved murders in Northern Ireland. Will the Secretary of State at least make some of that extra resource available to the PSNI's legacy unit to enable it to re-examine some of the pressing cases? People are getting older and they deserve justice.

Mrs Villiers: As the right hon. Gentleman points out, the UK Government have committed significant sums to support dealing with the legacy of the past as we have in relation to shared society projects, to which I referred earlier. Our starting point is that the £150 million for bodies to deal with the past is intended for new bodies such as the historical investigations unit or the Independent Commission on Information Retrieval, but we remain open to a dialogue with the Executive on whether it would be possible to use any of those moneys in advance of those new bodies being set up. It is vital that they are set up.

Sir Gerald Howarth (Aldershot) (Con): Will my right hon. Friend update us on what is happening to Soldier J and other former soldiers who were involved in the events in Londonderry on 30 January 1972, and tell us whether they continue to face prosecution? Let me impress it on my right hon. Friend that this is not simply a matter for the judicial authorities; it is a matter

for her, and it is a matter of public policy for it is contrary to the interests of natural justice that men who have served their country should still, 44 years on, be facing possible prosecution.

Mrs Villiers: I fully appreciate my hon. Friend's grave concerns about this case. He will appreciate, however, that matters relating to police investigations and prosecutions are taken independently of Government and independently of politicians. My understanding is that that investigation continues.

Stephen Pound (Ealing North) (Lab): Referring to the Secretary of State's earlier answer, I have to say that it is all very well—I do not for a minute doubt her good intentions; nor would any other Member—but when will we actually hear some dates and some details? When will the legislation she mentions be brought to the Floor of the House, particularly in respect of those aspects of fresh start where there is agreement? How long must the victims continue to wait?

Mrs Villiers: We hope to bring forward legislation fairly soon on those aspects of the fresh start and Stormont House agreements that have been agreed. The timing is less certain in respect of the legacy bodies because we were not able to build the consensus necessary for legislation. We did, however, close the gap on many issues. A key issue still to resolve is how the veto relating to national security will operate. I am determined to work with all sides to find a way forward. We have to protect our national security interests, but we will do all we can to ensure that that veto is exercised fairly in all circumstances.

Mark Durkan (Foyle) (SDLP): As well as asking the Secretary of State to recalibrate her fixation on the national security issues, may I also ask her to consider using the current delay at least to allow for qualitative pre-legislative scrutiny of what will be sensitive legislation when it comes forward?

Mrs Villiers: It is important to use this period constructively to engage with victims groups in particular. I had very useful discussions with the Victims' Commissioner and with the Victims and Survivors Forum. We will consider in due course whether publication of documentation is appropriate. It is vital that we press ahead and build consensus to get these bodies set up and running.

Corporation Tax

3. **Seema Kennedy** (South Ribble) (Con): What progress has been made on implementation of the proposed reduction in corporation tax in Northern Ireland. [903077]

The Secretary of State for Northern Ireland (Mrs Theresa Villiers): The fresh start agreement reaffirmed the Government's support for devolution of corporation tax powers, so long as the Executive are able to demonstrate that their finances are on a long-term sustainable footing.

Seema Kennedy: Does my right hon. Friend agree that when tens of thousands of additional jobs and increased productivity and economic output over the medium and long term are at stake, we must not squander that opportunity?

Mrs Villiers: I fully agree that the devolution of corporation tax to Northern Ireland provides huge opportunities to attract new business and inward investment and to boost the economy. My hon. Friend is right, however, that it needs to be accompanied by broader economic reform, such as a focus on skills, universities and infrastructure.

Sammy Wilson (East Antrim) (DUP): While the devolution of corporation tax will be important in growing the Northern Ireland economy, does the Secretary of State agree that a vote to leave the EU would help the Northern Ireland economy insofar as it would release £18 billion every year for expenditure on public services, enable us to enter a trade agreement with growing parts of the world and release us from the stifling bureaucracies of Europe?

Mrs Villiers: I am afraid that the hon. Gentleman is tempting me to engage in arguments which will rightly be a matter for everyone in the country when they have an opportunity to vote in the referendum. We promised a referendum in our manifesto, and that is what we are going to deliver.

Dr Alasdair McDonnell (Belfast South) (SDLP): Does the Secretary of State agree that existing cuts in university funding, followed by further cuts, and a consequent significant reduction in the number of graduates who are suitably qualified to become employees of the inward investment companies that we are trying to attract, will frustrate much of the benefit that is expected from the reduction in corporation tax?

Mrs Villiers: There is no doubt that the Northern Ireland Executive face difficult decisions, as do all Governments at a time when budgets are constrained. I believe it is important to focus on crucial economic areas such as skills, university and infrastructure. Perhaps there is a debate to be had about the way in which higher education is funded in Northern Ireland, but that, of course, is a devolved matter for devolved representatives.

Cross-border Crime

4. **Oliver Colvile** (Plymouth, Sutton and Devonport) (Con): What steps the Government are taking to reduce cross-border crime in Northern Ireland. [903078]

5. **Simon Hoare** (North Dorset) (Con): What steps the Government are taking to reduce cross-border crime in Northern Ireland. [903079]

The Secretary of State for Northern Ireland (Mrs Theresa Villiers): Along with the Irish Government and the Northern Ireland Executive, the United Kingdom Government recently announced the creation of a joint agency taskforce to tackle cross-jurisdictional organised crime. It will enhance law enforcement co-operation in relation to, for instance, crime linked to paramilitaries.

Oliver Colvile: I welcome my right hon. Friend's announcement about the taskforce, but will she confirm that the fresh start agreement provides for additional funds from the United Kingdom Government to help to tackle continuing paramilitary activity?

Mrs Villiers: It does. The fresh start agreement allocates £25 million for tackling paramilitary-related crime and £3 million for a new monitoring body, but it provides substantial additional funds for more widely based shared society initiatives, which are also crucial to ending the influence of paramilitary groups in Northern Ireland once and for all.

Simon Hoare: We all know that, unfortunately, many organised crime groups on the island take advantage of the land border and commit the classic cross-border crimes of smuggling and excise evasion. The proceeds of those activities often go towards funding dissident groups. What efforts are my right hon. Friend and her ministerial team making to introduce preventive measures to eradicate such activities?

Mrs Villiers: In Northern Ireland, huge efforts are being made by the PSNI to prevent the border from being exploited by criminals, and those efforts will be enhanced by the new joint agency taskforce, building on the excellent work already done by the police services both north and south of the border in recent years.

Tom Elliott (Fermanagh and South Tyrone) (UUP): How concerned is the Secretary of State about the lack of convictions for fuel smuggling and, in particular, fuel laundering in Northern Ireland and the border regions?

Mrs Villiers: Obviously, everyone would like to see more convictions. A crucial aspect of the fresh start agreement is the Executive's commitment to measures that will reduce the time that it takes to bring people to trial, because convictions are more likely to be secured if trials take place in a timely manner. I am sure the Executive will take the implementation of that crucial part of the agreement very seriously.

Mr Speaker: Order. This is a very serious discussion of cross-border crime in Northern Ireland. We must hear Lady Hermon.

Lady Hermon (North Down) (Ind): Thank you very much, Mr Speaker.

The Secretary of State will know that the Treasury has already announced the closure of a number of HMRC offices throughout Northern Ireland. Given that HMRC does a very valiant job in tackling cross-border crime, what guarantees can the Secretary of State give the people of Northern Ireland that those efforts will not be reduced if the offices are closed?

Mrs Villiers: I am entirely confident that the changes relating to HMRC offices will not affect HMRC's ability to tackle cross-border crime. Indeed, we will see an enhanced effort, not least because, as was pointed out by my hon. Friend the Member for North Dorset (Simon Hoare), the proceeds of that kind of crime can end up in the hands of terrorists.

VAT: Tourism and Hospitality

6. **David Simpson** (Upper Bann) (DUP): What discussions she has had with the Chancellor of the Exchequer on the potential effect of a reduction in rate of VAT on the tourism and hospitality sector in Northern Ireland. [903080]

The Parliamentary Under-Secretary of State for Northern Ireland (Mr Ben Wallace): The Secretary of State and I have regular discussions with Treasury Ministers, including the Chancellor. The Government have concluded that a VAT cut for the tourism and hospitality sectors could not produce sufficient economic growth to outweigh the revenue shortfall. It would need to be funded either by additional borrowing or by the raising of other taxes, both of which are likely to have a negative effect on the economy.

David Simpson: The case was successfully made for corporation tax, and rightly so, to attract investment into Northern Ireland. Surely a case could be made, for tourism and hospitality in Northern Ireland, to reduce VAT, especially in respect of the golf clubs, where there is an anomaly across the board?

Mr Wallace: I do not think there are many Members who would not like to see a reduction of the tax burden. Because of our long-term economic plan and the lifting of burdens on businesses elsewhere—the small business rate relief that is also available in Northern Ireland, the corporation tax cut, the freezing of national insurance contributions and employer contributions—we hope that, at least for tourism businesses and the hospitality sector, the cost of employing people and the other burdens can be lifted. That would help businesses to make their prices more competitive to encourage more people to take up the great offering of tourism in Northern Ireland.

Kevin Foster (Torbay) (Con): I would also—*[Interruption.]* I would also like to ask about VAT. Will he perhaps look at the thresholds—*[Interruption.]*

Mr Speaker: Order. I wanted to hear Mr Foster's thoughts on VAT on tourism and hospitality, and it is very difficult to hear them. I hope the Minister heard; if not, blurt it out again man.

Kevin Foster: We will try again, Mr Speaker; thank you. I have heard what the Minister said about the rate of VAT. Does he agree that it might be worth having discussions about the thresholds, which may help smaller businesses in the hospitality and tourism sector in Northern Ireland and across the rest of the UK?

Mr Wallace: My hon. Friend makes a good point. I will write to the Chancellor and make his points clear to him.

Sexual Health and Family Planning

7. **Cat Smith** (Lancaster and Fleetwood) (Lab): What recent discussions she has had with the Northern Ireland Executive on the adequacy of women's access to sexual health and family planning services. [903081]

The Parliamentary Under-Secretary of State for Northern Ireland (Mr Ben Wallace): Northern Ireland Office Ministers have had no discussions with the Northern Ireland Executive on the adequacy of women's access to sexual health and family planning services. However, Department of Health officials discuss sexual health matters with their counterparts in the Northern Ireland Departments as appropriate. Sexual health advice and services in Northern Ireland is a devolved matter.

Cat Smith: The Minister will be aware that women in Northern Ireland can, and do, travel to England for abortions on the NHS. However, they cannot access NHS abortions; they have to pay to go privately. Does he agree that this is an inequality issue between women in Northern Ireland and women who live in, say, England?

Mr Wallace: The hon. Lady points out an interesting anomaly, and in advance of today I have asked my officials to provide clarity. I do know that there is a court case pending—or before the courts—in Northern Ireland on that very issue. It is important that we get to the bottom of the differences between living in one part of the UK and another and what NHS services are available.

Jim Shannon (Strangford) (DUP): In the 11 years since 2004 Northern Ireland has seen a 47% increase in new cases of HIV while on the mainland it has fallen by 20%. The same situation applies to other sexually transmitted diseases. What discussions has the Minister had—or what discussions will he have—with Health Ministers here on the mainland and in Northern Ireland to ensure that there is an overall regional strategy to address this?

Mr Wallace: I am very happy to have discussions with UK Ministers on that subject and certainly will write to my counterpart in the Executive to make sure that both we and the Executive are doing our fair share to make sure that we prevent the spread of sexually transmitted diseases.

Exports

8. **Mr Alan Mak (Havant) (Con):** What recent discussions she has had with the Northern Ireland Executive on increasing exports. [903082]

The Secretary of State for Northern Ireland (Mrs Theresa Villiers): The Government continue to work with the Executive towards rebalancing the Northern Ireland economy, including through collaboration on increasing exports and trade co-operation. Northern Ireland exports were valued at £1.62 billion in the third quarter of 2015, the highest quarterly value since 2008.

Mr Mak: I thank the Secretary of State for her answer. Can she confirm that the Government will continue supporting stronger trade links between Hampshire and Northern Ireland, particularly given both regions' strong manufacturing and maritime traditions?

Mrs Villiers: We will certainly do that. Our long-term economic plan is working to boost trade within and outside the UK, as illustrated by the fact that the claimant count is down again in Northern Ireland in figures announced today. In total, since February 2013 there has been a fall of 40.2% in the claimant count in Northern Ireland.

Mr Gregory Campbell (East Londonderry) (DUP): This morning the Enterprise, Trade and Investment Minister in Northern Ireland announced over 50 jobs in my constituency, which is a start in an area of high unemployment. Will the Secretary of State use her influence in the Cabinet to ensure that, when there are

overseas development and trade visits, Northern Ireland companies are included, to bring inward investment to Northern Ireland?

Mrs Villiers: I can certainly do that. It is vital that UK Trade & Investment, in its work overseas to bring investment to the UK, champions the benefits of investing in Northern Ireland. It is a great place in which to invest, it has a tremendous record on inward investment and the UK Government are determined to see that continue.

Battle of the Somme: Commemoration

10. **Mrs Flick Drummond (Portsmouth South) (Con):** How the Government plan to commemorate in Northern Ireland the centenary of the battle of the Somme. [903084]

The Parliamentary Under-Secretary of State for Northern Ireland (Mr Ben Wallace): The Government's events to mark the centenary of the battle of the Somme will be held in Thiepval, France and in Manchester on 1 July 2016. Other regional events, including in Northern Ireland, are a matter for the local authorities and local communities. [Interruption.]

Mr Speaker: Order. We are discussing an important centenary of the battle of the Somme. The question from the hon. Lady must be heard and so must the answer.

Mrs Drummond: Thank you, Mr Speaker. In 1916, men from the 36th (Ulster) Division and the 16th (Irish) Division displayed great courage at the Somme, despite suffering huge casualties, with almost 2,000 men killed in the first hours of 1 July. Does the Secretary of State have any plans to liaise with the Government of the Republic of Ireland to commemorate the sacrifice made by those from both sides of the border?

Mr Wallace: My right hon. Friend the Prime Minister is committed, along with the Taoiseach, to commemorating our past with mutual respect and understanding. The Secretary of State and I are working with Ministers in the Irish Government to mark the events of this decade. I have discussed these issues with a number of officials, and I regularly meet the culture Minister, Heather Humphreys; we often attend events together, as representatives of both Governments, in remembrance of those people who died. I know that my right hon. Friend the Prime Minister has visited the Somme to remember what happened there, and it is important to note that both the south and the north had a shared experience and a shared history in the first world war, with both suffering while fighting for the cause of defeating the Kaiser.

Mr Speaker: The Minister has treated the matter very comprehensively, and we are most grateful to him.

Gavin Robinson (Belfast East) (DUP): I am grateful to the Minister for his response. As we reflect on the Somme and move towards the centenary of the conclusion of the first world war, will the Secretary of State or the Minister engage across government with the Prime Minister to think of a suitable national memorial restoration

fund to allow us fittingly to bring our cenotaphs and memorials across this country up to standard for the centenary?

Mr Wallace: The hon. Gentleman makes a good point and collectively the whole of the Government have heard his suggestion. It is important to remember the end as well as the beginning of the tragedy that was the first world war.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [903124] **Mr Gareth Thomas** (Harrow West) (Lab/Co-op): If he will list his official engagements for Wednesday 20 January.

The Prime Minister (Mr David Cameron): This morning, I had meetings with ministerial colleagues and others, and in addition to my duties in this House I shall have further such meetings later today.

Mr Thomas: If you have worked hard for a company and helped it succeed, surely you should be allowed to benefit a little from the profits that the company makes. Does the Prime Minister therefore think it is now time for companies such as Sports Direct to follow the example of the best British businesses and allow people to benefit from a small percentage of the profits?

The Prime Minister: We have encouraged companies to have profit-sharing arrangements, and we took action in previous Budgets to do that. But we are going further than that, of course, by making sure that there is, for the first time in our country, a national living wage, which will come in in April of this year. That means the lowest-paid people in our country—people on the minimum wage—will have a 7.5% pay rise coming this April, under a Conservative Government.

Q3. [903126] **Rishi Sunak** (Richmond (Yorks)) (Con): With mounting global economic uncertainty, it was comforting to see this morning's figures showing record UK employment. In this new age of kinder, consensual politics, does my right hon. Friend agree that every Member of this House should welcome the news that from North Yorkshire to north London, Britain is back in work?

The Prime Minister: My hon. Friend is absolutely right; over the past year, we have seen more people in work in every region in our country, and that is welcome. This morning's unemployment figures, which the House might not have had time to see, are very welcome. The unemployment rate is now the lowest in nearly a decade, at 5.1%; the unemployment rate is now lower than it was at the start of the recession; the latest figures show unemployment falling by another 99,000; and we have today in our country the record number of people in work ever in our history and a record number of women in work. Since I became Prime Minister we have 2.3 million more people in work, and I am sure that is something the whole House can welcome.

Mr Speaker: I call Mr Corbyn. *[Interruption.]*

Jeremy Corbyn (Islington North) (Lab): It is nice to get such a warm welcome. *[Interruption.]* If Members will allow me for one moment, let me ask the Prime Minister this question. Where in his election manifesto did he put his plan to abolish maintenance grants for all students?

The Prime Minister: First of all, people will recognise that there is no welcome for the thousands of people who have found work in our country. What a depressing spectacle. In our manifesto, we said that we would cut the deficit and uncap student numbers, and we have done both.

Jeremy Corbyn: There is not such joy in Port Talbot and other places that have lost steel jobs. They want a Government who are prepared to support their industries. The Prime Minister has form when it comes to student maintenance grants because, in the Conservative manifesto, there was no mention—*[Interruption.]* Are you done?

Mr Speaker: I gently say to the Prime Minister's dedicated Parliamentary Private Secretary, the right hon. Member for South Staffordshire (Gavin Williamson)—*[Interruption.]* Calm yourself, man. Auditioning to be a statesman does not include chuntering from a sedentary position.

Jeremy Corbyn: As I was saying, the Prime Minister has form here, because there was no mention of tax credit cuts in the manifesto either. This proposal will affect half a million students, which is not mentioned anywhere in his manifesto. I have a question from a student by the name of Liam, who says:

"I'm training to be a mathematics teacher, and will now come out at the end of my course to debts in excess of £50,000, which is roughly twice as much as what my annual income would be".

Why is Liam being put into such debt?

The Prime Minister: What I say to Liam is that he is now in a country with a university system that has more people going to university than ever before, and more people from low income backgrounds going to university than ever before. In addition, I say to Liam—and I wish him well—that he will not pay back a penny of his loan until he is earning £21,000. He will not start paying back in full until he is earning £35,000. Our policy will put more money in the hands of students such as him, which is why we are implementing it. By contrast, the Labour policy, which is to scrap the loans and the fees, would cost £10 billion and mean going back to a situation where people went out and worked hard and paid their taxes for an elite to go to university. We are uncapping aspiration; the Leader of the Opposition wants to put a cap on it.

Jeremy Corbyn: I am pleased to say that Liam is trying to be a maths teacher, and that might help the Prime Minister as Liam did say that he was earning £25,000, which is more than £21,000—if that is a help. In 2010, the Prime Minister's Government trebled tuition fees to £9,000, and defended it by saying that they would increase maintenance grants for students from less well-off backgrounds. They are now scrapping those very same grants that they used to boast about increasing. Where is the sense in doing that? Why are they abolishing those maintenance grants?

The Prime Minister: The sense in doing that is that we want to uncap university places, so that as many young people in our country who want to go to university can go to university. That is what we are doing. Before we have too much shouting from the Opposition, let me say that when they were in government, they introduced the fees and loans system. Given that this is the week that we are meant to be learning the lessons of the past election, let me read a lesson from somebody whom I rather miss. In the *Times Higher Education*, Mr Ed Balls wrote that

“we clearly didn’t find a sustainable way forward for the financing of higher education... If they”—

the electorate—

“think you’ve got the answers for the future, they’ll support you.”

In all honesty I say to the Labour party that, when it was in government, it supported fees and loans. When we were in opposition, we made the mistake that they did. If we want to be on the side of aspiration and of more university students, and if we want to help people make the most of their lives, the system that we have is working and the numbers prove it.

Jeremy Corbyn: That is from the very same Prime Minister who is taking away the grants that are designed to help the poorest in our society to access higher education. I want to ask him about one particular group who are now being targeted by this Government: student nurses. They were not mentioned in the Government’s manifesto. The repayments that student nurses will now have to make when qualified amount to an effective pay cut of £900 for each nurse. Why is he punishing those nurses when we need them in our NHS?

The Prime Minister: First of all, there are now 6,700 more nurses than there were when I became Prime Minister. I know that the Labour party does not want to face up to difficult decisions, but let me just give the right hon. Gentleman one statistic. Two out of three people today who want to become a nurse cannot do so because of the bursary system. By introducing the loans, nurses will get more money and we will train more nurses and bring in fewer from overseas. It is good for nurses, good for the NHS and good for our country, and it is only a Labour party that is so short-sighted and anti-aspiration that cannot see it.

Jeremy Corbyn: The Prime Minister and I would probably agree that we need to spend more and direct more resources towards dealing with the mental health crisis in this country. I have a question from somebody who wants to help us get through that crisis by becoming a mental health nurse. Vicky from York has a very real problem. She says:

“I would not have been able, or chosen, to study to be a mental health nurse without the bursary for the following reasons... I am a single mum and need support for childcare costs. I have debts from a previous degree. I am a mature student at 33. I would not take on further debts which would be impossible to pay back, and would not be fair on my daughter”.

She is somebody we need as a mental health nurse in our NHS. We are losing her skills, her dedication and her aspiration to help the entire community.

The Prime Minister: But two out of three Vickys who turn up wanting to be nurses are sent away by our

current system, which means we are bringing in people from Bulgaria, Romania and the other side of the world to do nursing jobs for which we should be training British people. The British people want to train as nurses, the NHS wants more nurses, and this Government will fund those nurses, so let us help them train and improve our health service.

Jeremy Corbyn: The problem is that the Prime Minister is expecting Vicky and others like her to fund themselves by paying back a debt or paying back from their wages in the future. I do not think that she will have been very reassured by his answers today; they will have been unconvincing to her. He was not very good at convincing the hon. Member for Lewes (Maria Caulfield), a nurse herself, who said:

“I would struggle to undertake my nurse training given the proposed changes to the bursary scheme.”—[*Official Report*, 5 January 2016; Vol. 604, c. 15.]

The Prime Minister will be aware that nine out of 10 hospitals currently have a shortage of nurses. Is not what he is proposing for the nurse bursary scheme going to exacerbate the crisis, make it worse for everybody and make our NHS less effective? What is his answer to that point?

The Prime Minister: I will give the right hon. Gentleman a very direct answer: we are going to see 10,000 extra nurse degree places as a result of this policy, because we are effectively uncapping the number of people who can go into nursing. I have to say that this week has all been of a piece, with a retreat by the Labour party into the past. We have seen it with the idea of bringing back secondary picketing and flying pickets, with the idea of stopping businesses paying dividends, and with the absurd idea that nuclear submarines should go to sea without their missiles. Anyone watching this Labour party—and it is not just the leader, but the whole party now—will see that it is a risk to our national security, a risk to our economic security, a risk to our health service and a risk to the security of every family in our country.

Q5. [903128] **Edward Argar** (Charnwood) (Con): Leicestershire and the east midlands continue to be a powerhouse of jobs and growth, attracting investment from the UK and beyond, and we are rightly proud of the success of our local businesses in Charnwood. Does my right hon. Friend believe that their continued ability to attract external and foreign investment would be helped or hindered were secondary picketing to be reintroduced?

The Prime Minister: First of all, let me say that the east midlands is a powerhouse of our economy, and in the last year we have seen employment in the east midlands go up by 17,000. I think that when businesses look at whether to invest in Britain, whether they are overseas businesses or indeed British businesses, they want to know that we are going to have good labour relations and not a return to the 1970s of secondary strikes and flying pickets. It is extraordinary that a party that spent so long trying to cast off the image of being in favour of these appalling industrial practices has now elected a leader and is backing a leader who would take us right back to the 1970s.

Angus Robertson (Moray) (SNP): World attention on the conflict in the middle east is focused on Syria and Iraq, and much less so on the catastrophe in Yemen, which has caused thousands of people to lose their lives and millions of people to flee their homes. Can the Prime Minister tell the House what the UK Government are doing to support peace in Yemen?

The Prime Minister: We are doing everything we can with all the people taking part in this conflict to encourage them to get round a negotiating table, as they have done recently, in order to bring about what is necessary in Yemen, which is a Government who can represent all of the people. We have got to make sure that both Sunni and Shi'a are properly represented in that country. That is the only way that we will meet our key national interest, which is to back a Government in Yemen who will drive the terrorists, including al-Qaeda in the Arabian Peninsula—AQAP—out of Yemen, because they have been, and are, a direct threat to the citizens of Britain.

Angus Robertson: Thousands of civilians have been killed in Yemen, including a large number by the Saudi air force, who have done that using British-built planes with pilots who are trained by British instructors, and who are dropping British-made bombs and are co-ordinated by the Saudis in the presence of British military advisers. Is it not time for the Prime Minister to admit that Britain is effectively taking part in a war in Yemen that is costing thousands of civilian lives, and that he has not sought parliamentary approval to do that?

The Prime Minister: The right hon. Gentleman started in a serious place but then seriously wandered off. It is in our interest that we back the legitimate Government of Yemen, and it is right to do that. We have some of the most stringent arms control measures of any country anywhere in the world. Just to be absolutely clear about our role, we are not a member of a Saudi-led coalition. British military personnel are not directly involved in the Saudi-led coalition's operations. Personnel are not involved in carrying out strikes, directing or conducting operations in Yemen, or selecting targets; and we are not involved in the Saudi targeting decision-making process; but do we provide training and advice and help in order to make sure that countries actually obey the norms of humanitarian law? Yes, we do.

Q7. [903130] **Neil Parish** (Tiverton and Honiton) (Con): The recent floods in the north of England have caused untold misery to people, to householders, to farmers, and to livestock. What we need is a long-term strategy for floods. I know that the Prime Minister has done a lot of work in Somerset and across the country. Some rivers need to be dredged and some need to be slowed down, and we need to manage our floodwaters in a better way. Along with our long-term economic plan, can we have a long-term plan on floods?

The Prime Minister: We absolutely can and we do. That is exactly what my right hon. Friend the Secretary of State for Environment, Food and Rural Affairs is doing. We have got an unprecedented six-year commitment of £2.3 billion, but as important as the money is making sure that we have an absolutely joined-up approach, as my hon. Friend says, to dredging in some places, to building flood barriers in others, and to managing the

water in our landscape, including through farming practices, in a holistic way so that we are using all the resources we have to reduce the likelihood of floods.

Q2. [903125] **Ms Gisela Stuart** (Birmingham, Edgbaston) (Lab): There is concern on all sides about the recent rather patchwork approach to constitutional reform. We need a new Act of Union that sets out the rules and responsibilities so that the process of devolution by consent will be both fairer and more comprehensible. Will the Prime Minister agree to meet me and other members of the Constitution Reform Group to discuss a new Act of Union? We come from all the major political parties and include experts such as Lord Lisvane, better known to this House as the former Clerk, Robert Rogers.

The Prime Minister: I am very happy to meet the right hon. Lady, who has great expertise in this area. I think there is a common interest in it. What we are trying to do as a Government is to find a devolution settlement that works for all of the devolved nations of the United Kingdom, including, importantly, for England as well. We have made some very good progress with the further devolution measures in Scotland and Wales and with the maintenance of the devolved Assembly in Northern Ireland. If there are further measures we can take, I am very happy to see them, but I do not necessarily believe that simply writing things down in one place will solve the problem. I am, however, happy to meet the right hon. Lady.

Q8. [903131] **Karl McCartney** (Lincoln) (Con): Does my right hon. Friend agree that our nuclear deterrent works against our nation's enemies only if our nuclear submarines are actually equipped with nuclear missiles, and that the defence policy of those who do not believe that, such as the Leader of the Opposition, is inspired by the Beatles' "Yellow Submarine", which shows that, while Labour Members may twist and shout, their current leader certainly needs help?

The Prime Minister: I congratulate my hon. Friend on his ingenious question. There is a comic element to sending submarines to sea without missiles, but this is in fact an absolutely serious issue, because the deterrent has been, on a cross-party basis, an absolutely key part of our defence and making sure that we have the ultimate insurance policy, which we on this side of the House support and which we should vote on. All I can say when it comes to Beatles' songs is that I suspect that the Leader of the Opposition prefers "Back in the USSR".

Wes Streeting (Ilford North) (Lab): Just under two weeks ago, a 16-year-old boy was murdered in a knife attack in my constituency. I am sure the whole House will want to join me in sending our deepest condolences to Charlie's friends and family. Given that knife crime in London rose last year and that the number of teenage deaths as a result of it peaked at its highest level in seven years, what action will the Government take to make sure that we do not return to the days when knife crime in London affecting young people in particular was merely a fact of life?

The Prime Minister: The hon. Gentleman speaks for the whole House, which I am sure will want in spirit to be with the family and friends of Charlie Kutyauripo, who lost his life in that attack. There is nothing anyone here can say that will give them the comfort they seek. What I will say is that we have toughened the law on knife crime offences and the custodial sentences people are getting for those crimes. The police have done a huge amount to crack down on knife crime, which is why overall it has fallen by something like 17% since 2010, but there is still more to do in educating children and young people about the dangers of carrying a knife. In so many of these cases, the carrier of the knife ends up the victim of the knife attack so, as well as tough penalties and strong policing, we also need better education.

Q11. [903134] **Gareth Johnson** (Dartford) (Con): Does the Prime Minister agree that encouraging people in this country to learn the English language has a unifying effect? It aids integration and helps to create national identity and social cohesion, and should therefore be promoted.

The Prime Minister: My hon. Friend is absolutely right. The most important thing in our country is that we make sure that everybody can take advantage of the opportunities to work, get training and go to university. This is an opportunity country, but there is no opportunity for people if you do not speak the language. That is why we are going to target money at those people—they are very often women—who have been stuck at home, sometimes by the men in the house, and make sure that they can get the English language skills they need.

Let me make one other additional point, because this is so important. When I was sat in a mosque in Leeds this week, one of the young people there said how important it is that imams speak English, because if some young people can speak English but not Urdu or Arabic they need someone to guide them away from ISIL and its poisonous rhetoric. Speaking English is important for all, imams included.

Q6. [903129] **Dr Alan Whitehead** (Southampton, Test) (Lab): Over the past few months, young people in Southampton have seen themselves frozen out of the living wage and housing benefit, and faced the downgrading or closure of the further education and sixth-form colleges from which many of them get their qualifications. We now see the ending of maintenance grants for those young people who want to go to university. What has the Prime Minister got against young people trying to make their way in life?

The Prime Minister: I will tell the hon. Gentleman what we are doing for young people: record numbers going to university; record numbers who are taking on apprenticeships; and record numbers in work. Actually, today, the unemployment figures show a record low in the unemployment rate among those people who have left school. I would say to the hon. Gentleman that one of the reasons why a Labour MP in the south of England is as rare as hen's teeth is that they talk down our country and talk down opportunity in it.

Q12. [903135] **Nadhim Zahawi** (Stratford-on-Avon) (Con): I thank the Prime Minister for launching the apprenticeship delivery board on Monday evening at

No. 10. These men and women, who are expert in their sectors, are coming together to deliver 3 million apprenticeship starts by 2020. Does the Prime Minister agree that it will be a great thing if, when students across our country log on to the UCAS website, they are informed about the opportunities for degree apprenticeships, as well as about more traditional degrees?

The Prime Minister: My hon. Friend makes a very important point for two reasons. One is that if you become an apprentice, that does not lock out the chance of doing a degree later in your career. Indeed, the opportunities for earning and learning are getting greater in our country. The second reason it is so important is that, in our schools, all our teachers are of course very well equipped to tell people about degree opportunities, because that is the route that they have taken—A-levels, the UCAS form and such like—but we need to improve the information in our schools so that people can see the opportunities for apprenticeships, in some cases then leading on to degrees.

Q9. [903132] **Tulip Siddiq** (Hampstead and Kilburn) (Lab): My 24-year-old constituent Lara is in urgent need of a stem cell donor. Her family's campaign, Match4Lara, is attracting global support. On Saturday, the O2 Centre in my constituency will run a spit drive to get as many people as possible on to the bone marrow register. Will the Prime Minister join me at that event on Saturday, and will he send a message of support to those working to keep Lara alive?

The Prime Minister: I certainly will join the hon. Lady in supporting Lara's campaign. I have had meetings with bone marrow organisations in No. 10 Downing Street to support their matching campaign. I am sure that, by her raising it at Question Time in this way, many others will want to come to this event on Saturday and support Lara in the way she suggests.

Q13. [903136] **Mr John Baron** (Basildon and Billericay) (Con): The Prime Minister is aware that a number of colleagues and I await his response to our request, made in November, for a meeting regarding his EU renegotiations to discuss the importance of this Parliament—by itself, if necessary—being able to stop any unwanted taxes, regulations or directives, which goes to the core of issues such as control of our borders, business regulation and so on. Will he now meet us prior to the next EU meeting?

The Prime Minister: As my hon. Friend can imagine, I am having a range of meetings with colleagues about the European issue. I am sure that I will be covering as many in our parliamentary party as possible. I have always felt, with my hon. Friend, that he has slightly made up his mind already and wants to leave the EU whatever the results, and I do not want to take up any more of his time than is necessary.

Q10. [903133] **Jonathan Edwards** (Carmarthen East and Dinefwr) (PC): The UK Government are a cheerleader for China to be awarded World Trade Organisation market economy status, because they want the City of London to become a major trading centre for the Chinese currency. MES for China would

make it nigh on impossible to impose tariffs on Chinese steel, despite its dumping strategy. Is this not a classic case of the Westminster Government once again putting the bankers of London before manufacturing workers in Wales and the rest of the UK?

The Prime Minister: I have to say that the hon. Gentleman is wrong both on content and on approach. The two issues are separate. There are market economies that Europe still puts dumping tariffs on—we actually did that recently with America, and we have done it in the past with Russia—so I think we should take these two issues separately. We should continue to pursue robust action against China, which is exactly what we are doing, based on the merits. In terms of a closer relationship with China—a trading relationship—I want to help those Welsh businesses, including companies such as Airbus, break into Chinese markets and to make sure we get the best for British jobs, British manufacturing and British exports. That is what we want in our relationship with China.

Q14. [903137] **Mr David Jones** (Clwyd West) (Con): Speaking of Airbus, the Mersey-Dee region, which straddles the England-Wales border, is one of the most dynamic industrial areas of the country. Does my right hon. Friend welcome the establishment of the all-party Mersey-Dee group, which has been formed to promote the economic success of the region? Will he urge his ministerial colleagues and the Welsh Government to co-operate with the group in its work?

The Prime Minister: First, let me join my right hon. Friend in welcoming the new group. It is important, when we look at the development of the Welsh economy, to think about how north Wales can benefit from growth in the north-west of our country and about the links between the north-west and Wales, which the group will examine. Clearly, HS2 and what happens at Crewe will be a vital part of that process. I am very happy to talk further with him.

Mr Nigel Dodds (Belfast North) (DUP): Will the Prime Minister reiterate, not just on behalf of the Government, but speaking for the whole House I believe, the unconditional and unequivocal support of the British people for the people of the Falkland Islands and their right—[HON. MEMBERS: “Hear, hear!”]—their inalienable and British-held right to self-determination? Will he confirm that that will not be undermined in any way by some kind of accommodation or negotiation in which the people of the Falkland Islands may have an enormous say, but have no veto? They should have a right to determine their own future.

The Prime Minister: The right hon. Gentleman has put it better than I ever could. The people of the Falkland Islands spoke as clearly as they possibly could in the referendum. They want to maintain the status quo. As long as they want that, they will have it guaranteed from me. I find it quite extraordinary that the Labour party wants to look at changing the status and giving away something people absolutely consider to be their right. That will never happen as long as I am in Downing Street.

Q15. [903138] **Bob Blackman** (Harrow East) (Con): As a former cub scout leader and Queen’s scout, I am pleased to say that scouting is thriving in Harrow. This year marks the centenary of the formation and founding of cub scouting across the UK. Will my right hon. Friend join me in congratulating the 150,000 young people who participate in cub scouting every week in the UK, congratulate and thank the leaders who give up their time voluntarily to enable young people to gain a sense of adventure in a safe environment, and call on more people to volunteer as leaders as part of the big society movement?

The Prime Minister: I absolutely agree with my hon. Friend. The scouts are a great part of the big society. We have provided them and other uniformed youth groups with more than £10 million of funding since I became Prime Minister to help them do their excellent work. I had a letter recently from Bear Grylls, the chief scout himself, looking at what we could do to welcome the centenary and give this fantastic organisation a big centenary boost.

Harry Harpham (Sheffield, Brightside and Hillsborough) (Lab): The Prime Minister may be aware, and should be aware, that Sheffield Forgemasters announced this morning the loss of 100 jobs in this crisis-hit industry, many of which will be in my constituency. We have had lots of warm words and hand-wringing and some crocodile tears from the Prime Minister and Ministers in this Chamber about the tsunami of job losses across the steel industry. Can he tell me when he will actually do something to support world-class companies such as Sheffield Forgemasters?

The Prime Minister: We have taken action, including action on energy bills that will save these industries £400 million in this Parliament. The hon. Gentleman chose to inject a bit of politics into this, so let me inject some back. When the Labour party was in power, what happened to employment in the steel industry? It was cut by 35,000—cut in half. Where were the carve-outs from the energy bills then? Where were the special arrangements for taking votes in Europe that we have put in place? Where were the rules to make sure that we buy British steel when it comes to public procurement, as we will for HS2 and the carrier programme? If he is interested in Sheffield Forgemasters, he might want to have a little word with his leader about something called a Trident submarine.

James Heappey (Wells) (Con): We do not yet know who will headline at Glastonbury this summer but we do know that, as things stand, they will not have anywhere to do their banking, as this world-famous town is to lose all three of its remaining banks within 12 weeks of each other. Will my right hon. Friend join me in encouraging those banks to think again and to ensure that they meet their responsibilities under the banking protocols?

The Prime Minister: I will certainly make sure that that happens, and I will arrange for my hon. Friend to have a meeting with a Treasury Minister to discuss this issue. We are seeing huge challenges, partly because of the growth of internet banking, but it is important that in market towns such as the ones that he and I represent, banks continue to have a physical presence on the high street.

Hannah Bardell (Livingston) (SNP): The Prime Minister might be aware of the tragic case of Julie Pearson, a young Scottish woman who died in Israel in November and who was allegedly beaten and raped before her death. I met her family recently, and I hope that the whole House will join me in offering their condolences to them. They are struggling to get answers from the Israeli Government and authorities; in particular, they are struggling to get her autopsy report. Will the Prime Minister meet me to discuss putting pressure on the Israeli Government and authorities to look into Julie's death, so that her family can get the answers that they want and ultimately get justice for Julie?

The Prime Minister: I am not directly aware of this case, but I will certainly take it up with the Israeli authorities on the hon. Lady's behalf, because it is important that her constituents get answers on this

matter. Perhaps I could arrange for her to have a meeting with Foreign Office Ministers so that they can discuss this. We have good relations with Israel, and we should use those good relations to make sure that when people need answers, they get them.

Several hon. Members *rose*—

Mr Speaker: Order.

Yasmin Qureshi (Bolton South East) (Lab): On a point of order, Mr Speaker.

Mr Speaker: We have a number of urgent questions—two, to be precise—after which we will deal with points of order. I look forward with eager anticipation to hearing from the hon. Member for Bolton South East (Yasmin Qureshi) at that point.

Poppi Worthington

12.37 pm

John Woodcock (Barrow and Furness) (Lab/Co-op) (*Urgent Question*): To ask the Secretary of State for the Home Department to make a statement on the failures set out by Mr Justice Jackson yesterday following the death of 13-month-old Poppi Worthington from Barrow in my constituency in December 2012?

The Parliamentary Under-Secretary of State for the Home Department (Karen Bradley): The death of Poppi Worthington is deeply distressing and disturbing. Like other Members, I am sure, I have found reading the press reports incredibly difficult and moving. The House will understand, however, that I cannot comment on the case in detail. The judge made a ruling yesterday in the family court, but any further debate could be prejudicial to a second inquest into Poppi's death, which is due to take place later this year. There are allegations of police failings in the original investigation into her death in 2012, which have been investigated by the Independent Police Complaints Commission. The IPCC report has been completed but cannot be released yet, so as not to prejudice the second inquest.

Child sexual abuse is an horrendous crime, and there is nothing more important than keeping children safe. That is why we have given child sexual abuse the status of a national threat in the strategic policing requirement, which sets a clear expectation on police forces to collaborate across force boundaries, to safeguard children and to share intelligence and best practice. As we have made clear, we will not hesitate to take tough action when councils or the police are failing in their statutory duty to protect children. Since 2014, Her Majesty's inspectorate of constabulary has been inspecting forces in England and Wales on their response to child protection, including child sexual abuse. Forces that fall short of expectations are being re-inspected to make sure that they have dealt quickly with any failures.

The Home Office is committed to strengthening the law enforcement response and we are working with police forces and the National Crime Agency to ensure that more resources and improved technology are available to investigate abuse properly. It is critical that the police have the appropriate expertise and tools to identify, pursue, investigate and prosecute offenders. We have introduced new sexual risk orders and sexual harm prevention orders, which the police can now use to manage an individual who presents a risk of sexual harm to a child. We have introduced powers for the police to close an establishment that might be used for sexual activity with a child.

It is vital that police identify child sexual abuse and respond appropriately. The importance of this cannot be overestimated. In March last year, as part of the "Tackling Child Sexual Exploitation" report that the Prime Minister launched, the College of Policing and the national policing lead for child protection and abuse investigations set a requirement on all forces to train all new and existing police staff to respond to child sexual abuse and exploitation. That includes call handlers, police community support officers, detectives and specialist investigators. The College of Policing has developed

and will keep under review a comprehensive training programme to raise the standard of the police response to child sexual abuse.

This Government are committed to tackling child sexual abuse, but I know that is little consolation to the family of Poppi Worthington. I commend this statement to the House.

John Woodcock: I thank the Minister for her reply. On 11 December 2012 Poppi Worthington was taken to bed by her mother a perfectly healthy child. As Judge Jackson set out yesterday, she was brought downstairs eight hours later by her father, Paul Worthington, in a lifeless state, with troubling injuries, most obviously significant bleeding from her anus. Mr Justice Jackson was clear in his judgment yesterday that Paul Worthington raped that child and she died soon afterwards, yet it was a full eight months later that the parents were first questioned by the police, despite a pathologist raising concerns at the time that her death was caused by a "penetrative sexual assault". By this time crucial evidence had been lost by the police, such as the nappy she had been wearing at the time and her bedding.

In October 2014 the then coroner took just six minutes to record Poppi's death as "unexplained". The Crown Prosecution Service has said that there is currently no prospect of a case being made against the father. Despite the clear pointers available, Cumbria social services chose to allow Poppi's siblings to return to the family. Although the failures happened after the child's death, not before, the combined failure of several agencies is every bit as serious as those that contributed to the deaths of Victoria Climbié and baby Peter in Haringey.

Will the Government make it clear that they value Poppi's life as greatly by ordering now a similarly thorough independent investigation into how the failings happened? Will they, as the second inquest is continuing, order a separate force to come in and take over the investigation into Poppi Worthington's death to try to salvage some prospect of justice for her life? Will they renew their focus on improving social services in Cumbria, which have been troubled, as we know, for many months? What will the Government do to ensure the safety of the Worthington children and all the children in Barrow, given that Paul Worthington is still walking free?

Karen Bradley: The hon. Gentleman sets out the case clearly and passionately. He is working for his constituents, as he always does. He will know that in 2015 an Ofsted investigation found Cumbria social services to be inadequate. The Department for Education is in the process of an intervention into Cumbria social services to ensure that child social services work properly in Cumbria and that all children in Cumbria have the support and protection they rightly need.

We need to learn lessons from this case, but we need to wait for the second inquest. The Attorney General has granted the second inquest, and until it is completed we will not have the full facts. The hon. Gentleman will know that new evidence will have to come to light for the case to be reopened. That may or may not be the case, depending on the IPCC inquiry and the second inquest, but this is an operational matter in which I, as the Minister, would not be able to intervene.

Tim Loughton (East Worthing and Shoreham) (Con): This sounds like a depressingly familiar catalogue of failure and cover-up. At the time of this tragic death, a report would routinely have been given to the children's Minister, and the Home Office pathologist, Dr Alison Armour, presumably also reported her suspicions to the Home Office. What action was jointly taken by Ministers in the Home Office and the Department for Education, particularly given the ongoing danger to siblings involved? What has happened to the serious case review that, since 2010, has been routinely published to reveal where failures have been made and to enable lessons to be learned, which is so crucial in this case?

Karen Bradley: I thank my hon. Friend for his question. He did an incredible amount of work as children's Minister to deal with the failures in the system that we have seen here and he raises some very important points, many of which I, too, have raised with officials today. If he will forgive me, I will write to him on the specific points. May I also—I failed to do this earlier—offer to meet the hon. Member for Barrow and Furness (John Woodcock), because I think that there are many things that it is important we discuss face to face?

Karl Turner (Kingston upon Hull East) (Lab): It is clear that there were multiple failings in this tragic case. I appreciate that the Minister has said that she does not want to jeopardise any further investigation, but it is terribly troubling that His Honour Judge Jackson remarked that “the police investigation was clearly deficient and that the police failed to launch a real investigation until nine months after Poppi's death” and that the case is “more than usually troubling”. Will the Minister support the call from my hon. Friend the Member for Barrow and Furness (John Woodcock) for a separate police investigation by a separate police force? Will she also support the publication of the IPCC's draft report on this case?

Karen Bradley: The hon. Gentleman asks about the failings in the police, and that is what the IPCC report will contain. We will know more when we see that report, but it cannot be published, even in draft, before the second inquest. I am sure that he understands that it is very important that that inquest can take place in a fair and open manner so that we get to the facts of the case and understand what happened. He will know more than anybody that Judge Jackson was looking at the balance of probabilities, whereas a criminal case would need to be beyond reasonable doubt—different levels of proof and of evidence are required. The hon. Gentleman understands that. I want to get to the bottom of this. I want to have the full inquest and understand exactly what happened, at which point we can determine the appropriate action to be taken.

Mr Stewart Jackson (Peterborough) (Con): I commend the hon. Member for Barrow and Furness (John Woodcock) for his measured and reasonable putting of this important question. The whole nation will have been touched by the terrible tragedy that befell this little baby girl. Is it not troubling, however, that public agencies used public money to try to stifle debate and hide transparency and openness, using the family courts? Is it not time we reviewed the interface between the family courts and public agencies, because openness and transparency are

the best disinfectant for and solution to such issues, ensuring that something this terrible and awful never happens again?

Karen Bradley: My hon. Friend makes an interesting point. If he will allow me to do so, I will discuss the point with the Lord Chancellor, as this will be a matter for the Ministry of Justice, and return to him with further thoughts when I have had that discussion.

Keith Vaz (Leicester East) (Lab): I welcome the Minister's commitment to pursue these matters until all lessons can be learned, but does she agree that the crucial relationship is that between the police and social services? The crucial process is that information is passed on immediately. If that is done, these terrible acts can be discovered even more efficiently.

Karen Bradley: The right hon. Gentleman makes an incredibly important point. If agencies are not working together and talking to each other, we will not find and protect those children who so desperately need our protection. I have been impressed and pleased with the work in multiagency safeguarding hubs, and in the many that I have visited it is truly refreshing to see police, social services, probation services and other agencies that have a role in protecting the most vulnerable people in society—particularly children—sitting together, co-located, working together, sharing information, and taking action immediately. We need more of that, and I know that Chief Constable Simon Bailey, who leads on child sexual abuse for the National Police Chiefs' Council, is keen to ensure more multi-agency working so that we get that protection.

Simon Hoare (North Dorset) (Con): I support what the hon. Member for Barrow and Furness (John Woodcock) has said, and as a father of three young daughters my blood runs cold at this case. The Minister has rightly pointed out the growing need for integration of services outside Whitehall. There are many departmental responsibilities in government, including her Department, the Law Officers, the Lord Chancellor's Department and—crucially—the Department for Communities and Local Government, which deals with funding for county councils to ensure robust, fit-for-purpose social service departments. Will she ensure that there is also full integration at Whitehall level?

Karen Bradley: Astonishingly, my hon. Friend managed to forget the Department for Education. The Education Secretary chairs the child protection implementation taskforce, of which I and other Ministers are members. That cross-department team considers how we implement what we have learned from other examples of child abuse, and what we have learned from this case will give us more information and help us to develop better ways to protect children.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): This is clearly a disturbing case, and I understand the Minister's reticence in not wanting to do anything that could prejudice justice. She will also have had only limited time in which to pursue it. May I urge her to keep pursuing this case, and not to be deterred by the process that is taking place? Will she clarify the situation regarding the police investigation? Surely we do not

[Yvette Cooper]

need to wait for the inquest for a police investigation to continue. As I understand it, the IPCC is verifying whether the police did the right job previously, and we need a police investigation now into this individual case. Could that be done by an alternative police force?

Karen Bradley: I know that the right hon. Lady has campaigned on these matters for many years, and I assure her that I personally will take this case and ensure that we get to the bottom of it. We must learn all the lessons from it, and understand what happened and what went wrong. We owe that to Poppi Worthington and to all other children in that situation. Specifically on the police investigation, she will be aware that we need new evidence before a new investigation can be held, so perhaps I may write to her and provide more information about the case as I receive it.

Bob Blackman (Harrow East) (Con): As a councillor I experienced the horrors of the cases of Jasmine Beckford, Victoria Climbié and baby P. I understand that the Minister cannot give a firm commitment today, but it is clear that those who are in charge of these investigations are not learning the lessons of the past. If the evidence points that way, will the Minister commit to ordering a proper judicial inquiry, so that further reviews can be undertaken and people can understand the lessons that have been learned and implement any changes, as proposed by the Communities and Local Government Committee last year?

Karen Bradley: We need to know exactly what happened, and understand the IPCC report and the findings of the second inquest. We also have the victim's right to review, and once we have completed the legal processes the family wish to use that. I want to wait until all the facts are on the table and we know what happened before making any commitment.

Sue Hayman (Workington) (Lab): As a fellow Cumbrian MP I am deeply shocked and concerned about this case, and I support my hon. Friend the Member for Barrow and Furness (John Woodcock) in his call for an independent investigation. I appreciate what the Minister is saying about the second inquest. The IPCC report appears to have been leaked to the press, which is of great concern. Poppi's death was in December 2012 and it has taken a long time to get to where we are. The case has only gone through the family courts. No one has been charged, and I am concerned about that and would welcome the Minister's comments.

Karen Bradley: I am not aware that the IPCC report has been leaked, but I will look into that. Perhaps when I meet the hon. Member for Barrow and Furness we could discuss that issue once we have more information about what has happened. If the report has been leaked that is shocking and should not have happened.

Jim Shannon (Strangford) (DUP): I commend the hon. Member for Barrow and Furness (John Woodcock) for bringing this issue to the House, and the Minister for her response. None of us can fail to be moved by the picture of the 14-month-old innocent Poppi Worthington. Although there has been some conflicting opinion, given the amount of press coverage and the opinion of Mr Justice Jackson and Dr Alison Armour, surely the case must be reopened. We should be able to stand proud of our British justice system, but in this case justice has not been done for Poppi Worthington or any other child that might be in danger. If the IPCC should find that the Cumbrian police did not act as they should have, will that be a reason for reopening the case?

Karen Bradley: I assure the hon. Gentleman that when we know what happened, where the failings were, and what—if anything—could have been done differently, I and my fellow Ministers will ensure that proper steps are taken and that we do all we can to get to the bottom of this issue and get the justice that Poppi Worthington rightly deserves.

Asylum Seekers: Middlesbrough

12.56 pm

Andy McDonald (Middlesbrough) (Lab) (*Urgent Question*): To ask the Secretary of State for the Home Department to make a statement on the revelation today about discriminatory treatment of asylum seekers in Middlesbrough.

The Minister for Immigration (James Brokenshire): I am grateful to the hon. Gentleman for asking this urgent question and allowing me the opportunity to set out the Government's response to the issues raised in *The Times* today.

From the outset, I underline that the United Kingdom has a proud history of granting asylum to those who need it, and we are committed to providing safe and secure accommodation while asylum cases are considered. The Immigration and Asylum Act 1999 introduced the policy of national dispersal, which was designed to share the impact of asylum seekers across the whole United Kingdom. Under that arrangement, asylum seekers are housed across the UK under voluntary agreements between national Governments and local authorities. Those arrangements have been in place since 2000. Under current arrangements—the commercial and operating managers procuring asylum support services, or COMPASS, contracts—three companies provide asylum seeker accommodation, transport and related services. In Middlesbrough those services are provided by G4S.

As right hon. and hon. Members will have seen from my response published in *The Times* this morning, I am deeply concerned about the issues raised and the painting of doors of asylum seeker accommodation in a single colour. Anything that identifies asylum seeker accommodation to those who may wish to harm those accommodated in the properties must be avoided. I spoke to the chief executive officer of G4S this morning, and he assured me that neither G4S nor its subcontractor in Middlesbrough, Jomast, has a policy that states that asylum seeker properties should be identified in such a way. However, Jomast does accept that the company uses red paint across its portfolio of properties.

I have asked Home Office officials to look into this issue as a matter of urgency, and to report to me and the permanent secretary. G4S has advised that doors in the area will be repainted so that there is no predominant colour. As part of the audit that we have commissioned, I have asked it to ensure that COMPASS contracts have been appropriately implemented in Middlesbrough, and I have considered the Home Office's arrangements for monitoring contract compliance in that area and more generally.

The Home Office works with COMPASS providers and local authorities to ensure that the impact of dispersal on local communities and services is taken into account when allocating accommodation. It is the responsibility of the suppliers to ensure that all accommodation used meets required contractual standards, and complies with the decent home standards—specifically, that accommodation is safe, habitable and fit for purpose. Each property used is subject to a housing officer visit every 28 days. In addition, Home Office contract compliance

teams inspect a third of all properties using an intelligence-led, risk-based approach to monitor standards and ensure maintenance faults are rectified within the prescribed timescales.

Let me be clear to the House that I expect the highest standards from our contractors. If we have evidence of discrimination against asylum seekers, it will be dealt with immediately.

Andy McDonald: I am very grateful to the Minister for his very thoughtful and considered response. I share with him Middlesbrough's proud record of welcoming people fleeing persecution and torture. We are rightly proud of the excellent arrangements we have with our churches and charities. I am proud of those people and the welcome they offer.

As the Minister rightly says, the background is that the contract for housing asylum seekers in the north-east is held by G4S and subcontracted to Jomast. The excellent article by Andrew Norfolk published in *The Times* explains that Jomast has 168 properties in two wards. Some 155 of them have their front doors to the street painted red. This marks out the properties and their inhabitants for those with prejudicial motivations and evil intent. There are accounts of asylum seekers being abused in their homes as a direct result of being so readily identifiable. Their doors have been smeared with dog excrement and daubed with graffiti showing the National Front logo. Eggs and stones have been thrown at their properties and they have been subjected to verbal abuse.

Such a policy may not be deliberate, but Jomast have to think it through. There is clearly a risk of undermining social cohesion and the safety of those seeking sanctuary. I am aghast that G4S claims no knowledge of that. Jomast has undertaken to remedy the position, but it is imperative that the Government insist that remedial action be taken as a matter of supreme urgency, and that the contractor and subcontractor are held to account. The Minister talks about the way the contract is managed. I ask him to stick to the theory he outlined in such great detail, because I am aware that the practice is far from the theory. Many people can be confined to one bedroom. That, simply, is not dignified. It is not a humanitarian response to put people in those conditions.

The public policy implications for contracting out the arrangements are devastating. People should not derive public profit from these matters; they are a matter for central Government and local government. Local government is the best organisation to look at the wider implications of welcoming people into our communities in this way. I therefore ask the Minister to review and reconsider that matter.

When did the Minister first become aware of this concern? When did G4S become aware of it and what action did it take? What steps is the Department taking to ensure that the readily identifiable red doors are corrected and on what timescale? At the moment, Jomast says it acknowledges the issue and will address it over three to six months. I suggest to the Minister that that is simply not acceptable. This must be done as a matter of supreme urgency: I have in mind a timescale of three to six weeks, rather than three to six months. I would like him to address that. If the Minister concludes that what has happened is discriminatory, what action will he take? In short, will he outline what penalties he has

[Andy McDonald]

available to him to make sure that G4S, which has, frankly, suffered a great deal of reputational damage in recent times, and Jomast are held to account?

James Brokenshire: I thank the hon. Gentleman for the way in which he raises his concerns. Like him, I pay tribute to the work and the approach that Middlesbrough, as an authority, has taken for many years in seeking to accommodate asylum seekers. He will be aware that a number of discussions have taken place between my officials, Home Office officials and Middlesbrough Council on the concentration of asylum seekers, as Middlesbrough is the only place in the country where our threshold of one in 200 is exceeded. I have asked my officials to look at that closely and at a plan to bring it back within the appropriate standards we have set.

On the report in *The Times* today and on the experiences of some people being accommodated in housing in Middlesbrough, I condemn absolutely any crimes of hate, any actions that sow divisions within communities and any actions that seek to intimidate or mark out asylum seekers in any way. We have been in contact with the local police this morning to underline any issues of community reassurance. They are actively considering appropriate steps. Complaints about hate crime should be made to the police, so they can be followed up and appropriate action taken.

The hon. Gentleman asks me about the urgency of response. As soon as I heard about the matter, which was late last week when *The Times* first contacted us, I instructed officials to look into it urgently because of my very serious concerns about what I was hearing. I expect the audit to be concluded on the Home Office side quickly, and completed at the latest by the end of this month.

On G4S, we have an ongoing regime of inspection of the maintenance and condition of properties. G4S has met standards where maintenance issues have been identified as requiring remedial action. It has followed through on them, but the audit will look at that closely. The chief executive officer of G4S underlined to me, in a conversation this morning, the seriousness and urgency of the issue. He underlined the sense of urgency that he and G4S attach to repainting doors to make sure there is no predominant colour. I said that I expected that to be done quickly. That was the message I got back from G4S.

This is a matter of utmost concern. The Home Office is working on it closely. We will look at it carefully and rigorously. It is not simply a question of looking at the contract. If there are issues that need to be brought to the attention of the police, and criminal action taken thereafter, that will be a matter for the police. I urge those with evidence to come forward and ensure it is reported appropriately.

Damian Green (Ashford) (Con): I echo the plea for urgent action on the ground. Throughout the past 15 years, when the number of asylum seekers has been a hugely controversial and sensitive public issue, one of the best things has been that on the ground in communities there has been very little tension and very little violence. At a human level, the policy has been handled very well. It would be tragic if that were to end with some of the

actions in Middlesbrough we have heard described. Obviously, the Minister will have to take a number of actions that will take some time, but on the immediate, on-the-ground action, if what is required in the short term is to repaint 150 front doors, then frankly this should not be taking three months or three weeks. The painters should be out now and it should be done by the weekend. I hope the Minister can assure the House that that kind of urgency will be shown.

James Brokenshire: I am grateful to my right hon. Friend for his comments. He has understanding and experience as a previous holder of the office I now hold as Immigration Minister. I can assure him of the urgency I have impressed on G4S in respect of resolving the issue quickly. The chief executive officer underlined that he recognised and understood that clearly. We will be monitoring the situation closely. I have asked officials to go to Middlesbrough tomorrow to assess the situation on the ground and to start work on the audit. I hope that that reassures my right hon. Friend of the urgency that I, my officials, and, from what we are hearing, G4S attach to this matter.

Keir Starmer (Holborn and St Pancras) (Lab): Today's report in *The Times* is obviously deeply concerning, and I recognise the Minister's concern and the steps he has taken to get to the bottom of it. It is concerning that such a thing has happened. It is early days but it seems right—it does not seem that the facts are disputed—that the doors were painted red. It is also concerning because of the underpinning arrangements. How did this come about, and how did nobody think it inappropriate for the doors to be so painted, particularly given that, as the Minister has outlined, there is a Home Office inspection regime and a local authority assurance scheme? How did nobody, under those arrangements, think there was anything wrong? There is also concern about the consequences. Hate crime is increasing—it increased by 18% last year—and the consequence has been hate crime in Middlesbrough. That is concerning in its own right. I echo the view that the sooner something is done to rectify the situation, the better. There is also concern that this matter is before the House only because of the careful work of Andrew Norfolk at *The Times*, not because some internal inspection or auditing scheme flagged it up as a matter of concern.

The Minister has told us when he first knew, and I appreciate he has put steps in place to make further welcome inquiries, but how did this escape whatever inspection or assurance regime was in place? Were the properties inspected or assured by the Home Office or anybody else? If not, what can be done to improve the regime? What conversations has the Minister had with the contractors in Middlesbrough? Is this an isolated example? Is it something that has happened just in Middlesbrough, or are there examples in other parts of the country? Have inquiries been made into that? If so, what have they shown so far? If not, can such inquiries be made? What further conversations can be had with all private providers of accommodation to ensure that this does not occur again anywhere and that, if it has occurred anywhere else, it is rectified as soon as possible?

James Brokenshire: As I highlighted, I spoke to the chief executive of G4S this morning and asked that work be done to assess whether this is an isolated issue.

I have asked how we can talk to all the providers under the COMPASS contract and how inquiries can be made with their subcontractors as well. From initial investigations, it seems that some providers of social housing might, for maintenance purposes, paint in a particular colour. We are investigating that further. Jomast made the point that about 20% of its property portfolio is asylum accommodation. We will focus on this issue as part of the audit work I have commissioned, and we will see whether lessons can be learned about the ongoing maintenance assessment. Inspections are undertaken to identify whether accommodation remains suitable or whether steps need to be taken by our contractors. I have tasked out that work as part of the examination. I underline again that we take hate crime very seriously and will remain focused on it in our forthcoming work.

The hon. and learned Gentleman asked about inspections. We will look at the processes and procedures to establish why the significance of this issue was not identified earlier. I have noted reports in the press and elsewhere of the issue having been highlighted to G4S and potentially to others. We are seeking to get to the bottom of that.

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): I congratulate and thank the hon. Member for Middlesbrough (Andy McDonald) for bringing this issue to the Floor of the House. The provision of accommodation to asylum seekers deserves significant scrutiny, so I welcome the Minister's announcement of an urgent audit of asylum-seeker accommodation in the north-east. SNP Members and others across the House share his concerns and will have been appalled by the revelation of what seems to have been, at best, an eye-wateringly negligent red-door policy.

We question, however, whether an audit goes far enough. The story of the red doors is troubling, but the delivery of contracts for the provision of asylum accommodation across the country is a broader issue and raises similar serious concerns. Will the Government listen to those concerns? When I speak to the Scottish Refugee Council, I hear about problems of poor-quality accommodation; poor treatment of asylum seekers by staff, sometimes because of a lack of training, sometimes because of inexcusable abuse and mistreatment; inappropriate sharing of accommodation; and about not so much a lack of integration of the services referred to by the Minister but their complete and utter fragmentation. Will he broaden the inquiry into the provision of accommodation for asylum seekers to reflect those concerns? We need an inquiry that speaks to asylum seekers living in accommodation provided by Government contractors and to organisations such as the Scottish Refugee Council, which could have so much input. Finally, when will a decision need to be made into the extension of these contracts and what opportunities will there be for parliamentarians to scrutinise and input into that decision?

James Brokenshire: Property standards are monitored under the COMPASS arrangements by three key performance indicators, to ensure that accommodation is safe, habitable and fit for purpose. Accommodation is inspected frequently by G4S, the local authority and the Home Office, and, as I have indicated, housing officers

visit a third of all properties every 28 days, on an intelligence-led basis, under our overall compliance approach.

The hon. Gentleman made a point about complaints. Provisions in the contract ensure that complaints should be escalated and taken seriously. Again, that is something I want the audit to understand in terms of the situation in the north-east. The matter will be pursued in that way. He also asks for a broadening of the arrangements. I do not judge that to be appropriate. I will see what the audit tells us and then consider whether further action is needed.

Keith Vaz (Leicester East) (Lab): It is extraordinary that, with all these inspections, it took a journalist as distinguished as Andrew Norfolk to expose the problems. I accept what the Minister has said—he has acted with great speed in trying to put measures in place—but the Home Affairs Committee has written to Ministers in the past with concerns about the COMPASS contract. Over the years, Ministers have given these contracts to big companies, such as G4S and Serco, that are once removed from the real providers. As the House knows, G4S is a serial offender in respect of these breaches. With the greatest will in the world and despite his commitment to making sure something is done, I do not believe that an audit will be sufficient. If it is accepted that the doors were painted in a certain colour, that is appalling, and it should have been discussed and discovered earlier. When the audit is complete, will he undertake either to make a statement to the House or come to the Select Committee with its findings?

James Brokenshire: As the right hon. Gentleman knows, I appear before his Committee frequently to update it and, by extension, the House on matters relating to the immigration system. I believe I might be appearing before it in the near term, which might provide an opportunity for me to update him and his Committee and, by extension, other right hon. and hon. Members, about the work being done. I can certainly give him that assurance.

The right hon. Gentleman highlighted the question of whether it was accepted or known that doors were painted a particular colour. As I have already told the House, there is a practice among some social housing providers to paint in a particular colour for maintenance purposes, but it is precisely those factors that I will want to understand as part of the audit of not simply the practice in the north-east but the inspection regimes and processes we have in place to identify whether issues, standards and complaints are dealt with appropriately.

Mr David Winnick (Walsall North) (Lab): It is a good job that we have journalists such as Andrew Norfolk, who also helped, of course, to expose the Rotherham abuse scandal. Is it not a matter of concern that whenever some abuse is known about and comes into the public arena, the Minister makes a statement and somehow or other G4S seems to be involved? I would have thought that that would be a source of some concern to the Home Secretary and her Ministers. I do not question for a moment the Minister's objections, just like those of the rest of us, to any form of discrimination, but should not those responsible for what occurred—the painting of doors in red where asylum seekers are

[Mr David Winnick]

concerned—be told in the clearest possible language that certain aspects of 1936 Berlin are not to be repeated in Britain in 2016?

James Brokenshire: We need to look at this issue very closely and carefully, which is precisely what we have committed to do. As to G4S and the properties it provides in the north-east, we examined about 84 properties where inspections were successfully completed. Where defects were identified, action was taken. According to our assessment, there were no key performance indicator failures in respect of Middlesbrough. That is precisely what the audit will examine further, taking into account the state and condition of the properties. This House has telegraphed its message very clearly today, in standing against hate crime and discrimination and ensuring that those who are here and who have sought lawfully to claim asylum are given a fair and appropriate welcome by this country, as we would all expect.

Mr Alistair Carmichael (Orkney and Shetland) (LD): It is my understanding that concerns about this practice of painting doors red were first raised in 2012 by my Liberal Democrat colleague and then Middlesbrough councillor, Suzanne Fletcher. She has pursued the issue doggedly ever since, and it is largely due to her efforts that the matter has now come to light today. She was told by G4S that it had received no complaints, so there was no need to take any action. That could manifestly not be the case, and does it not raise in the Minister's mind at least a suspicion that an audit is somewhat less than what is required? Yet again G4S has come to public attention for all the wrong reasons, and yet again it has been found wanting.

James Brokenshire: I discussed with the chief executive this morning the issue of complaints and when the matter was first made known to G4S. It is a matter that

he has committed to examine further to get to the bottom of how G4S handled the issue for its own satisfaction. It is a question of doing the audit I have commissioned urgently to see the situation on the ground and understand how the inspection and audit regime has been conducted thus far. I will obviously want to reflect on what that tells me.

Alex Cunningham (Stockton North) (Lab): Jomast has a major base in my constituency, and this is not the first time that it has come under national media scrutiny for the wrong reasons. I have visited some of the hovels that have apparently passed the test as “decent homes”, driving huge profits directly from Government contracts. While the Minister inquires further into this latest scandal, will he also order a further review in real detail of the standards of Teesside accommodation, including houses of multiple occupation in my Stockton North constituency, and get a better deal and better value for money for both tenants and the Government?

James Brokenshire: As I have already indicated, a key part of the work we undertake is to see that accommodation is safe, habitable and fit for purpose. That is what the inspection regime looks at. To date, on the basis of the advice I have seen, those standards have been met. Clearly, however, we can focus on that element as part of the audit and see what that information tells us.

BILL PRESENTED

HOUSE OF COMMONS MEMBERS' FUND BILL

Presentation and First Reading (Standing Order No. 57)

Mr Christopher Chope presented a Bill to consolidate and amend provisions about the House of Commons Members' Fund; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 22 January, and to be printed (Bill 121).

Transport of Nuclear Weapons

Motion for leave to bring in a Bill (Standing Order No. 23)

1.24 pm

Owen Thompson (Midlothian) (SNP): I beg to move,

That leave be given to bring in a Bill to make provision about controls on the transportation of nuclear weapons.

I would like to take this opportunity to call on the Government immediately to clarify what safety measures they have put in place and, ultimately, to put a stop to these convoys travelling through our towns and cities. It is my hope that greater awareness in this House of these convoys will strengthen calls across the country to rid us of nuclear weapons once and for all.

On several occasions since my election last May, nuclear convoys have passed through my Midlothian constituency along busy routes with commuters and families. These convoys pass with no regard to the danger they pose to the people of Midlothian. My constituents are horrified—and understandably so. As some Members will know, Midlothian is a semi-rural constituency, immediately south of Edinburgh, sitting at the foot of the Pentland hills. Penicuik is one of Midlothian's largest towns, where we find the Glencorse barracks with Beeslack High School and Mauricewood Primary School in close proximity. Perhaps we can imagine the scene around lunchtime on a bright May afternoon, with the children from Mauricewood primary playing in the school fields and the pupils at Beeslack High School out enjoying their lunch, while just over the fence sit half a dozen weapons of mass destruction.

Since then, there have been countless reported incidents where convoys have continued to travel across the UK, regardless of severe weather warnings, with the most recent instance only last weekend in Stirling. A number of areas of the country are suffering from flooding while others are under snow, and emergency services are pushed. Roads and rail infrastructure are challenged almost to breaking point—yet still these convoys make their trek up and down our countries.

Following the public outcry in Midlothian on 22 May, I wrote to the Secretary of State for Defence to ask a number of safety questions, including what assessment had been made of the proposed route. I have to say that the answer provided to me was woefully inadequate. In his response, the Minister for the Armed Forces claimed that there had been an unbroken safety record for 50 years. That response could have been written by Frank Drebbin and the Police Squad, saying “Nothing to see here, move along”. In actual fact, more than 70 individual safety incidents involving convoys were recorded by the Ministry of Defence over the period between July 2007 to December 2012. Those figures were provided to me by Nukewatch, an organisation that helps to monitor the convoys' movement, and they had been provided to it by the MOD.

Alarmingly, the movement of convoys has changed. In 2005, MOD rules restricting travel by night were lifted, but moving convoys by night increases the risk of accidents and collisions, and makes security much more difficult. The Royal Society for the Prevention of Accidents has pointed out that drivers are far more likely to fall asleep at the wheel at night. These long journeys now take less than 20 hours, adding pressure to crews and

critical safety equipment while families sleep in their beds. At a time when we have a daily reminder in this House that the UK threat level remains “severe”, these convoys are dangerous, highly visible and not only a risk through the level of accidents, but a moving target for terrorists.

Some might claim this is being alarmist, but it has been said that

“such an attack has the potential to lead to the damage or destruction of a nuclear weapon within the UK and the consequences of such an incident are likely to be considerable loss of life and severe disruption to the British people's way of life and to the UK's ability to function effectively as a sovereign state”.

These are not my words—they are from the MOD in response to a freedom of information request by Nukewatch in 2005. We should just think about that—“considerable loss of life” and inability to function “as a sovereign state”. If anyone still thinks it is a good idea to have these convoys passing through our communities when the potential consequences have been acknowledged, they can feel free to do so. I have to say that I certainly do not. Given the enormity of these words, we must ask ourselves whether nuclear convoys are more of a risk to the British people and their way of life than terrorism. If that is the case, we have a moral, ethical and valid compelling mandate to remove that risk from our towns, our cities and our nations.

We need look only at the effects of social media to understand how powerful the risk is. When convoys travelled through Midlothian, I was alerted to the fact through Facebook and Twitter. Ordinary members of the public were drawing attention to the grim scene of nuclear materials passing their front doors. It is delusional to think that a convoy of 20 large vehicles can ever go unnoticed in this day and age. The existence of the convoys is already well documented, and if members of the public can do that, it seems logical to assume that others with darker motivations could do so as well.

I am sure that we are all far too well aware of the appalling damage and loss of life that a terrorist attack can bring about, but running convoys of nuclear weapons through the country does nothing to deter that. In the event of such an incident, or a fire or major explosion, local authorities might not be fully prepared to deal with the immediate aftermath. Although the police are informed of an approaching convoy, they are not obliged to inform any other services, including the fire and rescue services.

In a scenario of that kind, with lethal plutonium billowing around my constituency, local people would be at the mercy of a response team that is based in Bath. While I am sure that the members of that team are highly skilled and have considerable expertise, they are nevertheless based 380 miles from my constituency. At worst, if there were a fire or a major explosion, my constituency and neighbouring areas would be flattened.

This issue has been discussed in this House before. My hon. Friend the Member for Rutherglen and Hamilton West (Margaret Ferrier) raised many of the same points during a debate back in July. However, the issue has not been raised solely by SNP Members, and I thank the hon. Member for South Down (Ms Ritchie) for conveying her support for the Bill. As well as passing through 21 local authority areas in Scotland, the convoys pass through, or fly over, 13 in Wales and 91 in England, so this is not just an issue for Scotland.

[Owen Thompson]

As the House anticipates a potential vote on the overhauling and upgrading of the system through the Mk4A refurbishment programme, the Government should also be clear about the impact that the programme will have on the frequency of convoys. If every single warhead is to be replaced, and every single one is to be sent down to Berkshire and back again, I can only imagine the scene: you are standing on a street corner, observing the passing of military vehicles, some guarding and some carrying nuclear weapons, but you are not in North Korea. You are on the A702 in Penicuik.

Finally, let me raise a matter of great importance, and praise the hard work of the men and women who are employed on our submarines or as part of the logistical operation. They do an incredible job. It must not be forgotten that, regardless of our views on nuclear weapons, the men and women who work with them are doing a phenomenal job.

I believe that most of the people of Scotland, and, indeed, most people in my constituency, remain opposed to the UK Government's policy of maintaining and upgrading the Trident system. However, I hope that the debate will persuade other Members, even if they agree with the pro-Trident policy, to show their concern and agree that real risks are involved in nuclear convoys. The transport of nuclear weapons should not be based on an argument for convenience at the expense of safety. The policy as it stands lacks transparency, it is counterproductive in that it does not protect us from terrorist attacks, and it shows a blatant disregard and lack of judgment in relation to our own citizens. While my ultimate hope is that the Government will see sense and think again about their policy of renewing Trident, they should at the very least respond to Members' calls for an end to the absurd policy of driving nuclear weapon material near our schools, nurseries and front doors.

1.33 pm

John Woodcock (Barrow and Furness) (Lab/Co-op): People in my constituency periodically receive warning notices telling them what to do in the event of a nuclear incident—I receive such notices in my own house—and iodine tablets are given out lest such an incident should occur. The difference—I was going to refer to the difference between the people of Barrow and Furness and the constituents of the hon. Member for Midlothian (Owen Thompson) in Scotland, but that would not be correct. The difference between the people of Barrow and Furness and SNP Members is that the former have a mature understanding of the fact that the regulatory governance structure is internationally overseen, and is designed to keep everyone safe.

Not only are live nuclear reactors maintained on submarines in Barrow and Furness, a few hundred yards from my house, without incident and without any

of the paranoid scaremongering that has been deliberately whipped up by the hon. Gentleman, but nuclear material is taken by rail along the south and west coasts of Cumbria, and is taken entirely safely. The hon. Gentleman is trying to frighten schoolchildren and nursery children, and I really think he ought to know better. If he has done any research, he must surely know that the idea that there could be a sudden derailment, the whole of Scotland could immediately be filled with a cloud of plutonium, and everyone would put on gas masks and then die is a complete fantasy—and a fantasy designed not to achieve a greater level of safety for the hon. Gentleman's constituents, but merely to add fuel to the fire of the SNP's absurd argument.

In case you have forgotten that argument, Madam Deputy Speaker, it goes like this. "We believe in nuclear weapons, and we want Scotland to be protected by nuclear weapons under the NATO umbrella, but we also think that those nuclear weapons are immoral and abhorrent, and they must come nowhere near Scotland. They can be 50 or 100 miles down the road in Barrow and Furness if you like, and keep us all safe, but we do not want any of them on our shores."

The hon. Gentleman was patting submarine workers on the head. He was saying to those who maintain and build the submarines that he and his party had the utmost respect for them. What absolute rubbish! His Bill would cause thousands of them to lose their jobs, never to return to Scottish soil. [Interruption.]

Let me end by saying—if I am able to do so above the hubbub of the Scottish Members who are trying to distract me—that the Bill has nothing to do with safety and everything to do with prosecuting the SNP's absurd argument, which is certainly not supported by the people of Scotland. Every opinion poll, bar the one carried out by the Campaign for Nuclear Disarmament—I will give SNP Members that: they have CND with them—has made it clear that the Scottish people, like those in the rest of the United Kingdom, are in favour of maintaining an independent nuclear deterrent while other countries possess them.

The Bill will not get anywhere, so I will not trouble the House by pressing it to a Division. We need to proceed with important business concerning psychoactive substances. I just want people to know, for the record, that the Bill is utter poppycock, and that no regard should be paid to it.

Question put and agreed to.

Ordered,

That Owen Thompson, Brendan O'Hara, Douglas Chapman, Kirsten Oswald, Carol Monaghan, Martin John Docherty, Mike Weir, Steven Paterson, Drew Hendry, Alex Salmond, Pete Wishart and Margaret Ferrier present the Bill.

Owen Thompson accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 4 March and to be printed (Bill 122).

Psychoactive Substances Bill [Lords]

[Relevant documents: First Report from the Home Affairs Committee, *Psychoactive Substances*, HC 361, and the Government response, HC 755,]

Consideration of Bill, as amended in the Public Bill Committee

New Clause 1

NEW PSYCHOACTIVE SUBSTANCES – PREVENTION AND EDUCATION

“(1) In section 84(3) of the Education Act 2002 (curriculum foundation subjects for the first, second and third key stages), after paragraph (g) there is inserted—

“(gi) personal, social and health education.

(2) In section 85(4) of the Education Act 2002 (curriculum foundation subjects for the fourth key stage), at the end there is inserted “, and

(d) personal, social and health education.”

(3) In section 74(1) of the Education and Inspections Act 2006, which (when brought into force) will substitute a new section 85 in the Education Act 2002, in subsection (4) of that substituted section (foundation subjects for the fourth key stage), at the end there is inserted “, and

(d) personal, social and health education.”

(4) Before section 86 of the Education Act 2002 there is inserted—

“85B Personal, social and health education

(1) For the purposes of this Part, personal, social, health education (“PSHE”) shall comprise—

- (a) education about alcohol and tobacco, illegal recreational drugs and new psychoactive substances;
- (b) education about emotional health and well-being and how this can be impacted by psychoactive substances;
- (c) education about individual safety, including risk taking behaviour.

(2) The National Curriculum for England is not required to specify attainment targets or assessment arrangements for PSHE (and section 84(1) has effect accordingly).

(3) The Secretary of State for Education shall set out guidance to schools and colleges to ensure that a coherent approach to personal, social, health and economic education is developed, including between primary and secondary schools.

(4) It is the duty of the governing body and headteacher of any school in which PSHE is provided in pursuance of this Part to secure that guidance issued under subsection (3) is followed and principles set out in subsections (5) to (6) are complied with.

(5) The first principle is that information presented in the course of providing PSHE should be accurate and balanced.

(6) The second principle is that PSHE should be taught in a way that—

- (a) is appropriate to the ages of the pupils concerned and to their religious and cultural backgrounds, and also
- (b) reflects a reasonable range of religious, cultural and other perspectives.

(7) The third principle is that PSHE should be taught in a way that—

- (a) endeavours to promote equality,
- (b) encourages acceptance of diversity, and
- (c) emphasises the importance of both rights and responsibilities.

(8) In the exercise of their functions under this Part so far as relating to PSHE, a local authority, governing body or headteacher shall have regard to any guidance issued from time to time by the Secretary of State.” —(*Lyn Brown.*)

This would amend the Education Act to make PHSE, with drugs education including new psychoactive substances, a foundation subject in the national curriculum.

Brought up, and read the First time.

1.39 pm

Lyn Brown (West Ham) (Lab): 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 3—*Control of cannabis*—

“(1) Within six months of the passing of this Act, the Secretary of State shall consult the Advisory Council on the Misuse of Drugs pursuant to the Misuse of Drugs Act 1971 with regard to the use of her powers to make regulations under sections 7, 10, 22 and 31 of that Act to—

- (a) delete from Schedule 1 to the Misuse of Drugs Regulations 2001 the substances listed in subsection (2), and
- (b) add those substances to Schedule 2 to the 2001 Regulations.

(2) The substances referred to in subsection (1) are—

- (a) cannabis, and
- (b) cannabis resin.”

The intention of this amendment is to re-schedule Cannabis from a Schedule 1 drug to a Schedule 2 drug for the purposes of promoting research into its medical use.

New clause 4—*Referral to Advisory Council on the Misuse of Drugs*—

“(1) The Ministers shall refer to the Advisory Council on the Misuse of Drugs (ACMD) any substance which is, or may be, a psychoactive substance.

(2) The ACMD shall advise the Ministers whether the substance is, or appears to the ACMD likely to be, misused and of which the misuse is having, or appears to the ACMD to be capable of having, harmful effects sufficient to constitute a social problem.

(3) For the purposes of this section, “the Ministers” has the same meaning as in section 1(4) of the Misuse of Drugs Act 1971 (The Advisory Council on the Misuse of Drugs).”

New clause 5—*Review of the Misuse of Drugs Act 1971*—

“(1) The Secretary of State shall commission an independent evidence-based review of—

- (a) the effectiveness of the Misuse of Drugs Act 1971 in reducing the harm caused by the misuse of drugs, including social problems connected with their misuse, and
- (b) the implementation of the Act.

(2) The Secretary of State shall lay a copy of a report of the review before both Houses of Parliament within one year of the passing of this Act.”

New clause 6—*Possession of controlled drugs*—

“(1) The Misuse of Drugs Act 1971 is amended as follows.

- (2) Omit section 5(1) and (2).
- (3) After section 5 insert—

“5A Measures in respect of possession of controlled drugs for personal use

(1) Where a person is detained on suspicion of having committed an arrestable offence and is found to be in possession of a controlled drug, falling within Schedule 2 (Class A drugs) in circumstances which do not constitute an offence under section 3 (restriction of importation and exportation of controlled drugs) or section 4 (restriction of production and supply of controlled drugs), a senior officer or a local authority may require the person to attend a drug treatment programme or drug awareness programme.

(2) The Secretary of State shall by regulations define “drug treatment programme” and “drug awareness programme” for the purposes of this Act.

(3) Regulations made under this section must be made by statutory instrument.

(4) A statutory instrument under this section may not be made unless a draft of the instrument has been laid before, and approved by resolution of, both Houses of Parliament.”

Amendment 23, in clause 1, page 1, line 3, after “about” insert “reviewing the Misuse of Drugs Act 1971 and”

Amendment 24, page 1, line 11, at end insert—

“(6A) Section [Control of Cannabis] provides for legal possession and supply of cannabis prescribed by a doctor.”

Amendment 18, in clause 2, page 1, line 14, after “any” insert “novel”

Amendment 19, page 1, line 15, leave out paragraph (a) and insert—

“(a) in the opinion of the Advisory Council on the Misuse of Drugs is capable of producing a psychoactive effect in a person who consumes it, and

(aa) is, or appears to the Advisory Council on the Misuse of Drugs likely to be, misused and of which the misuse is having, or appears to them capable of having, harmful effects sufficient to constitute a social problem, and”

Amendment 12, page 1, line 16, leave out “and” and insert—

“(aa) is not prohibited by the United Nations Drug Conventions of 1961 and 1971, or by the Misuse of Drugs Act 1971, but which may pose a public health threat comparable to that posed by substances listed in these conventions, and”

This amendment to the definition includes part of the alternative definition of psychoactive substances proposed to the Home Affairs Select Committee by the Advisory Council on the Misuse of Drugs.

Amendment 20, in clause 3, page 2, line 12, at end insert—

“(2A) The Advisory Council on the Misuse of Drugs shall propose to the Secretary of State the amendment of Schedule 1 for the purposes of subsection (2)(a) if they consider that a substance does not have, or is not capable of having, harmful effects sufficient to constitute a social problem.”

Amendment 21, in clause 5, page 3, line 9, at end insert—

“(2A) It shall be a defence that the person did not supply the substance for gain (whether direct or indirect).”

Amendment 13, page 3, line 15, at end insert—

“(5) It is not an offence under this section for a person (“A”) to supply a psychoactive substance to person (“B”), where A and B are known to each other and such supply is part of an agreement to obtain psychoactive substances for either A’s, B’s or both’s own consumption and the supply does not profit person A.”

This amendment avoids one person being criminalised when, as part of a group, he is responsible for obtaining psychoactive substances for the group where, in effect, each person in the group is purchasing for their own consumption.

Amendment 14, in clause 8, page 4, line 38, leave out paragraph (i)

This amendment seeks to exclude from criminalisation those who order psychoactive substances over the internet for personal consumption.

Amendment 22, page 5, line 19, at end insert—

“(5A) It shall be a defence that the person imported the substance for his own consumption.”

Amendment 15, in clause 10, page 6, line 22, at end insert—

“(3) In sentencing, the court shall take account of the relative harm associated with the psychoactive substance that was the subject of the offence.”

This amendment seeks to ensure that sentencing is commensurate with the potential harm done by the substance involved.

Amendment 4, in clause 58, page 36, line 25, at end insert—

“(2A) The report must inform Parliament on progress made in improving education and awareness about new psychoactive substances.”

This amendment requires the Secretary of State to include a section on progress in NPS education in their statutory review.

Amendment 25, in schedule 1, page 40, line 5, at end insert

“except to the extent necessary to give effect to section (Possession of controlled drugs).”

Amendment 1, page 41, line 12, at end insert—

“Racetams

8 Pramiracetam

9 Oxiracetam

10 N-phenylacetyl-L-prolylglycine ethyl ester

11 Phenylpiracetam

12 Nefiracetam

Cholinergics

13 L-Alpha glycerylphosphorylcholine

14 Citicoline

15 Meclofenoxate

Miscellaneous

16 L-Theanine

17 Oxitriptan

18 Tongkat Ali

19 Resveratrol

20 Trans-resveratrol

21 Sulbutiamine”

This amendment exempts a number of substances from scope of the regulation regime introduced in the Psychoactive Substances Bill. The substances in this amendment are commonly used to improve individuals’ cognitive performance and have been found to have positive effects in a number of academic studies.

Amendment 5, page 41, line 12, at end insert—

“Miscellaneous

8 Alkyl nitrites”

This would exempt “poppers” from the Bill, as recommended by the Home Affairs Select Committee.

Government amendment 10.

Lyn Brown: Both amendment 4 and new clause 1 deal with the key issue of drugs education and awareness. This Bill contains provisions to disrupt the supply of new psychoactive substances, but they will not be effective without action to reduce demand. What we need is a coherent and comprehensive education and awareness strategy to go alongside this Bill.

Amendment 4 would place a duty on the Secretary of State to update Parliament on the progress made by the Government in improving education and awareness of new psychoactive substances. The Bill requires the Secretary of State to bring a progress review before Parliament. Our amendment prescribes that this review should contain information about education and awareness, too.

Nick Thomas-Symonds (Torfaen) (Lab): At the end of last year I visited St Alban's RC high school in my constituency, my old school, and saw there at first hand the kind of educational work that was being done on so-called legal highs. Does my hon. Friend agree that that is precisely the kind of approach we need?

Lyn Brown: I thank my hon. Friend for making that point. Wales has a very impressive education programme, and I will come to that later in my contribution.

New clause 1 seeks to amend the Education Act 2002 to make personal, social, health and economic education include a focus on drugs and new psychoactive substances. It should be a foundation subject in any national curriculum. The Government's drug education strategy contains some warm words about providing good quality education and advice so that young people and their parents are provided with credible information on actively resisting substance misuse, but these warm words are not, and were not, acted upon. The coalition Government reversed Labour's plans to make PSHE a statutory requirement, despite that being recommended in the review carried out by Sir Alasdair Macdonald. They closed the drugs education forum, a source of expertise on drugs education in England which disseminated information to teachers across the country. The forum was closed as part of a drastic cut in drugs education spending. According to the Department of Health, drugs education spending was reduced from £3.9 million in 2009-10 to around £500,000 in 2010-11.

Andrew Gwynne (Denton and Reddish) (Lab): My hon. Friend is making an important point about the need for PSHE to include these measures. Given that Five Year Forward view set out by Simon Stevens for the national health service assumes £5 billion-worth of savings coming from prevention, is this not exactly the kind of prevention we should be promoting in our schools?

Lyn Brown: My hon. Friend is absolutely right. If I remember my facts rightly, the Government estimated that having a comprehensive drugs education would cost approximately £500 for every pupil in England and Wales. If we offset that against the average of nearly £1 million that would be spent on a person misusing substances over the course of their lifetime, we can see it can be cost-effective to provide decent, comprehensive drugs education and so stop us spending at the other end, on people misusing and abusing substances.

Statistics provided by Mentor UK, the drug and alcohol charity, demonstrate that this was a disastrous set of decisions by the Government. Some 60% of schools now teach drugs education for one hour or less per year, and 59% of pupils say they cannot remember having a drugs education lesson in the last year. Paul Tuohy, former chief executive of Mentor, has told a national newspaper:

"We are probably in the worst situation for drug education for decades."

Where there is drugs education in our schools, the quality is questioned. Ofsted found that 40% of PSHE teaching was not good and needed to improve. A 2013 survey of teachers by the PSHE Association reported that 81% of respondents would like more classroom resources for drugs and alcohol education.

Paul Flynn (Newport West) (Lab): Can my hon. Friend give an example of any anti-drug use education programme here or anywhere else in the world in this century or the last century that has resulted in a reduction in drug use?

1.45 pm

Lyn Brown: I am going to come to that later in my speech when I talk about Wales. Although there has not yet been a proper examination of the findings from the drugs programme that Wales has put into action, the initial findings appear to show that it has had some impact. If my hon. Friend will allow, I will continue with my—[*Interruption.*] Thank you: I will continue with my oration.

The evidence, including from the Government's own inspectors, suggests that the Government's approach to PSHE simply is not working. This failure has occurred at a time when the growth of the new psychoactive substances industry has started radically to alter the drugs situation in our country.

Moreover, parents want these changes. A National Union of Teachers survey suggests that around 88% of parents want PSHE to be compulsory. A 2011 survey conducted by Mumsnet showed that 98% of parents were happy for their children to attend PSHE lessons.

Jim Shannon (Strangford) (DUP): While this legislation will go some towards addressing legal highs, there is still the issue of the purchase of legal highs online. Does the hon. Lady agree there is still much to do in relation to that?

Lyn Brown: I agree that there is much we can do to prevent the supply of, and demand for, these substances. This set of amendments is dealing with demand, and I feel that, unless we get across the message that these so-called legal highs are neither legal nor safe, the demand on the internet will become even greater. We need to get across the core message that the Government are sending through this Bill: these drugs are not legal and not safe. The demand on the internet needs to be curbed as well, which is why we need to make sure that we have proper education and information out there.

Teachers, parents and the Government's own inspectors think we should have more and better drugs education, but it appears that the Government do not agree. In Wales, a Labour Government show us how successful an alternative approach can be. A £2 million investment in the all-Wales school liaison programme has made substance misuse education a core subject in 98% of Welsh primary and secondary schools. Almost all Welsh schoolchildren receive accurate, consistent and credible information about the potential harms of drugs, rather than having to rely on friends, myths, the internet and guesswork. The school programme is complemented by the Welsh emerging drugs and novel substance project, a new psychoactive substances information and harm reduction programme, as well as measures to educate parents. These are all part of a £50 million investment in reducing drugs harms.

There are signs that the Welsh approach is working. Drug deaths in Wales are down by 30% since 2010. By contrast, drug-related deaths have been creeping up in England. There was a 17% increase in the last year, and the Office for National Statistics states that they are now at the highest level since records began in 1993.

[*Lyn Brown*]

Too much of the drugs education in our schools is focused on providing information. Evidence suggests that to get drugs education right, it has to be taught alongside a focus on the life skills which empower young people to resist peer pressure and make informed decisions.

Steve Brine (Winchester) (Con): It is good to hear from the hon. Lady again; I enjoyed listening to her in Committee. I agree with a lot of what she is saying, and nobody is suggesting the situation is perfect, but we have Mentor UK, the “Rise above” programme and the FRANK campaign, and I feel sure she will come on to say that while of course there is a role for the state and for education and health, there is also a role for parents. I am a parent of two young children, and I intend to educate them as well as I possibly can with the information I have about the dangers of psychoactive substances. Does the hon. Lady agree that that has got to be a key part of this?

Lyn Brown: I do so agree with the hon. Gentleman about that. Unfortunately, I have not been lucky enough to become a parent, but I have nieces and I know that what their parents tell them and the information available to their parents is crucial in their making the right decisions.

Diana Johnson (Kingston upon Hull North) (Lab): There are a lot of very responsible parents out there who will of course talk to their children about legal highs, and about building resilience and self-confidence so that they make the right decisions in their lives. We have to accept, however, that unfortunately many children do not have the advantages we would like them to have, so it is incumbent on us all to recognise that education within the school setting is another way of getting important messages across.

Lyn Brown: My hon. Friend is right indeed about that.

These life skills can be taught only by helping children think about the challenges and dangers they face. They need to understand that bullying is often a tool of the drug pusher, and that a consequence for people taking drugs from pushers is often that they will get into debt or be open to exploitation. When these messages are introduced in the classroom, they can result in conversations between young people and a real learning process rather than it all being a bit hit and miss, as my hon. Friend says, if this occurs out of school. We need information, values and context in order to deliver a quality drugs education. That is why drugs education belongs in the sort of comprehensive personal and social education that can be provided by PSHE, and not solely, as is happening so often, in science lessons. Unfortunately, the Government have consistently opposed making PSHE a foundation subject whenever the issue has been raised in this House.

There is reason to believe that education about new psychoactive substances is particularly bad. Research by the Royal Society for Public Health found that a quarter of young people aged between 16 and 24 believed that so-called “legal highs” were safer than illegal drugs. As we all know, that is a dangerous misunderstanding because some new psychoactive substances have been

classified as class A drugs. It is little wonder that young people, and indeed older people, are confused when they are being bombarded with marketing tricks from drug pushers who tell them that these are safe and legal alternatives. Given the ingrained and damaging myths around new psychoactive substances, I find it astonishing that as of 2 June just £180,556 has been spent over three years on education programmes about these drugs.

New psychoactive substances education and awareness is not just about schools. That is why I have tabled amendment 4, which would place a statutory duty on the Home Secretary to include an update on progress in improving new psychoactive substances education and awareness in her statutory review. The amendment would focus minds at the Home Office and compel it to put in place the most effective and comprehensive awareness campaign possible.

The Welsh Assembly found that 57% of new psychoactive substances users used the media as their main source of information about these substances. Public relations and advertising campaigns therefore have a key role to play, particularly among adult groups where the Government cannot act as a direct provider of education as they do in schools. The Government’s own public awareness campaigns are limited to the FRANK website, which, regrettably, has almost no social media presence. In the absence of any Government action, the Angelus Foundation has been forced to run its own advertising campaigns, using fundraising and corporate donations in kind. I want to praise its work again, but I am sure it would acknowledge that these campaigns should be nationwide and comprehensive, and it simply cannot afford to do this itself. The job it is doing is the job that Government should be doing.

Mr David Burrowes (Enfield, Southgate) (Con): I, too, very much commend the Angelus Foundation, which gave evidence to the Select Committee on Home Affairs and has been very important in establishing the case for more education. Is it not strange that the “FRANK” website and the information it provides are wholly separate from, and without any connection or link to, other great work being done, such as the films that are pushed through social media about awareness of new psychoactive substances? There is no collaboration; surely we need the Government to take a lead on that.

Lyn Brown: I say give the hon. Gentleman a job in the Home Office, because we would become much more effective if we put into practice what he has just suggested. In Committee, the Minister seemed to agree—I do not want to put words into his mouth—that FRANK was inadequate. He said:

“I put my hands up: ‘Talk to Frank’ is not perfect. We will work with everybody to try to ensure that “Talk to Frank” improves...the way in which it is feeding information is perhaps not as open or as direct as possible. Let us sort that now.”—[*Official Report, Psychoactive Substances Public Bill Committee*, 29 October 2015; c. 84.]

I encourage the Minister, in responding to the points I have raised, to respond to the point the hon. Member for Enfield, Southgate (Mr Burrowes) has just made and to give us some understanding of the progress that has been made in sorting it.

Mrs Cheryl Gillan (Chesham and Amersham) (Con): The hon. Lady may not be aware that a very prominent anti-drugs campaigner in my constituency, Mary Brett, has always had a lot of problems with the FRANK website, particularly because of its emphasis on harm reduction. The feeling is that the website fails to really point out the dangers in a direct way that youngsters can understand. I therefore rise to support the hon. Lady in hoping that the Minister will re-examine this issue, because many very good campaigners with honestly held views think that FRANK is not good enough.

Lyn Brown: I thank the right hon. Lady for making that point. I know very little about drugs, apart from what I have learned hard over the past few months. I did not even know what poppers were when I first took on my brief—I had never heard of them; I thought they were the little things with the string that we had at parties. When I looked at the FRANK website it did not enlighten me that much. I needed something a bit more basic that would help to enlighten and educate me, and I therefore agree with the point she has made.

I urge the Minister to accept my amendment 4 and pledge to report to Parliament on the progress made in delivering the Government's education strategy. It really is not a big ask and if the Government are serious about drugs education—I genuinely believe that the Minister for Policing, Crime and Criminal Justice is—they ought to be committed to monitoring this rigorously, at the very least. He claimed in his letter to the Bill Committee that the statutory review should focus on the operation of the legislation. I agree, but the operation of this legislation will not happen in a vacuum. He has repeatedly said that it must be complemented by a communication and awareness strategy. It therefore seems appropriate to me that a look at the “operation” of this legislation would include a substantive section on education and awareness, just to make sure that we are getting the messages out there and reducing demand.

I am sure the Minister will agree that we should be keen to review and evaluate the impact this legislation will have, and I am pleased there is provision in the Bill to ensure that that will happen. However, will he provide assurances that in the regular and annual collection of statistics about arrests, prosecutions, sentencing, offender management and treatment, information collected about substances covered by this legislation will not be subsumed into the similar data collected for drugs controlled under the Misuse of Drugs Act 1971? Similarly, will he confirm that surveys carried out by the Government on crime and public health will separate out the consideration of information about the Misuse of Drugs Act controlled drugs and of information about psychoactive substances? I raise that matter because it will be too easy simply to obscure the impact this legislation will have if the information is collapsed into the existing systems for collecting data about action taken on drugs controlled under the Misuse of Drugs Act.

I would also like the Minister to accept new clause 1—a girl can dream! The Government's approach to PSHE simply is not working and we cannot stand by and let that happen when new psychoactive substances are bringing new dangers into our communities.

While I am on my feet, I will also speak to amendment 5, which, if passed, will add poppers to the list of exemptions to the ban on psychoactive substances. Poppers

would then be treated like nicotine, alcohol and caffeine—substances that we know to be psychoactive, but do not feel it judicious to ban. We support the Bill because legislation is necessary to safeguard against the serious harms created by new psychoactive substances. Our concern to safeguard against harm is exactly why we believe that poppers should be exempt from the ban on psychoactive substances. In our judgment, fewer harms are likely to occur if poppers are added to the exemption list.

2 pm

I have noted the Home Secretary's response to the report of the Home Affairs Committee in which she recognises the representations made about a beneficial and health relationship effect and the concern that a ban will have, especially on men who have sex with men. I was pleased to see that the Home Secretary has chosen to refer the issue for further consideration by expert bodies. However, I was a little perplexed as to why that consideration is being made in partnership not with the Advisory Council on the Misuse of Drugs—her own body of scientific experts on drugs—but with the Medicines and Healthcare products Regulatory Agency. Strangely, if the recommendation from the MHRA is favourable and agrees with the evidence about poppers to date, the ACMD will then be consulted. Why does the Home Secretary prefer a different set of scientists and clinicians from her own? Perhaps the Minister could provide some clarity on that.

The Minister for Policing, Crime and Criminal Justice (Mike Penning): I am conscious that this is an intervention and not a speech. Later on, when I have a chance to respond to the debate in the tone that has been used throughout the passage of this Bill, the shadow Minister will be pleased to hear that the ACMD will start the process. That is something that I have initiated in the past couple of days.

Lyn Brown: I am pleased to hear that, and I am grateful to the Minister for his intervention.

Crispin Blunt (Reigate) (Con) Will the hon. Lady give way?

Lyn Brown: Oh, okay, Why not?

Crispin Blunt: On that point, whatever process the Government go through, it seems to be bordering on crazy to then ban these substances with a view to unbanning them in two or three months' time. Does the hon. Lady agree, as I do, with the view of the Home Affairs Committee? I intend to support amendment 5.

Lyn Brown: I am grateful to the hon. Gentleman for his intervention, and, yes, I do agree with him. Despite this seemingly welcome movement by the Home Secretary, I am still minded to vote this afternoon to place poppers on the exempt list. I will do so, because I am fearful that placing a ban on such substances will push their use underground and away from the regulatory controls that currently exist. In short, we may do more harm by that action. If, after a review and further evidence, it is proven that poppers are harmful and that, on balance, a ban would be appropriate, Labour Members will willingly review and test the evidence and, if the case is proven, support a ban on these substances.

Andrew Gwynne: I agree with my hon. Friend's approach to this matter, as it makes a lot of sense. The Government's approach could create uncertainty and send out mixed messages not just to the gay community, but to the population at large.

Lyn Brown: My hon. Friend is absolutely right. Let us look at the context and the evidence. Poppers have been used recreationally in Britain for more than 30 years, and, in all that time, no Government—not one—have sought to ban them. The word “poppers” is used to describe a group of different chemical compounds, some of which carry more potential harms than others. They are a popular substance in some sections of the gay community because, I am told, they enhance sexual experience. The National AIDS Trust argues that amyl nitrite and butyl nitrite are relatively rare in Britain because they are regulated by the Medicines Act 1968 and by EU law. As a result of that regulatory regime, the most common compound of poppers in the UK is isopropyl nitrite, which is weaker and does not pose a significant health risk.

Steve Brine: I am glad that the hon. Lady has mentioned the National AIDS Trust. I have read its briefing on this matter today. Poppers have been around for a long time, but they are not controlled by the Misuse of Drugs Act. That is not because they are not harmless, but because they do not meet the very high threshold of that Act. We are debating this Bill now on the Floor of the House of Commons. If we are to bring in a blanket ban, which we have a successful manifesto commitment to do, we should understand that this is a psychoactive substance. Surely the Minister's response to the Home Affairs Committee report suggests that he will do the research. As she knows, there is provision in clause 3 to enable something to be added to a schedule. Surely, therefore, we are doing this the right way round.

Lyn Brown: I do not think that we should be doing this the other way round. I will explain why as I go along. My feeling is that this Bill should be about harms. Poppers have not been controlled by any Government. They have been around for decades—I think they were created in the late 19th century. I understand that they were used by some Ministers to keep them going at the Dispatch Box, and that they were prescribed at the time by their doctors. The reality is that if we ban poppers now and then unban them in four months' time, it would create confusion. It would be better to allow the current situation to continue. If the test of significant harm is proved, then we should ban them and take them off the exempt list. We will not have created any underground laboratories that make synthetic poppers and then sell them in nightclubs. We will not be causing the harm that we would if we did not put them on the exempt list today.

Mr David Davis (Haltemprice and Howden) (Con): I wish to express a view that is opposite to that of my hon. Friend the Member for Winchester (Steve Brine). The simple truth is that if we ban something and then take it back again later, we bring the law into disrepute. There is nobody in this House who is fiercer than I am in terms of banning inappropriate substances, but this is the wrong way round. I agree with my hon. Friend the Member for Reigate (Crispin Blunt) that we should keep poppers off the banned list until we know the facts.

Lyn Brown: I absolutely agree with the right hon. Gentleman.

In giving evidence to the Home Affairs Committee Dr Owen Bowden-Jones, head clinician for the Club Drug Clinic, stated that

“as far as I can speak as a clinician, I do not think I have ever seen anybody come through”—

our clinic

“with harms related to poppers.”

Professor Iversen of the Advisory Council for the Misuse of Drugs said that he had not seen sufficient scientific evidence of harm in the case of poppers to justify a recommendation under the Misuse of Drugs Act, and that he was not aware of any growth in the use of poppers in the UK.

Mr Burrowes: Just to be fair-minded, while I also share concerns about poppers not being on the exempt list, I wish to make the point that Dr Owen Bowden-Jones also went on to say that there are associated harms. For example, we are now getting a link between poppers and eye damage. Again, this is very unpredictable. Perhaps the Government could respond to that.

Lyn Brown: Genuinely, if the evidence changes and we can see that there are significant harms, we should ban poppers. This is a bit like alcohol: when it is used excessively, it causes massive harm. As I understand it, the way that poppers are generally used, they do not create the kinds of harms that would require us to ban them. We genuinely believe that to ban them would cause more harm than it would solve.

Paul Flynn: Will my hon. Friend challenge the popular myth that, by banning a drug, we reduce its use? That has virtually never happened, and almost every time a previously legal substance is banned, its use increases. That happened with mephedrone and its use increased 300%. It is a complete myth to say that banning a drug will have such effect. What it is likely to do is replace a legal market with a criminal market, which is infinitely more harmful.

Lyn Brown: I agree that if we do not place poppers on the exempt list today, we are likely to replace a regulated market with a criminal market, which is in no one's interest.

Andrew Gwynne: The situation is worse than that set out by my hon. Friend the Member for Newport West (Paul Flynn). What is likely to happen if we make poppers illegal is that a gay man who uses poppers to enhance sexual pleasure may well be tempted to go on the black market and use a Class A or Class B drug, which would increase the risk of unprotected sex and, as a consequence, sexually transmitted infections.

Lyn Brown: I totally agree. My hon. Friend probably puts it better than I could.

Mr David Davis: I apologise to the hon. Lady for intervening a second time, but I just want to ensure that we get the reference point for harm clear. I know almost as little about poppers as she does—I spent this morning reading about them on the web. They can sometimes cause fainting and minor cases of blood damage. Paracetamol can cause damage; it can be used for suicide. Aspirin can cause damage; one can die from

duodenal bleeding as a result. Let us be clear about what damage means. On the face of it, poppers do not appear to be harmful drugs.

Lyn Brown: Again, I agree with the right hon. Gentleman. The Home Affairs Committee concluded that poppers ought to be exempt from the ban. I hope that the Committee's Chair, who has been in his place for most of the debate, will inform the House of his views on the Home Secretary's response to his Committee's recommendations, because I will be listening with great interest.

Poppers are not a new drug that has recently appeared on the market and that we know nothing about. As I have said, they were first created in the 19th century, so they are not a new chemical compound that has been synthetically produced to mimic the effects of already banned substances. There is a good argument to be made that poppers are not only relatively harmless, but are not the sort of "new" psychoactive substance that the Bill is intended to deal with.

We feel that a ban on poppers, even for a short period, would in fact bring about harms; it would take the sale of poppers out of this successful regulatory regime and users might end up being pushed underground, where unscrupulous and unregulated sellers, who are in it for the profit, are more likely to provide harmful compounds and possibly drive users towards harder and more harmful drugs. If it is likely that the review will take between four and six months—it might be even longer—that means four to six months of confusion, potential prosecutions and a real danger of under-the-counter sales of poppers that will not be subject to the same regulation. Even a temporary ban would create a real danger of harm. Will the Minister therefore consider a temporary exemption for poppers until the MHRA and the ACMD report back?

I understand that the Government have told the National AIDS Trust that the fear that I have outlined is unfounded, as a similar ban in Ireland has not led to an increase in popper-related harms. However, the National AIDS Trust has been informed by the gay men's health service in Ireland's Health Service Executive that poppers are still openly sold in Ireland's sex shops and saunas, effectively placing poppers on the exemption list. If that is the case, we would not expect to see any harms associated with pushing popper use underground in Ireland, because the poppers market is still, in effect, out in the open. It therefore cannot be inferred from the situation in Ireland that there would be no health harms as a result of a ban on poppers here in the UK.

Additionally, I fear that including poppers in the ban might undermine the Bill and make it far more difficult to get across the vital message that psychoactive substances can be, and often are, very dangerous. There is a risk that the Bill will become synonymous with a ban on poppers, a substance that is thought to be relatively harmless, and that as a result the public will come to believe that all the substances banned by the Bill are relatively harmless. That would be an absolute disaster, and it would completely undermine the important work that the Bill is seeking to do.

Finally, given that poppers are widely used but relatively harmless, we fear that enforcing a ban would waste scarce police resources. Enforcing this legislation will be difficult enough without disproportionate police time

being spent on enforcing a ban on a relatively harmless drug. If in future any evidence to the contrary is produced, then poppers should be removed from the exempted list or controlled under the Misuse of Drugs Act 1971.

The Minister said in Committee that it would be sensible for the Government to take stock of the evidence presented about poppers so that the House could decide on Report. I urge him to place poppers on the exempt list until the MHRA and the ACMD have considered the evidence and reported back. I will be listening intently to what he has to say.

Several hon. Members rose—

Madam Deputy Speaker (Natascha Engel): Order. Before calling the next Member to speak, I point out that we have about two hours remaining, which means another hour and a half on this group of amendments, with a large number of Members wishing to speak. I would be grateful if Members kept their remarks as short as possible so that we can get everyone in.

2.15 pm

Mrs Gillan: Amendment 1, which stands in my name, is a probing amendment, as I wish to ascertain the Government's position on a number of products marketed by a constituent of mine through an online marketing company called Focus Supplements. Several weeks ago he came into my constituency surgery. He was very concerned that the products he sells, quite legally—they are effectively health supplements used for various reasons, which I will talk about later—might fall within the ambit of the Bill.

I want to ensure that the Minister and the Department know that there are substances out there that are being marketed by perfectly honest, decent and legal companies, such as Holland & Barrett, and indeed on eBay, that might fall within the ambit of the Bill. It might criminalise substances that are perfectly innocuous, and indeed that are in some demand. I have no personal experience of those products, and I am very supportive of this Bill, so I would not have tabled the amendment or asked for clarification from the Minister if I thought that the substances I have listed would lead to any harm. The purpose of my amendment is to see whether those substances might fall foul of the Bill, and indeed whether clause 3, which has already been discussed, can be fleshed out at this stage, as that would help people listening to the debate.

Many of these products are used by people to combat anxiety, to aid sleep, to enhance memory and learning and to improve focus, and as such they are used as dietary supplements. Cholinergics increase choline in the brain and contain a substance that is found naturally in many foods—foods rich in choline include smoked salmon, fried eggs, chicken livers and Brussels sprouts. Indeed, there are recommendations in some health regimes around the world that people should take a certain level of choline every day in their diet.

Racetams—I hope I am pronouncing these correctly—are sometimes called nootropics. They can in some cases improve one or more functions of the brain. They can improve working memory, motivation or even attention—perhaps Members of this House should take such supplements to improve their attention in some debates. Various products are listed in the amendment as miscellaneous. Oxitriptan, a precursor for serotonin, is

[Mrs Gillan]

sold in health shops such as Holland & Barrett. L-Theanine is found in green tea and is available from companies such as Nature's Best. Tongkat Ali is available from various health shops. Resveratrol, I am reliably informed, is an excellent substance that is found in red wine. Sulbutiamine is two thiamine—vitamin B1—molecules.

When my constituent, Jack Baldwin, met the MHRA, it indicated it was perfectly legal for him to sell those products, but it stressed it was important that no medicinal claims was made for them. Indeed, in many other countries, including the USA, none of the substances listed in amendment 1 are controlled substances and it is perfectly legal to use, own and sell all of them. One of the problems with a lot of these products is that they are relatively young—only 10 years old in some cases. Although many have been subject to studies at academic level, they have not gone through the rigorous testing that medicinal drugs would necessarily go through. Nevertheless, they do not seem to be the sort of products that this Government or this Minister are seeking to ban.

Mr David Davis: My right hon. Friend is exactly right, for two reasons. First, many fitness supplements and other supplements work through the brain. There is no doubt about that—growth hormone-related ones do, and benign things like sage oil do. The other problem she faces is in the definition in the explanatory notes, which says that a psychoactive substance is a substance that causes

“a range of effects including, but not limited to hallucinations; changes in alertness, perception of time and space, mood or empathy with others; and drowsiness.”

All of those could apply to everything from antihistamines to, as I say, something as benign as sage oil. The problem is that if we are not careful we will end up with bad law that will undermine the status of people such as her constituent.

Mrs Gillan: I could not put it better myself. That is what concerns me about the Bill. The point was made that if this is seen to be a blanket ban—and a stupid ban because it bans perfectly innocuous substances—that will undermine the very purpose for which the law is being passed.

Paul Flynn: Does not the right hon. Lady think that if we treat these nootropic drugs differently from all the other new psychoactive drugs, there is a danger that we give them some credibility or approval? There has been some research into their harm, or otherwise. The trials have been poorly designed, and they have not found any great dangers in them, but they would not be accepted as being right for a medicinal drug. I understand her constituent's commercial interest, but would it not be dangerous to treat this group the same as any other and thereby give the public the impression that they are harmless, because we do not know that?

Mrs Gillan: I do not think that putting them on the exempted list means that anybody should draw the conclusion that they are harmless. They obviously have an effect of some sort on individuals; otherwise, my constituent would not have, as he reports to me, 32% repeat orders for many of these substances. I take the hon.

Gentleman's point. However, in relation to cholinergics, the National Academy of Sciences has said that choline is a dietary requirement, as I mentioned, and the Food and Drug Administration has recommended 425 milligrams of choline intake a day. With regard to racetams, oxiracetam, for example, has been shown to improve step-down, retention and acquisition performance in research carried out on rats, I believe, and was supported in a paper in “Behavioural Brain Research” in 1996. I have various other references citing good research carried out into these drugs; some, I admit, have not had so much research into them.

The purpose of amendment 1 is to make sure that the law of unintended consequences does not apply to this Bill. The Minister needs to reassure my constituent, and the many organisations such as online companies and health food shops that sell these substances, that either they do not fall within the ambit of this Bill, and that therefore they need not concern themselves about falling foul of it, or, if he thinks that these substances need more research, to tell us what needs to be done. I expect, at the bare minimum, that he will undertake to review the products that I have listed in the amendment and to let us know, after discussions with the ACMD, what he intends to do. I hope that he will be able either to add these products to the exempted list or to let us know that the Bill does not apply to them. If it does not, he needs to reassure my constituent by letting me know the timescales within which he will investigate these products and perhaps others that might be brought to his attention.

Keith Vaz (Leicester East) (Lab): It is a pleasure to follow the right hon. Member for Chesham and Amersham (Mrs Gillan), who is one of the most distinguished and respected Members of this House, and makes her case very powerfully. I owe her an apology. Because of the speed with which the Home Affairs Committee had to look at the Bill, owing to the timetable that the Government gave us, we did not have the opportunity to explore properly the points she has made or to take evidence from her constituent and others who might have felt that they were going to be affected by it. If we had had more time, we certainly would have had them before us. I am sure that, as is our policy, when we come to review this Bill in a few months' time we will have the opportunity to consider exactly what its effect has been. I thank her for tabling the amendment and for reminding the House of the importance of all the other products that might be caught by the Bill.

I want to commend the Minister, who is rapidly becoming one of my favourite Home Office Ministers, partly because he agreed to be Father Christmas at the Westminster kids club party, and did it so well, but also because he is prepared to listen to the House. He said he would look at the work of the Select Committee and try to reflect some of it in the amendments he tabled in Committee, and he did so in the case of many of our recommendations. Yesterday he sent me—I thank him for giving me plenty of time to read it for today's debate—the Government's response to the Bill's Committee stage and to our recommendations.

I thank the hon. Member for Enfield, Southgate (Mr Burrows) for last year pushing the Select Committee to hold an inquiry before the House had to consider the Bill on Second Reading. Again, we were caught out by the Government's timetable being moved forward, as a

result of which we did not have all the time in the world to consider these things. However, I thank him for doing it. I thank members of the Bill Committee, some of whom are here today, for the work they did at very short notice to ensure that that happened. The hon. Member for Louth and Horncastle (Victoria Atkins) attended many of the Committee's sittings despite the fact that she was serving on two other Committees at the same time.

The Government have moved on several of the points that we have made. They were right to legislate—there is no question about that. This has been in the in-tray of successive Home Office Ministers for a number of years. The previous Labour Government were committed to doing something about it—it was in our manifesto, as our excellent shadow Home Office Minister said—and I am sure that if the votes had fallen in the opposite direction, we would have a Labour Minister introducing a similar Bill. I therefore say well done to the Minister for doing this and for incorporating most of what we have suggested.

I particularly want to talk about amendments 1 and 5. It is very important that we give support to voluntary organisations such as the Angelus Foundation, which invariably know more than Government, because they draw on the experience of real, live people, and they are prepared to come together voluntarily to try to warn the public and Parliament about the risks of these substances. I am glad that we are not using the term “legal highs” any more, because, as the report clearly says, that encourages people to want to try them.

I agree very much with the shadow Minister's comments about education, which I am sure the Minister will echo. We cannot do too much to persuade young people that they should not be taking these substances. My children are 20 and 18, and they are away at university. It is every parent's nightmare that one of their children, on a night out after studying and doing their work, will be offered a substance that is perfectly legal, take it, and then be ill and, in some cases, die. The Home Affairs Committee therefore absolutely support the Government's tough approach.

Paul Flynn: My right hon. Friend says that the name “legal highs” attracts people to the drugs. Does he not think that if we change their name to “illegal highs”, they will become even more attractive to adolescents?

Keith Vaz: They may well do, but we are not going to call them “illegal highs”. The Bill does not seek to change their name. The effect of the Bill is to ban the substances that cause death. It is not about relabelling. I have great respect for my hon. Friend, who was a distinguished member of the Home Affairs Committee. I know that his position is to liberalise the law on drugs, but that is not my position and nor is it that of the Committee. Although we miss him, and I know he would have forced most of our reports to a vote, we do not miss him that much.

2.30 pm

Crispin Blunt: If I get called, I will speak in support of the right hon. Gentleman's excellent Committee's report. It is every parent's nightmare that their child should die of drugs. Whether they are legal or not is neither here nor there. If we legislate in a way that

makes the use of illegal drugs more likely, which is what will happen if amendment 5 is not carried, we will not be serving our children and others.

Keith Vaz: The hon. Gentleman is absolutely right and he brings me on to the issue of alkyl nitrites. The shadow Minister, my hon. Friend the Member for West Ham (Lyn Brown), has said—this was a bit of shock for me after 28 years in this House—that Ministers have stood at the Dispatch Box having had poppers. I think that is what she said and it was a great surprise to the House. She obviously knows more than I do about such issues, even though she claims that she knew nothing about drugs until she became the shadow Minister with responsibility for drugs.

Andrew Gwynne: Having served on the Bill Committee alongside my hon. Friend the Member for West Ham (Lyn Brown), my recollection is that Ernest Bevin of the post-war Labour Government had a bit of a heart murmur and was prescribed amyl nitrate by his doctor. It is alleged that he sniffed poppers around the Cabinet table.

Keith Vaz: I thank my hon. Friend for that information. I wonder whether they are still in use around the Cabinet table.

The Minister has moved some way since the Home Affairs Committee report's recommendation 45:

“We accept the evidence given by Professor Iversen, the National Aids Trust, and the Gay Men's Health Collective on alkyl nitrites”.

Professor Iversen said that they were

“not seen to be capable of having harmful effects sufficient to constitute a societal problem”,

and therefore we recommended, unanimously, that they should not be banned. We said that if the Government were to present evidence that changed that position and our view, they should, of course, be added to the list of banned substances. Indeed, the report states:

“If in the future there is any evidence produced to the contrary, then ‘poppers’ should be removed from the exempted list or controlled under the Misuse of Drugs Act.”

As a result of the immensely able work of the hon. Member for Finchley and Golders Green (Mike Freer), the Minister wrote to me last night proposing that a review should begin. He felt that there should still be a case for putting poppers on the banned list, but that if the evidence changed he would come back to the House, or by some other order, and put them on the exempted list. I think that that approach is the wrong way around.

The shadow Minister has asked me for my view and I have listened to the hon. Member for Winchester (Steve Brine), who I know also has constituents who are very concerned about drugs issues. The Committee, which also addressed the banning of laughing gas, does not believe that this particular case has been made. This is my personal view and other Committee members can, of course, say what they want, but when we considered the issue and voted unanimously on it, we did not consider poppers to be harmful.

The Minister wrote back to us and told us that poppers are beneficial, as if in some cases they may well be mandatory. He wrote that

“the Government recognises that representations have been made to the effect that ‘poppers’ have a beneficial health and relationship effect in enabling anal sex for some men who have sex with men,

[*Keith Vaz*]

amid concern about the impact of the ban on these men. In consultation with the Department of Health and the Medicines and Healthcare products Regulatory Agency (MHRA), the Home Office will now consider whether there is evidence to support these claims and, if so, whether it is sufficient to justify exempting the alkyl nitrites group (or individual substances in the group)."

Although I welcome that approach—it is a really positive step forward—it is actually the wrong way around. A better course of action would be to put alkyl nitrites on the exempted list, conduct the review and then come back to the House or by order and change the position. It is what we like to call evidence-based decision making. That is what we have said consistently over the eight years I have chaired the Home Affairs Committee.

There is a lot of emotion out there about drugs, and a lot of people have great concerns. Some, such as my hon. Friend the Member for Newport West (Paul Flynn), are passionately in favour of liberalisation, while others have a different position, but why take a position of banning and then unbanning? That affects the huge authority that the Government have in respect of this very important Bill. The Minister has the whole House with him on it. I doubt we are going to divide on many issues, which is pretty rare for Home Office Bills. I am trying to think of another Bill where that has happened. There is always a division of some kind, but why divide the House on this issue when there is no reason to do so?

I call on the Minister to accept amendment 5, or to not oppose it, and to let us move forward constructively. He could have his review, come back and then everyone in this House will accept what the experts say. Without equivocation, I give him a guarantee that if the review decides that poppers are harmful, I will be the first in the Division Lobby with him, supporting that view. But to ban and then unban sends a powerful message to a section of our community that they are not being listened to, and to experts who have given evidence to us that they are wrong.

I urge the Minister, even at this late stage—as I have said, he is a Minister who listens to the House, the Home Affairs Committee and individual views—to look at the issue again and ensure that alkyl nitrites are put on the exempted list until his review is concluded.

Several hon. Members *rose*—

Madam Deputy Speaker (Natascha Engel): Order. Quite a large number of Members still want to speak. At this rate, if Members go over 10 minutes we will not manage to get everybody in. I cannot impose a time limit, but if Members are brief we can get everyone in.

Crispin Blunt: I will be very brief, Madam Deputy Speaker.

It is a pleasure to follow the Chairman of the Home Affairs Committee. I agree with nearly every part of his argument and I certainly agree with the conclusions of the Committee's report. I commend every Member who took part in its deliberations. I want to leave enough time for my hon. Friend the Member for Finchley and Golders Green (Mike Freer) to speak, because he has been fighting a battle behind the scenes to ensure that this Bill does not do anything really daft.

Sometimes a measure is proposed that becomes personal to oneself and one realises that the Government are about to do something fantastically stupid. In such circumstances, one has a duty to speak up. I use poppers—I out myself as a popper user—and would be directly affected by the Bill. I am astonished by the proposal to ban them, as are very many other gay men. It simply serves to bring the whole law into disrepute. If this drug—which I use and which has, as the Opposition spokesman, the hon. Member for West Ham (Lyn Brown), said in her extremely good speech, been used for decades—is banned, respect for the law will fly out of the window.

All the effects warned about in paragraph 43 of the Home Affairs Committee's report—in particular, the Gay Men's Health Collective warns that a ban would result in increased class A and B drug use and increased transmission of sexually transmitted infections—will obviously happen. Driving the supply underground will simply put the trade in the hands of criminals.

Mr Burrowes: It is right to focus on supply, which is the focus of the Bill. It is important to give the clear message that the Bill will not ban use, but supply: it will not ban the continued personal use of poppers, but it will ban their supply.

The issues are complicated. There are controls on alkyl nitrites in that the sale of poppers to under-18s is caught by the Intoxicating Substances (Supply) Act 1985. There is a wider debate about whether that is a proportionate response for under-18s. However, there are already controls on supplying under-18s. We need to be aware that this is a complicated area of law, beyond the issues relating to psychoactive substances.

Crispin Blunt: I know that my hon. Friend has done a significant amount of work on this and that he, too, has been trying to use his influence in the right direction. He kindly sent me a message saying that he has been working to make sure that we do not do something really daft on this issue. He is, of course, loyal to Conservative Front Benchers, as am I—or I try to be—but we may differ on how to influence them. I will not be party to something that I know is, frankly, really foolish by voting for such a piece of public policy.

The issue is about supply. The policy might put someone like me into the hands of criminals if he wanted to get a supply of something that he used to think was perfectly okay. Under legislation that I think is absurd, someone like me—obviously not me, because I will, of course, respect the law of the land—might be so minded, and would then find himself in the hands of those who supply everything with which they might conceivably tempt people.

It is manifestly stupid to go down the path we are going down. Let us get the evidence; if the Government then come forward with a case that convinces the Chairman of the Home Affairs Committee and his colleagues, we can then discuss the issue in due course. Please let us not have a ban.

Mr David Davis: Supply does seem to me to be a very grey area. I understand that the policy is not intended to victimise current users, but it puts them in a position—dealing with a criminal—in which they might be susceptible to blackmail if they are a public figure. It seems to me that it will criminalise people whom it does not intend to criminalise.

Crispin Blunt: Indeed. I suppose I have advertised the fact that I may be vulnerable to that. I therefore plead with the House to make sure that I do not find myself caught in this particular situation. Given that the issue relates to my personal experience, as well as to my experience as a Justice Minister with responsibility for offenders and offender management, I implore my colleagues at the very least, if they do not want to be seen voting against the Government, not to be associated with putting the Bill on the statute book. It is a real mistake, and it would be sensible to do anything possible to ensure that amendment 5 is accepted, with our looking at and considering the matter again in due course.

Jim Shannon: I am not alone in having a constituency that has been blighted by the use of legal highs. I do not like the term “legal highs” because, unfortunately, the very words attract young people to them. I have been concerned about that for a long time.

I commend the Government on introducing very strong legislation for us to consider in the House. The Chair of the Home Affairs Committee, the right hon. Member for Leicester East (Keith Vaz), referred to the Minister as his “favourite” Home Office Minister. When he brings such legislation before the House, the Minister is the favourite of many Members. My constituents will be grateful to him for the proposed changes. I am not at all in favour of liberalising drug use, so it is quite clear where I am coming from. I think the Government have the same stance, which I welcome.

I welcome that stance because, just last year in my constituency, we saw an example of the heartbreak, illness and trauma that results from legal highs. A young man, Adam Owens, a constituent of mine—I know his father and stepmother quite well—was found dead in the town of Newtownards in my constituency of Strangford as a result of his addiction to legal highs. The case shocked not just my constituency, but the whole Province. It left the family devastated, and they told me the very nature of their concerns. Adam’s step-mum Dawn said:

“Legal highs are a major problem around here and something has to be done about it.”

I welcome the fact that the Government are now doing something about it.

2.45 pm

I want to make three quick points to the Minister, including about amendment 15, which refers to sentencing, and to provide some background. He will know about the legislative changes in the Republic of Ireland, mentioned by the shadow Minister, the hon. Member for West Ham (Lyn Brown). It brought in a ban on all legal highs, and the ban has been extraordinarily effective, according to the Irish police. Only five years ago, it was acceptable to have 100 so-called head shops selling legal highs, but that number has been reduced to zero.

However, the Republic of Ireland has very clearly stated that, even with its hard-line legislation, there is still an issue. I want to ask the Minister about that. A BBC investigation found that the Republic of Ireland’s drugs squad is unable to act against a new range of legal high-type drugs because of problems with the legislation. To bring a prosecution, police must prove scientifically that a substance has a psychoactive effect. So far, there

have been only four successful prosecutions in five years. One of Ireland’s top drug squad officers, Detective Sergeant Tony Howard from the Drugs and Organised Crime Bureau, has said:

“Unfortunately a prosecution cannot be taken.”

He outlined that that is the case, even with the tough legislation—the Bill mirrors that legislation—and it is therefore important to learn from the Irish system and not end up with a similarly ineffective approach, if that is what may happen.

I want there to be very clear definitions in the Bill. Has the Minister had discussions about that? I am aware that there were 26 attempts to deliver drugs via drones to prisons in England and Wales in the first 10 months of 2015. Insiders claim that intelligence reports suggest the number could be eight times higher. The legislation is great, but it will work only if every other Department does its bit as well. Will he respond on that point?

I am very conscious that you have set us a timescale, Madam Deputy Speaker, and I will keep to it. This is my last point. The shadow Minister said that although it is good to have the legislation, people can still purchase drugs, legal highs and the like online. Many of us feel that the legislation will be strong, which is exactly what we want, and I thank the Government for that. What my constituents and people from across the whole of Northern Ireland want is to ensure that local councils and police can stop the manufacture and sale of such products.

James Berry (Kingston and Surbiton) (Con): Is the hon. Gentleman aware that in Ireland, after the introduction of legislation very similar to the Bill, not only did every one of the 102 head shops close, but no Irish domain websites now sell such substances? We obviously hope that there will be the same effect in England and Wales.

Jim Shannon: I mentioned the closure of the head shops, which is really good news—good stuff. I also referred to the detective sergeant in the Drugs and Organised Crime Bureau. He outlined an issue that the Irish are now trying to address. It is good to be able to refer to other examples of hard and fast legislative change to address such issues. In the Republic of Ireland, they have been partially successful in relation to online sales—they are almost there—but we must also do that.

I commend the Minister and the Government on what they have introduced. This is the sort of legislation that I and my constituents, as well as people from across the whole of Northern Ireland, want. I look forward to supporting the Minister when it comes to a vote—if it comes to a vote.

Mike Freer (Finchley and Golders Green) (Con): I thank the shadow Minister for a balanced speech that contained some well-judged comments. I also thank my right hon. Friend the Minister for his courtesy when I took a delegation to him from the National AIDS Trust, Stonewall, Millivres Prowler and *Boyz* magazine to discuss this topic.

It is clear not just from this debate, but from the debate that has been raging in the gay press over the past few months, that there is considerable concern over the need to ban poppers. What has come to the fore over the past few months while I have been working on

[Mike Freer]

the topic is the complete lack of empirical data one way or the other. I appreciate that the Home Office believes—I have no reason to think that this belief is not genuine—that deaths have occurred from the use of poppers. However, that evidence has never been forthcoming.

I therefore decided to do a bit of research of my own. I would like to draw attention to some American research, particularly that of Dr Thomas Hall of the University of California in Los Angeles, who gave evidence to the *Gay Times* for a report on the effects of isopropyl nitrite. I will not quote the whole document, you will be pleased to know, Madam Deputy Speaker, but he said:

“There is very little specific research on the health effects of alkyl nitrites other than amyl nitrite.”

He went on to say:

“My summary statement would be that in the grand scheme of drugs of abuse, the risks from nitrite poppers are fairly benign... Isopropyl nitrite and other nitrite poppers appear to be far less harmful to the body in general than chronic alcohol consumption.”

I then looked at *The New England Journal of Medicine*, which stated in 2010:

“To our knowledge, over the past 10 years, there have been only two case reports of visual loss after inhalation of poppers, and the anatomical basis of this injury remains elusive.”

Finally on medical research, I turned to the US Department of Health and Human Services report of January 2014. It stated:

“To date, use of alkyl nitrites as a psychoactive substance among MSM”—

men who have sex with men—

“has received little attention in addiction textbooks, where they are subsumed among other inhalants.”

We have heard about that today. The report continues:

“This is unfortunate, because lumping these disparate agents together based on mode of administration”—

that is, inhalation—

“obscures substantial differences in both mechanism and typical risk between alkyl nitrites, which act on a specific... pathway, and inhaled solvents and propellants”

that have other effects. That is about the sum of the medical evidence that I could find.

In the absence of medical evidence or hard facts in the UK, I wrote to the Advisory Council on the Misuse of Drugs. The chairman could not have been more blunt. He said that poppers were

“not seen to be capable of having harmful effects”.

There has been talk of a medicinal benefit to poppers, which I thought was an interesting turn of phrase until I received an email. I have to bow to the knowledge of our SNP colleagues, because it was from a gentleman from Croy in Inverness. He said: “Alkyl nitrites are carried, used and, when the need arises, shared by many people who work in the countryside as the first line of treatment if one is bitten by an adder.”

I confess that adders are not common in Finchley and Golders Green. Mr Joyce of Croy went on to say:

“A substantial number of people are bitten each year in Britain and the bite is rarely fatal, but whether that is because the venom is not particularly powerful against modern healthy humans or because treatment, with Alkyl nitrite or one of the eight known anti-venoms, is almost always administered very quickly is a question that is open to debate.”

That email shows that there is a conflict between the views that are held and what limited information and fact are out there in the public domain.

I support the view that there is a need to provide up-to-date empirical evidence. There also needs to be proportionality. Everything that we do carries a risk, whether it is smoking or anything else. If one drinks bleach, one will be harmed, but we are not proposing to ban bleach. When we seek to control, regulate or ban anything, we must deal with it in the round and consider the proportionality of doing so.

I welcome the response to the Home Affairs Committee report, because it states that an investigation will be under way shortly into the impact of the ban on the relationships of gay men and women. I am told that this issue affects not just gay men, but gay women. The Chairman of the Home Affairs Committee, whom I would like to call my right hon. Friend, talked about anal sex. That is quite a crude way of saying that poppers can facilitate sex, through the relaxation of muscles. However, this is not just about the physical side of a relationship. If people want their relationship to be as intimate as possible and poppers facilitate that, they are an important element in the emotional wellbeing of that couple. Therefore, if we are talking about the medicinal benefits, we have to include the emotional and mental health benefits that the use of poppers in a relationship can bring.

When we are talking about risks—I have mentioned proportionality—it is important that we do not start banning things on the basis of one or two incidents. There has to be a significant risk of significant harm to a significant number of people, otherwise we would be banning cigarettes and alcohol tomorrow.

I say to the Minister that the investigation and report must be as open and transparent as possible. I ask him to give an assurance when he responds that evidence will be taken not just from organisations such as Public Health England, elements of the NHS and the ACMD, but organisations such as the National AIDS Trust, the Terrence Higgins Trust and Stonewall. It should also be taken from organisations such as Millivres Prowler, which I believe is the largest retailer of poppers in the UK, because it has a strong, relevant and up-to-date evidence bank of how poppers are used and how they are sold. Because it is a reputable retailer, it also has an enormous amount of data on the illegal import of the more dangerous poppers that are coming in through the internet. I hope that the Minister will also say that evidence will be taken from the international bodies, a few of which I mentioned earlier, that have done medical research into the benefits or disbenefits of the use of poppers.

Finally, if the Home Office decides that there is a risk that needs to be mitigated, but that an outright ban is not necessary, I urge it to consider licensing poppers for sale through sex shops. That would allow some level of control, regulation and protection, without the need for an outright ban, which might lead people to be exposed to all sorts of underground drugs.

There is a lot of work to be done. I welcome the swift action of the right hon. Member for Leicester East (Keith Vaz). Members might think that my conclusion will be that I will support Opposition amendment 5, and I have to say that the Opposition have spoken a lot of sense. However, I will support the Government because

I want an exemption based on empirical evidence. If poppers are exempted by the summer recess, as outlined in the response to the Home Affairs Committee report, that exemption could not be easily overturned on the whim of a future Home Office Minister, because it would be based on empirical evidence, whatever it says. On that basis, I will support the Government on this issue.

Anne McLaughlin (Glasgow North East) (SNP): I think that I have to beg to move the amendments that stand in my name. If I have not to beg, I have to do something else, I am sure.

Mr Burrowes: Speak to them.

Anne McLaughlin: Oh, I am speaking to them and not begging at all. I wish to speak to the amendments that stand in my name, amendments 12, 13, 14, 15 and—along with Labour colleagues—amendment 5.

We support the aims of the Bill to protect public health and to go after the big guys—the ones who are making a profit out of other people's endangerment—rather than going after the individuals who decide to try these substances for whatever reason. In that respect, however, I do not think that we are quite there yet, which is why we have tabled our amendments.

3 pm

Before I speak to our amendments, I would like to make a plea that I made in a previous debate about the language that we use and the names that people give to these new psychoactive substances. The products have names that are given to them by marketeers to make them sound bold and exciting, and I always say that I will not use those names. We should call them exactly what they are, and I notice that that has been happening much more in the debate today.

Amendment 12 deals with the definition of the term “psychoactive substance”. As I have said, we welcome the broader public health aims of the Bill, and the Scottish Government have worked hard with the Government down here to ensure that the measures are proportionate, workable and based on the best available advice. The best advice we have comes from the Advisory Council on the Misuse of Drugs, which made it clear in its submission that the definitions at the heart of the Bill required further detail. The Home Affairs Select Committee also recommended that the Government should reconsider the definitions.

The Government seem to be coming at this from a different angle and going against the grain of scientific advice. We have therefore tabled amendment 12 to encourage the Government to be more specific with their definitions. If I were to ask a member of the public what they considered to be a legal high, they would generally define it not by its chemical family or by the fact that it was in itself psychoactive, but by the similarity of its effect to that of substances that are already prohibited under the Misuse of Drugs Act 1971. The amendment would ensure that this commonly held way of defining a legal high was similar to that in the legislation. That would improve public understanding and acceptance of these measures.

The other important aspect of the amendment is that it would tie the legislation firmly to the questions of public health and the threat of harm. The Bill as it

stands is an extremely broad measure, and while it is the Government's intention to cover all psychoactive substances, old or new, synthetic or natural, it is surely a good principle when legislating to be clear about the threat that we are legislating to tackle. We should be tackling the effects of psychoactive substances on the individual and the threat to broader public health, not the fact that the entity itself is mildly psychoactive.

We have also tabled amendment 13. The Scottish National party has welcomed the Government's move towards criminalising supply and not necessarily criminalising possession, but we have tabled the amendment to try to prevent the counterproductive criminalisation of young people who purchase a psychoactive substance together, with one of them placing the order using money from the wider group. At that moment, that individual would be at risk of being criminalised for supplying a psychoactive substance. However, the effects on public health—and indeed on the group members' finances—are indistinguishable from the effects had they all purchased the substance individually.

Victoria Atkins (Louth and Horncastle) (Con): I am sure that the hon. Lady knows that the situation she has just described in which youths place an order with a dealer and then distribute the substance among their friends is entirely consistent with the law as set out in the Misuse of Drugs Act 1971. The message is that if you buy the drug and then distribute it, you are a supplier in the eyes of the law. I would be interested to know why she thinks there should be a distinction between these substances and the more serious drugs that are dealt with under the 1971 Act. Surely we are still trying to achieve the same aim: to stop the supply of harmful substances.

Anne McLaughlin: My understanding was that we were trying not to mirror the Misuse of Drugs Act. We have moved on, and this Bill is not about criminalising individuals for possession, as they can be under the Act. The Bill does not have to mirror the Act exactly. The key issue is the effect that criminalising a young person for a foolish mistake can have on their life chances. Drugs blight enough lives already—that is certainly the case in my constituency—and we do not need to penalise someone who is acting on behalf of his or her peer group, a small group of friends, without any financial motive. These young people are not drug suppliers. Obviously, we might question the sense of their decision to buy drugs, but it should not be a criminal offence. A young person could be pressurised by their peer group to purchase these substances, and they might do so in order to gain the recognition of their peers, but if they were caught they could end up with a substantial criminal conviction.

Victoria Atkins: Surely the point is to introduce clarity to the young people that the hon. Lady is describing. Ecstasy is a class A drug, and if a young person buys it, they risk going to prison for a very long time if they are prosecuted and convicted. If a young person buys one of these new psychoactive substances that is minimally different from MDMA, and the dealers get round the problem by saying that it is just a little bit different from ecstasy and therefore does not fall under the 1971 Act, that young person could be placed in a very difficult position. They would have to be a scientist to know the difference between the two substances. My question is:

[Victoria Atkins]

should we not be encouraging clarity to differentiate between those drugs, to enable young people to know that they should not be buying those substances and distributing them?

Anne McLaughlin: I am not arguing that we should not be discouraging young people in that way. I am arguing that if someone buys these substances for themselves and a couple of friends, we should not criminalise them as though they were drug dealers when they clearly are not. I worry that, further down the line, Members of this House will be contacted by the parents of someone who has foolishly purchased such a substance on behalf of himself and one or two friends and has been convicted of supplying drugs. That young person's life chances would be greatly diminished. Of course we hope they will be discouraged by our telling them what will happen to them if they make these purchases, but I certainly do not think we should punish them and label them as a drug dealer for stupidly buying stuff for their friends. On the whole, people pass a strong moral judgment on anyone with any kind of a conviction relating to drugs, but an even stronger judgment is passed on anyone convicted of supplying drugs. We are talking about a young person getting these substances for himself and his friends, not a young person who has become a drug dealer, yet that is what the conviction would be for.

Paul Flynn: Following the arguments being put forward from the other side, does the hon. Lady agree that the two most deadly drugs, which are taken by millions of people in this country and which cause addiction and a huge number of deaths, are tobacco and alcohol? Has she contemplated the effects that banning those two drugs would have throughout the world?

Anne McLaughlin: The hon. Gentleman would not expect me to disagree about the considerable harm that tobacco and alcohol can cause, but today we are talking about new psychoactive substances. I take his point, but it is important to carry on discussing what we have come here to discuss.

Any Member in the Chamber today who has children could face a situation in which their child was silly enough, along with some friends, to experiment with some currently legal highs. They might be fortunate enough not to be damaged physically or mentally by their experience, but they could still be convicted of a drug dealing offence just for stupidly experimenting.

Amendment 14 deals with the question of internet purchases. It seeks to highlight the fact that the Government are criminalising the use of drugs for personal consumption that have been purchased over the internet and that are then shipped into the UK for use by an individual. The Government suggest that they are moving forward and that they are not seeking to criminalise individuals unnecessarily. Indeed, the Bill indicates that those who purchase in other ways will not be committing a criminal offence. However, this part of the Bill will still unnecessarily criminalise people.

I would strongly prefer law enforcement agencies to use their time and effort to prevent the large-scale importation of psychoactive substances for distribution

in the UK, rather than concerning themselves with the purchase of these substances for personal use by one individual. In a previous debate on the Bill, the Minister for Policing, Crime and Criminal Justice stated:

"The spirit of the Bill is that we do not want to criminalise individuals for possession, but we are going to criminalise the sale and purchase of these substances."

We asked for further clarification, and he said:

"I apologise: I kind of misled the House unintentionally on individual possession. I was talking about intent to supply, not intent to use. Making a purchase from a foreign website would be caught, but the purchase on its own from a website or foreign website would not, and I apologise if I misled the House on that point."

My hon. Friend the Member for Angus (Mike Weir) pressed the Minister and pointed out that clause 8 stated that a person commits an offence if

"the person intentionally imports a substance,"

and

"the person...intends to consume the psychoactive substance for its psychoactive effects".

He went on to say:

"It seems to me that if someone imports and possesses even a small amount of the substance over the internet he is criminalised, but if he bought it in a head shop, for example—

in this case the head shops would be gone, so if bought in the street—

"he would not be criminalised, which seems to be a strange provision."

The Minister's response was:

"That is not the Bill's intention. As we go through the Bill in Committee we will endeavour to iron out those concerns."—[*Official Report*, 19 October 2015; Vol. 600, c. 737-9.]

I was unable to be on the Committee as I was serving on another Bill Committee but I can read *Hansard*, I have hon. Friends who served on that Committee and I know that in Committee the Minister voluntarily offered this statement:

"Possession in a club would not be an offence; indeed, possession is not an offence under any part of the legislation, unless in a secure facility. It is important to send that message out."—[*Official Report*, *Psychoactive Substances Public Bill Committee*, 27 October 2015; c. 37.]

I would like some clarity from the Minister on that.

How much longer have I got, Madam Deputy Speaker?

Madam Deputy Speaker (Natascha Engel): There are no time limits in this debate but many Members want to speak and the list is getting longer and longer, so the longer the hon. Lady speaks, the less others will have a chance to do so.

Anne McLaughlin: I will move on, then. I will take out all my killer arguments and bring them up when the Minister is summing up.

I shall make one more point, which is about purchasing online. If we are saying that it is not a criminal offence to purchase down a dark alley, which is where people would have to purchase if they intended to purchase these psychoactive substances, but it is a criminal offence to do so over the internet, we will end up with a situation where two people, brother and sister, could try to do exactly the same thing, and one of them would be a criminal but the other would not. Which of them, the boy or the girl, is most likely to be gung-ho enough to

meet a criminal drug dealer down a back alley? It is far more likely that women are going to be criminalised because they are less likely to want to go and meet the drug dealer in person.

Amendment 15 proposes sentencing commensurate with the potential harm done by the substance involved. In Committee the Minister said that he supported the principle behind the amendment, so we should like to hear where he stands on it today.

On poppers, I am proud that the SNP championed this from the start. It was great to hear so many passionate speeches of support from both sides of the House, so I shall say nothing further and let someone else speak.

Dr Daniel Poulter (Central Suffolk and North Ipswich) (Con): I shall speak to new clause 3. First, though, I welcome the constructive approach taken by my right hon. Friend the Minister to engaging with Members on all sides of the House during the passage of the Bill—a constructive engagement which, I believe, has enhanced the positive aspects of the Bill. I am pleased that the broad consensus across the House is that this is an important piece of legislation about public protection.

What we have heard clearly today is a call for evidence-based policy making. That has been echoed in a number of contributions on different amendments and new clauses, and we should all sign up to that. In that spirit, I tabled the new clause primarily as a probing amendment to examine and draw out the Minister's comments on an increasingly confused law in respect of the medicinal use of cannabis. The existing law is an impediment to research into the effects of cannabis on mental health and general research on the medicinal benefits of cannabis and cannabis derivatives.

Steve Brine: I support my hon. Friend. Does he agree that the momentum is with his case? The all-party group on drug policy reform hopes to conduct an inquiry shortly into the medicinal use of cannabis. Its results will be interesting in the context of that evidence base.

3.15 pm

Dr Poulter: My hon. Friend is right.

I shall speak, first, about the barriers to mental health research—we know that the use of cannabis has links with mental illness, particularly psychosis—and also about the broader research into the potential medicinal benefits of the many products contained in the cannabis plant. That has been investigated in the United States, where more than 20 states have relaxed their laws to allow the medicinal use of cannabis and cannabis derivatives. I am pleased to hear that the all-party group is to look into that because it is important that we examine the evidence that is out there and, if necessary, consider using that evidence to change the law. The law should be for public protection but also for public benefit, and if there is a legitimate medicinal use of cannabis, we should support and encourage it because that is good for patients.

Before I proceed, I want to touch on the very brave speech from my hon. Friend the Member for Reigate (Crispin Blunt). It is rare that we discuss our personal experiences in the Chamber, but it brings into focus the importance of making sure that the laws that we pass

impact positively on the real world and the day-to-day lives of our constituents. He spoke bravely about his own use of poppers, which helped to bring the debate alive and crystallised the importance of that evidence-based policy making. I know the Minister will respond to that later.

On the rescheduling of cannabis from a schedule 1 to a schedule 2 drug, as we are aware, the scheduling of drugs was laid down in the Misuse of Drugs Regulations 2001. The reason that cannabis was considered a schedule 1 drug was that it did not have any medicinal benefit. That is now a matter of considerable contention in the light of the evidence I am about to present. It is important to highlight some of the inconsistencies in legislation.

Under the Schengen agreement, it is legal for somebody in a Schengen country to bring into the UK cannabis for medicinal use, if they have been prescribed it by a doctor on their own country, for up to 30 days, yet it is not legal in this country for a doctor to prescribe cannabis for medicinal purposes unless it happens to be for the purpose of treating multiple sclerosis. That is the one licensed drug currently available. If we recognise that cannabis can be licensed for the treatment of MS, currently under very elaborate licensing law by the Home Office, surely we recognise that there is a medicinal benefit. *Quod erat demonstrandum*: schedule 1 is the wrong place for cannabis because we accept that it has a medicinal benefit. The Home Office accepts for its licensing programme that there is a medicinal benefit to cannabis, so we need to consider rescheduling the drug.

I have touched on the intervention from my hon. Friend the Member for Winchester (Steve Brine) by reference to the growing evidence from the United States that there are other potential medicinal benefits of cannabis for the treatment of patients. The relaxing of laws in over 20 states on the basis of that evidence is something that we clearly need to look at in this country. In particular, the potential benefits of cannabis products in palliative care merit greater scrutiny. There is inconsistency in the classification of cannabis, which is why I tabled the amendment.

I want to speak about some of the barriers to research. I am very grateful to my right hon. Friend the Minister for Policing, Crime and Criminal Justice for meeting Professor Sir Robin Murray—he is an eminent professor—and Dr Marta Di Forti, who work in mental health, particularly in psychosis, to examine the issue and learn at first hand about some of the difficulties they experience in conducting research into mental ill health. We know that there are links between psychosis and cannabis use, and it is particularly important that we understand the basis on which the plant works on neurotransmitters and that we support researchers in conducting their research. At the moment, those researchers could potentially be criminalised for carrying out research that would be legitimate in many other fields of medical research. I am sure that that is not an intended consequence. It also makes it very difficult to carry out research effectively in the field of mental health and the links with cannabis. I know that the Minister is sympathetic to that and I look forward to hearing how we can find a workable solution to the problem. We want to improve our treatment of patients with mental ill health, but to do that we need

[*Dr Poulter*]

properly to support the researchers in carrying out their work, and I hope that the whole House can sign up to that.

This is not an easy matter and it is not part of a broader discussion on the merits or demerits of legalising cannabis. I specifically wanted to table the amendment for discussion today to highlight the difficulties faced by researchers carrying out their jobs and to highlight some of the clear inconsistencies in drug laws in relation to cannabis and, more importantly, drugs that we would consider much more potentially harmful if used by the public. Heroin, or diamorphine, is a schedule 2 drug, whereas cannabis, the use of which is shown by a growing body of evidence to have a medicinal benefit, is a schedule 1 drug. I believe that the Government need to look into the inconsistency in current drug laws, but in particular I would be very grateful for my right hon. Friend the Minister's comments on how we can facilitate and ease the process of legitimate research without criminalising researchers.

Mrs Gillan: Does my hon. Friend also agree that there is a real anomaly when a drug such as DNP, which has caused the death of so many young people and is taken as a drug for body building or to improve people's perception of their body image, is so classified and falls between so many stools that it is impossible to get it banned, despite the deaths and damage it has caused?

Dr Poulter: My right hon. Friend speaks wisely. On that subject, looking at the scheduling, steroids come under schedule 4 to the misuse of drugs regulations. They are often a drug misused by body builders and other athletes whereas, in the example I just gave, diamorphine, or heroin, is a schedule 2 drug. There is now a clear and compelling case, because of the growing medical evidence and the barriers to research, to consider the scheduling of cannabis. More broadly, before we even get to that point, I know that there is more we can do to make it easier to research the links between cannabis and mental health and to support that very important research so that, hopefully, we can move towards a better position through this Bill, not just in protecting the public from psychoactive substances but in improving the care of a number of the most vulnerable patients looked after by our health service.

I intend the amendment as a probing amendment and do not wish to press it to a vote, but I look forward to hearing my right hon. Friend the Minister's response.

Diana Johnson: I rise in support of new clause 1 and amendment 4. I start by congratulating my hon. Friend the Member for West Ham (Lyn Brown), who sits on the Front Bench, on the excellent way she set out why new clause 1 and amendment 4 need to be incorporated in the Bill.

It has been six years since we seriously started to discuss in Parliament why personal, social, health and economic education should be made compulsory. I greatly regret that we did not manage to do it when we were in power. At the very end of the 2010 Labour Government, PSHE was going to be made a statutory part of the national curriculum. There was a very good case made for that, based on building life skills, confidence

and resilience in young people, which we all accept needs to happen. To me, the challenges that young people face in the modern world include how to deal with drugs and these new psychoactive substances. It was a great regret that in the wash-up, during those final months leading up to the 2010 election, we were not able to secure the support of the Conservatives to get that change to the law.

The UK Drug Policy Commission spent six years researching what our drugs policies should be, and found that the best drugs education is delivered in an evidence-based life skills programme. That is why making PSHE compulsory is important. Why does it need to be statutory? The Select Committee on Education, in its report last year, said:

"There is a lack of clarity on the status of the subject. This must change, and we accept the argument that statutory status is needed for PSHE".

We know that it varies all around the country. In some schools, it is taught very well, but in many schools it is not taught well at all, and that is because it is not statutory. It is not measured and we know that headteachers will always have an eye on ensuring that their schools and pupils do best in what is measured. That is the compelling argument for me: we should ensure that we have a level playing field across all schools, so we have to provide statutory PSHE. Another important reason to make it statutory is that schools have to ensure that teachers are properly trained. One of the big problems with how PSHE is delivered in this country is that the teacher with a little more time in their timetable—perhaps the PE teacher—takes responsibility, not a teacher with the level and depth of training required to teach the subject properly.

We know, as my hon. Friend said from the Front Bench, that many students say that they have only one hour of drugs education in school. At the moment we are relying on good will, charities and other organisations to provide information to our young people. I think that that is wrong. However, I want to pay tribute to the Angelus Foundation for the work it has done. It was set up in very sad circumstances by Maryon Stewart, who lost her daughter, Hester, who took GBL without knowing what it was and sadly died. Maryon has fought hard for this legislation to be put on the statute book, but I am sure she would be the first to say that we need to ensure that our young people are educated. It is not just about changing the law, but about making sure that young people make good decisions for themselves.

I also want to refer to an organisation in my constituency called REAL—Recovery Enabling Abstinent Lifestyle—run by Mike Tong and Su Baker, who are also trying to get information out to young people in Hull to explain about legal highs. We have already debated how we should describe legal highs, and I think it right to refer to them as new psychoactive substances, rather than legal highs. Those provisions all rely on good will and charity, which is why it is vital that the amendments are accepted today.

Before the Minister responds, I wish to mention the FRANK campaign—I think my hon. Friend the Member for West Ham also mentioned that. "Talk to Frank" is not good enough, and if the Government are serious about ensuring that young people have information to make good choices in their lives, FRANK is not the delivery mechanism for that.

We know that young people have called for PSHE to be made statutory, and the Youth Parliament supported and ran with that campaign a few years ago. Parents support PSHE and want it brought into schools, as does the cross-party Education Committee. We need to equip our young people with life skills to make good decisions, and to equip the police with the powers that they need to enforce the law against those who exploit, harm and damage people, particularly young people. The Minister is a sensible man who often relies on his good common sense, and I hope he will think hard about whether rejecting these amendments is in the long-term interests of this country and the young people whom we in this House wish to ensure are protected and able to make good and healthy decisions about their lives.

3.30 pm

Mr Burrowes: It is a pleasure to follow the hon. Member for Kingston upon Hull North (Diana Johnson). Much of the debate on this important Bill has shown consensus across the House. Along with many others, I have campaigned for this Bill for many years, and for a blanket ban on certain substances, and I recognise the efforts made by the Minister to bring the issue to the table. Unusually, that has been done at some pace, and the Home Affairs Committee—on which I and other hon. Members present in the Chamber sit—sought to keep up with the Bill and to ensure that we added our penny's worth to the debate. Hopefully that has helped, and it was a pleasure to sit on the Bill Committee and see those long-standing interests come to fruition.

I will speak later about poppers, but in some ways, if one wishes to deal with this issue with a blanket ban, the Bill could be seen as a blunt tool in tackling the evil of NPSs. If one wishes such a ban, there are some anomalies or concerns in the Bill. Amendments have been tabled about other seemingly harmless substances that may be tied into a blanket ban. I am willing to give the Government as much rope as possible to hang not themselves but the target of this Bill, which is those evil pliers of the trade—the “big fish” that were mentioned—and the new substances that are coming on to the market. That is what the target should be, and although there has been a natural concern about poppers—I raised that issue in Committee—and we obviously do not want to criminalise the personal use of them, we must also deal with those other substances. However, poppers are not the target of the Bill.

Paul Flynn: Will the hon. Gentleman give way?

Mr Burrowes: I want to make some progress.

Let me focus on education, because it is important to ensure that there is enough communication to deal with this issue and to have a profound effect, not just through legislation and enforcement, but through education. We must make the most of the opportunity to educate everyone out there about the harms caused by NPSs.

I have been involved in drugs policy for some time, and I had the pleasure and privilege for a number of years of sitting as an honorary member on the inter-ministerial group on drugs. To me it is not surprising—I say this frankly and openly—that no representative from the Department for Education is currently sitting on the Treasury Bench. Although that IMG was well attended—it is one of the best attended cross-departmental

groups, and it led to the 2010 drugs strategy in which I played my part—the Department for Education was the most difficult Department to get to the table.

I say that openly and publicly because it is relevant when assisting the Minister to ensure that communication gets out there, and that education is prioritised. I do not believe that the Department for Education has yet been as forthcoming as it should be, not least given the commitment understood by the Committee, which was that meetings between the Home Office and the DFE would run parallel to parliamentary business, so that we could see that the DFE is serious about wanting to educate young people about the harms of NPSs.

My concern is great—I say this in relation to new clause 1. I do not suggest that we need such a prescribed PSHE route, but we urge the Government to include education in the review and to say that 30 months down the line they will look at how well we have done on education, and how well the word has been spread about the harm of NPSs. The Government told the Home Affairs Committee that the strategic communication plan has been set out, but a question tabled by the hon. Member for West Ham (Lyn Brown) revealed that no specific funds have been set aside for its implementation.

Mike Penning: In case I forget this point in my later comments, perhaps this is an opportune moment to say from the Dispatch Box that that issue will be part of the review into how well we have done in educating young people. I will respond in a moment to the hon. Member for West Ham (Lyn Brown) about the financial point. Perhaps I will not be—I nearly said “doing drugs”, but that is probably a bad thing to say in the Chamber. I may not have this responsibility in the near future, so it is good that I put on the record, categorically, that that issue will be part of the review.

Mr Burrowes: That speaks directly to amendment 4, which was also tabled in Committee. That is in effect what the Minister has committed to and that is very welcome.

I have seen my way, when I was on the inter-ministerial group, through four Home Office Ministers. I recognise my right hon. Friend the Minister's commitment to tackling drugs and, although there has been a revolving door of individual Ministers involved in tackling drugs, Department for Education Ministers need to show that same commitment.

Paul Flynn: Will the hon. Gentleman tell us what attention the Committee gave to the fact that the only two countries in the world that have passed similar legislation have seen large increases in the use of these drugs? In Ireland, there was an increase from 16% to 22%, and in Poland there was a level increase of 3%, the biggest in its history. Is the Bill not going to have the same bad effect?

Mr Burrowes: I am not convinced by the hon. Gentleman's premise. We consistently disagree on drugs policy. The evidence from Ireland is clear. Its blanket ban has been a success, with the closure of head shops and less accessibility to new psychoactive substances.

Everyone agrees that this is the most significant change in drugs legislation since 1971. This is a huge step-change and represents progress in tackling the new drugs on the

[Mr Burrowes]

market. It is not matched, however, with the same commitment to provide funding for education and information. The Department for Transport spent £1.952 million on developing, delivering and evaluating its communications campaign to ensure people became aware of enhanced police powers in relation to drug-driving—I know the Minister was very much in favour of putting that in the statute book—and in particular driving under the influence of cannabis. We do not see that same matched funding commitment to such a significant Bill. We need to see where that will come from to ensure that the good words expressed in the strategic communication plan have a real effect. We need the public to be informed. We need a strategy that covers social media. We need to involve the Angelus Foundation. For the foundation not to be linked to FRANK is frankly ridiculous. That needs to change. FRANK needs to talk better with Angelus and learn from it, in particular from its film awareness campaign. It is so important to have the common goal of alerting young people to the harms presented by NPSs. I look forward to hearing some reassurance on that from the Minister.

I would like to touch very briefly on two other aspects of the Bill. There are amendments on cannabis. I want to link them to new clause 6, which seeks to suggest that arrests and detention for class A drugs should trigger assessment and treatment. I want to highlight the fact that the big issue for young people, along with NPSs, is their use and misuse of cannabis. Cannabis is having a profound effect on them. I visited Highbury Corner magistrates court with the Justice Secretary, the Lord Chancellor. He heard that cannabis has an impact on many young people, but only Islington has a drug treatment facility or the ability to deal with that treatment. Justices have at least one hand tied behind their back when it comes to getting young people the treatment they need. We need to tackle that, along with treatment facilities for NPSs. We need to get up to speed with where the market is going. It is going away from substitute treatment for addiction to the old opiate substances and towards needing an holistic approach to treatment and education. We must get up to speed and the review needs to convince us it is doing that.

Finally, I come to poppers. In Committee I raised concerns about the ban on behalf of many people, including the gay community. I am very pleased that the Government have, belatedly, reached a point where they are going to look seriously at the evidence and at exempting alkyl nitrate. I agree with the Government that there are some complications, however. I raised in an intervention the fact there are already controls around the supply of alkyl nitrates. Under-18s are caught by the Intoxicating Substances (Supply) Act 1985. All of these areas need to be looked at, because there is commonality. The problem with poppers-alkyl nitrates is that they can be tweaked and abused so that the substance becomes harmful. Historically, that has been the case.

The reference to the Home Office about this is somewhat historical. It is not new, and it should not have led to an 11th-hour conversion to consider putting it on the exemption list. The Bill has been around for months—this

issue was raised in the other place—so it is encouraging, if also disappointing, that we are still, at this late stage, considering exemptions. I am willing to go with the evidence, however, because it is complicated and we do not want the blanket ban diluted. We need to ensure that this is done properly, with evidence, so that, as the Home Affairs Committee said, there is eventually an exemption.

There are many other issues to talk about, but I want to give others the opportunity to speak. I broadly welcome the fact that, at long last, we will have a blanket ban on the statute book. It will be a force for good, particularly in protecting young people.

Andrew Gwynne: I support the Bill and its aims. Indeed, I wound up the Second Reading debate in the Chamber because Labour felt it was important to view it not just as a Home Office Bill—although that is where it is placed—but in terms of its public health aspects. As Labour's shadow public health Minister, therefore, I have been keen to promote some of the public health issues. I also commend the work of my hon. Friend the Member for West Ham (Lyn Brown), who led the Opposition in Committee and in the House today in an exemplary fashion.

I support the Bill and want to make it as good as it can be. There are several areas where it is not as strong as it ought to be, and that is why I am proud to support my hon. Friend in tabling several amendments. In particular, I want to talk about new clause 1, on PSHE, and amendment 5, on poppers, because both have an important public health aspect to them.

On new clause 1, I mentioned in an intervention that Simon Stevens, in his Five Year Forward View for the NHS, had identified £5 billion of savings that could be reinvested into the NHS as a consequence of prevention. The Government were unwise to cut £200 million from the public health budget, because that is the very kind of prevention that will not now bear fruit in year five of the Five Year Forward View, but they could redeem themselves by adopting the new clause. I have always viewed it as a weakness that we do not have statutory PSHE in this country. Many schools do it, but it is a “something else” added on to the curriculum; it is not given the focus it ought to be given.

If we are serious about tackling the whole range of health inequalities, we could start providing statutory PSHE for children from a very young age. If we are to talk about the dangers of tobacco, alcohol and drugs, and about sex and relationships, we must do it in the context of a statutory framework in all our schools. There are huge public health benefits to doing so. When the Minister comes to consider the views expressed today, he could do nothing better than read in *Hansard*—I know he was listening—the contribution from my hon. Friend the Member for Kingston upon Hull North (Diana Johnson), because she got it spot on. The real benefits of having statutory PSHE in schools are clear. It would really strengthen the Bill's aims and ambitions.

Our amendment 5 relates to poppers. In the short time I have been Labour's shadow public health Minister, I have met lots of charities and organisations in the public health world, and many of them, including drug abuse charities, have raised many issues with me. Not one has raised poppers as an issue.

I will tell the Minister who has raised the issue of poppers with me, and that is a large number of LGBT charities and organisations. There is a public health role here. The hon. Member for Finchley and Golders Green (Mike Freer) made some very important points, not just on the health and wellbeing of gay and lesbian people, but on some of the mental health and relationship issues surrounding what we are discussing today.

3.45 pm

There is a wider public health issue. Many of the organisations I have met—the National AIDS Trust is one example—have told me that there is a balance of risks. Yes, some small risks are involved with alkyl nitrates, and the hon. Member for Enfield, Southgate (Mr Burrowes) mentioned anecdotal evidence that suggests they could cause some damage to eyesight. My advice to the Minister would be to balance the risks of that—they are very small—with the risks of contracting a sexually transmitted infection.

It has been put to me—I think there is some credence in this argument—that there are two scenarios. One is that two gay men will have protected sex with poppers, which make anal sex easier, or alternatively they will use other substances if poppers are not available. We could be talking about class A or class B drugs or alcohol, and the problem is that any of those substances, unlike poppers, runs the risk of potentially leading to unsafe sex. That, in turn, increases the risk of the contraction of HIV, Hepatitis C and a string of other sexually transmitted infections. The other point is that what we are considering is potentially discriminatory against a group of people who are doing no harm and just want to enjoy themselves in a sexual relationship.

I therefore urge the Minister to think carefully about whether the Bill's intention is to do something in the way he wants it to be done or in the way we want it to be done. This Minister is known for common sense, and I give credit to him for that. He is straight talking and has a modicum of sense that some of his colleagues do not often display. I am being kind to the Minister, for whom I have a great deal of respect.

I simply do not understand the logic of banning poppers, then looking at the evidence and subsequently perhaps unbanning them. That would send out mixed messages. If the review comes forward with enough evidence to warrant the banning of poppers, I will support the Minister all the way. However, I am not in the job of banning things for banning's sake only to unban them later. The Minister should apply some common sense and back our amendment 5, because that is the right approach.

Norman Lamb (North Norfolk) (LD): Thank you, Mr Deputy Speaker, for calling me slightly earlier than I expected.

I speak in support of my amendments. Taken together, they are designed to challenge the Government's approach to this Bill. I suspect all Members share the same objective in that we are all ultimately concerned about harm and want to reduce for our loved ones and across society the risk that drugs, both legal and illegal, pose.

Speaking as a father, I happen to be rather hostile to drugs. I am hostile to the excessive use of legal drugs because of the damage they do to society, but I challenge

the approach taken in this Bill. The right hon. Member for Chesham and Amersham (Mrs Gillan) spoke of the risk of making bad law, and I think that, seductive though the Government's approach may be, we face the risk of legislating for bad law in this instance. As I have said, our objective should be harm reduction, and we should surely base legislation on evidence of what works.

According to the Home Office's own 2014 report entitled "Drugs: International Comparators",

"there is no apparent correlation between the 'toughness' of a country's approach and the prevalence of adult drug use."

As the hon. Member for Newport West (Paul Flynn) pointed out, the great risk is that Members on both sides of the House will assume that adopting the Bill's approach will reduce the use of what are, in some cases, dangerous substances, although the evidence points in precisely the opposite direction.

Like others, the hon. Member for Reigate (Crispin Blunt), who made a fantastic speech and spoke very openly and candidly, made the point that the Bill—in respect of poppers, but, in fact, across the board—would drive users into the hands of criminals. What criminal has people's interests at heart? None of them, of course. I urge Members to think before they vote for the Bill, because that is precisely what we shall be doing. Moreover, we shall be massively increasing the profits of criminals and criminal networks. The United Nations Office on Drugs and Crime has said that there is a clear link between the profits made from illicit drugs and the funding of terrorism, pointing out that, in Afghanistan, money raised from the sale of cocaine has been fed into the hands of the Taliban.

Mrs Anne Main (St Albans) (Con): Will the hon. Gentleman give way?

Norman Lamb: I will not, because I am conscious that time is very tight, and I do not want to get into trouble with the Chair.

We should think before we act. New clause 5 calls for a review of the Misuse of Drugs Act 1971 so that we can determine policy on the basis of evidence rather than prejudice. New clause 6 calls for a decriminalisation of the use of drugs, given that evidence from Portugal has shown a reduction in harm as a result of the adoption of that policy. In new clause 3, I happily join my former colleague in the Department of Health, the hon. Member for Central Suffolk and North Ipswich (Dr Poulter), in arguing for the facilitation of research on the potential medicinal value of cannabis. Amendment 24 proposes the legalisation of possession of cannabis for medicinal use. Surely we should not be criminalising people who use cannabis to relieve pain, yet that is what we do in this country. It is madness.

New clause 4 argues that we should ban substances under the Bill only after they have been referred to the Advisory Council on the Misuse of Drugs, so that an objective judgment can be made about whether they cause social harm. That, of course, is in line with amendment 5. We are about to commit an act of total madness, banning poppers and then removing the ban just a few months down the track. That makes absolutely no sense, and, as we heard from the right hon. Member for Haltemprice and Howden (Mr Davis), it brings the law into disrepute.

[Norman Lamb]

The Bill's approach is seductive, and it is understandable, because people are fearful of the effects of these products. Ultimately, however, it is bad law, and it will have precisely the wrong effect.

Johnny Mercer (Plymouth, Moor View) (Con): I rise to express my broad support for what the Government are trying to do. This is a major issue in Plymouth. At the beginning of this week the local paper ran a story about an individual who had drowned in a local harbour in October 2014. A toxicology report showed that among a number of other drugs a legal high was present in his system. Sadly, I need only look back a further five days in the same paper to find another story about these chemicals, which have now become a haunting menace to society.

Over Christmas I did what many of my hon. colleagues will have done, and went and served Christmas lunch to the homeless at the hostels, and they are being plagued outside these hostels by people selling these illegal highs. This is a real problem in Plymouth.

I also go out with the emergency services at least once a month. When doing so, I see the challenge presented to our law enforcement by these substances. I fully support the Minister in his efforts to identify the new psychoactive substances and react more quickly to them.

I ran a campaign briefly prior to Christmas attempting to raise awareness of these substances, and I strongly support other councils on this. I would like Plymouth to lead the way in getting these substances banned locally before this Bill is enacted.

Ultimately, for me this comes down to one key thing. We often talk in this House of how we support those who challenge the most challenging parts of society, such as police officers and prison officers. They strongly support what we are doing here. It is not good enough simply to stand up in the House of Commons and say, "We fully support the police" and "We fully support prison officers" and then not give them the tools to do their job, which is what I think is being done here. That is why I support the Government's position.

Paul Flynn: Before I start, may I point out one major error? A picture of me has been widely retweeted by Members of the House. It was taken from American television, where tens of millions of people were informed in the caption that I was leader of the Labour party. I just want to point out that this information is a tad premature.

It is generous to describe this Bill as a landmark in legislative futility, because it is in fact worse than that: this Bill will do harm, as all the other prohibition Bills in the 28 years in which I have been here have—they have all done harm. The Home Affairs Committee does not seem to have considered what has happened in the two countries that have passed legislation very similar to this Bill. In Ireland what happened was that, certainly the head shops closed down—of course they did; they were illegal—and the sites closed down, but they were replaced by other illegal head shops; they were replaced by a market that is criminal and irresponsible. Furthermore, in Ireland the market among young people for using these drugs increased from 16% of the population to 22%. Those are figures from the European Monitoring

Centre for Drugs and Drug Addiction. Meanwhile in Poland there was a 3% increase. So now the countries that have passed similar Bills to this one have the greatest use of psychoactive drugs in the world.

This Bill will be counterproductive. In 1971 we passed the Misuse of Drugs Act. At that time we had 1,000 cocaine and heroin addicts in Britain. We have now got 300,000. I wish Members would consider the possibility, in respect of what they are doing and the ideas they have, that the conventional wisdom is the conventional stupidity. It would be madness to ban poppers, as everyone says.

This Bill should be considered on the evidence alone. Should we support the attempt to move cannabis into an area where scientists can work on it? That is an approach that is based not on superstition, rumour or prejudice, but on science, and it should be supported.

Rachael Maskell (York Central) (Lab/Co-op): I shall be brief.

I wish to emphasise that although so many elements of the Bill are important, it is essential that it is strengthened in the field of education. New clause 1 addresses that and does answer what was set out in paragraph 76 of the Home Affairs Committee report, which says:

"Successive governments' spending on education on the dangers of NPS has been shockingly inadequate to date. Action must be taken now, to educate young people".

Therefore, we are dealing with a plea and a recognition that there has been an absence of education. This is not about politics; it is about evidence-based practice, which is why I am hopeful that the Government will support new clause 1.

4 pm

Who provides that education is also vital. Trained professionals, school nurses and public health workers have the qualifications to deliver that programme. This is therefore not about putting pressure on teachers; it is about enabling health professionals to do their job. I ask the Minister to give this issue due consideration, to ensure that the full public health agenda is brought in, because if we do not couple this Bill with public health and the education agenda around it, its impact will be lessened. We need to make sure that the Bill has real impact and does deliver results, so let us include education. My last point is that the only systematic way of achieving that will be through the PSHE programme.

Owen Thompson (Midlothian) (SNP): I, too, will be brief.

First, I wish to thank the other members of the Bill Committee. This was my first Bill Committee experience. It was clear that the Minister, shadow Minister and all the other members of the Committee were pointing in one direction and that although we might have slight disagreements about the measures to take along the way, we ultimately want to get to the same point.

I echo the comments made by my hon. Friend the Member for Glasgow North East (Anne McLaughlin) in support of her amendments. I also very much wish to echo the comments made by a number of colleagues in Committee; I raised the point about poppers there and the case was again made, "We want a blanket ban. How can we possibly have exemptions?" We already have a

schedule of exemptions in the Bill, so there is a precedent. Giving an exemption now and having the study to continue the work being done, rather than banning poppers and having to undo that and unpick a mess that we might create for ourselves, is a far more sensible approach to take. I hope that the number of voices from around this Chamber today to that end will be heard by the Minister and he will tell us that he has now come to that conclusion and that that is the position we are going to take. I am aware of the pressures and the keenness to get on to the second group of amendments, so, with that, I shall conclude.

Mike Penning: It has been said several times that perhaps this Bill should have been introduced a lot earlier—many years ago. One reason why it was not is that it was so difficult to do. I say to my Liberal Democrat friend, the right hon. Member for North Norfolk (Norman Lamb), that when Lynne Featherstone was in my job she was 100% in support of this Bill. I know it has been a difficult time for the Liberal Democrats, but perhaps she was right in many of the things she said and which we brought forward. I am not going to comment any further on that, because the right hon. Gentleman and I disagree profoundly. We will, of course, oppose his amendments; he is not going to be surprised by that.

I, too, want to get on to the second group, so it is important that we make some progress. Many important speeches have been made this afternoon, in completely the right tone and adopting completely the right attitude towards what we are trying to do, which is protect people. Throughout the Committee stage, I was trying to ensure that we kept why we are trying to do this at the forefront of things. We may disagree about specific parts, as we have heard in the Chamber today, and we may slightly disagree on the methodology on certain parts, but I have a responsibility as the Minister, standing at this Dispatch Box with my colleagues from other Departments. They have worked closely with me, and I want some of them to work even more closely with me as we go forward with the Bill and with the review which we have committed to all the way through.

With that in mind, I will try to deal with new clause 1, then take up some of the issues raised in connection with other amendments and then deal with amendment 5, which relates to poppers. That has taken up most of our time in the Chamber today and, as was alluded to by the Chairman of the Select Committee, it is probably one of the areas where we slightly disagree—and then it is only on how we do it, rather than what we are going to do.

As I said early on, this Bill is not a golden bullet; it is not the be-all and end-all. It is about providing a blanket ban; it is a brand new type of legislation. We have not seen it before in this House, and it needs to be worked through with two or three other Departments. Obviously, the Ministry of Justice must be involved because we are creating a criminal offence—fortunately, I also sit in that Department, which is quite helpful. The Department for Health is also important. During the course of the debate, I was very conscious of the implications for public health. I am also talking about the prevention of diseases, but I will come back to that later. Lastly, as new clause 1 indicates, the involvement of the Department for Education is also important.

I met Ministers, scientists and police in the Republic of Ireland to find out how their Bill, which is close but not identical to ours, worked. One of the biggest things they said was that we need to get the message out there. We should target young people, but not exclusively young people, as we discovered today; I mean no disrespect to my hon. Friend the Member for Reigate (Crispin Blunt) when I say that. The matter runs across the age profile. I do apologise if I refer to young people too often.

Gerald Jones (Merthyr Tydfil and Rhymney) (Lab)
rose—

Mike Penning: I will give way, but I will not do it too much, because we want to get on to the next group of amendments.

Gerald Jones: What lessons does the Minister think we can learn from the Welsh schools liaison programme, which sees drug education awareness being delivered in 97% of primary and secondary schools in Wales?

Mike Penning: With devolution, different Governments in different parts of this great nation are delivering programmes. I fully respect that it is very early days. Part of the review that I committed to early on is that we will look very carefully at how we and other parts of the country have done things. Interestingly, we will have better evidence from the Republic of Ireland as well.

When we discussed this matter in Committee, I was aware that the shadow Minister was at times on a very steep learning curve, as indeed was I with regard to part of the Bill. I do think that we can resolve some issues without the statutory requirement in the legislation. The shadow Minister referred to the cost of interventions and education. The latest figure that we have on tackling drug misuse is £341 million, which was, believe it or not, in 2011-12.

Right at the start, I accepted that FRANK is not perfect and that it needs to be improved, but I do not want scrap it and bring in something else with a different name. The scheme very much needs to work with the Angelus Foundation and others, because the third sector—the voluntary sector—often knows much better than the Government, which is why the previous Administration and this Administration have used it extensively.

Norman Lamb *rose—*

Mike Penning: Let me make some progress. If I have time, I will come back to the right hon. Gentleman.

I know from the speech of my right hon. Friend the Member for Chesham and Amersham (Mrs Gillan) that there were concerns that non-psychoactive substances will be pulled in. This Bill is specifically about psychoactive substances. My full understanding is that we will not be including the sort of products to which she has alluded, but we will keep a close eye. Under clause 3, we have the ability to take things out. I must say, though, that that clause is not designed to bring in things, which caused slight confusion during the debate this afternoon. When I come on to poppers, I will explain myself a little better.

Mrs Gillan: Will the Minister give way?

Mike Penning: No, I want to make some progress if I can, but I will come back if I have some time.

Last night, I had the honour of meeting my hon. Friend the Member for Central Suffolk and North Ipswich (Dr Poulter), along with a professor from King's, to discuss research. We need research not only in matters of health, but in the law to ensure that we are evidence based. I was conscious last night that we needed to ensure that we are not preventing research. The Bill actually makes a provision for it, but the probing amendments of my hon. Friend were looking at the problems around cannabis and how we need to learn about its harms and benefits. I will ask my officials to continue that important dialogue after we leave the Chamber this afternoon.

I had a really interesting time in Committee with the Scottish National party's Front-Bench spokesperson, the hon. Member for Glasgow North East (Anne McLaughlin). We have had a very good dialogue with Scottish Ministers, particularly on an important provision that makes possession a criminal offence in secure facilities. That was not originally in the Bill, but it was added at the request of the Ministry of Justice and, interestingly, prison officers and some prison groups, because these substances are a menace in our prisons and young offenders institutions. I am quite amazed at some of the hon. Lady's amendments today, because during our discussions both the Minister and the Cabinet Secretary in the Scottish Government were content for possession in custodial suites to be an offence. I make no comment on communications within the Scottish Administration, but we worked really hard to ensure that everybody was on board with that, so I cannot support those amendments.

The key to the Bill is protecting people. I do not want to criminalise every young person in the country who has been using these substances legally, but dangerously, for a considerable time. However, it is absolutely crucial that we do not get into a situation in which the defence in our courts is, "I bought it for a couple of friends and sold it on to them, so what's the danger?" It is a danger.

Mrs Gillan: In that case, will the Minister ensure that he writes to me about the substances listed in my amendment so that I can reassure my constituents that they will not be breaking the law by continuing to offer them online?

Mike Penning: I am more than happy to write to my right hon. Friend with those assurances, so long as we know exactly what those substances are. We need to communicate about that outside the Chamber.

Norman Lamb *rose*—

Mike Penning: I will give way to the right hon. Gentleman, but then I will curtail my comments so that the House can make its decisions and we can move on to the next group of amendments.

Norman Lamb: I am grateful to the Minister. On the question of not wanting to criminalise young people, and in reference to the point made by the hon. Member for Glasgow North East (Anne McLaughlin), is it the case that the Bill will criminalise someone who buys online from overseas but will not criminalise someone who buys in an alleyway from a criminal?

Mike Penning: We need to stop these products from being available to young people, middle-aged people and old people like me. It is absolutely crucial that we do that. One of the ways that people can get these products, as we have heard today, is online. We need to ensure that the criminal offence of selling one of these substances will have the penalties it deserves, because there is no point having a blanket ban if we do not actually enforce it.

Paul Flynn *rose*—

Mike Penning: I will not give way again.

Let me now touch on what is an important, and understandably emotive, provision in the Bill. This relates to amendment 5, tabled by the hon. Member for West Ham (Lyn Brown). I desperately have no intention of making life difficult for any individual group; my sole role as a Minister at this Dispatch Box is to protect. When I first looked at the proposals in the Bill, one of the things I asked straight away was, "Okay, tell me about poppers and alkyl nitrites"—I knew very little about them.

Bearing in mind that my role is to protect people and to make sure that this legislation does its job, one of the first things that was put in front of me is the fact that since 1993 these nitrates have been mentioned 20 times on death certificates. Then after that—quite late on, to be fair—I started to listen to other groups, because it was the first time they had asked me to do so. The Bill had gone through the Lords and started its Committee stage when, in Committee, I offered to meet, as I always do, any group that wanted to come and see me. Groups that were going to be affected by the poppers ban came to see me and started to give evidence that these substances were not as dangerous as I had said—and have probably just said again.

4.15 pm

With that in mind, I went away to look at this, and, with the help of the Home Secretary and others, came up with a compromise and a plan. I pay tribute to my hon. Friend the Member for Finchley and Golders Green (Mike Freer) in this regard. As he said, I have different types of evidence being put to me, so let us, for once, have an evidential base for this. Stage 1, which will start immediately after this—it has probably already started, in many ways—is that the MHRA will start evidence-gathering. I slightly misled the shadow Minister earlier when I said that it would be the AMCD, although it will obviously be putting evidence into the process.

Stage 2, once the MHRA has gathered its evidence, will be an assessment by an independent—I stress independent—assessor. We will come to a common agreement, probably with the help of the Select Committee, as to the identity of that independent individual, or individuals. This will not be Home Office-led; it will be done with the Department of Health. Following that, we can come forward with a decision that will be jointly made by the Secretary of State for Health and the Home Secretary. Then, if necessary, we can use the regulations in clause 3 to exempt products. I make a commitment that we will do that by the summer recess. I know that others in the House would like us to do it another way, but clause 3 cannot be used for that. We would have to amend the Bill again.

I think that is a compromise. I have listened extensively to Members across the House in the past few weeks and since the Bill started in the other House. I know that this is going to be difficult for some individuals, and I fully respect their views, but I hope that everybody in the House respects the fact that I am trying to do the right thing to protect people.

Question put, That the clause be read a Second time.

The House divided: Ayes 241, Noes 307.

Division No. 168]

[4.17 pm

AYES

Abrahams, Debbie	Durkan, Mark
Ahmed-Sheikh, Ms Tasmina	Eagle, Ms Angela
Alexander, Heidi	Eagle, Maria
Ali, Rushanara	Edwards, Jonathan
Anderson, Mr David	Efford, Clive
Austin, Ian	Elliott, Julie
Bardell, Hannah	Elliott, Tom
Barron, rh Kevin	Ellman, Mrs Louise
Beckett, rh Margaret	Evans, Chris
Benn, rh Hilary	Farrelly, Paul
Betts, Mr Clive	Fellows, Marion
Blackford, Ian	Ferrier, Margaret
Blackman-Woods, Dr Roberta	Field, rh Frank
Blenkinsop, Tom	Fitzpatrick, Jim
Blomfield, Paul	Flelo, Robert
Bradshaw, rh Mr Ben	Fletcher, Colleen
Brake, rh Tom	Flint, rh Caroline
Brennan, Kevin	Fovargue, Yvonne
Brock, Deidre	Foxcroft, Vicky
Brown, Alan	Gardiner, Barry
Brown, Lyn	Gethins, Stephen
Buck, Ms Karen	Gibson, Patricia
Burden, Richard	Glass, Pat
Burgon, Richard	Glindon, Mary
Burnham, rh Andy	Goodman, Helen
Cadbury, Ruth	Grady, Patrick
Cameron, Dr Lisa	Grant, Peter
Campbell, rh Mr Alan	Gray, Neil
Campbell, Mr Ronnie	Green, Kate
Carmichael, rh Mr Alistair	Greenwood, Lilian
Chapman, Douglas	Greenwood, Margaret
Chapman, Jenny	Griffith, Nia
Clegg, rh Mr Nick	Gwynne, Andrew
Coaker, Vernon	Haigh, Louise
Coffey, Ann	Hamilton, Fabian
Cooper, rh Yvette	Hanson, rh Mr David
Corbyn, rh Jeremy	Harman, rh Ms Harriet
Cowan, Ronnie	Harpham, Harry
Cox, Jo	Harris, Carolyn
Coyle, Neil	Hayes, Helen
Crausby, Mr David	Healey, rh John
Crawley, Angela	Hendrick, Mr Mark
Creagh, Mary	Hepburn, Mr Stephen
Creasy, Stella	Hillier, Meg
Cruddas, Jon	Hodgson, Mrs Sharon
Cryer, John	Hoey, Kate
Cummins, Judith	Hollern, Kate
Cunningham, Alex	Hopkins, Kelvin
Cunningham, Mr Jim	Hunt, Tristram
Danczuk, Simon	Huq, Dr Rupa
David, Wayne	Hussain, Imran
Davies, Geraint	Irranca-Davies, Huw
Docherty, Martin John	Jarvis, Dan
Donaldson, Stuart Blair	Johnson, rh Alan
Doughty, Stephen	Johnson, Diana
Dowd, Jim	Jones, Gerald
Dowd, Peter	Jones, Helen
Dromey, Jack	Jones, Mr Kevan

Jones, Susan Elan	Qureshi, Yasmin
Kane, Mike	Rayner, Angela
Kaufman, rh Sir Gerald	Reed, Mr Jamie
Keeley, Barbara	Reed, Mr Steve
Kendall, Liz	Rees, Christina
Kerr, Calum	Reynolds, Emma
Kinahan, Danny	Reynolds, Jonathan
Kinnock, Stephen	Rimmer, Marie
Kyle, Peter	Ritchie, Ms Margaret
Lamb, rh Norman	Robinson, Mr Geoffrey
Law, Chris	Rotheram, Steve
Leslie, Chris	Ryan, rh Joan
Lewell-Buck, Mrs Emma	Saville Roberts, Liz
Lewis, Clive	Sharma, Mr Virendra
Lewis, Mr Ivan	Sheerman, Mr Barry
Long Bailey, Rebecca	Sherriff, Paula
Lucas, Caroline	Shuker, Mr Gavin
Lucas, Ian C.	Siddiq, Tulip
Lynch, Holly	Skinner, Mr Dennis
MacNeil, Mr Angus Brendan	Slaughter, Andy
Mactaggart, rh Fiona	Smeeth, Ruth
Madders, Justin	Smith, rh Mr Andrew
Mahmood, Mr Khalid	Smith, Angela
Mahmood, Shabana	Smith, Cat
Malhotra, Seema	Smith, Jeff
Marris, Rob	Smith, Nick
Marsden, Mr Gordon	Smith, Owen
Maskell, Rachael	Smyth, Karin
Matheson, Christian	Spellar, rh Mr John
McCabe, Steve	Starmer, Keir
McCarthy, Kerry	Stephens, Chris
McDonagh, Siobhain	Stevens, Jo
McDonald, Stewart Malcolm	Stringer, Graham
McDonald, Stuart C.	Stuart, rh Ms Gisela
McDonnell, Dr Alasdair	Tami, Mark
McDonnell, John	Thewliss, Alison
McFadden, rh Mr Pat	Thomas, Mr Gareth
McGinn, Conor	Thomas-Symonds, Nick
McInnes, Liz	Thompson, Owen
McLaughlin, Anne	Thomson, Michelle
Meale, Sir Alan	Thornberry, Emily
Mearns, Ian	Trickett, Jon
Miliband, rh Edward	Turley, Anna
Monaghan, Carol	Turner, Karl
Monaghan, Dr Paul	Twigg, Stephen
Moon, Mrs Madeleine	Umunna, Mr Chuka
Morden, Jessica	Vaz, rh Keith
Mulholland, Greg	Watson, Mr Tom
Mullin, Roger	Weir, Mike
Murray, Ian	Whitehead, Dr Alan
Nandy, Lisa	Whitford, Dr Philippa
Newlands, Gavin	Williams, Mr Mark
Nicolson, John	Wilson, Corri
O'Hara, Brendan	Wilson, Phil
Onn, Melanie	Winnick, Mr David
Onwurah, Chi	Winterton, rh Dame Rosie
Osamor, Kate	Wishart, Pete
Oswald, Kirsten	Woodcock, John
Owen, Albert	Wright, Mr Iain
Paterson, Steven	Zeichner, Daniel
Pearce, Teresa	
Pennycook, Matthew	
Perkins, Toby	
Pound, Stephen	
Powell, Lucy	

Tellers for the Ayes:
Sue Hayman and
Grahame M. Morris

NOES

Adams, Nigel	Allen, Heidi
Afriyie, Adam	Andrew, Stuart
Aldous, Peter	Ansell, Caroline
Allan, Lucy	Argar, Edward

Atkins, Victoria	Ellis, Michael	Johnson, Joseph	Poulter, Dr Daniel
Bacon, Mr Richard	Ellison, Jane	Jones, Andrew	Prentis, Victoria
Baldwin, Harriett	Ellwood, Mr Tobias	Jones, rh Mr David	Prisk, Mr Mark
Barclay, Stephen	Elphicke, Charlie	Jones, Mr Marcus	Pritchard, Mark
Baron, Mr John	Eustice, George	Kawczynski, Daniel	Pursglove, Tom
Barwell, Gavin	Evans, Graham	Kennedy, Seema	Quin, Jeremy
Bebb, Guto	Evennett, rh Mr David	Kirby, Simon	Quince, Will
Bellingham, Sir Henry	Fabricant, Michael	Knight, rh Sir Greg	Raab, Mr Dominic
Benyon, Richard	Fernandes, Suella	Knight, Julian	Redwood, rh John
Beresford, Sir Paul	Field, rh Mark	Kwarteng, Kwasi	Rees-Mogg, Mr Jacob
Berry, Jake	Flynn, Paul	Lancaster, Mark	Robertson, Mr Laurence
Berry, James	Foster, Kevin	Latham, Pauline	Robinson, Gavin
Bingham, Andrew	Fox, rh Dr Liam	Leadsom, Andrea	Robinson, Mary
Blackman, Bob	Frazer, Lucy	Lee, Dr Phillip	Rosindell, Andrew
Blackwood, Nicola	Freeman, George	Lefroy, Jeremy	Rudd, rh Amber
Blunt, Crispin	Freer, Mike	Leigh, Sir Edward	Rutley, David
Bone, Mr Peter	Fuller, Richard	Leslie, Charlotte	Sandbach, Antoinette
Borwick, Victoria	Fysh, Marcus	Letwin, rh Mr Oliver	Scully, Paul
Bottomley, Sir Peter	Gale, Sir Roger	Lewis, Brandon	Selous, Andrew
Bradley, Karen	Garnier, rh Sir Edward	Lewis, rh Dr Julian	Shannon, Jim
Brady, Mr Graham	Gauke, Mr David	Liddell-Grainger, Mr Ian	Shapps, rh Grant
Brazier, Mr Julian	Ghani, Nusrat	Lidington, rh Mr David	Sharma, Alok
Bridgen, Andrew	Gibb, Mr Nick	Lilley, rh Mr Peter	Shelbrooke, Alec
Brine, Steve	Gillan, rh Mrs Cheryl	Lopresti, Jack	Simpson, David
Brokenshire, rh James	Glen, John	Lord, Jonathan	Simpson, rh Mr Keith
Bruce, Fiona	Gove, rh Michael	Loughton, Tim	Skidmore, Chris
Buckland, Robert	Graham, Richard	Lumley, Karen	Smith, Chloe
Burns, Conor	Grant, Mrs Helen	Mackinlay, Craig	Smith, Henry
Burns, rh Sir Simon	Grayling, rh Chris	Mackintosh, David	Smith, Julian
Burrowes, Mr David	Green, Chris	Main, Mrs Anne	Smith, Royston
Burt, rh Alistair	Green, rh Damian	Mak, Mr Alan	Soames, rh Sir Nicholas
Cairns, Alun	Grieve, rh Mr Dominic	Malthouse, Kit	Solloway, Amanda
Carmichael, Neil	Griffiths, Andrew	Mann, Scott	Soubry, rh Anna
Cartlidge, James	Gummer, Ben	Mathias, Dr Tania	Spelman, rh Mrs Caroline
Cash, Sir William	Gyimah, Mr Sam	Maynard, Paul	Spencer, Mark
Caulfield, Maria	Halfon, rh Robert	McCartney, Jason	Stephenson, Andrew
Chalk, Alex	Hall, Luke	McCartney, Karl	Stevenson, John
Chishti, Rehman	Hancock, rh Matthew	McLoughlin, rh Mr Patrick	Stewart, Iain
Chope, Mr Christopher	Hands, rh Greg	McPartland, Stephen	Stewart, Rory
Churchill, Jo	Harper, rh Mr Mark	Menzies, Mark	Streeter, Mr Gary
Clark, rh Greg	Harrington, Richard	Mercer, Johnny	Stride, Mel
Clarke, rh Mr Kenneth	Harris, Rebecca	Merriman, Huw	Stuart, Graham
Cleverly, James	Hart, Simon	Metcalfe, Stephen	Sturdy, Julian
Clifton-Brown, Geoffrey	Haselhurst, rh Sir Alan	Miller, rh Mrs Maria	Sunak, Rishi
Coffey, Dr Thérèse	Hayes, rh Mr John	Milling, Amanda	Swayne, rh Mr Desmond
Collins, Damian	Heald, Sir Oliver	Mills, Nigel	Syms, Mr Robert
Colville, Oliver	Heappey, James	Milton, rh Anne	Thomas, Derek
Costa, Alberto	Heaton-Harris, Chris	Mitchell, rh Mr Andrew	Throup, Maggie
Cox, Mr Geoffrey	Heaton-Jones, Peter	Morris, Anne Marie	Timpson, Edward
Crabb, rh Stephen	Henderson, Gordon	Morris, David	Tolhurst, Kelly
Crouch, Tracey	Hermon, Lady	Morris, James	Tomlinson, Justin
Davies, Byron	Hinds, Damian	Morton, Wendy	Tomlinson, Michael
Davies, Chris	Hoare, Simon	Mowat, David	Tracey, Craig
Davies, David T. C.	Hollingbery, George	Mundell, rh David	Tredinnick, David
Davies, Glyn	Hollinrake, Kevin	Murray, Mrs Sheryll	Trevelyan, Mrs Anne-Marie
Davies, Dr James	Hollobone, Mr Philip	Murrison, Dr Andrew	Truss, rh Elizabeth
Davies, Mims	Hopkins, Kris	Neill, Robert	Tugendhat, Tom
Davies, Philip	Howarth, Sir Gerald	Nokes, Caroline	Turner, Mr Andrew
Davis, rh Mr David	Howell, John	Norman, Jesse	Vaizey, Mr Edward
Dinenage, Caroline	Howlett, Ben	Nuttall, Mr David	Vara, Mr Shailesh
Djanogly, Mr Jonathan	Huddleston, Nigel	Offord, Dr Matthew	Vickers, Martin
Dodds, rh Mr Nigel	Hunt, rh Mr Jeremy	Parish, Neil	Villiers, rh Mrs Theresa
Donaldson, rh Mr Jeffrey M.	Hurd, Mr Nick	Patel, rh Priti	Walker, Mr Charles
Donelan, Michelle	Jackson, Mr Stewart	Pawsey, Mark	Walker, Mr Robin
Double, Steve	James, Margot	Penning, rh Mike	Wallace, Mr Ben
Dowden, Oliver	Javid, rh Sajid	Penrose, John	Warburton, David
Doyle-Price, Jackie	Jayawardena, Mr Ranil	Percy, Andrew	Warman, Matt
Drax, Richard	Jenkin, Mr Bernard	Perry, Claire	Watkinson, Dame Angela
Drummond, Mrs Flick	Jenkyns, Andrea	Phillips, Stephen	Wharton, James
Duncan, rh Sir Alan	Jenrick, Robert	Philp, Chris	Whately, Helen
Duncan Smith, rh Mr Iain	Johnson, Boris	Pickles, rh Sir Eric	Wheeler, Heather
Dunne, Mr Philip	Johnson, Gareth	Pincher, Christopher	White, Chris

Whittaker, Craig
Whittingdale, Mr John
Wiggin, Bill
Williams, Craig
Williamson, Mr Gavin
Wilson, Mr Rob
Wollaston, Dr Sarah

Wood, Mike
Wragg, William
Wright, Mr Jeremy
Zahawi, Nadhim

Tellers for the Noes:
Sarah Newton and
Guy Opperman

Question accordingly negatived.

New Clause 2

BREACH OF A PREMISES NOTICE

‘(1) A senior officer or a local authority may issue a notice requiring a premises to cease trading if conditions A, B and C are met.

(2) Condition A is that the premises has been issued a premises notice under section 13 of this Act.

(3) Condition B is that in the view of the senior officer or a local authority that issued the premises notice, the terms of that notice are not being complied with.

(4) Condition C is that the senior officer or local authority has made an application to an appropriate court for a premises order under section 19 of this Act.

(5) A notice issued to a premises under subsection 1 shall cease to have effect when a court has considered an application for a premises order in respect of that premise.

(6) In a case where a court has decided not to issue a premises order to a premise that has been subject to a notice under this section, the court may order the local authority or the senior officer’s organisation to pay compensation to the owner of the premises in respect of income lost due to the suspension in trading.

(7) For the meaning of “senior officer”, see section 12(7).’—
(*Lyn Brown.*)

This new clause’s intention is to allow a senior officer or local authority to compel a premises to stop trading while it applies for a premises order.

Brought up, and read the First time.

4.30 pm

Lyn Brown: I beg to move, That the clause be read a Second time.

Mr Deputy Speaker (Mr Lindsay Hoyle): With this it will be convenient to discuss the following:

Amendment 2, in clause 6, page 3, line 19, leave out “or C” and insert “, C, D or E”.

Amendment 3, page 4, line 7, at end insert—

‘(9A) Condition D is that the offence was committed on or within 100 metres of a children’s home.

(9B) For the purposes of section (9A) “children’s home” has the same meaning as in section 1 of the Care Standards Act 2000.

(9C) Condition E is that the offender supplied a psychoactive substance to any persons who were under the age 18 when the offence was committed.’

Amendment 16, page 5, line 20, leave out clause 9.

This amendment would remove the specific offence of possession of a psychoactive substance in a custodial institution, while leaving in place the provisions that other offences—including possession with intent to supply—are aggravated if taking place in such institutions.

Amendment 17, in clause 10, page 6, line 5, leave out subsection (2).

This amendment seeks to remove the sentencing provisions associated with the offence in clause 9.

Government amendments 6 to 9 and 11.

Lyn Brown: In speaking to new clause 2, I praise the work of my hon. Friend the Member for Barrow and Furness (John Woodcock) and the Local Government Association.

The powers in new clause 2 are comparable to the closure powers for premises that serve alcohol under the Licensing Act 2003. The new clause will provide a helpful interim power for local authorities when premises notices have been ignored. I do not see why we should treat outlets that are suspected of ignoring warnings to stop selling psychoactive substances any more gently than those that are believed to be selling alcohol illegally.

Kit Malthouse (North West Hampshire) (Con): I rise to speak to amendments 2 and 3, which stand in my name. They deal with one small anomaly in the Bill and one more fundamental issue.

It is accepted in the Bill that the selling of psychoactive substances to children is a heinous crime that should attract an aggravated sentence. The Bill contains the aggravating factor of selling psychoactive substances outside a school, which will attract a stiffer sentence. However, there is a group of children who are more vulnerable than those who go to school and that is those who live in children’s homes. I am therefore seeking to make it an offence to sell these substances outside a children’s home.

I understand that the Government are keen to rely on sentencing guidelines to bring in these measures. However, that raises the question of whether we should have any aggravating factors at all. These provisions mirror exactly those in the Misuse of Drugs Act 1971. As far as I can see, that is the only reason why children’s homes are excluded from the Bill. I ask the Minister to consider the logic of including selling these substances outside a children’s home alongside selling them outside a school.

The second issue is more fundamental. I am seeking to make it an aggravated offence to sell these substances to anybody under 18. The law for the protection of children in this country is patchy, old and confused. In particular, it does not privilege children as a group against whom committing a crime is particularly serious. We privilege lots of other groups, including those with a religious faith, those of particular ethnicities and those of a particular sexuality. If a crime is committed against those people because of who they are, it is more serious in sentencing terms. Children are not among that group.

My amendments therefore seek to make the sale of psychoactive substances to anybody under 18 a more serious offence in the eyes of a judge and one that attracts a stiffer sentence. I am doing this in the hope that when any future criminal justice or sentencing Bill appears, the House will do what it did in 2012, when it made the transgender community an aggravated feature, as it is called, which means that any offence that is committed against them because of their particular characteristics attracts a similar sentence. I hope that we will do the same for children in future legislation.

It is about time that we focused on some of the very old children’s legislation and brought it up to date. The first step in doing so is to send a signal to the courts and the public in general that we see children as a group that is worthy of special protection.

John Woodcock (Barrow and Furness) (Lab/Co-op): I apologise for any confusion, Mr Deputy Speaker. I thought that this debate would come later. I will speak very briefly. I am grateful to you for allocating time for this matter.

I want to impress on the Government that they ought to consider adopting the extra protection in the new clause. The blanket ban is a good step forward for which many of us on both sides of the House have called for some time. However, the potential still exists for a significant gap between the police or a local authority seeing the substances being traded and their being granted a court order. The new clause would allow an interim ban to be put in place while the application for the court order was being heard. If the application turned out to be misplaced, compensation of some kind could be made, but the provision would give communities the extra protection they need and deserve in these circumstances.

Mike Penning: I apologise to the House that my comments will have to be short because of the limited time available. In respect of new clause 2, I fully understand where Labour Members are coming from, but judicial oversight is very important. The hon. Member for Barrow and Furness (John Woodcock) mentioned the possibility of compensation if we got it wrong, but I do not want to get it wrong. I believe that we can get these matters into the courts very quickly; we do so with other court business and we can get judges to make these decisions.

My hon. Friend the Member for North West Hampshire (Kit Malthouse) spoke to amendments 2 and 3, and I fully understand his argument. The logic behind the specific designation of schools in the Bill goes back to the Misuse of Drugs Act 1971. I absolutely agree that we should bring our legislation up to date quickly, and I believe that the Sentencing Council is the place for that in a modern democracy. However, under section 125(1) of the Coroners and Justice Act 2009, courts are under exactly the same obligation to consider aggravating factors when sentencing an offender, whether those factors are in this Bill or in the guidelines issued by the Sentencing Council. So, sadly, although I fully understand both sets of arguments that have been put forward, I believe that we need to go with the Bill as it has been drafted.

Question put, That the clause be read a Second time.

The House divided: Ayes 227, Noes 306.

Division No. 169]

[4.36 pm

AYES

Abrahams, Debbie	Brennan, Kevin
Ahmed-Sheikh, Ms Tasmina	Brock, Deidre
Alexander, Heidi	Brown, Alan
Ali, Rushanara	Brown, Lyn
Anderson, Mr David	Buck, Ms Karen
Bardell, Hannah	Burden, Richard
Barron, rh Kevin	Burgon, Richard
Beckett, rh Margaret	Burnham, rh Andy
Benn, rh Hilary	Byrne, rh Liam
Betts, Mr Clive	Cadbury, Ruth
Blackford, Ian	Cameron, Dr Lisa
Blackman-Woods, Dr Roberta	Campbell, rh Mr Alan
Blomfield, Paul	Campbell, Mr Ronnie
Bradshaw, rh Mr Ben	Chapman, Douglas

Chapman, Jenny	Hopkins, Kelvin
Coaker, Vernon	Hunt, Tristram
Coffey, Ann	Huq, Dr Rupa
Cooper, rh Yvette	Hussain, Imran
Corbyn, rh Jeremy	Irranca-Davies, Huw
Cowan, Ronnie	Jarvis, Dan
Cox, Jo	Johnson, Diana
Coyle, Neil	Jones, Gerald
Crausby, Mr David	Jones, Helen
Crawley, Angela	Jones, Mr Kevan
Creagh, Mary	Jones, Susan Elan
Creasy, Stella	Kane, Mike
Cruddas, Jon	Kaufman, rh Sir Gerald
Cryer, John	Keeley, Barbara
Cummins, Judith	Kendall, Liz
Cunningham, Alex	Kerr, Calum
Cunningham, Mr Jim	Kinahan, Danny
Danczuk, Simon	Kyle, Peter
David, Wayne	Law, Chris
Davies, Geraint	Leslie, Chris
Docherty, Martin John	Lewell-Buck, Mrs Emma
Donaldson, Stuart Blair	Lewis, Clive
Doughty, Stephen	Lewis, Mr Ivan
Dowd, Jim	Long Bailey, Rebecca
Dowd, Peter	Lucas, Ian C.
Dromey, Jack	Lynch, Holly
Durkan, Mark	MacNeil, Mr Angus Brendan
Eagle, Maria	Mactaggart, rh Fiona
Edwards, Jonathan	Madders, Justin
Efford, Clive	Mahmood, Mr Khalid
Elliott, Julie	Mahmood, Shabana
Elliott, Tom	Marris, Rob
Ellman, Mrs Louise	Marsden, Mr Gordon
Evans, Chris	Maskell, Rachael
Farrelly, Paul	Matheson, Christian
Fellows, Marion	McCabe, Steve
Ferrier, Margaret	McCarthy, Kerry
Field, rh Frank	McDonagh, Siobhain
Fitzpatrick, Jim	McDonald, Andy
Flelo, Robert	McDonald, Stewart Malcolm
Fletcher, Colleen	McDonald, Stuart C.
Flint, rh Caroline	McDonnell, Dr Alasdair
Flynn, Paul	McFadden, rh Mr Pat
Fovargue, Yvonne	McGinn, Conor
Foxcroft, Vicky	McInnes, Liz
Gardiner, Barry	McLaughlin, Anne
Gethins, Stephen	McMahon, Jim
Gibson, Patricia	Meale, Sir Alan
Glass, Pat	Mearns, Ian
Glindon, Mary	Monaghan, Carol
Goodman, Helen	Monaghan, Dr Paul
Grady, Patrick	Moon, Mrs Madeleine
Grant, Peter	Morden, Jessica
Gray, Neil	Mullin, Roger
Green, Kate	Murray, Ian
Greenwood, Lilian	Nandy, Lisa
Greenwood, Margaret	Newlands, Gavin
Gwynne, Andrew	Nicolson, John
Haigh, Louise	O'Hara, Brendan
Hamilton, Fabian	Onn, Melanie
Hanson, rh Mr David	Onwurah, Chi
Harman, rh Ms Harriet	Osamor, Kate
Harpham, Harry	Oswald, Kirsten
Harris, Carolyn	Owen, Albert
Hayes, Helen	Paterson, Steven
Healey, rh John	Pearce, Teresa
Hendrick, Mr Mark	Pennycook, Matthew
Hepburn, Mr Stephen	Perkins, Toby
Hillier, Meg	Pound, Stephen
Hodgson, Mrs Sharon	Powell, Lucy
Hoey, Kate	Qureshi, Yasmin
Hollern, Kate	Rayner, Angela

Reed, Mr Jamie
 Reed, Mr Steve
 Rees, Christina
 Reeves, Rachel
 Reynolds, Emma
 Reynolds, Jonathan
 Rimmer, Marie
 Ritchie, Ms Margaret
 Robinson, Mr Geoffrey
 Rotheram, Steve
 Salmond, rh Alex
 Saville Roberts, Liz
 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, Cat
 Smith, Jeff
 Smith, Nick
 Smyth, Karin
 Spellar, rh Mr John
 Starmer, Keir
 Stephens, Chris

Stevens, Jo
 Stringer, Graham
 Stuart, rh Ms Gisela
 Tami, Mark
 Thewliss, Alison
 Thomas, Mr Gareth
 Thomas-Symonds, Nick
 Thompson, Owen
 Thomson, Michelle
 Thornberry, Emily
 Trickett, Jon
 Turner, Karl
 Twigg, Stephen
 Umunna, Mr Chuka
 Vaz, rh Keith
 Watson, Mr Tom
 Weir, Mike
 Whitehead, Dr Alan
 Whitford, Dr Philippa
 Wilson, Corri
 Wilson, Phil
 Winnick, Mr David
 Winterton, rh Dame Rosie
 Wishart, Pete
 Woodcock, John
 Zeichner, Daniel

Tellers for the Ayes:
 Sue Hayman and
 Grahame M. Morris

NOES

Adams, Nigel
 Afriyie, Adam
 Aldous, Peter
 Allan, Lucy
 Allen, Heidi
 Andrew, Stuart
 Ansell, Caroline
 Argar, Edward
 Atkins, Victoria
 Bacon, Mr Richard
 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
 Bradley, Karen
 Brady, Mr Graham
 Brazier, Mr 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, Alun

Carmichael, Neil
 Cartlidge, James
 Cash, Sir William
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Chope, Mr Christopher
 Churchill, Jo
 Clark, rh Greg
 Clarke, rh Mr Kenneth
 Cleverly, James
 Clifton-Brown, Geoffrey
 Coffey, Dr Thérèse
 Collins, Damian
 Colville, Oliver
 Costa, Alberto
 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 Mr Jeffrey M.
 Donelan, Michelle
 Double, Steve
 Dowden, Oliver
 Doyle-Price, Jackie
 Drax, Richard
 Drummond, Mrs Flick
 Duncan, rh Sir Alan
 Duncan Smith, rh Mr Iain
 Dunne, Mr Philip

Ellis, Michael
 Ellison, Jane
 Ellwood, Mr Tobias
 Elphicke, Charlie
 Eustice, George
 Evans, Graham
 Evennett, rh Mr David
 Fabricant, Michael
 Fernandes, Suella
 Field, rh Mark
 Foster, Kevin
 Fox, rh Dr Liam
 Frazer, Lucy
 Freeman, George
 Freer, Mike
 Fuller, Richard
 Fysh, Marcus
 Gale, Sir Roger
 Garnier, rh Sir Edward
 Gauke, Mr David
 Ghani, Nusrat
 Gibb, Mr Nick
 Gillan, rh Mrs Cheryl
 Glen, John
 Gove, rh Michael
 Graham, Richard
 Grant, Mrs Helen
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Grieve, rh Mr Dominic
 Griffiths, Andrew
 Gummer, Ben
 Gyimah, Mr Sam
 Halfon, rh Robert
 Hall, Luke
 Hancock, rh Matthew
 Hands, rh Greg
 Harper, rh Mr Mark
 Harrington, Richard
 Harris, Rebecca
 Hart, Simon
 Haselhurst, rh Sir Alan
 Hayes, rh Mr John
 Heald, Sir Oliver
 Heapey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Hermon, Lady
 Hinds, Damian
 Hoare, Simon
 Hollingbery, George
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Hopkins, Kris
 Howarth, Sir Gerald
 Howell, John
 Howlett, Ben
 Huddleston, Nigel
 Hunt, rh Mr Jeremy
 Hurd, Mr Nick
 Jackson, Mr Stewart
 James, Margot
 Javid, rh Sajid
 Jayawardena, Mr Ranil
 Jenkin, Mr Bernard
 Jenkyns, Andrea
 Jenrick, Robert
 Johnson, Boris
 Johnson, Gareth
 Johnson, Joseph

Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Marcus
 Kawczynski, Daniel
 Kennedy, Seema
 Kirby, Simon
 Knight, rh Sir Greg
 Knight, Julian
 Kwarteng, Kwasi
 Lancaster, Mark
 Latham, Pauline
 Leadsom, Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Leigh, Sir Edward
 Leslie, Charlotte
 Letwin, rh Mr Oliver
 Lewis, Brandon
 Lewis, rh Dr Julian
 Liddell-Grainger, Mr Ian
 Lidington, rh Mr David
 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
 Maynard, Paul
 McCartney, Jason
 McCartney, Karl
 McLoughlin, rh Mr 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
 Morris, Anne Marie
 Morris, David
 Morris, James
 Morton, Wendy
 Mowat, David
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, Dr Andrew
 Neill, Robert
 Nokes, Caroline
 Norman, Jesse
 Nuttall, Mr David
 Offord, Dr Matthew
 Parish, Neil
 Patel, rh Priti
 Pawsey, Mark
 Penning, rh Mike
 Penrose, John
 Percy, Andrew
 Perry, Claire
 Phillips, Stephen
 Philp, Chris
 Pickles, rh Sir Eric
 Pincher, Christopher
 Poulter, Dr Daniel

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
Solloway, Amanda
Soubry, rh Anna
Spelman, rh Mrs Caroline
Spencer, Mark
Stephenson, Andrew
Stevenson, John
Stewart, Iain
Stewart, Rory
Streeter, Mr Gary
Stride, Mel
Stuart, Graham
Sturdy, Julian
Sunak, Rishi

Swayne, rh Mr Desmond
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, 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
Wollaston, Dr Sarah
Wood, Mike
Wragg, William
Wright, rh Jeremy
Zahawi, Nadhim

Tellers for the Noes:
Sarah Newton and
Guy Opperman

Cameron, Dr Lisa
Carmichael, rh Mr Alistair
Chapman, Douglas
Clegg, rh Mr Nick
Cowan, Ronnie
Crawley, Angela
Docherty, Martin John
Donaldson, Stuart Blair
Edwards, Jonathan
Ferrier, Margaret
Gethins, Stephen
Gibson, Patricia
Grady, Patrick
Grant, Peter
Gray, Neil
Kerr, Calum
Lamb, rh Norman
Law, Chris
Lucas, Caroline
MacNeil, Mr Angus Brendan
McDonald, Stewart Malcolm
McDonald, Stuart C.

McLaughlin, Anne
Monaghan, Carol
Monaghan, Dr Paul
Mullin, Roger
Newlands, Gavin
Nicolson, John
O'Hara, Brendan
Oswald, Kirsten
Paterson, Steven
Salmond, rh Alex
Saville Roberts, Liz
Sheppard, Tommy
Stephens, Chris
Thewliss, Alison
Thomson, Michelle
Weir, Mike
Whitford, Dr Philippa
Wilson, Corri
Wishart, Pete

Tellers for the Ayes:
Owen Thompson and
Marion Fellows

NOES

Adams, Nigel
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Andrew, Stuart
Ansell, Caroline
Argar, Edward
Atkins, Victoria
Bacon, Mr Richard
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
Bradley, Karen
Brady, Mr Graham
Brazier, Mr 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, Alun
Carmichael, Neil
Cartlidge, James
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Mr Christopher
Churchill, Jo
Clark, rh Greg
Clarke, rh Mr Kenneth
Cleverly, James
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Colville, Oliver
Costa, Alberto
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 Mr Jeffrey M.
Donelan, Michelle
Double, Steve
Dowden, Oliver
Doyle-Price, Jackie
Drax, Richard
Drummond, Mrs Flick
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
Evennett, rh Mr David
Fabricant, Michael
Fernandes, Suella
Field, rh Mark
Foster, Kevin
Fox, rh Dr Liam
Frazer, Lucy
Freeman, George

Question accordingly negated.

4.49 pm

More than three hours having elapsed since the commencement of proceedings on consideration, the proceedings were interrupted (Programme Order, 19 October 2015).

The Deputy Speaker put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83E).

Clause 8

IMPORTING OR EXPORTING A PSYCHOACTIVE SUBSTANCE

Amendment proposed: 14, page 4, line 38, leave out paragraph (i)—(Anne McLaughlin.)

This amendment seeks to exclude from criminalisation those who order psychoactive substances over the internet for personal consumption.

The House divided: Ayes 47, Noes 307.

Division No. 170]

[4.49 pm

AYES

Ahmed-Sheikh, Ms Tasmina
Bardell, Hannah
Blackford, Ian
Brake, rh Tom
Brock, Deidre
Brown, Alan

Freer, Mike
Fuller, Richard
Fysh, Marcus
Gale, Sir Roger
Garnier, rh Sir Edward
Gauke, Mr David
Ghani, Nusrat
Gibb, Mr Nick
Gillan, rh Mrs Cheryl
Glen, John
Gove, rh Michael
Graham, Richard
Grant, Mrs Helen
Grayling, rh Chris
Green, Chris
Green, rh Damian
Grieve, rh Mr Dominic
Griffiths, Andrew
Gummer, Ben
Gyimah, Mr Sam
Halfon, rh Robert
Hall, Luke
Hancock, rh Matthew
Hands, rh Greg
Harper, rh Mr Mark
Harrington, Richard
Harris, Rebecca
Hart, Simon
Haselhurst, rh Sir Alan
Hayes, rh Mr John
Heald, Sir Oliver
Heapey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Hermon, Lady
Hinds, Damian
Hoare, Simon
Hollingbery, George
Hollinrake, Kevin
Hollobone, Mr Philip
Hopkins, Kris
Howarth, Sir Gerald
Howell, John
Howlett, Ben
Huddleston, Nigel
Hunt, rh Mr Jeremy
Hurd, Mr Nick
Jackson, Mr Stewart
James, Margot
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkin, Mr Bernard
Jenkyns, Andrea
Jenrick, Robert
Johnson, Boris
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, Andrea
Lee, Dr Phillip

Lefroy, Jeremy
Leigh, Sir Edward
Leslie, Charlotte
Letwin, rh Mr Oliver
Lewis, 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
Maynard, Paul
McCartney, Jason
McCartney, Karl
McLoughlin, rh Mr 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
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mowat, David
Mundell, rh David
Murray, Mrs Sheryll
Murrison, Dr Andrew
Neill, Robert
Nokes, Caroline
Norman, Jesse
Nuttall, Mr David
Offord, Dr Matthew
Parish, Neil
Patel, rh Priti
Pawsey, Mark
Penning, rh Mike
Penrose, John
Percy, Andrew
Perry, Claire
Phillips, Stephen
Philp, Chris
Pickles, rh Sir Eric
Pincher, Christopher
Poulter, Dr Daniel
Prentis, Victoria
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
Solloway, Amanda
Soubry, rh Anna
Spelman, rh Mrs Caroline
Spencer, Mark
Stephenson, Andrew
Stevenson, John
Stewart, Iain
Stewart, Rory
Streeter, Mr Gary
Stride, Mel
Stuart, Graham
Sturdy, Julian
Sunak, Rishi
Swayne, rh Mr Desmond
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, 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
Wollaston, Dr Sarah
Wood, Mike
Wragg, William
Wright, rh Jeremy
Zahawi, Nadhim

Tellers for the Noes:

**Guy Opperman and
Sarah Newton**

Question accordingly negated.

Clause 32

NATURE OF PROCEEDINGS UNDER SECTIONS 19 AND 29.
ETC

Amendments made: 6, page 21, line 3, leave out “arising by virtue of” and insert “under”.

This is a drafting amendment to ensure that the language in clause 32(1) mirrors that in clauses 33(5) and 34(5).

Amendment 7, page 21, line 11, leave out subsection (5) and insert—

“() An Act of Adjournal under section 305 of the Criminal Procedure (Scotland) Act 1995 (Acts of Adjournal) may be made in relation to proceedings before the High Court of Justiciary, the sheriff or the Sheriff Appeal Court—

- (a) arising by virtue of section 19 or 29;
- (b) under section 28, where the application relates to a prohibition order made under section 19;
- (c) under section 30(5);
- (d) under subsection (1) of section 31, where the relevant order (as defined in subsection (3) of that section) was made under section 19;
- (e) under section 31(7).”

This amendment enables the High Court of Justiciary in Scotland to make an Act of Adjournal (criminal procedure rules) in relation to specified civil proceedings under clauses 19, 28, 29, 30 and 31 before the High Court of Justiciary, the sheriff or the Sheriff Appeal Court.

Amendment 8, page 21, line 23, leave out subsection (7) —(Mike Penning.)

This amendment deletes clause 32(7), which provides that the criminal procedure rules would apply to proceedings under clauses 19 and 29 in the Crown Court in England and Wales. Such rules would apply in any event; accordingly express provision to this end is not required.

Clause 62

EXTENT

Amendment made: 9, page 38, line 33, at end insert—

“() The power under section 384(1) of the Armed Forces Act 2006 (“the 2006 Act”) may be exercised so as to extend to any of the Channel Islands (with or without modifications) any amendment or repeal made by or under this Act of any part of the 2006 Act.

() The power under section 384(2) of the 2006 Act may be exercised so as to modify any provision of that Act as amended by or under this Act as it extends to the Isle of Man or a British overseas territory.”—(Mike Penning.)

This amendment enables the amendments to the Armed Forces Act 2006 made by paragraph 7 of Schedule 5 to the Bill to be extended, with or without modifications, to any of the Channel Islands and provides power to modify that Act, as amended by the Bill, as it extends to the Isle of Man or a British overseas territory.

Schedule 1

EXEMPTED SUBSTANCES

Amendment proposed: 5, page 41, line 12, at end insert—

“Miscellaneous

8 Alkyl nitrites”—(Lyn Brown.)

This would exempt “poppers” from the Bill, as recommended by the Home Affairs Select Committee.

The House divided: Ayes 228, Noes 309.

Division No. 171]

[5.1 pm

AYES

Abbott, Ms Diane	Chapman, Douglas
Abrahams, Debbie	Chapman, Jenny
Ahmed-Sheikh, Ms Tasmina	Clegg, rh Mr Nick
Alexander, Heidi	Coaker, Vernon
Ali, Rushanara	Coffey, Ann
Anderson, Mr David	Cooper, rh Yvette
Bardell, Hannah	Corbyn, rh Jeremy
Barron, rh Kevin	Cowan, Ronnie
Beckett, rh Margaret	Coyle, Neil
Benn, rh Hilary	Crausby, Mr David
Betts, Mr Clive	Crawley, Angela
Blackford, Ian	Creagh, Mary
Blackman-Woods, Dr Roberta	Creasy, Stella
Blomfield, Paul	Cruddas, Jon
Blunt, Crispin	Cryer, John
Bradshaw, rh Mr Ben	Cummins, Judith
Brake, rh Tom	Cunningham, Alex
Brennan, Kevin	Cunningham, Mr Jim
Brock, Deidre	Danczuk, Simon
Brown, Alan	David, Wayne
Brown, Lyn	Davies, Geraint
Buck, Ms Karen	Davis, rh Mr David
Burden, Richard	Docherty, Martin John
Burgon, Richard	Donaldson, Stuart Blair
Burnham, rh Andy	Doughty, Stephen
Byrne, rh Liam	Dowd, Jim
Cadbury, Ruth	Dowd, Peter
Cameron, Dr Lisa	Dromey, Jack
Campbell, Mr Ronnie	Durkan, Mark
Carmichael, rh Mr Alistair	Eagle, Maria

Edwards, Jonathan	Mahmood, Mr Khalid
Efford, Clive	Mahmood, Shabana
Elliott, Julie	Marris, Rob
Ellman, Mrs Louise	Marsden, Mr Gordon
Evans, Chris	Matheson, Christian
Farrelly, Paul	McCabe, Steve
Fellows, Marion	McCarthy, Kerry
Ferrier, Margaret	McDonagh, Siobhain
Field, rh Frank	McDonald, Andy
Fitzpatrick, Jim	McDonald, Stewart Malcolm
Flelo, Robert	McDonald, Stuart C.
Fletcher, Colleen	McDonnell, Dr Alasdair
Flint, rh Caroline	McFadden, rh Mr Pat
Flynn, Paul	McGinn, Conor
Fovargue, Yvonne	McInnes, Liz
Foxcroft, Vicky	McLaughlin, Anne
Gardiner, Barry	McMahon, Jim
Gethins, Stephen	Meale, Sir Alan
Gibson, Patricia	Mearns, Ian
Glass, Pat	Monaghan, Carol
Glindon, Mary	Monaghan, Dr Paul
Goodman, Helen	Moon, Mrs Madeleine
Grady, Patrick	Morden, Jessica
Grant, Peter	Mullin, Roger
Gray, Neil	Murray, Ian
Green, Kate	Nandy, Lisa
Greenwood, Lilian	Newlands, Gavin
Greenwood, Margaret	Nicolson, John
Gwynne, Andrew	O'Hara, Brendan
Haigh, Louise	Onn, Melanie
Hamilton, Fabian	Onwurah, Chi
Hanson, rh Mr David	Osamor, Kate
Harman, rh Ms Harriet	Oswald, Kirsten
Harpham, Harry	Owen, Albert
Harris, Carolyn	Paterson, Steven
Hayes, Helen	Pearce, Teresa
Healey, rh John	Pennycook, Matthew
Hendrick, Mr Mark	Perkins, Toby
Hepburn, Mr Stephen	Powell, Lucy
Hodgson, Mrs Sharon	Qureshi, Yasmin
Hollern, Kate	Rayner, Angela
Hopkins, Kelvin	Reed, Mr Jamie
Hunt, Tristram	Reed, Mr Steve
Huq, Dr Rupa	Rees, Christina
Hussain, Imran	Reynolds, Emma
Irranca-Davies, Huw	Reynolds, Jonathan
Jarvis, Dan	Rimmer, Marie
Johnson, rh Alan	Ritchie, Ms Margaret
Johnson, Diana	Robinson, Mr Geoffrey
Jones, Gerald	Rotheram, Steve
Jones, Mr Kevan	Salmond, rh Alex
Jones, Susan Elan	Saville Roberts, Liz
Kane, Mike	Sharma, Mr Virendra
Kaufman, rh Sir Gerald	Sheerman, Mr Barry
Keeley, Barbara	Sheppard, Tommy
Kendall, Liz	Sherriff, Paula
Kerevan, George	Shuker, Mr Gavin
Kerr, Calum	Siddiq, Tulip
Kyle, Peter	Skinner, Mr Dennis
Lamb, rh Norman	Slaughter, Andy
Lammy, rh Mr David	Smeeth, Ruth
Law, Chris	Smith, rh Mr Andrew
Lewell-Buck, Mrs Emma	Smith, Cat
Lewis, Clive	Smith, Jeff
Lewis, Mr Ivan	Smith, Nick
Long Bailey, Rebecca	Smyth, Karin
Lucas, Caroline	Starmer, Keir
Lucas, Ian C.	Stephens, Chris
Lynch, Holly	Stevens, Jo
MacNeil, Mr Angus Brendan	Streeting, Wes
Mactaggart, rh Fiona	Stringer, Graham
Madders, Justin	Stuart, rh Ms Gisela

Tami, Mark
 Thewliss, Alison
 Thomas, Mr Gareth
 Thomas-Symonds, Nick
 Thompson, Owen
 Thomson, Michelle
 Thornberry, Emily
 Trickett, Jon
 Turner, Karl
 Twigg, Stephen
 Umunna, Mr Chuka
 Vaz, rh Keith
 Watson, Mr Tom
 Weir, Mike

Whitehead, Dr Alan
 Whitford, Dr Philippa
 Williams, Mr Mark
 Wilson, Corri
 Wilson, Phil
 Winnick, Mr David
 Winterton, rh Dame Rosie
 Wishart, Pete
 Woodcock, John
 Zeichner, Daniel

Tellers for the Ayes:
Sue Hayman and
Grahame M. Morris

NOES

Adams, Nigel
 Afriyie, Adam
 Aldous, Peter
 Allan, Lucy
 Allen, Heidi
 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
 Bone, Mr Peter
 Borwick, Victoria
 Bottomley, Sir Peter
 Bradley, Karen
 Brady, Mr Graham
 Brazier, Mr 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, Alun
 Carmichael, Neil
 Cartlidge, James
 Cash, Sir William
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Chope, Mr Christopher
 Churchill, Jo
 Clark, rh Greg
 Clarke, rh Mr Kenneth
 Cleverly, James
 Clifton-Brown, Geoffrey
 Coffey, Dr Thérèse
 Collins, Damian
 Colville, Oliver

Costa, Alberto
 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
 Dodds, rh Mr Nigel
 Donaldson, rh Mr Jeffrey M.
 Donelan, Michelle
 Double, Steve
 Dowden, Oliver
 Doyle-Price, Jackie
 Drax, Richard
 Drummond, Mrs Flick
 Duncan Smith, rh Mr Iain
 Dunne, Mr Philip
 Elliott, Tom
 Ellis, Michael
 Ellison, Jane
 Ellwood, Mr Tobias
 Elphicke, Charlie
 Eustice, George
 Evans, Graham
 Evennett, rh Mr David
 Fabricant, Michael
 Fernandes, Suella
 Field, rh Mark
 Foster, Kevin
 Fox, rh Dr Liam
 Frazer, Lucy
 Freeman, George
 Freer, Mike
 Fuller, Richard
 Fysh, Marcus
 Gale, Sir Roger
 Garnier, rh Sir Edward
 Gauke, Mr David
 Ghani, Nusrat
 Gibb, Mr Nick
 Gillan, rh Mrs Cheryl
 Glen, John
 Gove, rh Michael
 Graham, Richard
 Grant, Mrs Helen
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Grieve, rh Mr Dominic

Griffiths, Andrew
 Gummer, Ben
 Gyimah, Mr Sam
 Halfon, rh Robert
 Hall, Luke
 Hammond, Stephen
 Hancock, rh Matthew
 Hands, rh Greg
 Harper, rh Mr Mark
 Harrington, Richard
 Harris, Rebecca
 Hart, Simon
 Haselhurst, rh Sir Alan
 Hayes, rh Mr John
 Heald, Sir Oliver
 Heapey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Hermon, Lady
 Hinds, Damian
 Hoare, Simon
 Hollingbery, George
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Hopkins, Kris
 Howarth, Sir Gerald
 Howell, John
 Howlett, Ben
 Huddleston, Nigel
 Hunt, rh Mr Jeremy
 Hurd, Mr Nick
 Jackson, Mr Stewart
 James, Margot
 Javid, rh Sajid
 Jayawardena, Mr Ranil
 Jenkin, Mr Bernard
 Jenkyns, Andrea
 Jenrick, Robert
 Johnson, Boris
 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, Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Leigh, Sir Edward
 Leslie, Charlotte
 Letwin, rh Mr Oliver
 Lewis, 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
 Maynard, Paul
 McCartney, Jason
 McCartney, Karl
 McLoughlin, rh Mr 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
 Nokes, Caroline
 Norman, Jesse
 Nuttall, Mr David
 Offord, Dr Matthew
 Parish, Neil
 Patel, rh Priti
 Pawsey, Mark
 Penning, rh Mike
 Penrose, John
 Percy, Andrew
 Perry, Claire
 Phillips, Stephen
 Philp, Chris
 Pickles, rh Sir Eric
 Pincher, Christopher
 Poulter, Dr Daniel
 Prentis, Victoria
 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
 Solloway, Amanda
 Soubry, rh Anna
 Spelman, rh Mrs Caroline
 Spencer, Mark
 Stephenson, Andrew
 Stevenson, John
 Stewart, Iain
 Stewart, Rory
 Streeter, Mr Gary
 Stride, Mel
 Stuart, Graham
 Sturdy, Julian
 Sunak, Rishi
 Swayne, rh Mr Desmond
 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, 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
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Noes:
 Sarah Newton and
 Guy Opperman

Question accordingly negatived.

Schedule 2

EXEMPTED ACTIVITIES

Amendment made: 10, page 42, line 36, leave out “as defined by” and insert

“falling within paragraphs (a) to (d) of”.—(*Mike Penning.*)

This amendment amends the definition of a “relevant NHS body” in Northern Ireland for the purposes of the exemption for research activities provided for in Schedule 2. The amendment excludes special agencies, the Patient and Client Council and the Regulation and Quality Improvement Authority from the scope of the definition.

Schedule 5

CONSEQUENTIAL AMENDMENTS

Amendment made: 11, page 57, line 2, at end insert—

“Regulatory Enforcement and Sanctions Act 2008

In Schedule 3 to the Regulatory Enforcement and Sanctions Act 2008 (enactments specified for the purposes of Part 1 of that Act), at the appropriate place insert—

“Psychoactive Substances Act 2016”.—(*Mike Penning.*)

This amendment adds the Psychoactive Substances Act to the list of enactments in Schedule 3 to the Regulatory Enforcement and Sanctions Act 2008 (which specifies enactments for the purpose of the Secretary of State’s and Welsh Ministers’ functions under Part 1 of that Act).

Third Reading

5.13 pm

Mike Penning: I beg to move, That the Bill be now read the Third time.

This has been an experience. I fully understand why previous Ministers and Governments looked long and hard at the Bill, and why, although it was desperately needed and there was a lot of talk, it did not go very far.

I commend the work done by two Liberal Democrat Ministers in the last Administration, Norman Baker and Lynne Featherstone, who were very much in the driving seat in the preparation of the Bill. For a number of reasons I wish that it had been introduced in the last Parliament, not least because I would not have been at the Dispatch Box having to deal with so many difficult issues.

This is an enormously important Bill. It is not perfect, but it is an awful lot better than what we had before we started. There were some minor amendments that needed to be addressed in the other House, but in 2014 there were 129 deaths in Great Britain in which psychoactive substances were implicated. On the day I announced this Bill was going to be introduced, I took a call from a journalist from Falkirk in Scotland who wanted a comment from me on why I was doing this. He told me about a gentleman and a lady in his area who had been to a head shop a couple of days before and bought what they thought were safe, legal products, and within hours he was dead and she was seriously injured. I passionately hope she has made a full recovery.

I am conscious that we should never again talk about a legal high that is safe or legal. If someone takes a substance, they have to realise the dangers involved in that. I know the shadow Minister wants us to be strong on the education part of the Bill, and we will work together to make sure that it is strong.

I also want to express thanks for the tone and the way in which we have conducted proceedings on the Bill. The Chair of the Select Committee alluded to the fact that it has been done quite speedily. There was speedy work done by the Select Committee and by the Public Bill Committee. I thank all members of the Bill Committee. Some of them, particularly the Scottish National party members, had never participated in a Bill Committee before, and I pay tribute to the attitude and the way in which that was done. I also pay tribute to the devolved Administrations, because this Bill covers the whole of the UK; it is a very important Bill.

I pay tribute in particular to my hon. Friend the Member for Finchley and Golders Green (Mike Freer). There was never any intention in this Bill of making things difficult for any individual or groups. What we wanted to do—I was passionate about this—is make us safe in this country. We wanted to get away from the concept that people might have thought something was fun and would be safe, when it could take their life or the life of their loved one.

My team, led by an excellent Bill manager, has done excellent work as well. That is perhaps partly a tribute to the work done before I was the Minister—the background information that gave us an understanding of how this Bill could work.

It is absolutely right that the Bill is similar, but not identical, to the one introduced a couple of years ago in the Republic of Ireland. We have learned from some of the mistakes made there. To be fair, they are looking very closely at us now.

It should also be said that we are not alone in having our communities blighted by these products. Other countries around the world are trying desperately to address this issue. Next week a Minister from far, far away is coming to talk to me and to ask, “How have you

done this? How are we going to do it? Can you help us by monitoring it as you go forward so we can introduce similar things?”

There is one major amendment that I particularly hope works, and does so very fast and that is the Government amendment on possession within custodial premises—prisons and the other closed estate. That was requested not by me, but by the prisons Minister. He requested it because he had the governors around the country, the Prison Officers Association, and others, including the prisoners, saying, “This is out of hand in our prisons. We need help.” Many people said that there was legislation that could have been used, but this Bill makes it very clear that possession in prison or other custodial premises is a criminal offence. Nobody in this House wanted to criminalise everybody in possession, but within these institutions that is very important. I hope that that works quickly, along with the body-worn cameras which are being trialled in our prisons at the moment to prevent assaults on staff.

I am conscious that others want to speak, but let me say that I am enormously proud to have brought this Bill through, as it will save lives. As a father, I can only imagine what others have gone through when they have had their loved ones taken away from them or seen them badly damaged. I, too, panicked like hell when my daughters went to university. They are really sensible kids who understood everything, but they could easily have been dragged into thinking that these things were safe—they were not safe and we have made sure that everybody knows that now.

5.20 pm

Lyn Brown: Labour’s 2015 manifesto included a commitment to ban the sale and distribution of dangerous psychoactive substances. We believe that a blanket ban, with listed exemptions, is the most effective means of beginning to tackle the serious public health problem these drugs have brought about. That is why Labour supports this Bill. We have not agreed with the Government on every detail of it, but we have been united in wanting the most effective legislation possible to tackle the scourge of these disruptive substances and to curb the criminal fraternity who are pushing them on our young people.

I am greatly disappointed that the Government have chosen not to place poppers on the exemptions list, as I believe that will undermine the Bill and place poppers users, particularly men who have sex with men, at greater risk of greater harm. Despite our support for the general approach of the Bill, I have made it clear that we do not think that this legislation alone will tackle the issue. Maryon Stewart, an amazing woman, said in May:

“No law can offer the perfect solution to protect people from drugs; it is equally vital we all concentrate our efforts on making the public, young people in particular, more aware of the harms of these substances in schools, at university and during festivals.”

I could not agree more. Sadly, the Government do not seem to agree that a comprehensive education and awareness strategy needs to go alongside the measures contained in this Bill. That is truly the only way in which we will effectively reduce demand, and thereby make measures controlling supply easier and more effective.

I thank my hon. Friend the Member for Denton and Reddish (Andrew Gwynne) for working closely with me on this Bill. His insights into the public health aspects

of the legislation have been invaluable and it has been a pleasure to work with him. I also thank the Minister for Policing, Crime and Criminal Justice, the right hon. Member for Hemel Hempstead (Mike Penning) for the spirit of co-operation he has shown throughout the passing of the Bill and for his humour. I also thank the Scottish National party Members, who have been great to work with. This has been the first Bill I have led on, and it has been good to have them alongside.

This legislation was introduced in the other place, and I want to pay tribute to the excellent work done by my Labour colleagues there, particularly Lord Rosser, who led on the Bill for Labour. My colleagues in the other place were instrumental in improving the Bill by securing more comprehensive exceptions for academic and medical research. I am convinced that the input from the Labour Members has made a real difference to this Bill.

In conclusion, if the House is divided tonight, we will be voting for the Bill. Expert advice and experience from Ireland suggests that a blanket ban is the most effective means of beginning to tackle the pernicious industry in new psychoactive substances. We committed to banning new psychoactive substances in our manifesto, and I sincerely believe this Bill is a good first step in our battle to protect the public and our children from the serious health risks and harms that these dangerous drugs present. However, the fight against the harms brought about by new psychoactive substances is only just beginning, and I will continue to work for better drug education and awareness in this country as that fight continues.

5.23 pm

Steve Brine: May I echo the words of both Front Benchers about what a pleasure it has been to work on this Bill and to work with Members from the three main parties? During this process there had been complete consensus and we had no Divisions even in the Public Bill Committee; I served on the Health and Social Care Bill Committee in the last Parliament and I am not used to such Bill Committees. It therefore came as a bit of a rude shock when, at the end of this process and like the No. 10 bus, we had three Divisions in a row—

Paul Flynn *rose*—

Steve Brine: I hope the hon. Gentleman will not mind if I do not give way, because two of my colleagues wish to speak and we are going to finish on time. I want to say just three things. Although I do not wish to downplay the importance of the subject, it is unfortunate that we have spent so much time discussing amendment 5 on poppers. All I will say is that it is a hugely important issue, and we need to get it resolved and to move quickly on from it. I really appreciated it when the Minister said “immediately” and “by the summer”. I wrote those phrases down, and, as his former PPS, he knows that I will hold him to his word.

I have been in the House since 2010, and have found that the interest in this subject has been huge. Debates in Westminster Hall and questions to the Prime Minister in the previous Parliament led to the matter being included in manifestos at the general election. Here we are today, and we are almost done with it. To explain why it is important I wish to return to the story of an 18-year-old from my constituency who died at a music

[Steve Brine]

festival. She had everything to live for—she was an Army cadet, and a Duke of Edinburgh gold award winner—but for £40 her life was gone. Her dad said at the inquest:

“I always imagined if any harm came to Ellie it would be on a bungee jump, canoeing down a fierce river, or in an accident on a mountain—but nothing like this. She was so sensible. It is an absolute tragedy for our family. It was one act of stupidity that has destroyed a family.”

That says it all about why we are here.

Let us remember that new psychoactive substances are notoriously difficult to identify. Currently, they have to be regulated on a substance-by-substance, or even group-by-group, basis because of the diversity and the speed with which they are developed to replace drugs that are controlled under the 1971 Act. The cruellest danger of the so-called legal highs is that I have seen them sold as “harmless fun” at so many festivals that I happily attend with my friends and, this summer, with my family, and they are of course anything but that.

Do I think that the Bill addresses the problem? I believe so, because it is the blanket ban that we were promised. It is a Bill that we have been crying out for and campaigning for over many years. The current response in Hampshire, which I represent, is built around reducing demand, restricting supply and the use of Trading Standards. Hampshire Trading Standards has tried everything, but it has been unable successfully to secure a prosecution using existing legislation for the sale of NPS by head shops in the county. Instead it has focused on supporting the police using current antisocial behaviour legislation where that can be associated with a problem retailer. It does not take a genius to work out that that is merely fiddling while Rome burns. It is all good work, but, without this legislation, we have been tying our hands behind our backs, and we are now nearly there.

I mentioned head shops. There was one on Stockbridge Road in my constituency and it was still there on Second Reading. I am glad to say that it was closed down last month under antisocial behaviour legislation. My hope is that this legislation will lead to the end of many, many more head shops, as happened in Ireland.

Have we improved the Bill as it has gone through the House? As I said, I sat on the Bill Committee where we introduced, under clause 1, the new offence of possession of a psychoactive substance in the secure estate. That is absolutely crucial, and like the Minister, I share a great deal of hope that that will make a big difference. There is a huge problem in the secure estate right now, and we have a responsibility to tackle it.

In conclusion, this is a very good Bill. It has been a long time coming, and it has been a pleasure to play even a small part in it. It was a manifesto commitment, and we are getting on with delivering it. We are here to do no harm, and to do as much good as we possibly can. As the Minister has said, although the Bill is not perfect, it is a giant leap forward.

5.28 pm

Anne McLaughlin: I shall be very brief. I wish to congratulate all those involved in bringing forward this Bill, including the Government; the Minister who has been very willing to engage in open and robust debates;

the Scottish Government who have supported the ethos behind the Bill; the Committees; and our colleagues on the Labour Benches. This is the second Bill with which I have been closely involved, and it has been a pleasure to work alongside Labour colleagues on a number of issues.

It is clear that new psychoactive substances are dangerous, and we are putting that message out there now. They are also unpredictable: there is no way of knowing what is in them or of predicting the impact on the individual. In a previous debate in this House, I talked about someone I know who made one foolish mistake at the age of 17. She was a talented young medical student, and a beautiful girl, and she has spent the rest of her life on a locked psychiatric ward. It is impossible to predict what impact drugs will have.

I have some remaining concerns, as the Minister will be aware, particularly on poppers. I look forward to the review. I remain concerned about distinguishing between people buying online and people buying down a dark alley from a drug dealer. I understand that the Minister has said that that is not the intention behind the Bill, and I accept that. I just want to quote him:

“The spirit of the Bill is that we do not want to criminalise individuals for possession”.—[*Official Report*, 19 October 2015; Vol. 600, c. 737.]

He also said:

“Possession in a club would not be an offence; indeed, possession is not an offence under any part of the legislation”, and:

“Purchase and possession would be legal... so there would be no illegality on the part of the individual”.—[*Official Report, Psychoactive Substances Public Bill Committee*, 27 October 2015; c. 37-63.]

Mike Penning: In the spirit with which we have taken the Bill through, I just wanted to say that the Bill does make possession illegal in secure institutions.

Anne McLaughlin: I understand that—as the Minister knows, I am against it—but I was referring specifically to buying substances on the internet. We were unable to have those words included in the Bill today, but we do have the Minister’s words on the record, and lawyers will be able to use them if they have to.

My intention in all this is to protect people on two fronts: to protect their health by supporting the Bill in the first place, and to protect them from being criminalised for making a foolish mistake on one occasion. I commend the Bill as it stands, and, if it turns out that we are right about some aspects, I hope that it will be amended at a later stage.

5.31 pm

Mrs Flick Drummond (Portsmouth South) (Con): I know that time is limited so I shall be very quick. I am absolutely delighted with this Bill. I have worked for a long time, before being elected to this place, with a number of families who have suffered terribly from the effects of these dangerous chemicals. I have heard at first hand their stories at meetings of organisations such as Rebound, ANA and other charities I have worked with.

I was extremely grateful for the support of the previous Justice Secretary, my right hon. Friend the Member for Epsom and Ewell (Chris Grayling), who came down to Portsmouth to meet the victims. He was horrified to be

taken around the five head shops there. I took him to one where drugs are sold over the counter. Mr Speaker, you will be horrified to know that there is a head shop selling these chemicals just over the road from a primary school in Portsmouth, and there is another one opposite a secondary school. I am pleased that my local paper, *The News*, has been backing this campaign. Hampshire police have had their own initiative against “lethal highs,” as they accurately call them. I am sure that my hon. Friend the Member for Winchester (Steve Brine) will join me in applauding the excellent work they have done in this field.

Whatever we call these new psychoactive drugs—legal highs, club drugs or a number of innocent-sounding brand names for specific compounds—the sellers and producers deliberately hide the dangers they pose from the people who consume them. The drugs look glitzy, as if they belong in a sweet shop, but they are extremely dangerous. Some of the compounds often mixed in legal highs are already controlled substances, such as ketamine and mephedrone, but there is also a wide range of uncontrolled chemicals. I am really pleased that they will now all be brought under control as a result of this Bill. I urge all local authorities, including my own in Portsmouth, to start planning now for how they will deal with head shops and tackle this menace generally.

As always, we have to balance punishment and criminalisation against rehabilitation and support. Many of the people who take these substances are vulnerable and need support as well as deterrence, and that includes many people in the criminal justice system. Many of those who dabble in these substances are children, and they are especially vulnerable, as the substances hide behind deceptively childish names and presentation. Having seen at first hand the effect on families, I believe that we need to take action now. I am absolutely thrilled that the Bill is going to be passed through this House tonight.

5.33 pm

Jim Shannon: Mr Speaker, may I ask what time will be left for the hon. Members who will follow me?

Mr Speaker: It is very good of the hon. Gentleman to pursue a bit of information. The answer is that the debate must conclude at 5.39 pm, which fits neatly with the hon. Gentleman’s legendary succinctness.

Jim Shannon: Thank you, Mr Speaker. I want to be fair, which is why I asked that question.

I am very pleased that we are having this legislation agreed on the Floor of the House. I am pleased that the Minister, whom we have great affection for, has delivered what he said he would, and in the time he set out, and that the Government have done that as well. I also want to thank the civil servants who are here—they do not often get thanks; they should get more—for all the hard work they have done. They have helped the Government formulate the legislation and bring it forward.

My party, the Democratic Unionist party, was committed to this—we wanted to see legislative change. I have been approached by the Forum for Action on Substance Abuse, a group that helps those with addictions. It wanted this legislative change, as did my constituents, and we now have it in place as the law of the land. That

is good news on behalf of Adam Owens’ family—his father and step-mum—and his friends, who wanted this to happen. We had a rally in Newtownards town, in the middle of my constituency, for all his family and friends. I gave them a commitment that I would work with Government within this House to make it happen, and we have delivered it. With that in mind, I want to say on behalf of my constituents in Strangford, and those across the whole of Northern Ireland, a very special thanks to Government for doing what they said they would do.

5.35 pm

Craig Mackinlay (South Thanet) (Con): For too long, we have seen shops such as Skunkworks proliferate on our high streets, with their number reaching 250 in 2014. They were not just selling new psychoactive substances badged up in attractive packages with names such as GoCaine, Herbal Haze and the like—they were selling, legally and openly, various paraphernalia involved in wider drug use, involving bongs, seeds, pipes, and hydroponic growing and lighting systems. In advance of this Bill, many of these shops have now, thankfully, closed. We had one such shop in Margate that was raided by Kent police, who found 269 banned items and confiscated 52 varieties of what one might call legal highs and herbal tobacco substitutes. Of course, the internet will remain, and will grow, as a source of such products and a source of prescription-only drugs such as steroids.

The number of deaths involving NPSs is low compared with the number involving heroin, morphine and other opiates, and cocaine, but it is substantial enough, with too many young lives being wasted. I therefore welcome the Government’s attempt to clamp down on these substances. My only marginal concern about the Bill is that the definition is very broad—

Mr Speaker: Order. I hope that the hon. Gentleman is going to leave time for the hon. Member for Newport West (Paul Flynn) to speak as well, and so is bringing his remarks to a close.

Craig Mackinlay: Yes, I am, Mr Speaker.

By its very intent, the blanket ban must be so, or else we will just continue the game of cat and mouse that has characterised control of these substances to date.

We have heard a lot about Ireland, and I hope that the experience in the UK will be broadly as positive. We did not mention New Zealand, which has also tackled this problem head on.

As I said, I support the Government’s ambition to take action. I remain a libertarian—I am not a killjoy—but these lethal highs have killed too many, damaged others, and are an evil of the kind that this place is here to act on. I hope that the Bill will have its intended consequences, and I support it.

5.37 pm

Paul Flynn: Evidence-free and prejudice-rich, this Bill will do harm. It is evidence-free because the House has ignored the evidence of the countries that have taken this step before and have increased drug use. We banned mephedrone, and the result was that its use increased again. By banning a drug, we make it more attractive,

[Paul Flynn]

drive it underground, increase the prices, and have more irresponsible people selling it.

I have been in this House for every cannabis debate—every drugs debate—for the past 28 years. It is the shared foolishness of the House to believe that prohibition works. It does not: it makes things worse. Drugs will not be controlled by this Bill just as they are not controlled in our prisons, where there is illegal drug use in every single one. This is a foolish Bill based on prejudice and not on evidence.

Question put and agreed to.

Bill accordingly read the Third time and passed, with amendments.

Proceeds of Crime

5.39 pm

The Minister for Security (Mr John Hayes): I beg to move,

That the draft Proceeds of Crime Act 2002 (Investigative Powers of Prosecutors: Code of Practice) (England and Wales and Northern Ireland) Order 2016, which was laid before this House on 17 December 2015, be approved.

Mr Speaker: With this, we shall consider:

That the draft Proceeds of Crime Act 2002 (Cash Searches: Code of Practice) Order 2016, which was laid before this House on 16 December 2015, be approved.

That the draft Proceeds of Crime Act 2002 (Search, Seizure and Detention of Property: Code of Practice) (England and Wales) (No. 2) Order 2016, which was laid before this House on 16 December 2015, be approved.

That the draft Proceeds of Crime Act 2002 (Search, Seizure and Detention of Property: Code of Practice) (Northern Ireland) Order 2016, which was laid before this House on 16 December 2015, be approved.

That the draft Proceeds of Crime Act 2002 (Investigations: Code of Practice) (England and Wales and Northern Ireland) Order 2016, which was laid before this House on 16 December 2015, be approved.

Mr Hayes: I am grateful, as ever, Mr Speaker, for your stewardship and indulgence.

The important matters before us are technical and, I anticipate, relatively uncontroversial; they are certainly not partisan. Nevertheless, it is important that we scrutinise them with the diligence for which this House is rightly famed, and I will be happy to deal with any amount of detail with which the House wishes me to engage.

Isaiah Berlin once said:

“Freedom for the wolves has often meant death to the sheep.”

As someone who believes in standing fierce in defence of the gentle, I know exactly what he meant. It may be of some assurance and comfort to the House that the matters under debate relate to the Proceeds of Crime Act 2002 and were largely commenced in England and Wales on 1 June 2015. In order to extend that commencement, as is necessary, to Scotland and Northern Ireland, we are required to make codes of practice that encompass those jurisdictions and bodies using the powers there. So, the codes will largely replicate those that were considered and approved by this House, which is why I described them as technical and largely uncontroversial.

The codes are a safeguard to ensure effective and consistent use of the powers. Once commenced, the new powers will give officers important new tools for the recovery of criminally obtained assets. That is a key pledge of our serious and organised crime strategy and the Government’s commitment to tackling all levels of crime.

The codes build on previous codes. They closely follow those issued more widely to police officers under the Police and Criminal Evidence Act 1984. The codes provide an important safeguard and ensure that the powers are used in a targeted, consistent and effective way, thus providing vital reassurance to the public that the powers in the 2002 Act are being used appropriately and proportionately.

The orders bring into force a number of codes of practice that provide guidance on the use of various powers under the 2002 Act. Four current codes need updating and a new code is required as a consequence of amendments made to the 2002 Act by primary legislation already passed by this House. I draw Members' attention to the Policing and Crime Act 2009, the Crime and Courts Act 2013 and the Serious Crime Act 2015.

We plan to commence those powers relating to the 2002 Act throughout the UK on 1 March, in so far as they are not already in force. To achieve that, we need to issue the codes of practice that will provide guidance on the use of the powers throughout the UK. The Scottish Parliament and the Northern Ireland Assembly will consider codes that fall within their competence due to devolution.

Some might think that it would be enough for me just to put those technical matters on the record, but knowing this House as you and I do, Mr Speaker, I know that it will want me to say a little more about the amendments to the 2002 Act, which require the codes of practice providing guidance—

Mr Speaker: Order. As the Minister of State has already prayed in aid Isaiah Berlin, I had supposed that it would be only a matter of time before he would refer, in an orderly way, of course, to “Four Essays on Liberty”, but perhaps I am being impatient and that will be reached in the course of the right hon. Gentleman’s peroration. We wait to see.

Mr Hayes: Mr Speaker, you are encouraging me to stray from the subject at hand, but I will just say this: in a frail and fallen world, liberty has to be handled with great caution, and I have neither the time nor the expertise to delve into those matters at sufficient depth to satisfy you, Sir, or the House as a whole.

I will therefore restrict my remarks to the matters before us and deal briefly with the areas to which the codes of practice relate, namely the power to allow search of vehicles for criminal cash; search and seizure powers to prevent the dissipation of property that may subsequently be used to satisfy a confiscation order; expanded confiscation investigation powers to allow the tracing and identification of assets following a confiscation order; expanded civil recovery investigation powers; and change of court jurisdiction so that the Crown Court rather than the High Court will make investigation orders in relation to cash forfeiture cases.

As you will understand, Mr Speaker, we are not debating the powers themselves, because they have already been approved by the House, as I have described. Importantly, however, we are considering the codes that provide guidance on the use of the powers. This is essentially about the consideration of appropriate safeguards. Such safeguards are required under the 2002 Act in investigations by law enforcement officers. There is a final further code that relates to the use of the investigation powers by prosecutors, and owing to amendments made to the powers new codes are needed to address the new provisions.

The orders will bring all the relevant codes of practice into effect, ensuring that effective safeguards and up-to-date guidance are in place, and enabling full commencement of the amendments to the 2002 Act, which I have described. For the powers that are not yet in force, we

are working towards a common commencement date of 1 March. The use of the powers will be rightly guided by the revised codes of practice. I make no apology for repeating that the codes are an important safeguard to ensure the targeted, proportionate and effective use of the powers in the Act, balanced against the entitlements—my brief says “rights”, a word I always hesitate to use, but I mean the lawful entitlements that we often call rights—of individuals and communities. I therefore ask the House to approve the orders to give effect to the codes of practice.

In order not to disappoint you of all people, Mr Speaker, I conclude by quoting my favourite poet—not T. S. Eliot, but W. B. Yeats:

“Do not wait to strike till the iron is hot; but make it hot by striking.”

The Government, with appropriate alacrity and determination, and with the moderation associated with putting in place such safeguards, are indeed striking to make the iron hot. In that spirit, I hope the whole House will agree that the orders are an appropriate way forward, with appropriate checks and balances in the exercise of these vital powers.

5.46 pm

Jack Dromey (Birmingham, Erdington) (Lab): I have to say that our determination to support the measures has been reinforced by the Minister quoting my favourite poet. As someone whose dad came from County Cork in Ireland and whose mother came from Tipperary, and as someone who grew up on “A terrible beauty is born”, I fully support the Minister’s choice of poet.

The Minister was right both to paint the context of the measures and to stress that they are non-controversial, as indeed they are. The origins of the proceeds of crime legislation was a determination, across the House, that crime should not pay, and, indeed, that the proceeds of crime should help to pay for the prevention of crime and for support for victims—hence the 2002 Act, a bold step that was widely welcomed at the time.

To be frank, the 2002 Act was not as strong as it might have been, and as experience unfolded that certainly pointed to the need for the legislation to be further strengthened. That was dramatically evidenced in the two National Audit Office reports, which respectively showed that only 26p and 35p was recovered for every £100 of the proceeds of crime.

There were some very famous cases. On the one hand, there was the aptly named Adams family, who ultimately did not succeed in avoiding the full force of the law. On the other hand, Julian de Vere Whiteway-Wilkinson was ordered to repay £2.1 million, but only £262,000 was recovered, and Nasir Khan was ordered to repay £14 million, but nothing was recovered. Classically, smaller confiscation orders tended to have a high rate of success in recovering the moneys concerned, but the Mr Bigs of this world continued to get away with it.

We acknowledged that our legislation was not as strong as it needed to be, and during the last Parliament we argued for the law to be strengthened. The Minister mentioned the successive Acts, which culminated in the 2015 Act. There is no question but that welcome progress has been made on key issues, including the freezing of assets, default sentences, strengthening the leadership of the National Crime Agency, a stronger ministerial

[Jack Dromey]

focus and, crucially, effective information and communications technology and data sharing. Real progress has been made.

What is before us today is the latest necessary step in the process of not just strengthening the law, but, crucially, seeing the law enforced. It does so in a way that strikes the balance between the liberty of the individual and our utter determination not to allow people to get away with swinging the lead, particularly when an order is made.

We are content to support all five of the measures. I will not go through them all in detail. The Minister was right that that is not necessary. I will highlight just one: the search, seizure and detention of property code of practice for England and Wales. Allowing seizures in reasonable anticipation of confiscation orders is right, as is the determination of the appropriate officer to authorise and oversee seizure.

In conclusion, we welcome the steps that are being taken. They are necessary steps. I will ask but one question of the Minister. There is a shared determination to ensure that those who commit crimes do not get away with the benefits of them and, therefore, to recover the proceeds of crime. Crucially, as the experience under successive Governments tells us, there must be effective enforcement. Therefore, will the Minister say how we can be confident that there will be effective enforcement and to what extent the orders will help? We almost need case studies that bring alive the progress that the Government intend to make. We certainly believe that this is progress and we are content to support it.

Several hon. Members *rose*—

Mr Speaker: The person on my list is not here, but the hon. Member for North West Hampshire (Kit Malthouse) is here. Mr Malthouse, if you wish to give us your views, we wish to hear them.

5.51 pm

Kit Malthouse (North West Hampshire) (Con): I just want to speak briefly, Mr Speaker.

I support the measures completely, but I want to plant a small seed in the Minister's fertile mind. When I was deputy mayor for policing, we were very keen to use the Proceeds of Crime Act 2002 to an enormous extent. We thought that it held enormous potential for recovering money in London and elsewhere. However, it involved a significant investment of police resources, which had to be diverted from elsewhere.

We therefore attempted to cut a deal with the Home Office that would have allowed the Metropolitan police to retain some, if not all, of the money that was recovered. The Home Office denied us that ability and, as a result, we did not invest anywhere near the resources that we could, and perhaps should, have invested in using the Act in the devastating way it can be used, particularly against organised criminal networks.

I ask the Minister to consider allowing police forces to retain a proportion of the money they recover, first to cover their costs in pursuing the money and, secondly, so that it can be reinvested in local services. There is nothing in the current climate that would motivate a chief constable to use these powers more than the idea

that it might be a profit centre for his or her force. If the measures are to be as effective as I know the Minister wants them to be, allowing such entrepreneurialism, shall we say, among police forces would be extremely welcome. Other than that, I completely support the measures.

5.53 pm

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): It is a pleasure to take part in this debate.

The Minister has, indeed, been incredibly persuasive, so he will find no opposition from the SNP Benches. To put it mildly, all Members are enthusiastic about ensuring that the proceeds of crime are confiscated wherever possible and put to good use. In Scotland, the CashBack for Communities scheme has proved enormously successful and popular. It ploughs money recovered from criminals into free community initiatives for young people around the country.

Today, we are concerned with the safeguards that are in place for the powers that are designed to help recover certain proceeds of crime. The powers to detain, search and seize are clearly very invasive, so it is imperative to have appropriate safeguards. I will be helpfully brief, Mr Speaker, and will confine myself to the order on the cash searches code of practice, which is the only one that relates to Scotland.

The code of practice order relates to search powers, which can represent a significant interference with privacy rights. The code of practice must therefore ensure that the use of the powers is fully justified and that consideration is given to whether results could be achieved by less intrusive means. The code of practice must explain clearly what the reasonable suspicion amounts to, as well as making clear the necessity to seek judicial authority, or at the very least the authority of a senior officer, wherever practical. It must also outline how to conduct a proper search. The code appears to do all those things and it is, as the Minister says, essentially a reworking of previous drafts. For those reasons, we have no opposition to the order or the code.

I want to flag up one concern, however. On the one hand, it was a surprise to see a reference on page 4 of the code to the use of the powers by immigration officers. That possibility was not present in the Proceeds of Crime Act 2002. However, a footnote in the draft order explains that the UK Borders Act 2007 provides that part 5 of the 2002 Act should apply to immigration officers as it applies in relation to a constable. On the other hand, having been involved in the scrutiny of the Immigration Bill, I know that it is not a new experience to see police powers being handed out almost like sweeties. Successive Governments seem to have been tempted down that path. I am not saying that customs officers or immigration officers do not, on occasion, require similar powers to those of the police. However, whenever police-like powers are going to be handed to people who are not police officers, we need to be extra-vigilant and to demand a clear operational case and appropriate safeguards.

I would like to highlight the inspection of immigration officers' powers to enter business premises without a search warrant that was conducted by the chief inspector of the UK Border Agency between October and November 2013. He reported that 59% of the cases he examined

did not have the required justification for the use of the power, and that a further 12% had insufficient information for him to form an opinion. He found widespread non-compliance with the guidance, and ineffective processes for ensuring that staff were complying with the legislation and guidance. I could go on, but I believe that those findings cast a light on the need to be very careful when handing police-like powers to officials who are, quite simply, not police officers. We also need to be extra-vigilant when scrutinising the codes that guide the use of those powers, and to question whether the safeguards are sufficient to make up for the fact that they are being used by non-police officers.

5.57 pm

Mark Durkan (Foyle) (SDLP): It is a pleasure to make a short speech in this short debate. The Minister for Security, the right hon. Member for South Holland and The Deepings (Mr Hayes), gave us a Yeatsian introduction to what is actually a fairly prosaic set of statutory instruments, and I would not want to provoke him any further in that direction. I just want to use this opportunity to make a couple of points clear. We support these measures, which will properly even out a number of anomalies and inconsistencies. We need to ensure that we have proper codes of practice and guidance on the use of these powers, and that is what the statutory instruments will provide.

In Northern Ireland, there has at times been sensitivity when the Home Office has introduced legislation here. An example would be the introduction of the National Crime Agency, when not enough attention was paid in advance to the Patten architecture or to ensuring that any additional policing systems and powers were consistent with the Patten principles. It took time to get that right, but it has now been got right. The statutory instruments before us tonight to build on that work that has already been done. They do not transgress the principles and they will not trigger any of the Patten tripwires in any way.

Most people in Northern Ireland will welcome the fact that there is to be full, even and consistent pursuit of the proceeds of crime. During the last set of negotiations at Stormont House, paramilitarism was a vexed issue among the parties. There was an impression abroad that not all the proceeds of crime were being fully pursued, and that some of those in possession of assets that were deemed to derive from years of paramilitary activity were being allowed to enjoy a life of ease and economic largesse that would otherwise have been discomfited by the relevant authorities. It was also thought that some of those assets were treated as personal rather than organisational, because some of those persons were deemed to be friends of the peace process. Both Governments, north and south, tried to reassure parties that that was not the case, and they undertook to ensure that in all legal measures and in all future practice, there would be a clear working assurance that no bye ball was given, no blind eyes were turned and there was no acceptable level of criminal enterprise, current or historic.

In so far as these statutory instruments add to that suite of reassurance to everyone and are compatible with the very important architecture derived from Patten in relation to the policing environment in Northern Ireland, my party is happy to endorse these statutory instruments.

6 pm

Jim Shannon (Strangford) (DUP): Like other Members who have spoken, I want to put on the record that my party supports the statutory instruments. We need them even more today, perhaps, than in the past. Statistics given to me beforehand show that since the end of the troubles, the number of organised crime gangs in Northern Ireland has risen from 60 to 170. It is important that we have legislation in place, such as the Proceeds of Crime Act 2002 in relation to the search, seizure and detention of property or in relation to the code of practice for investigations. People look to the law of the land for support.

Some 600,000 litres of illegal fuel were seized in the past year and 27 laundering plants have been dismantled. It is clear to me that there are crime lords out there and those 170 groups are involved in systematic criminal activities. The laundering plants generate money, but when they are washed out the pollution goes into the rivers and waterways. In some places around the border in Northern Ireland and the Republic, there are no fish and no life left in the waters because of what is happening. The effects of that are clear. There were three times as many deaths due to heroin in 2013 than there were in 2009 as a result of the criminal gangs and crime lords in Northern Ireland.

There has been some success and it is good to have that—14 organised crime gangs were dismantled in 2015 as a result of the Organised Crime Task Force, so good work has been done. We want it to continue, and these measures can stop those involved in criminal activities and those who live off their ill-gotten gains. Seize their goods and the proceeds of their crime, take those crime lords out of action, dismantle their empires and give freedom to the estates and the people of Northern Ireland by stopping those who live off them. My party and I fully support the proceeds of crime measures, congratulate the Government on moving forward in a positive fashion, and look forward to supporting the Government in all aspects of these measures.

6.3 pm

Mr Hayes: I shall answer one or two points on the first of the codes, then, with your permission and indulgence, Mr Speaker, I shall move the subsequent ones formally.

The points that have been made are all in the spirit of wanting the measure to work. I am grateful to the House for that. The shadow Minister, the hon. Member for Birmingham, Erdington (Jack Dromey), made the telling point that this has long been a consideration of this House and of successive Governments. He referenced in particular the 2002 Act and he will know that subsequent legislation to which I referred earlier builds on that Act and brings it up to date, because as crime changes, the proceeds of crime and our ability to recover them change too. Very much in that spirit, I welcome what he said.

I note the hon. Gentleman's point about the way the measure is explained. Although with typical courtesy he did not draw the attention of hon. Members to the fact, I am aware that the Secondary Legislation Scrutiny Committee felt that the explanatory memorandum that accompanied these orders was not sufficient. I agree that the policy background in the memorandum was

[Mr John Hayes]

insufficient and did not set out that the powers will operate in the way I want them to, as he said. To that end, I am delighted to be able to tell him that this very morning I asked my officials to redraw the explanatory memorandum in exactly the form that he requested, with worked examples of how these things might work in practice. These are complex matters, but none the less it seems to me that they need to be articulated in a way that makes it absolutely clear how the codes will introduce the kind of safeguards that we all favour.

To that end, I can assure the House that my officials are well aware that the explanatory memorandum must do just that. I am delighted to be able to tell the House that the Secondary Legislation Scrutiny Committee has said that were that to be done with the speed and in the fashion that I have described, it would be satisfied. The hon. Gentleman has done a service to this House and it is not his fault that I have anticipated his point by doing what I have described this morning. Indeed, it shows that we are on the same page.

My hon. Friend the Member for North West Hampshire (Kit Malthouse), who has moved—he is in his place, but his place has changed—made the interesting suggestion that the police might be incentivised, if I might put it in those terms, to go still further if they were to recover some of the costs of their inquiries. That is an interesting suggestion. It would be above my pay grade and outside my remit to agree it on the Floor of the House at this very moment, but I shall certainly take it back to the Department to discuss with the policing Minister and others.

Lucy Frazer (South East Cambridgeshire) (Con): My right hon. Friend rightly mentioned that the explanatory memorandum could go into a little more detail, and I welcome that suggestion. Paragraph 4.9 of the explanatory memorandum suggests not only that there have been new additions but that:

“The code has been slightly restructured to make it easier to read and understand.”

Would it be possible to set out what is a clarification and what is a new provision, so that when that is considered in due course it will be clear that some points are just clarifications rather than new provisions?

Mr Hayes: With the eye for detail that my hon. Friend’s scrutiny increasingly shows, and for which she is building a substantial reputation, she draws attention to precisely one of the matters that I discussed with my officials in the conversation I had with them this morning, to which I referred in relation to the comments made by the shadow Minister. It is right that we should clarify that point. She is also right that we need to consider the whole of the explanatory memorandum in a similar spirit, and that is precisely what we intend to do. I am grateful to her for allowing me to illustrate that not only she has an eye for detail, but the Minister has too.

The points made by the hon. Member for Foyle (Mark Durkan) seemed to me to be absolutely on the button. It is important that these things are dealt with consistently and that we take them seriously. I make no comments on his remarks about the previous history in the Province, but I can assure him that we are determined that the powers shall apply across our kingdom and

that they will be pursued with appropriate vehemence. There can be no greater mission than to ensure that criminals do not profit from what they do. That is precisely what we intend to achieve. I am grateful for his support and for the comments he made about that.

The hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) spoke about immigration officers’ powers. I take his point; they have been generally expanded so that they are now mainstream law enforcement officers, like the police, the NCA and others. There is appropriate training—he is right that it is very important that that takes place—and appropriate safeguards and oversight, as there always should be in such matters. This is in relation to the 2002 Act, as I said, and I will pass concerns on to the Minister for Immigration so that the people for whom he is responsible are equipped with the information and skills they need. As I said in response to the hon. Member for Foyle (Mark Durkan), it is important that we behave consistently, and I am grateful for his contribution to the debate.

The hon. Member for Strangford (Jim Shannon) spoke about effective enforcement, and not only is it important that these codes are clear, established, transparent and comprehensible, but the powers that they effect or give appropriate safeguards to must be used. As he said, it is right that there has been a determination in this House, but we must ensure that that is seen through to the point of impact. It is all very well having intent, a legislative vehicle and safeguards, but there must also be a determination that this is seen as an important priority in the Province and across the United Kingdom.

This has been a useful debate, and I am grateful for the spirit in which the House has considered these matters. It is perhaps best to end not with Yeats—although I could, and I am tempted to—but with C. S. Lewis, who said in “The Weight of Glory” that

“the art of life consists in tackling each immediate evil as well as we can”.

The proceeds of crime are an evil that this Government are entirely determined to tackle, and these codes will help us to do so. In that spirit, I commend the motion to the House.

Mr Speaker: With the indulgence of both the Chair and the House, the Minister has served up both a starter and a pudding, for which I am sure the House is deeply grateful. The main course has, of course, been provided by other hon. Members who have contributed to the debate and whom the Minister has graciously accommodated.

Question put and agreed to.

PROCEEDS OF CRIME

Resolved,

That the draft Proceeds of Crime Act 2002 (Cash Searches: Code of Practice) Order 2016, which was laid before this House on 16 December 2015, be approved.

That the draft Proceeds of Crime Act 2002 (Search, Seizure and Detention of Property: Code of Practice) (England and Wales) (No. 2) Order 2016, which was laid before this House on 16 December 2015, be approved.

That the draft Proceeds of Crime Act 2002 (Search, Seizure and Detention of Property: Code of Practice) (Northern Ireland) Order 2016, which was laid before this House on 16 December 2015, be approved.

That the draft Proceeds of Crime Act 2002 (Investigations: Code of Practice) (England and Wales and Northern Ireland) Order 2016, which was laid before this House on 16 December 2015, be approved.—(*Mr Hayes.*)

Business without Debate

DELEGATED LEGISLATION

Motion made, and Question put forthwith (Standing Order No. 118(6)),

HEALTH CARE AND ASSOCIATED PROFESSIONS

Ordered,

That the draft General Dental Council (Fitness to Practise etc.) Order 2015, which was laid before this House on 18 November 2015, be approved.—(*Charlie Elphicke.*)

PETITION

BBC licence fee

6.13 pm

Andrew Bridgen (North West Leicestershire) (Con): This petition is about the BBC licence fee. It declares that the petitioners are dissatisfied with the BBC licence fee of £145.50, and notes that 50 MPs recently demanded an urgent Government review of BBC funding. For almost 20 years, the Magistrates Association has been calling for the decriminalisation of TV licence evasion, and it is concerned that evaders are punished disproportionately.

In 2014, 52.8 million letters were sent out to suspected evaders, which were followed up by 3.8 million visits by TV licensing enforcement officers. That resulted in 204,018 prosecutions or out of court disposals, of which 24,025 were ultimately unsuccessful. Further to that, there were 40 imprisonments for an average of 20 days, for non-payment of associated fines. It should be noted by the House that the licence fee represents a much higher proportion of income for poorer households, and it gives an unfair advantage to one broadcaster and distorts the marketplace.

In conclusion, the petitioners find the BBC's content outdated and biased, and therefore do not wish to fund it. Further to that, an online petition on this matter was signed by 176,079 individuals as of 9 am today. Interestingly, that is approximately the same number of people who are currently—

Following is the full text of the petition:

[The petition of residents of the UK,

Declares that the petitioners are dissatisfied with the BBC licence fee; further that up to 50 MPs recently demanded an urgent Government review of the BBC funding; further that the Magistrates Association has been calling for the decriminalisation of TV licence evasion for nearly 20 years, concerned that evaders are punished disproportionately; further that 52.8 million letters were sent in 2014 to suspected evaders which were followed up by 3.8 million visits by TV licence officers, 204,018 prosecutions (or out of court disposals), of which 24,025 were unsuccessful, and 40 imprisonments, for an average of 20 days; further that the licence fee represents a much higher proportion of income for poor households; further that it gives an unfair advantage to one broadcaster; further that the UK is now perceived less favourably internationally by countries that have never enforced TV licence fees or have abolished their TV licence due to its public broadcaster funding model; further that the petitioners find the BBC's content outdated and biased and therefore do not wish to fund it; and further that an online petition on the matter was signed by 170,000 individuals.

The petitioners therefore request that the House of Commons urges the Department for Culture, Media and Sport to end the BBC licence fee.

And the petitioners remain, etc.]

[P001669]

Mr Speaker: We are grateful. The hon. Gentleman has given us the thrust of his petition. I have been rather generous. It is, to be blunt, over-long. The hon. Gentleman has had his say. We are deeply obliged to him for what he has said, but his oration is now over. What he needs to do is read the prayer and present the petition.

Domestic Politically Exposed Persons: Money Laundering Rules

Motion made, and Question proposed, That this House do now adjourn.—(*Charlie Elphicke.*)

6.15 pm

Mr Charles Walker (Broxbourne) (Con): It is a great honour and privilege to have secured tonight's debate. I note that it follows on from the proceeds of crime debate, so it is both appropriate and timely.

It is a truism that international money laundering is a serious crime, and the UK Government are right to want to both persecute and prosecute those responsible. The legislation contained in both the third money laundering directive and the soon-to-be-introduced fourth directive is wide in its scope and is being aggressively applied by the banks. Although my debate deals specifically with politically exposed persons, my concerns can be more widely read across to the many law-abiding professional people in this country who are experiencing difficulties with their bank or in opening a new bank account.

In setting out the scene for tonight's debate, I thought it would be helpful if I defined what a politically exposed person is in relation to the Money Laundering Regulations 2007. The regulations transpose the third money laundering directive into UK law. I will quote from the 2005 report of Joint Money Laundering Steering Group. This is a direct quote from its guidance:

"Senior political figure is a senior figure in the executive, legislative, administrative, military or judicial branches of a government (elected or non-elected), a senior figure of a major political party, or a senior executive of a government-owned corporation. It includes any corporate entity, partnership or trust relationship that has been established by, or for the benefit of, a senior political figure.

Immediate family typically includes the person's parents, siblings, spouse, children, in-laws, grandparents and grandchildren where this can be ascertained.

Close associate typically includes a person who is widely and publicly known to maintain a close relationship with the senior political figure and includes a person who is in a position to conduct substantial domestic and international financial transactions on his or her behalf."

Those definitions are reflected in the Money Laundering Regulations 2007, which were introduced pursuant to the third money laundering directive 2005. Importantly, however, although banks are choosing to apply the legislation to holders of domestic UK office, these people are specifically excluded from its scope.

Schedule 2 to the Money Laundering Regulations 2007 defines a PEP as being an individual, including their immediate family members or associates

"who is or has, at any time in the preceding year, been entrusted with a prominent public function by:

- (i) a state other than the United Kingdom;
- (ii) a Community institution; or (iii) an international body."

It therefore specifically excludes Members of Parliament serving in the United Kingdom Parliament. In addition, the Joint Money Laundering Steering Group guidance for the UK financial sector states that the definition of a PEP used by banks

"only applies to those holding...a position in a state outside the UK".

However, UK banks have consciously chosen to adopt a broader definition of a PEP, which also includes customers who hold political office within the UK. Banks argue that this is desirable in advance of the introduction of the fourth money laundering directive, due to come into force in 2017, which, unless amended, will apply to domestic politically exposed persons.

The rules around money laundering are a mess. I know this; the Government know this; the Chair of the Treasury Select Committee knows this; and the principals of many small and medium-sized businesses in my constituency and in others know this. The position of the UK banking sector, in its aggressive application of money laundering rules to domestic politicians, to their extended families and—I now fear—more widely to many of our law-abiding constituents, is known, in banking parlance, as de-risking.

What are the practical consequences of de-risking? In regards to the teenage children of MPs, it amounts to intrusive demands for information. One 18-year-old was recently contacted by her bank demanding that she produce personal information or face losing her banking facilities. This demand included information about her occupation, her employer's name and address, details of any residential addresses she used and how much time she had spent at each address and information about regular sources of funds, such as income, student loans and funds from her parents.

A Back-Bench colleague, who agreed to be interviewed by his bank, was required to answer questions about his account dating back 25 years. This colleague is yet to turn 50.

Fiona Mactaggart (Slough) (Lab): The regulations have affected me, as a Back-Bench Opposition MP. I have been involved in family charitable trusts where my fellow trustees have said, "Please Fiona, you can't play a role in this philanthropic enterprise. Setting it up would be too complicated because you're a politically exposed person."

Mr Walker: The right hon. Lady's timing is prescient, because I was about to say that some colleagues had been denied places as charity trustees or board members, simply because the charity could not deal with the financial compliance required to make the offer of the voluntary position worth while. These colleagues want to give their time and experience for free.

Another example of heavy-handedness concerns colleagues who retain a link with their professional practices. De-risking by banks means colleagues are struggling to open company bank accounts, often despite being required to do this by their own professional regulator, in order to look after and protect client moneys. In another case, a colleague's 81-year-old father was summoned for an interview by his bank to verify his details and sources of wealth, despite his having been with the bank for more than 50 years.

Other colleagues have been asked to provide details of their parents' financial assets, such as property, share and cash holdings. A son-in-law of a Back-Bench MP who owns his own business was recently informed that he had been identified as a politically exposed person and was required to provide details of his business's transactions, as well as information about his personal account. In a similar vein, a Back-Bench

MP's son was required to provide information about his wife and details about her parents—his in-laws.

The actions of banks are, at best, highly intrusive and, at worst, in danger of restricting the ability of honest people, such as sons, daughters, brothers and sisters, to raise the money required to invest in and grow their business.

Pauline Latham (Mid Derbyshire) (Con): We were recently contacted by a bank that we have been with for more than 40 years asking for proof of our address. It beggared belief, as it had managed to send us statements for the whole of those 40-odd years. I said, "Well, don't you know where we live?" It said, "You've never proved it." This is taking it to the most stupid nth degree, and it has to stop.

Mr Walker: My hon. Friend's intervention brings me nicely on to the next part of my speech. The aggressive application of de-risking by the banks comes despite assurances from Lord Deighton, the then Commercial Secretary to the Treasury, to his colleagues in the other place, on 14 October 2014, when he said—I quote again I am afraid—that

"while UK parliamentarians are not currently considered to be "politically exposed persons"—or PEPs—domestically, revised global standards to which the UK is fully committed will require that they are treated as such. These global standards require enhanced due diligence and ongoing monitoring only when the business relationship is assessed as high risk. The UK will make representations when negotiating the fourth money laundering directive to ensure that it reflects these standards."

Lord Deighton went on to say:

"The key here is in the approach of the banks in doing their due diligence appropriately. The main feature of these arrangements is that domestic PEPs should be assessed in terms of their level of risk, and in the main UK parliamentarians should be assessed as low risk and, frankly, treated in precisely the same way as any other customer. The problem is when banks do not apply the right kind of risk-based assessment and instead revert to inappropriate box-ticking approaches."—[*Official Report, House of Lords*, 14 October 2014; Vol. 756, c. 114.]

What is now obvious is that the banks have not paid the blindest bit of regard to the entreaties of Lord Deighton. In advance of the fourth money laundering directive, they have decided to apply the rules with no regard to any assessment of risk. This should come as no great surprise. The financial crisis that the banks sprung on us in 2008 clearly demonstrated that they have no, or at best a limited, understanding of risk.

Heather Wheeler (South Derbyshire) (Con): I apologise for being detained at the very beginning of this debate.

Would my hon. Friend be as surprised as I was to be phoned up by a bank that I had banked with for over 30 years to be told that I was high risk, that the bank would not deal with me any more and that it was closing my account? That was a phone call I received in my parliamentary office. Subsequently, a second bank has written to tell me that it is closing my bank account—with no explanation whatever.

Mr Walker: That is an outrageous act by banks. The banks would argue that they are not public utilities, but my response would be that they are, because it is taxpayers and us who have bailed them out. They have a responsibility to behave responsibly, whether it be to Members of Parliament, small businesses or our constituents.

We are now faced with the somewhat laughable situation that not only Members of Parliament are being assessed as high risk in regards to money laundering, but their extended families are, too. On the basis of this Chamber alone, that puts nearly 10,000 people in the frame.

In common with all parts of the population, Members of Parliament can, of course, do bad and stupid things. That has always been the case and always will be the case. When it comes to our elected politicians, however, it is impossible to imagine a more scrutinised group. Not only do we have to register details of our commercial activities with the Register of Members' Financial Interests—under pain, in extremis, of being dismissed from this place if we fail to do so—but we have the likes of *The Daily Telegraph*, the *Daily Mail* and Channel 4's "Dispatches" breathing down our necks in the hope of catching the slightest whiff of wrongdoing.

Indeed, it often comes as a great disappointment to our pursuers that so few of us cavort with international despots and criminal masterminds. The much less glamorous truth is that most Back Benchers indulge in far more mundane but worthy pursuits, such as trying to sort out our constituents' housing and street-lighting problems. Indeed, the tiny fraction of Back-Bench colleagues who lead altogether more politically racy lifestyles are well known to the media, with their activities well reported. It must be remarked, "Oh, what a friend the banks' compliance departments have in Fleet Street and the House of Commons Press Lobby."

That, of course, leaves Ministers, but again the Executive discretion Ministers have in relation to contracts is minimal. The tendering process is conducted by civil servants, with the Minister passed a single name to sign off on or, if they are lucky, perhaps the option of two names, with the chance to exercise a smidgeon of discretion given only under the careful watch of the permanent secretary.

In concluding my comments, I say this to the Minister and the banks: regulation needs to be proportionate to the risk.

Craig Mackinlay (South Thanet) (Con): I would like to put my experience on the record. The 81-year-old mentioned in my hon. Friend's speech a few moments ago was indeed my father. He has been with the same bank for over 50 years. He was asked into the bank to answer detailed probing questions about his banking and other activities. Understandably, my father told the bank that he was not going to do so. As for my own experience, I had a two-hour interview with a banking institution that required information about everything about every bank account I have owned for the last two years. This is simply over-gold plating, and we are seeing it too often in the money laundering regulations.

Mr Walker: I thank my hon. Friend for his useful intervention. In response, I would say that regulation needs to be proportionate to the risk, with the highest-risk bank customers attracting the most scrutiny from their compliance departments and the Financial Conduct Authority.

It may well be the case that intelligence suggests that an individual MP is up to no good, and, of course, that MP should be investigated thoroughly, but the banks and the FCA seem to be eschewing an intelligence-led approach in favour of an unfocused tick-box exercise.

Karl McCartney (Lincoln) (Con): My hon. Friend is making an excellent speech. Can he tell us whether every bank and every Back Bencher has been affected? I ask because, at present, one party seems to be, shall we say, over-represented in the Chamber.

Mr Walker: Colleagues are naturally reluctant to talk about the issue, but I can tell my hon. Friend that this applies to every bank, although some are worse offenders than others. The banks that I have come across are HSBC, Lloyds, the Halifax and Barclays, but there will be others.

Pauline Latham: NatWest.

Mr Walker: My hon. Friend mentions NatWest. I think that all banks are conducting their business in this way.

Jake Berry (Rossendale and Darwen) (Con): And Coutts.

Mr Walker: My hon. Friend has given another example.

If the banks' tick-box approach is replicated throughout their wider compliance operations, it suggests that they do not have a clue what they are doing, or where the risk actually lies within their customer base. Of course, a less charitable interpretation of their conduct would be the suggestion that they have a very good idea of where the money laundering threat lies in their business, but the cost in lost fees of addressing that threat, and the consequential deterring of high-net-worth individuals as clients, is greater than the cost incurred through the occasional regulatory fine. Far better for the balance sheet to make a great deal of noise—noise that both dazzles and impresses the regulator and makes the lives of law-abiding minnows difficult—than to actually engage in the hard and costly yards of nailing the serious bad guys.

The money laundering regulations need to be revisited. Their purpose is to target despots and dictators, not law-abiding citizens. They are being disproportionately applied. Today I am discussing politically exposed persons, but tomorrow I could just as easily be discussing the aggressive application of these requirements in relation to my constituents, their businesses and their families. The Government must act now to end this nonsense across the piece.

Let me leave Members with this thought: if everyone is under suspicion, no one is a suspect.

6.32 pm

The Economic Secretary to the Treasury (Harriett Baldwin): I warmly congratulate my hon. Friend the Member for Broxbourne (Mr Walker) on securing the debate. His speech featured both the clarity and the oratory that regularly win him awards as a parliamentarian.

My hon. Friend has raised an issue that I know has caused a great deal of frustration and anger with our banks, particularly when not just we but our families, by association, experience the same difficulties. I am grateful to him for putting a range of examples on the record, because I regularly inform my officials and the bank representatives whom I meet that my ears are bent every time I go into the Tea Room or the Lobbies, and now they will know that I am not exaggerating. I hear Members' frustration loud and clear, and I assure them

that, along with my right hon. Friend the Minister for Small Business, Industry and Enterprise, who is present, I am keen to enhance the action that we are already taking to deal with this example of red tape. I shall return to that subject shortly, but let me begin by setting out the broader context of our anti-money laundering and counter-terrorist financing regime, of which the issue of domestic politically exposed persons is just one part.

This year will see the most comprehensive review ever of our regime to deal with illicit finance. At a global level we are taking action to improve our response to the threats of organised crime, international corruption and new and evolving forms of terrorism. As the Prime Minister set out in Singapore last year, that is exactly why he will be hosting a major anti-corruption summit in the UK this May.

The Government are also committed to securing the hard-won growth in our economy. In order to maintain this momentum, we need to create a business environment that fosters innovation and investment and that is supported, not hindered, by regulation. That is why it is so important to get the regulatory regime right, and why we are carrying out a red tape review of our current anti money laundering regime, seeking views from the private sector on areas of the regime that it finds unnecessarily burdensome. The aim of this is to help us to fine-tune our legislation so that we have an effective regime that works for our country. That review will report in the coming months, and I look forward to working with my colleague the Minister for Small Business, Industry and Enterprise and to receiving the analysis.

I turn now to the specific issue of domestic PEPs. I recognise that this is the key concern of the debate, and that it is a concern not only of my hon. Friend the Member for Broxbourne but of many others in this House and the other place. As he states, the current global rules on anti-money laundering require that, in cases of high risk, banks and regulated businesses carry out enhanced due diligence on all PEPs—that is, those individuals entrusted with a prominent public function, be it politicians, high-ranking members of the military, senior members of the judiciary or others. Indeed, I myself got caught by this when I held an account with an American firm. There is solid reasoning behind this when it comes to PEPs outside the European Union, because political corruption is something we have seen time and again across the world on a truly astonishing scale.

Let me give three examples. The first is the James Ibori case. He was a state governor in Nigeria from 1999 to 2007. In that time he stole tens of millions of pounds of public money. With an official salary of £10,000 he was somehow able to buy a £2.2 million house in Hampstead, one in Regent's Park, a house in Dorset and a flat in St John's Wood, and it was not just Ibori himself who was ultimately convicted and imprisoned: so was his sister, as well as other associates including his UK solicitor. That is because they conspired with Ibori to conceal the origins of his wealth through a complex web of transactions and shell companies.

Another striking example is that of the former Secretary for Transport and Public Works of Macau. He was convicted of 40 counts of corruption and 13 counts of money laundering and sentenced to 27 years' imprisonment. Since then the UK alone has recovered over £28 million of his corrupt assets and returned them to Macau.

Another example is that of the late Frederick Chiluba. He was Zambian President between 1991 and 2001. On 4 May 2007 he was found guilty of stealing \$46 million of assets in a civil case in the Royal Courts of Justice, and used UK-based solicitors to launder money. In 2008 it was reported that about \$60 million had been recovered by the Zambian authorities.

There is therefore a reason that we treat foreign PEPs differently under the existing regulations, and that is why families and close associates are also looked at in more detail.

Fiona Mactaggart: All the examples the Minister has cited are of people who had some Executive power. How can Opposition legislators be regarded as having Executive power? I certainly do not feel as though I have any.

Harriett Baldwin: The right hon. Lady is right to highlight that, and I will be coming on to it. Clearly the degree of risk in terms of political engagement will vary not only by country, which is one factor that needs to be taken into account, but also with reference to the role of the individual.

We have heard how the regime works currently, but we have also heard from my hon. Friend the Member for Broxbourne that the regime will be changing in the coming year. The overarching framework is set at a global level by the Financial Action Task Force, which is a collection of 36 countries, including the US and Australia. It includes both domestic and foreign politically exposed persons in its standards. The motivation for these global standards is that in many countries domestic PEPs actually present a higher risk than foreign PEPs, and so one person's domestic PEP is another person's foreign PEP. The level of risk is not the same for all countries or all individuals, as has been pointed out, which is why the risk-based approach set out in the standards is crucial.

Of course the UK supports a risk-based approach across the EU to identify and deal with PEPs, especially domestic ones. That is why we were supportive of the fourth anti-money laundering directive, which enacts these global standards. We are now faced with transposing

the EU directive into UK law by June 2017, and it will extend the regime so that domestic PEPs will also be subject to enhanced due diligence across the board. Despite the fact that the new regime does not come into effect until next year, I know that some banks—we have heard some examples and some names today—particularly international ones, have already chosen to implement these changes. They are very much applying a one-size-fits-all process, as we have seen in the examples we have heard this evening. I know that for some individuals affected this has caused enormous frustration.

Let me be clear: this change should not prevent any Member of this House, or any other individual in this category, from gaining or maintaining a UK bank account. We are looking at exactly how we can encourage the banks to implement these measures domestically in the most risk-based manner possible. My officials discuss this issue with their international partners on a regular basis, and we are seeking views on this as part of our public consultation on the updated money laundering regulations and how we transpose the fourth anti-money laundering directive into UK law. I am already regularly raising this issue with not only the banks but the regulator.

I have already mentioned the red tape review of our current anti-money laundering regime, and today's debate is helpful in that context. I know this is an issue of significant concern in this House, as we have heard clearly this evening, so I will report back to hon. Members as this work develops over the coming months. My goal is to have a banking system that is hostile to illicit finance and to terrorists, but which allows ordinary law-abiding and law-making citizens to move easily from one bank to another for better rates and better service. This debate has been very valuable for getting on the record the heavy-handed way in which banks are already applying these new rules. I would like to reassure my hon. Friend, and all other colleagues, that I am on his side, and I am grateful to him for bringing this issue to the House's attention.

Question put and agreed to.

6.43 pm

House adjourned.

Westminster Hall

Wednesday 20 January 2016

[MR ANDREW TURNER *in the Chair*]

Out-of-school Education Settings

9.30 am

Sir Edward Leigh (Gainsborough) (Con): I beg to move,

That this House has considered the proposed regulation of out-of-school education settings.

It is a great pleasure to serve under your chairmanship, Mr Turner, and to welcome such an excellent Minister, dedicated to school standards, and an even more excellent Opposition spokesman—I say that in the hope that they might be nice when they sum up.

How have we come to a situation in which a Conservative Government are proposing that a parish church must register with Ofsted before it can teach children the Bible for more than a few hours? The Department for Education's consultation—I emphasise that it is a consultation—on its plans for out-of-school settings is well intentioned enough. Nobody denies that. When Sir Michael Wilshaw goes on the radio to defend them, he tells us about children

“at risk of abuse and at risk of radicalisation.”

We all have those concerns, but why does tackling abuse and radicalisation in a very tiny number of madrassahs mean that every voluntary group in England that instructs children for six or more hours a week has to register with the state? My right hon. Friend the Secretary of State for Education told Radio 4 that she thought the number of problem institutions could be numbered in the tens. Why, then, are we requiring tens of thousands of totally innocent groups to register with the state?

Graham Stuart (Beverley and Holderness) (Con): Does my hon. Friend remember that when we were in opposition, we opposed the then Labour Government's ContactPoint database precisely because it sought to capture information on every child in the country? We said, “No, it should be proportionate. We should capture the information on children at risk, not every child.” Why does he think that that principle is not being applied in this case?

Sir Edward Leigh: My hon. Friend makes his point very well, and I agree entirely that the Government should capture information only on the very small number of children who are at risk.

Gavin Robinson (Belfast East) (DUP) *rose—*

Mrs Cheryl Gillan (Chesham and Amersham) (Con): *rose—*

Sir Edward Leigh: Ladies first.

Mrs Gillan: I am most grateful to my hon. Friend for giving way and congratulate him on securing the debate. This issue has caused great concern among my constituents, particularly Rev. Simon Cansdale, who leads our churches in Chesham. He makes the point that surely we should be the Government who are responsible for wiping

away red tape and disincentives for voluntary organisations to carry out this sort of work, but we appear to be putting more red tape in the way and creating more disincentives for them. As far as I am concerned, the proposals could even apply to, for example, teaching children music for recitals or outdoor skills, or to any sort of activity such as singing songs or reading out stories to young children. Surely it is verging on the ridiculous and should be swept away.

Sir Edward Leigh *rose—*

Mr Andrew Turner (in the Chair): Order. Before Sir Edward continues—

Mrs Gillan: Too long?

Mr Andrew Turner (in the Chair): Yes, your intervention was too long, as you say.

Sir Edward Leigh: It may have been too long, but it was very good, Mr Turner. Of course it is ridiculous. It is an attack on the big society. These voluntary groups are precisely what the Prime Minister was trying to create. There is no point regulating them.

Gavin Robinson: I am grateful to the hon. Gentleman for giving way. Just seven months ago he proudly stood on a Conservative manifesto, which, on page 61, stated that the Conservative party would

“reject any suggestions of sweeping, authoritarian measures that would threaten our hard-won freedoms.”

Does he believe that the proposals fit in with that promise?

Sir Edward Leigh: Exactly. How proudly I stood on that manifesto. [*Laughter.*]

Returning to my speech, if the number of problem institutions could be numbered in the tens, why should all these voluntary groups be subject to inspection by Ofsted? Why does that mean that churches could have inspectors deciding whether their doctrine meets the “British values” test? Why should totally moderate, mainstream mosques and madrassahs have to register on a list of potential extremists?

The DFE says that an out-of-school education setting is “any institution providing tuition, training or instruction to children aged under 19 in England”.

Exceptions are schools, colleges, and registered childcare providers. The Government talk about “intensive education”. That sounds bad—like it has a controlling influence on children—but the document says it is

“anything which entails an individual child attending a setting for more than between 6 to 8 hours a week”.

It says that that could be an hour or so every day after school.

Jeremy Lefroy (Stafford) (Con): I speak as somebody who even this coming weekend will be engaged in working with young people in a Sunday school. Does my hon. Friend think that, even if we normally do one or two hours a week, the proposals will apply if we take the children away for a weekend, which will be far more than six hours?

Sir Edward Leigh: That is a very good question and is precisely what the Minister needs to respond to, because the proposals could apply and we want to know the answer.

Huge numbers of groups have the kind of contact with young people that we are discussing. They will all have to register as part of a scheme designed for spotting a few Islamic extremists. It sounds a bit excessive, doesn't it? The DFE is clear that it has in mind

"activities and education for children in many subjects including arts, language, music, sport and religion".

This scheme for spotting jihadists is therefore going to impose state regulation on groups teaching arts, music and sport, activities in which jihadists are not particularly known to engage. Stalin used to persecute innocent groups of philatelists or Esperanto learners; is this a very British kind of Stalinism? Members will be thinking of the many scout troops, sports teams, youth groups, churches, conservation groups and after-school clubs in their constituencies. They will all have to register, even though we can say with a high degree of certainty that none of them—none of them—are poisoning young minds with extremism.

The Scout Association has contacted me to say that the "proposed threshold is neither helpful, nor workable"

and that "sufficient scrutiny already exists". Of course, that is right. One does feel sorry for the association. It is hard enough nowadays to get volunteers to give up their free time to run scout groups, without more over-regulation.

Mrs Caroline Spelman (Meriden) (Con): Like, I am sure, many others present, I have had to go through the process of a Criminal Records Bureau check, which is now a Disclosure and Barring Service check. Does my hon. Friend agree that it is an important but onerous process? Sometimes, one has to be checked more than once, because it does not transfer to another activity that one might undertake with children if one is foolish enough to do a full weekend with the Sunday school. It is a very rigorous process, and if it was applied to the people who teach children Islam in all teaching environments, it would be a very good tool to deal with any excess problem that there might be.

Sir Edward Leigh: I agree with my right hon. Friend. We should be using DBS checks if, for instance, people are trying to teach extremism, jihadism or whatever in an out-of-school setting or at home. We should use intelligence and existing powers to deal with the problem, not try to take a great sledgehammer to crack a nut.

Catherine McKinnell (Newcastle upon Tyne North) (Lab): The hon. Gentleman is making a powerful speech. My constituents are concerned about the additional burden not only on volunteers, who do incredible work up and down the country, but on Ofsted. They are concerned about whether Ofsted has the capacity and the resources to implement the proposals, and about what the costs might be.

Sir Edward Leigh: I believe that Ofsted has neither the capacity nor the resources. It should concentrate on its job of ensuring good educational standards.

The DFE consultation document also mentions settings that are used during school holidays. Clearly, summer camps were in view. The Department now says that "one off residential activities" will not be covered. Fair enough.

The body charged with registration is the local authority, but I am afraid we have seen enough local authorities banning Christmas and pulling funding from church groups to know that there will be places where relationships between local churches and the council are not friendly.

Apparently, out-of-school settings will be

"eligible for investigation, and if appropriate, intervention where concerns were reported".

Investigation? Intervention? This is pretty intrusive stuff. The Government say that all this has

"the broad aim of keeping children safe generally from the risk of harm, including emotional harm".

Seema Kennedy (South Ribble) (Con): I thank my hon. Friend for securing this important debate. I speak as somebody who, like other Members, has run residential courses like those that have been mentioned. Does he agree that we might end up with all the good, diligent organisations registering, while the ones we are trying to crack down on will not bother registering at all?

Sir Edward Leigh: That is precisely the point, and I will come to it in a moment. Extremists will not register and will not talk about cutting off people's heads when the Ofsted inspector is around.

Emotional harm is a vague concept. Atheists such as Richard Dawkins say it is "mental abuse" to teach children that the Bible is true. Does the Department agree? I am sure not. Do some Ofsted inspectors agree? I hope not.

The system includes a requirement to "register", a power for Ofsted to inspect and a power to impose sanctions, including barring people from working with children and closing premises. Although the consultation process was, I believe, inadequate, the Department received thousands of responses, because people, especially Christian groups, are really worried. They are terrified because, for the first time, Ofsted will decide whether to bar someone or close down their youth work by assessing whether their teaching is

"compatible with, and does not undermine, fundamental British values."

The Department says that prohibited activities will include:

"Undesirable teaching, for example teaching which undermines or is incompatible with fundamental British values."

Does the Department really have a right to decide what is desirable and undesirable teaching in churches? Many groups focus on hobbies, sports, music, the outdoors—things that have no relevance whatever to British values. The truth is that those thousands of hobby groups are being forced to register only so the system looks even-handed. That is the point: the Government are terrified of not looking even-handed, and therefore they are bringing in all those other harmless groups.

David Rutley (Macclesfield) (Con): I congratulate my hon. Friend on securing this debate and on making a characteristically forthright speech that is based on common sense. Does he agree that the state has tools to address such issues in a risk-based way? We do it all the time with immigration and policing. Clearly, if there are risks, we should have a risk-based, proportionate approach based on common sense.

Sir Edward Leigh: That sums it up very well. All the tools are there, and I will list them in a moment. They are based on risk.

The DFE's real target, as we all know, is religious teaching; let us be honest about that. The major problem is that many religious groups do not have confidence in Ofsted. I led a debate last year on the treatment of certain Church and Jewish schools. I will not repeat all I said on that occasion. I mentioned the particular problems that Orthodox Jewish schools are having; I read out letters from pupils at a Christian school; I mentioned St Benedict's Catholic School in leafy Bury St Edmunds, which was accused of not doing enough to tackle radicalisation; I mentioned Middle Rasen School in my constituency, which, according to Ofsted, is not British enough. I will not repeat those points, but they are on the record.

The Catholic Education Service does not oppose the plans, but it has a number of concerns, including the risk of

"Vexatious complaints and the use of the system as a means of pursuing critical objectives".

Ofsted told Trinity Christian School in Reading to invite leaders of other faiths to lead collective worship and actively to promote other faiths. Ofsted denies it, but why would the school make it up? I am afraid that Ofsted has a reputation for being unfair to some Christian and Jewish schools. When inspectors went into the Birmingham non-faith schools that were part of the Trojan horse Islamist plot, they first rated them as "outstanding". One of the key figures in the scandal was an Ofsted inspector, so it hardly has a stellar record of spotting extremism. Yesterday, I talked to Sir Michael Wilshaw, who is a very reasonable, able man and is clearly doing his best. I have no doubt that he has worked hard in the past year with his resources to root out radical jihadism, but because he has to look even-handed, he has to take part in this activity of controlling thousands of other group.

Are British values the answer? One only has to say the phrase now and people roll their eyes. The consultation paper says that British values include

"democracy, the rule of law, individual liberty and the mutual respect and tolerance of different faiths and beliefs."

That is too vague to provide a basis for state inspection of churches and scout groups. It is also sloppy. We cannot show respect and tolerance for all beliefs. Jihadism is a belief, and we certainly do not respect that.

The Government admit that their out-of-school plans will create a new burden on providers—the understatement of the year—but I do not think they have any idea of how big the bureaucratic monster they are creating is. The National Council for Voluntary Organisations—hardly an extremist group—says that there are more than 160,000 voluntary organisations in the UK. Many of them work with children and young people. For 37,000 of them, it is their core work. The NCVO counts only registered charities, but a vast amount of voluntary work is done without the formality of setting up a charity, so there are many thousands more groups not included in the NCVO figures.

I have several questions that I hope the Minister will reply to. How will those tens of thousands of bodies be notified of the new obligation to register, given that some of them do not even have a permanent address?

Whose responsibly will it be in the setting, especially if the group is informal and has no structure? What about venues with different groups operating on the same premises? How will ad hoc groups calculate whether they breach the six-hour threshold? How many will be forced to register just in case? How will they know what Ofsted is looking for if they ever get a visit? How will they prepare for a visit? Can football be played in a non-British values compliant way? Can a conservation club be intolerant? Should martial arts clubs be worried?

The whole thing is a ridiculous mess that will severely damage the big society—our big idea. Some groups will cut their provision to less than six hours to avoid having to register, and some will close down altogether. Groups that rely on teachers as volunteers will be especially vulnerable because teachers will not want to risk their career by being involved in an amateur outfit that might slip up with Ofsted. It is the children who will suffer, not us, Ofsted or the Government. There will be less provision, which means that in future there will be fewer footballers, swimmers, linguists, artists and other high-flyers, all because of this bizarre, unfocused, ill-thought-out, politically correct imposition on our freedom.

Mrs Gillan: I am also greatly worried about the cost and burden that the scheme will place on our already squeezed local authorities and on the Government. More taxpayers' money will be spent on the scheme, and I think it would be unreasonable to expect local government to meet the cost.

Sir Edward Leigh: From talking to our local councillors, we know that the last thing we should do is impose more burdens on them.

To top it all, the scheme will not make children any safer from extremism; it will just tie up thousands of non-jihadi groups in red tape. The idea that jihadists will take the time to register is incredibly naive. Islamist extremists regard our laws as a total irrelevance. If they have no conscience about teaching children that Jews and Christians are worse than dogs, does anyone seriously think they will have a conscience about registering with the local authority? Are they really going to put themselves on the radar for an inspection? If they beat up children for not memorising the Koran, do we really think they are going to put their hands up and say, "Here we are—come and inspect us"? If Ofsted turns up to assess them, does anybody think that they would use the occasion to show their ghastly videos?

If we want to find extremists groups that put children at risk, we have to use good old-fashioned intelligence. We spend a huge amount of money on the intelligence services. We have to rely on intelligence, surveillance, common sense and the bravery of members of the public who blow the whistle on such groups, including the many good Muslims who are fed up with this, frankly, and the good Muslim mothers who do not want their children to go to such places.

We should use existing laws, of which there are plenty. If these groups urge children to do things that break the law, we should prosecute them for encouraging the commission of a criminal offence under section 44 of the Serious Crime Act 2007. If the children are at risk of significant harm, we should get a prohibited steps order or a supervision order under the Children Act 1989. If the premises are dangerous, we should invoke health

[Sir Edward Leigh]

and safety law to close them down. If it is really an unregistered school, we should use the Education and Skills Act 2008 to close it down, as the DFE did last week to a school in Stamford Hill. We have the powers, and we should use them to deal with the genuine cases.

This out-of-school setting scheme is a total and utter distraction. We will end up with a list of tens of thousands of law-abiding, non-extremist groups, and Ofsted inspectors will try to justify their existence by picking on the occasional conservative religious group and brand them non-compliant with British values. It is a typical case of politicians and civil servants wanting to look as if they are doing something, rather than actually doing something. If they actually want to do something, they need to knock together the heads of the police, social services departments, Ofsted and all those with existing powers to make them use those powers properly.

This scheme is fundamentally illiberal. It is big government at its worst. It would do little or no discernible good, and an awful lot of harm, leading to false allegations. Ofsted knows that false allegations against teachers are a massive problem in the profession. A system based on “British values” and “undesirable” teaching is ripe for subjective, exaggerated and politically-motivated complaints, especially against religious groups. This will generate false flags and waste time. Finding extremists is already like finding a needle in a haystack. This system will just make the haystack much bigger.

Sir Michael Wilshaw tried to justify the new plans on LBC Radio last week by citing cases of unregistered schools where children were

“living in appalling conditions in a filthy environment where there was homophobic literature, anti-Semitic literature and misogynistic literature”.

That summarises the difficulty. On the one hand, it identifies real problems such as educating children in filthy conditions, but talks about those problems as if we cannot tackle them without a new law. That is not true. We do not need a new scheme to do that. On the other hand, Sir Michael Wilshaw raises issues that involve highly subjective judgments, such as what constitutes “homophobia” and “misogyny”. People routinely use words such as homophobic and misogynistic to describe the contents of holy books of all religions. One can bet there are Ofsted inspectors who take that approach. I half wonder whether the homophobic, misogynistic and anti-Semitic literature found at unregistered schools was just some religion’s holy book. There is some pretty blood-curdling stuff in the holy books of all religions.

I absolutely accept that no religious person has the right to impose any violent language on anybody else, but we are talking about religious people. It does not matter whether they are Hindu, Sikh, Muslim or Christian—they believe their holy book. I am not saying that anyone has the right to enforce their holy book on others, but they do have a right to say that they believe that their religion is right and that others are wrong. That is why they are religious. That is real diversity and pluralism—not this ridiculous situation in which we all have to pretend that we believe the same thing.

The Minister may tell us that the Government have no intention of registering Sunday schools, chiefly because they do not like the sound of the headline, but Sir Michael Wilshaw told the LBC Radio audience last week that

Sunday schools would have to register. He is right because Sunday school provision is just one aspect of a church’s work with young people. If a child spends two hours at Sunday school, another two hours at a youth group on Wednesday, and another two hours in choir practice on Friday, they have spent six hours receiving tuition and training from the church. It may have involved three different groups with three different sets of volunteers but it is all in one setting, so that church will have to register. Its Sunday school workers, youth group leaders and choir masters are all liable to British values inspections.

In 1787, it was estimated that a quarter of a million children were enrolled in Sunday schools. They were mainly non-conformist. Frightened by the French revolution, the then Archbishop of Canterbury denounced Sunday schools as “nurseries of fanaticism”. Prime Minister William Pitt almost introduced a Bill prohibiting the dangerous innovation—plus ça change. In conclusion, the Department must think again before it unleashes a whirlwind of destructive over-regulation on the voluntary sector.

9.53 am

Stephen Timms (East Ham) (Lab): I am pleased to serve under your chairmanship, Mr Turner. I congratulate the hon. Member for Gainsborough (Sir Edward Leigh) on securing the debate. I agree with a great deal of what he said, and I think there will be widespread agreement that the prospect of Government officials inspecting and supervising religious activity is not an attractive one.

We all understand—the hon. Gentleman set this out clearly—why the Government want to introduce the measure, but the way in which they go about doing so is very important. The Christian organisation CARE, in its briefing for the debate, rightly asks the question that he raised: what became of the big society? The approach being taken here is very different. It is the big state approach, which, as we have been reminded, the Conservative party’s election manifesto explicitly repudiated.

I am particularly uncomfortable about the idea that religious instruction should be placed under the authority of some vaguely defined British values administered by Government officials. Surely, in reality, it is the other way around. Admirable British values have been formed as a result of the practice of religious faith over hundreds of years. We need the practice of faith to renew and reinvigorate those values, and there is a good deal of that around the country at the moment—for example, in the extraordinary network of food banks that has developed over the past few years, a great majority of which are faith-based. That is where good values come from. Making religious instruction subject to a state-controlled version of values is deeply problematic.

There is a recurring theme in the Government’s efforts to address extremism. Of course, it is right that the Government address the problem, but that is a very difficult thing to do. Sometimes, one gets the feeling that the Government are coming up with ideas in order to be seen to be doing something. There is a worry that a view is emerging that a person who is deeply religious should be regarded in consequence as suspect. In reality, there is no correlation between those two things; it is not true for Christians, Muslims or others. Islamist extremists, on the whole, are people who are outside of regular mosque attendance because mosque attendance involves socialisation, which helps to protect against extremism. Therefore, in reality, the connection is mistaken.

Mr Gregory Campbell (East Londonderry) (DUP): The right hon. Gentleman is touching on the nub of the problem. In society, there are groups of people who are deeply religious and hold devout religious views. Does he agree that any Government initiative or change in legislation must not assume that those groups are in some way suspect and treat them in a blanket way to isolate and deal with the very small number of people who use devout religious views as a means and mechanism to achieve a more devious and illegal aim?

Stephen Timms: The hon. Gentleman is absolutely right. I very much agree with the way he has expressed that danger, which we are heading into at the moment. If the Government are determined to make some changes in this area, I wonder whether there might be a less problematic way of doing so than the one proposed in the recent consultation. As was mentioned earlier, there is not a good fit between the task proposed and the institution—Ofsted—proposed to undertake it. I am an admirer of Ofsted and, in particular, of its current chief inspector. I admired him when, years ago, he was a headteacher in the borough that I represent in the House of Commons. However, inspecting and holding to account publicly funded schools is a very different task from monitoring occasional problems in wholly voluntary settings. As one commentator has observed, the measure would, in effect, make Ofsted the state regulator of religion. It is quite surprising to see this idea from a Conservative Government. Ministers have rightly called for religious freedom overseas. We need to be vigilant that we do not undermine it at home.

There are pragmatic considerations as well. Sensitivity and tact are not the hallmarks of Ofsted. Its job, on our behalf, includes a lot of heavy lifting. The task that the Government envisage here is a very different kind of task. I cannot see that it would be right to ask Ofsted to undertake it. Instead, what if the task of inspection—if it must be done—were given to one of a number of inspecting bodies, which could perhaps be set up for the purpose? Each setting could then choose the body by which it was inspected. They might be set up by the Roman Catholic Church, the Evangelical Alliance or the Muslim Council of Britain. The bodies would be rigorously supervised and audited by Ofsted, but it would be their staff who did the inspecting, rather than Government inspectors.

Of course, there would need to be a limit on the number of bodies, and there would be a case on the ground of openness for an inspector from a different body to accompany an inspecting team on its visits. Sunday schools or after-school Koranic classes do not object to outside visitors. The problem is with the idea that they are answerable to Government officials for the religious instruction that they deliver.

Robert Ffello (Stoke-on-Trent South) (Lab): My right hon. Friend's suggestion sounds interesting, but does it not fly in the face of what this Government have said for many a year, which is that they do not want to see state bodies and apparatus put in place? Whether they used the original proposals or my right hon. Friend's interesting ideas, all of it suggests further layers of bureaucracy, which they keep saying that they do not want.

Stephen Timms: My hon. Friend is absolutely right. I was attempting to propose a different way of doing things that might get around at least some of the serious difficulties in the Government's proposals.

In conclusion, several of us received this morning an email from a man who writes:

"I'm a British born Muslim living in East London. I have a beard and pray five times a day and I can no longer walk down my street without being looked at strangely as a threat."

In addressing the problem—a real problem, albeit one affecting only a tiny number of people—there is a danger of accidentally severely undermining the values that we are setting out to protect.

Several hon. Members *rose*—

Mr Andrew Turner (in the Chair): We have quite a job to do fitting everyone in. We are going to start the wind-ups at 10.30 am, which allows the Front-Bench spokespeople only nine minutes each to allow Sir Edward to conclude.

10.2 am

Fiona Bruce (Congleton) (Con): I will be brief, because the excellent speech of my hon. Friend the Member for Gainsborough (Sir Edward Leigh) has made most of what I was going to say unnecessary. The proposals are disproportionate and likely to be ineffective, and pose a real threat to freedom of speech, conscience and belief. They are also quite probably illegal, a point to which I will return in a moment.

Whatever reassurances the Minister may give us today that the proposals will not affect the salt of the earth organisations of which my hon. Friend spoke, we cannot be sure. The problem is that office holders change. Politicians change. Civil servants change. Once such regulations are in place, what guarantee do we have that they will not be interpreted differently in the future?

It will not do to say that we are being alarmist. We need only remember the plight of the Plymouth Brethren, which you will remember well, Mr Turner. They were threatened with the removal of their charitable status some three years ago over a difference of interpretation of the words "public benefit". That came after reassurance had been given in the House during debates on the Charities Act 2006 that traditional religious charities need not fear the legislation. If I am correct, you were the shadow Minister at the time, Mr Turner, and you expressed grave disappointment in this very Chamber that, years after the passing of 2006 Act, an established charity with some 300 churches across the country was having its charitable status challenged following a different interpretation of the legislation. The reassurances that had been given were swept aside. The challenge cost the charity hundreds of thousands of pounds and was only averted after dozens of MPs stood up in this place and called for the outrageous attack to be stopped. That is why we are speaking out against the proposals today.

I now turn to the probable illegality of the proposals and the human rights issues. I thank Professor Julian Rivers, professor of jurisprudence at the University of Bristol and an expert on law and organised religion, for his advice. He describes the proposals as "astonishing". He says that such a registration requirement, as it would apply to religious groups, would "be straightforwardly in breach of the UK's international human rights obligations."

Let us have a look at articles 8, 9, 10, 11, 14 and 18 of the European convention on human rights. Hon. and right Hon. Members will be relieved that I will not quote them all. The Human Rights Act 1998, which refers to

[Fiona Bruce]

the convention, states that everyone has the right to freedom of thought, conscience and expression, to hold opinions and to receive and impart information and ideas without interference by public authority. Requiring religious groups to register would breach that. Indeed, just last year, the European Court of Human Rights said that the European convention on human rights

“excludes any discretion on the part of the State to determine whether religious beliefs or the means used to express such beliefs are legitimate.”

It is therefore quite likely that, were Ofsted to identify and sanction undesirable teaching in a church youth group in the way that my hon. Friend the Member for Gainsborough described, it would be in breach of the ECHR.

Much as I would like to, I will not go on. There is a great deal more I would like to say, but I will say in closing that the consultation has been rushed through and is of particular concern to faith organisations. At some 42 days, it was very short and the shortest of the Department for Education’s current consultations. I stood up in the House before Christmas and asked for an extension, bearing in mind that the consultation took place over Advent and Christmas, but it was refused. I pointed out later that one of the email addresses on the consultation’s website was wrong, so some of the consultees’ responses were never received. There was then confusion over the time of day on the final date when the consultation finished. Many consultees who put their responses in after around 5.30 pm found that they had missed the deadline. There needs to be a clearer understanding of what the deadline is.

Robert Ffello: I appreciate the hon. Lady’s speech, but my one concern is that she is almost suggesting that the Government should rerun the consultation. May I suggest that she makes it clear in her closing remarks that the best thing that the Government could do is to bury the consultation once and for all?

Fiona Bruce: I absolutely agree. There is no other way that the proposals can be addressed other than to completely abandon them. That is what we are calling for today.

Several hon. Members *rose*—

Mr Andrew Turner (in the Chair): Order. Members have about two minutes each.

10.8 am

Jim Shannon (Strangford) (DUP): Two minutes? My goodness, how can I say everything that I want to say in two minutes? What a pleasure it is to stand alongside the hon. Member for Gainsborough (Sir Edward Leigh) and support him in what he put forward. I thank him for all he has done.

I am not alone in having serious concerns raised with me by traditional faith groups and faith schools with no history of extremism whatsoever about the prospect of counter-extremism strategies potentially affecting them. That is what this is all about. Let me be clear. A framework needs to be put in place with safeguards to prevent the strategy from becoming a draconian measure. There needs to be intelligence-gathering and reasonable suspicion before any investigations or the specific targeting

of a school. We cannot end up in a situation in which a Sunday school is declared a radical theatre or religious studies at a local primary school becomes a matter of national security. Such things are incredible.

David Simpson (Upper Bann) (DUP): Does my hon. Friend agree that it is sad that we could be looking at state-controlled faith in this United Kingdom in a few years?

Jim Shannon: Absolutely. I thank my hon. Friend for that point. I am on the record as saying that freedom of expression and of religion are essential to any free, modern and healthy democracy. I fully support that and think that other right hon. and hon. Members here support that. I want to ensure that that is how we consider the matter.

The Evangelical Alliance, an umbrella group representing some 2 million practising Christians in the UK, said that the proposals risk the

“wholesale nationalisation of youth work and the indirect state regulation of private religious practice”.

Can you believe it! What a prospect!

Colin Hart of the Christian Institute described any enforcement of the so-called British values—incidentally, I am British and a British passport holder, British by birth and British by choice, but these values are not my values—on any faith group with any reasonable cause for concern as

“an unprecedented attack on freedom of religion in this country”.

He warned that Ofsted inspectors not only could be sent into Sunday schools, but could end up investigating scout troops—this year it is the 100th anniversary of the Cub Scouts—and even bell-ringing clubs. My goodness, there will be people sitting on every corner with their black shirts on ready to do the business!

If this is the sort of Britain that we are on the road to, we are not on the road to a very good place. A serious re-evaluation is needed of whether it is worth eroding such civil and religious liberties in the name of those so-called British values. I hope that today gives the Government a chance to change that. This serious issue is important throughout the whole of the United Kingdom of Great Britain and Northern Ireland, and I urge the Minister to say clearly in his response, “It is not happening.”

10.10 am

Sir Gerald Howarth (Aldershot) (Con): I endorse everything that my hon. Friend the Member for Gainsborough (Sir Edward Leigh) said. It is important to understand why we are in the Chamber today. We are here because Sir Michael Wilshaw found that the Trojan horse experience in Birmingham had exposed the most dangerous corruption of our children imaginable. Indeed, the people of this country cannot imagine what was being done to our children, and Sir Michael has expressed his horror about what he found.

That exposed a problem in our country and, I am afraid to say, the problem is confined to one religion only: Islam and what is done in its name. Christians do not threaten our national security, and nor do Buddhists or Sikhs. The threat to our national security is clear and defined, and we can see it in Syria: British young people, brought up in British schools and taught British values, are now perpetrating the most barbaric medieval practices imaginable.

It is therefore right for the Government to address the problem, although we are not doing so correctly by introducing such sweeping proposals, which have been drawn up only to counter Islamic extremism, which threatens our national security. The Government, however, are pretending that there are extremists in other quarters in this country, such as in far-right groups. Yes, there are undesirable, revolting groups in this country, but they do not threaten our national security as it is being threatened by one group.

Gavin Robinson: That is an important point. The Government recently published a counter-extremism strategy. When I asked why Northern Ireland, which has a fair number of extremists, was not included in the strategy, I was told, “Don’t push the issue too far. It is really a counter-Islamic strategy.”

Sir Gerald Howarth: Indeed. Everything is being done so that the Government can pretend that they are being even-handed. We cannot be even-handed between those who do not threaten our national security and those who do. We have to be specific.

There is of course complete confusion about how the Government are approaching the issue. On 14 January Sir Michael Wilshaw said in an interview on LBC:

“We have got to deal with this in an even-handed way...all we’re saying is that if church groups or religious groups want to run out-of-school classes then they need to register so that the country and the Department of Education know they exist and that they’re being run properly.”

That is what he said.

Fortunately, on 15 January the Prime Minister wrote a letter to me, which I received yesterday. He said:

“I want to be clear: the Government is not proposing to regulate institutions teaching children for a short period every week, such as Sunday schools or the Scouts. Nor will it apply to one-off residential activities, such as a week long summer camp. We are looking specifically at places where children receive intensive education outside school, where children could be spending more than six to eight hours a week.”

Michael Tomlinson (Mid Dorset and North Poole) (Con): I am grateful that my hon. Friend read that out. I run, or help to run—I do not want to overstate the case—a Christian youth camp that runs for longer than a week. It runs over two weekends, so for more than a week. Will he join me in calling on the Minister to clarify that such camps that run for 10 days or two weeks will also not be included in the proposals?

Sir Gerald Howarth: My hon. Friend’s illustration exposes the complete absurdity of the whole regulatory process that the Government are seeking to introduce. I thank him for his helpful intervention.

We risk passing massive powers to Ofsted to define extremism and what constitutes British values. In conclusion, therefore, the scheme is hopelessly broad, covering vast swathes of activity with children and young people in respect of which there is not a shred of evidence of anything remotely resembling extremism. Any scheme must be evidence-based, intelligence-led and tailored to the problem that it is designed to solve, which is that of Islamic fundamentalism poisoning the minds of young people in this country. This scheme represents none of those things.

10.15 am

Gavin Robinson (Belfast East) (DUP): The previous time I spoke in this Chamber, we discussed the Donald. Since then I have had scores of emails from lively Americans who have described Members of our honourable House as jihadist-supporting and Christian-hating fundamentalists. Today I hope that faithfulness and truth shine out of this House and that the Government take on board the strong message that we are getting throughout the Chamber that the proposals we are discussing are far too wide and far too shallow, when really they need to be narrow and deep.

Mrs Helen Grant (Maidstone and The Weald) (Con): Does the hon. Gentleman agree that, in addition, the proposals are rushed, reactionary and very badly thought through?

Gavin Robinson: As well as completely unlawful and completely unworkable.

The hon. Member for Gainsborough (Sir Edward Leigh) indicated how bizarre the proposals would be for those they are really meant to affect. Which jihadist or fundamentalist would abide by the letter of the law? Even if they are radicalised or militarised, are they not capable of stopping their radicalisation lessons at five hours and 59 minutes per week? Are they not cute enough not to register or draw themselves to the attention of the grey bureaucrats in Ofsted? Of course they are. They will avoid all the good intentions that might lie behind the proposals.

We would be left in a bizarre situation. Section 48 of the Education Act 2005 allows faith schools to select their own assessors; the denomination selects the assessors. But churches, those single entities that house so much good work for so many organisations—the cumulative effect of the Scouts, the church groups, the Sunday schools and other lessons, and the Alpha courses for children—once they reach six hours, they will come a cropper under the proposals.

The hon. Member for Congleton (Fiona Bruce) fairly and helpfully illustrated the legal difficulties. I know that there is not an awful lot of love for the Human Rights Act but, underneath all the rhetoric about it, there has always been the confirmed principle that the European convention on human rights would be upheld, including the enshrined freedoms of religion and association. Moreover, the right to freely associate is protected from arbitrary state interference. There are scores of cases involving, for example, Moldova, Hungary and Russia—there was a case involving the Church of Scientology in Moscow and the Russian state. These proposals would fall foul of the European convention on human rights. In fact, we would be associating ourselves with such champions of freedom as Belarus or Turkmenistan, which the UN’s special rapporteur criticised for seeking unfairly to hinder the freedom to teach and educate on the basis of faith principles.

I recognise, Mr Turner, that I have gone well beyond the time you suggested and I will sit down shortly, but I want to highlight the promise made to the people of this country in the Conservative manifesto last year. On page 61, it states that a Conservative Government will “reject any suggestions of sweeping, authoritarian measures that would threaten our hard-won freedoms.”

Live up to that promise, Minister, and having considered the possibility of the proposals, set them aside.

10.18 am

The Second Church Estates Commissioner (Mrs Caroline Spelman): I congratulate my hon. Friend the Member for Gainsborough (Sir Edward Leigh) on securing the debate. Fortunately, we are discussing a consultation. Although it is closed, I urge the Minister to consider the contributions to the debate as part of that consultation.

I speak as the Second Church Estates Commissioner and I want to place on the record the position of the Church of England, which provides 500,000 children with out-of-school educational activities, involving 80,000 volunteers. The Church's objections to the proposals should not be interpreted as a rejection of the Government's aim of protecting children from harm. Of course not. It is simply that, if the Government do proceed, the Church wishes that the measures will be much more proportionate and avoid the unintended consequences.

If even-handedness is the concern of the Government, they should use existing laws that protect children and that the Church of England, its volunteers and its professionals are required to abide by. Everyone who works with children in such settings has to have CRB checks, which are now called disclosure and barring service checks—sometimes people have them again and again—but every church is also required to appoint a child protection officer, even if they do not have a Sunday school but aspire to teach some children in the setting. If the Minister wishes such things to be done in an even-handed way, that should also apply to other educational out-of-school settings.

One of the Church's main concerns, which has been articulated by hon. Members, is the singling out of religious activity for new laws, which implies that religious activity is inherently problematic. That is likely to inhibit the religious freedom that the consultation aimed to ensure we protect.

Muslim mothers came to see me in my constituency before Christmas, beseeching me to ask the Government to do something about the teaching of their children in private madrassahs. They are fully aware that the Church and other religious groups are required to abide by this country's laws, but they are also aware that that is not happening in private madrassahs. Laws already exist—for example, on the application of CRB checks and the childminding registration laws for domestic settings, which hon. Members know are quite onerous for childminders. I urge the Government to use the tools they have even-handedly so that all groups required to abide by this country's laws actually do so.

10.21 am

Steve Double (St Austell and Newquay) (Con): I congratulate my hon. Friend the Member for Gainsborough (Sir Edward Leigh) on securing the debate. Just a few weeks ago, the Prime Minister stood up in the Chamber and declared that he believed we were a Christian nation and that, in fact, it was our Christian heritage and values that have made us the great nation that we are. I believe that those words were broadly welcomed, so, if that is true, what are we afraid of? We should be promoting the teaching of the Bible to our children, not seeking to restrict it, because the results of that produce an awful lot of good.

The Government are in danger of making a bad decision based on very bad evidence. Where is the evidence of any British citizen attending the local Methodist

Sunday school and being incited to carry out acts of terrorism? Where are the Sunday school teachers who seek to inspire and incite young people to join terrorist organisations? I suggest there is no evidence whatever to impose such restrictions on Sunday schools and other church groups.

Graham Stuart: My hon. Friend is right. There also seems to be little evidence that the inculcation of ideas in madrassahs leads to extremism. We have had little from the Government to show an evidential link—it seems to be lonely teenagers looking on the internet rather than being taught in schools, officially registered or otherwise.

Steve Double: I thank my hon. Friend for his intervention and I wholeheartedly agree with him. We need to recognise that the vast majority of people of all faiths in this nation are decent, honest, law-abiding citizens who want only the best not only for their own children, but for our nation. We are in danger of applying onerous restrictions on the many to address the actions of a few. That is the wrong thing to do.

In this country, we have already sacrificed too much of our liberty in the name of equality. I fully appreciate that the Government are trying to walk a tightrope on this issue to appear even-handed, but, as my hon. Friend the Member for Beverley and Holderness (Graham Stuart) pointed out, we need to be clear about where the source of the threat comes from and target the Government's response to address the source and not tie up tens of thousands of volunteers with unwarranted bureaucracy when they already have a hard enough job to do.

When young people attend Sunday school or other Christian events throughout the year, they often find not just faith but a mission in life to go and serve humanity. Thousands of young people attend Christian camps every summer and, as a result of the teaching they receive, they are inspired to travel the world, serving humanitarian causes. That is something we should be promoting, celebrating and encouraging, not restricting.

I implore the Minister and the Government to think again. There is clearly a degree of confusion over this issue, but there is no smoke without fire, so there is certainly something going on. I ask the Minister once and for all to quash the proposal to put onerous restrictions on faith groups, and churches and Sunday schools in particular. Let us celebrate our Christian heritage and not seek to restrict it any further.

Mr Andrew Turner (in the Chair): I call Caroline Ansell, who has one and a half minutes.

10.25 am

Caroline Ansell (Eastbourne) (Con): Thank you, Mr Turner. I will confine my comments because the hour draws near. I congratulate my hon. Friend the Member for Gainsborough (Sir Edward Leigh) on securing the debate. The strength of feeling expressed in the debate speaks loudly to the Government about the concern of our constituents.

As a former teacher, I think this has all the hallmarks of parents' evening: it is only those parents who we really need to see who will not come. That point was made ably earlier. Just this morning there has been news about teacher recruitment, with issues about schools

seeking to fill vacancies. Classes have cover and supply teachers because we are struggling to recruit the numbers we need. Many are the pressures in teaching, but Ofsted represents one of the most significant pressures for teachers. I know I speak for my colleagues in that. If we bring Ofsted into this setting, we will decimate the number of volunteers who give hour upon hour and add tremendous value to the young people they engage with.

I am deeply concerned about the proposal. It strikes me as statist. I am brought back to what the Prime Minister said:

“Whether it’s tackling crime and anti-social behaviour or debt and drug addiction; whether it’s dealing with welfare dependency or improving education outcomes—whatever the social issue”—

I have the temerity to add extremism—

“the answer should always begin with family.”

These families choose the settings to which they send and entrust their children. The parents are often in that setting alongside the leaders. They are engaged, so parents are our best allies, not Ofsted inspectors. Should we go down the path of these sweeping authoritarian measures—that is how they appear to me—we will be letting terrorists win by sacrificing precious, hard-won freedoms.

10.27 am

Graham Stuart (Beverley and Holderness) (Con): I am struck by the parallel with the registration proposals of the previous Labour Government for home education. The thought was, “There could be a problem. We don’t have enough data. We don’t know what’s going on. There could be issues—children could be being abused in their homes. So we must register every single parent,” even though the long-standing settlement was to respect that parents have the duty to educate their children, not the state. This is creeping statism.

I asked my hon. Friend the Member for Gainsborough (Sir Edward Leigh) not to add me to the list, but I am someone of no faith and there are lots of people in the Chamber with faith. This proposal seems to me a gross infringement of so many rights, including the rights of Muslims, and in a free society we need to respect families of whatever denomination and recognise where the line should be drawn by the Government, notwithstanding the risks.

If we go back, we think of the reds under the bed. It was not that there was not a clear and present danger from communism; it was the fact that a disproportionate, illiberal and un-American response was inappropriate. We can think back to when the leader of the Catholic Church—Islam has no such leader—was clearly opposed to the society and Government of this country, yet we recognised that Catholics were predominantly law-abiding and needed to be respected.

Sir Edward Leigh: Only predominantly?

Graham Stuart: Nearly exclusively. It is exactly the same issue.

I make one final point. If we go ahead with this, it will have the opposite effect on safety to what is intended. Forget all the other points my colleagues have made about how it will break down volunteering and all the rest of what is good—what about targeting Islamic extremism? If we take an organisation such as Ofsted,

whose budget has been falling consistently over time—local authorities are in the same position—and ask it to register everyone, it will spend its entire time trying to do that and it will fail to get to the real problem.

With the Labour proposals on home education, we knew that the people who were really troublesome would never register and would evade the authorities with ease. Everyone else—every law-abiding, committed family—would be put through the hoops and subjected to a state imposition that was clearly and utterly inappropriate. That is what we risk here.

I have changed my mind on this proposal. At first, I thought it could be proportionate and reasonable, but I do not think it can be, so let us not do it. ContactPoint was wrong, and so is this—let us put a stop to it.

10.30 am

Carol Monaghan (Glasgow North West) (SNP): I congratulate the hon. Member for Gainsborough (Sir Edward Leigh) on securing the debate. I find myself in the strange position of agreeing with almost everything he said.

Like the hon. Member for Eastbourne (Caroline Ansell), I am a former teacher. I know the difficulties teachers have in recruiting people to help with out-of-school clubs and activities, and adding a further layer of bureaucracy will simply close those down, with all the benefits to our young people being lost in one foul blow.

As has been mentioned, anyone working with children already needs to undergo disclosure checks. Although those can take time and be problematic for people who want to get started, they are an important tool, and they are already in place.

The hon. Gentleman mentioned an atheist who said that teaching children the Bible was akin to child abuse. We must be careful about how we perceive teachers and what they do. People often think that teachers in particular settings are taking part in indoctrination or putting forward one view. Teachers in Catholic or other Christian schools do not simply teach one view—they teach different views.

Let me give an example from my experience. I was a science teacher. When we looked at the energy debate, we would give pupils the facts about renewables and nuclear and let them make their own decisions—we would teach them how to argue and how to think. The point here is that we are forgetting the professionalism that teachers show, whatever setting they are in. Teachers are not brainwashing pupils; they want to give them the knowledge to make their own decisions.

While we are talking about brainwashing and indoctrination, I should add that I am far more concerned about children who spend six-plus hours in front of the television, being fed soap operas and “The X Factor”, with all the lessons that those teach.

Kevin Foster (Torbay) (Con): The hon. Lady makes a great point. The proposed regulation could mean that more people in the communities where many churches operate—some of the most deprived communities in the country—are sitting indoors, doing less activity, which links to the debate we will have tomorrow about having a strategy to deal with the obesity that these things are resulting in.

Carol Monaghan: Absolutely. We need to look at the huge benefits that children—our future citizens—gain from these additional activities.

The hon. Member for Aldershot (Sir Gerald Howarth) talked about the need to tackle the threats to national security. We all share the responsibility to tackle extremism, but in doing that we must be careful not to throw the net too wide. Tarring every Muslim in Britain with the same brush because of the actions of those who carry out atrocities such as the recent Paris attacks or the 7/7 bombings is like tarring every Irish person with the same brush because of the Warrington bombing. We must be careful about the language we use so that we do not play into the hands of extremists. If we approach the Muslim community aggressively, we will simply cause anger and upset, and we will not get to the nub of the issue—the handful of extremists feeding poison to people.

Wendy Morton (Aldridge-Brownhills) (Con): Does the hon. Lady agree that the proposal risks being very heavy-handed? At its heart, it fails to take into account the fact that children and young people access so many out-of-school services and clubs and that those are at the heart of many communities across our country.

Carol Monaghan: Absolutely, and the same is true in the Muslim community. My local mosque, in Glasgow's West End—the Ahmadiyya welcome centre—has children visiting every day after school to learn the Koran. It also opens its doors to the community and says, "Come and see what we do with these children. Come and see how they are benefiting. Come and find out about the values that are being taught here." When we go in, we find happy children and a group of people who want to share what they are doing, and that is the experience in most mosques across these isles, so we need to be careful about these issues.

When an attack takes place, it is nothing to do with Islam, which is a faith of peace, or with our Muslim brothers and sisters, who contribute so fully, but it is everything to do with poisonous individuals and their individual agendas. We must continue to ensure that the Muslim community plays a full part in the wider community and that it does not find itself cut off or feel that it must cut itself off.

Many Members have talked about British values. Let me finish by saying that the values I hold dear are freedom of speech and freedom of expression, as long as people exercise them respectfully. Our values should include respect for people of all faiths and for those of none at all.

10.37 am

Nic Dakin (Scunthorpe) (Lab): The fact that more than 20 right hon. and hon. Members have contributed to the debate shows how big the concern is about the issues that have been raised. I congratulate the hon. Member for Gainsborough (Sir Edward Leigh), whose constituency neighbours mine, on securing the debate and on raising so many pertinent questions.

The first thing to be clear about is what problem the Government are trying to sort out. The main spur for their desire to review the registration system for out-of-school education settings seems to be the serious problems discovered in a number of unregistered schools in Birmingham. In July 2015, Ofsted warned the Department for Education that high numbers of pupils were dropping

off the radar and potentially ending up in unregistered schools, where they could be exposed to harm, exploitation or the influence of extremist ideologies.

In early November, Ofsted identified and inspected several unregistered schools in Birmingham, finding a "narrow Islamic-focused curriculum" and the use of "misogynistic, homophobic and anti-Semitic material",

along with "serious fire hazards", "unhygienic and filthy conditions" and staff who had not undergone suitable checks or who did not have clearance to work with children. It immediately informed officials at the Department. Yet, when it returned on 30 November, four weeks after the initial inspections, it found that all the unregistered schools were still operating.

Rather than immediately stopping the unregistered schools operating, the Department for Education seems to have advised the proprietors that they could register their provision. That suggests that the Department perceived what was taking place as acceptable practice. Ofsted expressed serious concerns that that could encourage others to open such schools. The illegal schools were closed down only after Ofsted inspectors remained at the premises until they were satisfied that the schools had ceased operating and that alternative arrangements had been made in registered schools for all the children, with the support of local authority officers. Ofsted says that that was achieved despite "confusing and unhelpful" advice from the Department.

Graham Stuart: My hon. Friend the Member for Gainsborough (Sir Edward Leigh) referred earlier to the ultra-Orthodox Jewish Charedi Talmud Torah Tashbar school in Stamford Hill, which apparently operated illegally for 40 years. The Department for Education, Ofsted, local authorities and others need to enforce the existing law before they are capable of extending it elsewhere. Let us enforce the existing law first and then consider extending it, once we can do what we are already supposed to properly.

Nic Dakin: Absolutely. Ofsted remains concerned that the number of children being educated in unregistered schools in parts of the country is far higher than is currently known by the Government.

When confronted with the real issue, the Government were slow to act, allowing children to remain exposed to a narrow and negative curriculum in unsafe premises, in the care of staff who had not been cleared to work with children. Every day that children remain in such a setting is a day too long. The Government have a basic responsibility to ensure that children are kept safe, yet despite warning after warning, they failed to act swiftly and deal with the issue.

The prohibited list of activities in paragraph 3.19 of the consultation document seems highly appropriate. I agree that action should take place immediately to investigate genuine concerns and evidence of out-of-school settings engaging in prohibited activities. That seems common sense, but as many Members have pointed out, there are lots of ways in which it can be done already under current legislation.

The question remains: does the direction of travel in the consultation document deal with the actual problem? As I said earlier, it seems that the main spur for the

Government to review the registration scheme for out-of-school education settings is the serious problems discovered in a number of unregistered schools. I am sure the Minister will take time today to explain why the Department failed to act as swiftly and effectively back in November as we all would have wished it to.

When Ofsted investigated those unregistered schools, it found timetables suggesting that teaching was taking place in institutions for at least 20 hours a week, despite the fact that anywhere offering more than 20 hours of teaching a week is legally obliged to be registered as a school. The reality is that those institutions should therefore have already been registered under current legislation and subject to inspections and safeguarding requirements that ensure children receive high quality education and are well looked after.

Before we even begin to examine the appropriate threshold for registering schools, the most important question to answer, in my mind, is: why were those institutions, which should have already been registered, allowed to go under the radar? Without explaining that and what is going wrong in the Department for Education, the Government are wholly unable to justify the changes they propose as being the robust action needed to tackle the real problem.

As the situation in Birmingham demonstrates, the Department for Education is evidently unable to monitor and ensure that all provision that breaches the threshold set is actually registered in the first place. That issue goes to the heart of what is wrong with the Government's approach to our schools today. There is an obsession with school structures, at the expense of driving improvement in education for all children, which has created such a fragmented system of oversight for schools that some children are dropping off the radar and ending up in harm's way.

The report published today by the Select Committee on Education supports that. It finds that oversight of our schools is not being carried out by Whitehall effectively. The model of eight regional schools commissioners, each responsible for thousands of schools across very large areas, is not working well to identify problems and to challenge and support schools to improve, let alone to spot the provision going under the radar, which is at the heart of the problem.

At the same time, local authorities are not empowered with the responsibility and capacity to act when inappropriate things are happening and children are potentially at risk. They do not have the resources to ensure they have strong intelligence about what is happening on the ground and that appropriate action is taken when things go wrong. Further cuts to local authority budgets, as promised by the current Government, will only weaken that situation even more.

The truth is that the Department for Education is currently failing on all its route 1, basic duties. Are we recruiting enough teachers? As the hon. Member for Eastbourne (Caroline Ansell) pointed out, there are chronic shortages of teachers up and down the country. Are we providing enough school places? Instead, some families applying last week will go straight on to a waiting list with no offer of a school place, and soaring numbers of children are being crammed into ever expanding classes.

Graham Stuart: Stick to the point. Stop this political partisan stuff.

Nic Dakin: It is the point. It is important that we concentrate on the key issues, and at the heart of this is a failure of oversight. Are we ensuring that all children are safe and out of harm's way when they are in school or out of school?

As we have seen time and time again since 2010, this Government are not delivering on the big issues. There is real concern in the wider community that the Government are using a sledgehammer to crack a nut, tying up many voluntary organisations and faith groups in more red tape that makes it look as if the Government are doing something. They already have the powers to act, but they have a track record of being slow to use them.

I fear that this is all about activity, rather than action. As the hon. Member for Belfast East (Gavin Robinson) said, what is being proposed is wide and shallow, when what we need is something narrow and deep. That is very pertinent to the debate. It is rather like a teacher keeping the whole class in at break to teach them a lesson, when just one pupil had been misbehaving. It is better to use our energies and finite capacity to deal with the actual problem in a focused way.

Will the increase in red tape make it more likely that people running unregistered provision get it registered—which is part of the problem—or will it end up putting an administrative burden on various voluntary and charitable organisations running youth activities, including Sunday schools? If so, for what purpose? I would be grateful if the Minister—who is a very good Minister, I have to say—focused on the following questions when he responds. How many registered out-of-school settings are there under the current system? What is the Government's estimate of the number of unregistered settings that should be registered under current legislation? What steps are they taking to register those settings? What is the Government's estimate of the number of out-of-school settings that would need to be registered if the proposals in the consultation were where we ended up?

10.47 am

The Minister for Schools (Mr Nick Gibb): It is a pleasure to serve under your chairmanship, Mr Turner. I am grateful to the hon. Member for Scunthorpe (Nic Dakin) for his kind comments. I was going to criticise him for his wider criticism of the Government's education policy on school places, to point out that we have increased school places by 445,000 since 2010, in stark contrast with the 200,000 primary school places cut by the Labour Government when the birth rate was increasing. I also would have pointed out that we have had to tackle the grade inflation we inherited from his party's Government, that we have had to improve the curriculum, which was deeply damaged by his party's Government, that there are 1.4 million more pupils in good and outstanding schools today than there were in 2010, that 120,000 more six-year-olds are reading better today than they were in 2010, and that there are 13,000 more teachers in our schools today than there were in 2010.

Mrs Grant: Will the Minister tell us whether the Government have done an impact assessment of the proposals? If so, will he tell us the financial cost of the registration and assessment process?

Mr Gibb: Those impact assessments will be done as we come to produce firm proposals. We, of course, assess the cost of all proposals as we develop policy.

[Mr Gibb]

May I congratulate my hon. Friend the Member for Gainsborough (Sir Edward Leigh) on securing this debate on the proposals for regulating out-of-school education settings? I welcome the constructive debate we have had and the thoughtful and passionate speeches from my hon. Friends the Members for Congleton (Fiona Bruce), for Aldershot (Sir Gerald Howarth), for St Austell and Newquay (Steve Double), for Eastbourne (Caroline Ansell) and for Beverley and Holderness (Graham Stuart), as well as my right hon. Friend the Member for Meriden (Mrs Spelman). We also heard very good speeches from the hon. Members for Glasgow North West (Carol Monaghan), for Strangford (Jim Shannon) and for Belfast East (Gavin Robinson), and the right hon. Member for East Ham (Stephen Timms).

All of the speeches made today will be taken into account as we consider the responses to the consultation, which closed on 11 January after six and a half weeks and to which we received more than 10,000 responses. Notwithstanding the valid points made by my hon. Friend the Member for Congleton, the consultation has been widely heard and responded to, and we will now consider all responses as we develop the policy in more detail.

Ensuring that parents have the freedom to decide how best to educate their children is a fundamental principle of our society and our education system. My hon. Friend the Member for Gainsborough referred to the long history of the churches' role in education which, of course, predates that of the state.

Parents have always valued the education provided by religious organisations. They choose faith schools for their high academic standards and ethos and they appreciate the religious faith of those schools, which gives them confidence that their children will be taught to understand and respect the traditions and values of their faith. Responding to that demand, we have opened more than 300 free schools since 2010, of which 76 have a religious designation or ethos.

Out-of-school settings can also be of immense value. As my hon. Friend pointed out, many of those are run by religious groups and provide a distinctive education or activities that supplement and enhance that provided in mainstream schools. Such settings, including Sunday schools, can enrich children's education and deepen their understanding of their own culture and heritage.

My hon. Friend made a powerful argument that the providers of this broader education, which is often staffed by dedicated volunteers, should be supported by the Government and not stifled by excessive regulation. I can assure him that we share that objective. The Government do, however, need to balance the need to protect and encourage high-quality out-of-school education with the need to keep children safe from any harm. That includes not only extremism, but the risk of physical punishment, unsuitable individuals working in some out-of-school settings and children being educated in unsafe or insanitary conditions.

A clear regulatory framework exists to protect children from those risks in childcare settings, and in state and independent schools. The call for evidence on out-of-school education, which closed last week, invited submissions on how to ensure that we are similarly able to safeguard

children attending such settings—supplementary education—while avoiding disproportionate regulation. It reflects a commitment made in the Prevent strategy, published in June 2011, to reduce the risks of radicalisation occurring in out-of-school settings. It is the latest step in implementing the Prime Minister's announcement in October last year that, if an institution is teaching children intensively, we will, as with any other school, make it register so that it can be inspected. He was also clear that, in addressing the risks that we have identified, we will uphold parents' right to educate their children about their faith.

The call for evidence highlighted the fact that many settings already have robust measures in place to ensure safety. They may work under umbrella organisations that set high standards, be part of voluntary accreditation schemes or receive support from the local authority. However, that is not universal. We are therefore considering how best to address failures in the minority of settings that fail to meet their obligations while preserving everything that has made the vast majority of supplementary education so successful.

The responses to the call for evidence included many from Christian, Muslim and Jewish groups, and we will continue to discuss our developing proposals with those groups and others to ensure that they are proportionate and effective. Any final proposals will, of course, be subject to further discussions with interested parties.

At this stage, I hope I can provide assurances on some of the specific concerns raised by my hon. Friend and others.

Graham Stuart: Will the Minister deal with one of the practical points made by my hon. Friend the Member for Gainsborough (Sir Edward Leigh)? Those who wish to teach in this extremist way will effortlessly elude any regulation system that we set up. We will therefore have an expensive and burdensome system that captures so many organisations, but does not capture the very organisations that we need to capture. Is that not the central point? To me, it seems to be a rocket that explodes this whole policy and should cause the Minister to think again.

Mr Gibb: Well, no, because by not registering, such organisations are liable under strict liability to an offence, and we can then take much swifter action when we are made aware of those settings through our usual intelligence routes. That is why this has a double edge: we register the settings and only inspect settings where risks are identified; and we have very real powers to tackle the settings that do not register.

Let me go through some of the specific concerns that have been raised.

Gavin Robinson: Will the Minister give way?

Mr Gibb: If I may, I will continue for a little while, then give way to the hon. Gentleman.

First, I can confirm that the Government are not proposing to regulate settings teaching children for a short period every week, such as Sunday schools or the scouts, nor will it apply to one-off residential activities, such as a week-long summer camp. We are looking specifically at places where children receive intensive education outside schools, where they could typically be spending more than six to eight hours a week.

Several hon. Members rose—

Mr Gibb: I will give way in a moment, but I want to go through these four specific points in the time available.

Secondly, providers wishing to set up and run out-of-school education settings will not need to seek the Government's approval to do so. Although our proposals envisage that such settings operating intensively should register, the aim of that is simply to improve the visibility of such settings. There would not be an application process and registration would be automatic. We have no intention of tying up voluntary and private sector organisations in red tape.

Thirdly, we are not proposing that settings eligible to register should be routinely inspected. This would be wholly disproportionate and an inefficient use of resources. We think that an inspection should only happen when there is evidence that certain prohibited activities might be taking place within a particular setting. Settings that provide a safe environment for children to learn in could legitimately expect never to be inspected.

Fourthly, we have no intention of seeking to regulate religion or to interfere in parents' right to teach children about their faith and heritage. Protecting religious liberty is a fundamental principle. Out-of-school settings will not have the same obligations as schools actively to promote fundamental British values. Although out-of-school settings of all types can, and do, impart positive values to children, they are not the main providers of children's education, and it is certainly not the state's role to prescribe what they should teach, just as we are not seeking to prescribe other aspects of how they operate. I can therefore confirm to my hon. Friend the Member for Gainsborough and other hon. Members that Sunday schools will not be under any requirement to teach any other religions.

Gavin Robinson: I am grateful to the Minister for giving way, and I am glad that he has indicated he will consider the contributions as part of the consultation. He has reiterated the Prime Minister's point that Sunday schools will not be included, but will he consider the cumulative effect of all the activities taking place under one church roof? That includes Sunday schools, youth clubs, the scouts, worship, choirs and whatever else people may be engaged in. It will all add up to more than six hours.

Mr Gibb: The plans are for the threshold to be hit when a child attends a setting for more than six hours a week and that activities run by one setting would be aggregated but, following the call for evidence, we are considering a range of issues and how to take forward the proposals. We will look at whether it is appropriate

to disaggregate particular activities or indeed, exempt particular activities altogether. That question was in the call for evidence.

Fiona Bruce: The Minister says that the Government do not wish to inhibit religious freedom, but is he aware that the very existence of such regulations could have a serious impact? The proposals carry the risk of a so-called chilling effect on free speech, and they could shut down debate because of the fear, on the part of, say, youth workers teaching young people, of speaking on issues that might not be mainstream. They may fear that someone is listening who, perhaps out of mischief or with a particular agenda, may report them as undesirable—as not being in line with British values—and in itself, that would shut down free speech and debate.

Mr Gibb: That is not the intention of the regulations. They are not a way of regulating religion. We are not infringing on people's freedom to follow particular faiths or hold particular beliefs. In fact, the mutual respect and tolerance of those with different faiths and beliefs is one of our core British values, alongside democracy, rule of law and individual liberty, and nothing in the proposals infringes on that.

In view of time, I will finish by saying that we welcome the suggestions that a number of faith organisations have made about how to ensure that any system of regulation is targeted, proportionate and focused on those settings that are failing to safeguard and promote the welfare of children. We wish to continue that dialogue and, once again, I am grateful to hon. Members for their contributions today.

10.59 am

Sir Edward Leigh: In conclusion, I thank the perhaps up to 20 people—friends and colleagues from all parties—who have turned up this morning. It is not often that we have a debate such as this in Westminster Hall, and we have heard some very powerful speeches and very powerful points.

I will sum it all up: we have sacrificed too much of our liberty in the name of equality, so I beg the Minister to bear in mind the places that are under the radar, as the hon. Member for Scunthorpe (Nic Dakin) mentioned. Bear in mind the cumulative hours. Bear in mind that there is very little extremism—indeed none at all—ever practised in Methodist Sunday schools. This is the point we are making, and we are doing so powerfully and strongly. We are not a party that intends to further state regulation and control; we are a party of liberty, freedom and religious tolerance. I will leave it there.

Motion lapsed (Standing Order No. 10(6)).

Concessionary Fares: Blackpool North and Cleveleys

[SIR EDWARD LEIGH *in the Chair*]

11 am

Paul Maynard (Blackpool North and Cleveleys) (Con): I beg to move,

That this House has considered concessionary fares in Blackpool North and Cleveleys.

It is a pleasure to serve under your chairmanship, Sir Edward. I am disappointed to see so many colleagues leaving and not staying for my debate. I simply cannot understand it, but I thank the Minister for his time.

Blackpool tramway needs no introduction from me. I am sure many of the hon. Members who are leaving have also left Blackpool after a party conference. The tramway has been there for well over 100 years, connecting Fleetwood in the north to Squires Gate in the south and linking the pleasure beach, the tower, Cleveleys, Fleetwood and many of our tourist attractions, which 10 million people visit every year. The tramway is a major reason for visiting Blackpool.

It is worth pointing out to the Minister that the tram is not just about tourism. It is particularly beneficial for my constituents who live near the Fylde coast. It is a major means for people to get to and from work in central Blackpool, where parking may be limited and more expensive than the cost of using the tram. It is particularly important for many of my elderly constituents who use it to go into the town centre and to go shopping. They may have chosen to live in this part of the world because of access to the tramway.

The usefulness and value of the tramway is coming under threat for two reasons that I want to cover today, both of which relate to the concessionary fare schemes. We were grateful that the previous Labour Government, before 2010, agreed to invest in upgrading the tramway to meet modern standards. As much as we all loved and cherished the antique, heritage trams—many of them still trundle up and down to this day at weekends and during the holiday season—they were fast becoming not fit for purpose. There were serious issues with meeting modern accessibility standards, and it was right to invest in and improve them to bring them up to date.

In 2012, it was a great day for the Fylde coast when the new tramway was launched and I travelled on the first new tram. Blackpool Council took a brave and visionary decision to ensure that, notwithstanding national legislation on concessionary fares, anyone coming to Blackpool in possession of a concessionary card could use it on the trams and travel anywhere on the network free of charge. That certainly helped ridership levels as the tramway came back into use. The ridership levels built up again, but things are now changing.

There has been an alteration in local government financing—we have to recognise that. Blackpool Council has decided that it can no longer afford to make that generous offer to all UK residents. That has had a major impact in my constituency, where residents of Cleveleys—which is in Wyre Borough Council's area and immediately adjacent to the tracks, surrounded by houses on both sides—must now pay full fare to travel on the tramway as it passes through Wyre, even though

they may have a concessionary card. That has had a direct impact on the transport choices they have to make about where they go, what they do and how they live. That is a concern.

[MR ANDREW TURNER *in the Chair*]

I entirely understand the perfectly rational argument that a transport authority should fund concessionary fares only for those who live within their area. I do not expect Blackpool Council to fund a national tram concession for everyone. It would be great if it did, but I entirely understand that it must work within its own budgetary limits, and its residents would criticise it if it chose to be more generous. However, it is worth pointing out that under the previous scheme Lancashire County Council, which is the transport authority for the northern part of my constituency, was paying £36,000 a year towards some of the concessionary travel for Lancashire residents on the tramway.

Removing that money was the trigger for the overall deconstruction of what had been a perfectly simple and straightforward scheme that everyone understood. If someone had a concessionary fare card—it is called a NoWcard in our part of the world—they could go anywhere on the tram. Everyone understood it and no one was caught out, but its removal was pernicious to my constituents and illogical. For example, a resident of Blackpool can travel on the tram free of charge between Cleveleys and Fleetwood, without entering Blackpool territory and remaining wholly within Lancashire County Council territory. They travel free of charge. However, a resident of Cleveleys wanting to go into Blackpool to spend money in the local Blackpool economy would have to pay full fare on the tram. That is simply illogical, andangers and frustrates many of my local residents. We have to think about what we can do to ameliorate the situation.

It is worth explaining the local geography. People may think that because I represent Blackpool North and Cleveleys, they are two separate and distinct geographic areas with a green belt separating the two communities. Far from it. It is one solid, cohesive urban block. I have read somewhere that it is the most densely populated constituency outside central London. There is very little green space, apart from one or two golf courses and one farm. The boundary between Blackpool and Wyre is but a line on a map and divides bedrooms, living rooms, greenhouses and back gardens. It goes through people's houses, creating the ultimate postcode lottery. On many roads, residents on one side still have full and unfettered access to the whole tram network, while those on the other side have been hit by the changes. There is a fundamental illogicality.

An even greater concern is the impact on disabled passengers. A major reason for upgrading the trams at around the turn of the decade was to improve disabled access. Every station platform was raised, the new trams had level access and new flexi-trams were commissioned to ensure that wheelchair users had no problem getting on them. Blackpool has a valued reputation among disabled tourists for being somewhere they can get around easily because of the tram network.

A consequence of Lancashire Council's decision to remove what limited concessionary fares it provided is that disabled passengers cannot now access the tram other than by paying full fare. Moreover, there is no

guarantee that any parallel bus service will be accessible. Although Blackpool Transport is updating its fleet as fast as it can, no one could stand at the bus stop and be confident that the next bus would be able to accommodate a wheelchair. Will the Minister look at how the network is constructed and funded, and whether that complies with disability access rules?

The solution is relatively simple: Blackpool Council should fund concessionary travel for Blackpool residents and Lancashire Council should fund concessionary travel for Wyre residents. The estimated cost would be around £170,000. I have been unable to obtain a precise figure, much as I would like to, but that is what I have been told is a rough, ballpark figure. In the context of Lancashire's multimillion pound budget, that is not a significant amount, although it is to many of us.

That is a simple solution. It should not be difficult to agree to it—it is certainly not difficult to understand—yet I can think of no issue that has been more controversial or provoked more partisan arguments in recent years than how we deal with it in our constituency. It was a major defining issue at the last election. Today I am trying to remove the partisanship from the debate—I am not referring to the political control of the individual councils involved.

Numerous arguments are deployed against what I think is the correct solution. Many rightly point out, for example, that there is a parallel bus route to the tram network—the No. 1 bus, which goes, just like the tram, all the way from Fleetwood down to Squires Gate. Of course, there is an element of common sense in that. If someone has to pay full fare on the tram but can use their concessionary card on the bus, why do they not take the bus? However, there is a reason why the bus and tram coexist in the first place: the level of demand. There has been no increase in bus provision on the route. As I discussed earlier, there has been no change in the buses serving the No. 1 route.

More important is the seasonal demand on the route. Numerous hotels line the promenade, as anyone who has been to Blackpool will have seen for themselves. When the No. 1 bus stops at the 480-bed Norbreck Castle hotel, half way between Cleveleys and Blackpool, a large number of the guests want to get on. Indeed, the queue can be dozens long, so that when the bus gets nearer to Blackpool there is no room on it, even if it is accessible to wheelchairs. Further down into the town centre there are more hotels, on what is known as the cliff stretch of the promenade. Once again, bus queues develop rapidly there, both for buses going north into Cleveleys and those going south into Blackpool. People can have only quite limited confidence in their likelihood of getting a bus service at peak hours. The expansion of the bus service would naturally require greater investment by both transport authorities. It is surely far better to restore the concessionary travel scheme on to the trams, where there is currently excess capacity. That would make far more sense.

Another argument is often put, which may sound plausible on first hearing. Why, it is asked, if I want concessionary travel fares for Wyre residents, does not Wyre Council, the borough council, pay for them? Superficially that sounds eminently plausible, but of course Wyre is not the transport authority. It is a small borough council, one of about 16, I think, in Lancashire. I have been told that providing funding of £172,000 for

the concessionary fares scheme would increase Wyre's council tax by roughly 3%—a considerable increase for every council taxpayer in the borough. Because Wyre is not the transport authority, I believe it does not have an obligation to meet that funding request.

There are many things that Lancashire is trying to offload on to the boroughs at the moment. For example, it is seeking to stop the ferry from Fleetwood to Knott End—it expects someone else to pay for it. It is keen to get Wyre to part-fund lollipop ladies. Wyre already part-funds police community support officers. It would set a dangerous precedent for Wyre to keep agreeing to fund everything that the council decided it no longer wanted to fund, despite having an obligation to do so. Therefore, I am not convinced by that argument. Wyre council tax payers pay the bulk of their council tax to Lancashire County Council, the transport authority, which has an obligation to provide public transport and should meet that.

The whole argument is at risk of being overshadowed, because Lancashire is going beyond concessionary fare restrictions. It argues that it will stop paying for the maintenance of the tramway altogether. That would make this debate almost pointless. There will be no trams to Cleveleys or Fleetwood. They will turn around at the Little Bispham turning loop and not enter Wyre or Lancashire territory at all. That would be devastating for towns such as Cleveleys and Fleetwood. Fleetwood in particular went through hell during the tram upgrade. The central road of Fleetwood, Lord Street, was basically shut down during the work, with a major impact on local businesses. To have gone through all that and had the tramway open for a couple of years, it would make no sense now to have the tramway cease operating.

I continue to be deeply concerned about what is going on with our tramways on the Fylde coast. I have held rallies in Cleveleys, launched petitions and made protests. I have had extensive talks with the Department, and it would make my day if I could force the Government's hand in some way and encourage them to extend the national regulations to include trams. I make no apologies for asking once again for the Minister to do just that. I live in hope; I always do. Will the Government at least look again at my ten-minute rule Bill from a number of years ago, on extending the concessionary fare scheme to community transport, which can take up some of the slack created within the tram network—particularly for those disabled passengers who cannot always gain access to bus travel?

I would also welcome the Minister's views on how the Government can help Lancashire to meet its public transport obligations. What assessment has he made of the human rights implications of Lancashire's various decisions, particularly on disabled access? Would he be prepared to encourage Lancashire County Council to discuss further how devolution might allow it to find a way out of the problem it has created for itself? We have Transport for Lancashire—no one is quite sure what it does, least of all Transport for Lancashire itself, I fear. We have the new Transport for the North, which I heartily welcome. The direction of devolution is towards giving greater control to local areas to craft their own solutions on public transport. What help can the Department give to the various bodies in Lancashire, as they journey at varying rates towards a combined authority, to enable them to find a solution with a single common

[Paul Maynard]

travel area of Lancashire, Blackpool and Blackburn? An arbitrary divide and a postcode lottery make no sense, as I have said.

What advice can the Minister offer the many thousands of my constituents in Cleveleys who have been left marooned because they cannot use trams without paying full fare and may not be able to afford it? Does he agree that it is perverse for the county council to spend £150,000—almost the amount of one year's worth of concessionary fare travel—on looking at whether the tramway should be extended to Lytham St Annes, at the same time as it is trying to restrict concessionary fare travel? I have no objection to the tramway going to St Annes—it is a lovely destination—but what does that say about the priorities of the county council at the moment?

What assessment has the Minister made of the implications of the decisions and proposals for the Government's generous agreement to help to fund the £16 million upgrade to extend the tramway in Blackpool town centre up to Blackpool North station? There will inevitably be fewer people riding on the trams if everything I have outlined comes to pass. Does that mean that we have to re-examine the business case for the proposal and does it call it into question? I would be highly concerned if that were so, and I would welcome some reassurance from the Minister.

In the interest of time, so that the Minister has a chance to reply, as I know he is keen to do, I will just stress once more that, although in the bulk of constituencies tramways might seem to be a peripheral issue, they are literally at the heart of my constituency. They are at the heart of our daily life. I would find it hard to conceive of the Fylde coast without them. At a time when the county council is sitting on reserves of £400 million, for which it cannot identify a specific use, is it really prudent financial management for it to say it cannot afford £172,000 just to keep the concessionary fares going each year? That is artificially dividing my community, and has a detrimental economic impact on the towns of Cleveleys and Fleetwood. It is causing continued anger in my constituency. Can I look to the Minister for some positive words and some hope for the future that the accurate direction he is going in on transport devolution will lead to the conundrum being solved as soon as possible?

11.18 am

The Parliamentary Under-Secretary of State for Transport (Andrew Jones): I congratulate my hon. Friend the Member for Blackpool North and Cleveleys (Paul Maynard) on securing the debate. He made his case with his customary passion, and I was particularly struck by how important the issue is for both visitors and residents. I have some knowledge of the area, having visited his constituency on a number of occasions; in a former life I took company conferences to the Norbreck Castle hotel—and very successful and enjoyable they have always been.

My hon. Friend raised several issues, and I will begin my response by talking about concessionary travel. The Government know how important affordable, accessible transport is. It is the bread and butter of the way communities function and move around. That is especially true for older and disabled passengers—a point that he

made clearly and powerfully. That is, of course, why the Government have committed to protecting the national bus travel concession in England, and why they spend some £950 million a year on doing so.¹ The concession provides much-needed help for some of the most vulnerable people in our society by giving them greater freedom, independence and a lifeline to their community. It enables some 10 million older people and disabled people to access facilities in their local area. It helps them to keep in touch with family and friends, and it brings wider benefits to the economy.

The national concession sets a minimum standard available to any eligible person anywhere in England. That does not come cheap, which is why, given the current economic situation, we do not have plans to extend the remit of the basic concession any further. My hon. Friend asked whether we could extend it to tramways. I will do some costing, but we do not have tramways just in his constituency; they are a growing feature of urban transport in our country. They are successful, and they are being extended in Nottingham, Manchester and other areas. They are popular and well used, so extending the concessionary fare scheme into our tramways nationally would be an extremely expensive undertaking.

Local authorities have the power to enhance the national offer with discretionary concessions according to local need and funding priorities; I will come back to funding priorities at the end. That may include extending the times of the concession to include peak-time travel, offering a companion pass for people who need assistance to travel, or offering concessions on different modes of transport, such as trams. As we have heard, it can also include concessionary arrangements between neighbouring local authorities, such as the arrangement between Blackpool Borough Council and Lancashire County Council to accept NoWcards from other Lancashire residents on the Blackpool tramway. I am aware of the changes to the administration of that enhancement. Although I fully understand my hon. Friend's disappointment and that of his constituents, the provision of such discretionary concessions is a matter on which local authorities must work together to try to solve such problems, based on those authorities' assessment of local need and funding priorities.

Trams and light rail are a convenient, regular and reliable way for people to get to work or school, or to travel around their area with ease. Well planned systems in the right location can enhance the reputation and ambience of an area. However, I do not think it is for the Government to dictate what extensions should be made to particular schemes, because such decisions should be taken locally to reflect the individual needs and circumstances of an area. That is entirely in the grain of Government thinking about devolution, about people taking responsibility and ownership of their areas and about ensuring that decisions are made as close as possible to where a service is delivered. As a consequence, such services will be better tailored to local need and, therefore, better services.

On the joint funding arrangements between Blackpool Borough Council and Lancashire County Council for tramway maintenance, I understand that discussions may already be taking place, and I do not wish to pre-empt any outcome. It is, however, my sincere hope that a speedy and satisfactory resolution can be reached, with the best interests of the community at heart.

1.[Official Report, 21 January 2016, Vol. 604, c. 5-6MC.]

It is worth taking a moment to consider funding for rural services, because we have had many requests for further support for transport in rural areas. Calls have been made for Government to provide a dedicated fund to maintain and improve bus services in rural areas. I assure the House that we fully recognise the extra pressure placed on local authorities to provide services in more isolated areas. If communities are disconnected from transport, they may wither and die, so transport is fundamental to community health. That is why we have introduced the rural services delivery grant, which is a non-ring-fenced grant paid to the most rural councils. Last year, the Government added £2 million of additional funding to the £9.5 million of rural services delivery grant already provided, and I am sure we all welcome the recent announcement made by my right hon. Friend the Secretary of State for Communities and Local Government that he intends to increase the support for the most sparsely populated rural areas by quadrupling the rural services delivery grant from £15.5 million to £65 million in 2019-20.

Transport in rural areas is not just about the levels of public funding; it is about how and where that funding is used. Where commercial operations are not feasible, local authorities have a vital role in supporting rural bus services. Indeed, around one fifth of bus mileage in predominantly rural areas is operated under contract to the local authority. We believe that local authorities are best placed to decide what support to provide in response to local need. That is why we devolved £40 million of the £250 million paid in the bus service operators grant subsidy to councils outside London last year to support bus services in England, so that they can decide for themselves how it is spent. It is vital that those local authorities maximise the return on every penny of the funding that they provide.

Paul Maynard: Does the Minister recognise that many urban bus services in the centre of Blackpool originate in rural areas? The proposals for Lancashire County Council to reduce rural bus subsidies will also reduce the frequency of bus services in central Blackpool. It is not just about rural or urban, because many rural bus services also support urban areas.

Andrew Jones: My hon. Friend makes a valuable point, and I entirely agree with it. The distinctions are very blurred, and both things clearly have a knock-on effect on each other.

I want to highlight an initiative called Total Transport. At present, some £2 billion of public funding for transport services every year is provided by a number of different agencies. For example, I have mentioned the bus service operators grant of £250 million. DCLG provides support for local bus services of £317 million, and home-to-school transport funding of £1 billion. Non-emergency patient

transport worth £150 million is provided by the NHS to local clinical commissioning groups. All that funding is provided from different sources. That is why last year we launched the £7.6 million Total Transport pilot scheme across England to explore how different authorities working together can potentially deliver a much better transport solution. It is about working collectively and pooling services where there is common interest. We seek to avoid the duplication of commissioned services, to allow networks to be designed to complement each other, to reduce administrative costs and to focus on how a more comprehensive offer can be delivered by working together.

My hon. Friend mentioned community transport, which is fundamental in many parts of our country, both urban and rural. I hope that he is aware of our strong support for it. We have supported it with a recent community minibus fund of £25 million, which will help elderly residents by providing, I think, 310 new minibuses to groups up and down our country. So far, £1.3 million of grant has been paid to organisations to buy their vehicles, and the procurement of the remaining vehicles is well under way. That will make a difference to the whole sector.

On the specific issues that my hon. Friend raised, I will certainly write to the councils concerned, because the point is partnership solutions to deliver a result for residents. I will highlight to the councils the strength of feeling that has been shown in the debate and urge them to work together. The solution has to lie in councils working in a non-partisan way. In my letter to Lancashire County Council, I will ask it to consider the impact of changes on disabled people, in particular. That is an area of personal interest to my hon. Friend and of significant personal interest to me. I do not want disability access to our public transport to be compromised in any area. I want it to be improved, not the opposite.

I hope that the message that goes from here to the councils is that we want to see a solution that will continue to offer tramway access and support Blackpool's trams. They are an iconic part of Blackpool, and they are one of the reasons why visitors go to Blackpool, particularly at certain times of the year. That is something I have experienced, as a visitor to Blackpool. They must be understood to be a driver of the local economy, so there is an economic and a social reason why a swift resolution would be helpful. That is the message that I will send to the councils, and when I hear back from them, I will report back to my hon. Friend. They will, I am sure, be acutely aware of the strong case he has made and continues to make.

Question put and agreed to.

11.30 am

Sitting suspended.

Safety in Youth Custody

[PHIL WILSON *in the Chair*]

2.30 pm

Judith Cummins (Bradford South) (Lab): I beg to move,

That this House has considered safety in youth custody.

Thank you, Mr Wilson, for allowing time for this most important of debates. I am most grateful. The safety of our children and young people is of great and continuing interest to many Members of this House, and has been for many years. The question of safety has been discussed in numerous debates here and in the other place. In addition, it has been explored in numerous Select Committee inquiries—most recently by the Select Committee on Justice in 2013—and has been the subject of a tide of media attention, often following shocking revelations arising from the dedicated work of journalists. It is worth reflecting for a moment and asking ourselves why so many Members, people in our society, charities and third-sector bodies, and those in the media, are so tireless in their determination to protect the safety of our children and young people.

John Howell (Henley) (Con): I thank the hon. Lady for giving way so early in her speech, which I am listening to very carefully. Has she considered the situation of young adults? The Justice Committee is doing an inquiry about that at the moment, and we have learned that the development of the brain means that many young adults are still effectively children when they are sent into prison.

Judith Cummins: I thank the hon. Gentleman for raising that interesting point, which I hope to cover later.

My belief is that, no matter what someone's upbringing is, and whatever their political affiliation and perspective on law and order, there is a shared and enduring view that the safety of children and young people is of paramount concern. Each and every one of us believes that we must ensure that each and every child and young person is able to feel safe, wherever in the country they live. As we all know instinctively, each child and young person deserves to grow up in a nurturing, encouraging and, most importantly, safe environment. That is true in all settings—in the home, in schools or, as we are debating today, in our custodial institutions. The setting does not matter because whatever the circumstances, and whatever children and young people may have done in their short lives, regardless of whether they have been found to have acted criminally, they remain children.

We have always quite rightly held children and young people to be different from adults. Children and young people with their whole lives ahead of them are still finding their way in life and learning what it is to make their way in the world. As we sorely know, too many children and young people, especially those who find themselves in custody and in the care system, far too often find their way in life in the most desperate of circumstances. Too many live in unsafe homes or go hungry. Too many see horrific things that no person, never mind a child, should ever see. Too many suffer

from mental illness that is often unrecognised and untreated, or have not received the help and support that might, in better circumstances, have lifted them away from criminal behaviour and supported them into becoming successful, loving and humane children and young people.

At this point, I pause and acknowledge that we could very easily spend all day debating the desperate circumstances that so many children find themselves in, but that is not the topic today. Today, I wish to discuss just one very important element of the safety of, without doubt, our most vulnerable children—those who are held in our custodial institutions. In leading the debate, we cannot ignore the scandalous revelations of the past weeks, broken by BBC's "Panorama", concerning Medway secure training centre, an institution managed by G4S. I am sure we all recoiled with revulsion at the scenes that played out on our screens during the programme: young people subjected to the most horrific maltreatment and children struggling to breathe as they were restrained by apparent professionals. Such scenes in a documentary about prisons in developing nations would have sent a shiver up our backs, but those scenes took place in a UK establishment that exists to care for children while they are held in custody.

I do not propose to discuss the "Panorama" allegations in any great deal as they are subject to an ongoing police investigation but, as we debate this important matter, the scenes that we saw on our television screens should remain vividly in our minds because they confirm one thing: complacency is never an option. The safety of our most vulnerable children—those held in custody in establishments throughout the country—is forever fragile and under threat. We must be forever vigilant. Further incidents are only a hair's breadth of complacency away.

With those thoughts clear in our mind, it is worth reminding ourselves of what this House passed into law in 1998. The Crime and Disorder Act 1998 did two important things. First, it stated that the youth justice system's principal aim was to prevent reoffending by our children and young people. Secondly, it established the Youth Justice Board, which was given the job of making that noble aim a reality. The Youth Justice Board, in setting its strategic objectives for 2014 to 2017, recognised that an undeniable cornerstone of successfully helping children back into society is

"to promote the safety and welfare of children and young people in the criminal justice system".

In recognising that safety and wellbeing is a fundamental cornerstone of the successful rehabilitation of children and young people, the Youth Justice Board acknowledged in clear and unambiguous terms what we all know instinctively as parents, as brothers and sisters, as aunts and uncles and as other family members: where children and young people feel unsafe, insecure, intimidated and under threat of violence, everything else becomes background noise. Efforts to help children to socialise, learn and become confident in themselves stop and begin to regress, as do efforts to teach children the values and principles of choosing to live respectfully, humanely and in a law-abiding manner in society and communities.

If the principal aim of the Youth Justice Board is to prevent reoffending, safety in custodial institutions is not only key, but imperative. Without it, helping children and young people to become respectful, humane and

law-abiding adults is an empty hope. Everything else is simply background noise. The question is: what success is our youth justice system having in ensuring that children and young people are being held in a safe environment while they are in custody? Sadly, from the statistics provided by the House of Commons Library, the picture is depressing and worrying. That remains the case for the use of restrictive physical intervention—in layman's terms, when staff restrain children—incidents of self-harm by children, assault on children and young people in custody or, most damningly and depressingly, deaths in custody.

Thankfully, the number of children who have been committed to custody in recent years has steadily fallen. All hon. Members would surely welcome this improving position but, although the number of each type of incident has dropped over recent years, the number of each type of incident per hundred children and young people in custody—the most accurate measure—has steadily increased. Whichever way we look at it, those in custody are becoming proportionately more likely to find themselves in an unsafe environment. With the “Panorama” revelations of the past weeks in mind and the erosion of safety in our custodial establishment only serving to bring the issue into sharper focus, it prompts the question: what are this Conservative Government doing to improve the safety of children and young people, and to help them to re-enter society, equipping them to become law-abiding, respectful and humane members of our communities?

In recent years, there have been a number of expert reports that have explored the safety of children and young people in custody. Inquest, alongside the Prison Reform Trust, released a report in 2012 raising important questions about the number of self-inflicted deaths in our custodial institutions. More recently, in 2015, Inquest released another report raising unsettling questions about deaths in our institutions. The Howard League for Penal Reform released a report in 2011 exploring the questions of restraint in our institutions—that work has become especially resonant following the “Panorama” revelations of the last week. I pay tribute to each of those organisations alongside so many others that I have not been able to mention which, through their continuing and valiant efforts, are successfully keeping the question of safety so firmly on both the parliamentary and public agendas.

Marie Rimmer (St Helens South and Whiston) (Lab): Does my hon. Friend agree that probation and pre-sentence reports should consider the impact of maturity on a young person's ability to cope with prison? There should be up-to-date information on local alternatives to prison, which should also be considered. We should consider transforming sentencing policies; radically restructuring the training of the judiciary; and introducing far-reaching and well-resourced alternatives that are well staffed by individuals who are properly trained to address the complex issues that confront many young people. We should develop a criminal justice system in which prisons for young people are used as a last resort, as the Harris review said. Does she agree?

Judith Cummins: I agree wholeheartedly with my hon. Friend. Her Majesty's inspectorate of prisons, to its credit, has remained committed, as it has under previous Governments, to continuing scrutiny of the safety of

children and young people in custody. Today, I will focus on one element of the Government's responsibilities—their responsibility to ensure that restraint in our institutions is limited to an absolute minimum and is used solely when all other avenues fail. As I said earlier, although it is only one element of the Government's responsibilities, restraint is arguably one of the most important. When children and young people are unnecessarily restrained, they will inevitably feel unsafe, threatened and intimidated. In such circumstances, everything else is background noise, progress ceases and children regress.

In 2012, the previous coalition Government set up the independent restraint advisory panel, which, among other things, was responsible for rolling out across all custodial institutions a new restraint system called “Managing and Minimising Physical Restraint.” That was the coalition Government's commitment to improving the unsafe environment of all those in custody. By setting in train that cultural shift in which unnecessary restraint would become unacceptable, they displayed laudable ambition, for which I commend them.

As seems to be the case with many initiatives under this Government, despite laudable ambitions and promises of much-needed cultural shifts, the ambition and promises have not been borne out in reality. As has recently become clear, the much-needed change on the ground has been, and continues to be, painfully and unacceptably slow. In November 2015, Her Majesty's inspectorate of prisons published a report on behaviour management and restraint of children in custody, which objectively measured the Government's progress in rolling out their new restraint system. Depressingly, Nick Hardwick, Her Majesty's chief inspector of prisons, offered a damning indictment of progress under this Government:

“The implementation...is taking place against a backdrop of a substantial fall in the number of children in custody, the decommissioning of beds...and staffing shortages... This has caused significant delay in the roll out”.

It is not only Her Majesty's inspectorate of prisons that has challenged the Government on their complacency in driving improved safety in our custodial institutions. The Joint Committee on Human Rights recently conducted an inquiry into the UK's compliance with the UN convention on the rights of the child. Children in custody was one area that the Joint Committee rightly considered to be deserving of scrutiny. Although the Joint Committee welcomed the Conservative Government's progress in recognising children's rights in law and policy, it said in no uncertain terms that there is no room for complacency and that much more needs to be done. On child custody, the Joint Committee said:

“We remain very concerned about the use of force on children in custody and believe that the recent provisions with regard to secure colleges in the Criminal Justice and Courts Act cannot be considered compatible with the UN Convention on the Rights of the Child.”

Worryingly, despite those critical remarks not only from the Government's own independent inspectorate but from a cross-parliamentary Committee, the Government continue to act with disturbing complacency. In response to an urgent question granted by Mr Speaker following the “Panorama” revelations, the Justice Secretary offered nothing more than cursory assurances about the safety of our children and young people in custody. There were no firm guarantees and no commitment to action.

[*Judith Cummins*]

One line of his response underlines that the Government's commitment to laudable ambition is backed up by little to no substance:

"my Department and the Youth Justice Board—under the determined leadership of my right hon. and noble Friend Lord McNally—will do everything we can to assist the police and the local council."—[*Official Report*, 11 January 2016; Vol. 604, c. 573.]

Why do I say little to no substance? Well, the Justice Secretary failed to mention the financial backdrop—a 5%, or £13.5 million, in-year budget cut to the Youth Justice Board, the very institution that he believes will be front and centre in helping the local council to respond to the scandalous revelations of the past week. He also did not mention that £9 million of the £13.5 million cut, the lion's share, is to be found by cutting the youth justice grant, the very grant that is used by local councils to fund their local youth justice teams.

The Justice Secretary recently announced the Taylor review of youth justice. The stated purpose of that review, due to report in summer 2016, is to explore whether the youth justice system remains fit for purpose in these modern times. Following today's debate, it will be clear to the Government that, despite their ambitions and the Justice Secretary's warm words, many believe that there is a distinct lack of substance and that there is wide-ranging evidence of complacency. That serves no one, particularly not our children and young people, who so very much need our help and support, especially to ensure that they are safe while held in our custodial institutions. I urge the Justice Secretary and the Minister to reflect on today's debate and on the recommendations of the Taylor review later this year.

2.47 pm

John Howell (Henley) (Con): It is a great pleasure to follow the hon. Member for Bradford South (Judith Cummins), and I am glad that she has secured this debate. As I mentioned in my intervention, the Select Committee on Justice, including the hon. Member for St Helens South and Whiston (Marie Rimmer), has been investigating the experience of young adults in custody. A key point raised in that inquiry is that the distinction we make between young adults and youths is meaningless. The development of the brain is such that, at times, there are many people who are much more mature for their age and many people who are less mature for their age. Although those people will be treated as young adults in the prison system, they should be treated as if they were much younger. That is an important point that the hon. Member for Bradford South needs to take into account.

Yesterday we held an important informal seminar that was attended by a number of parents of people who were under 18 when they first committed their offences, some of whom have died in custody. It was very sad and moving to listen to their testimony. There were also young people who had been in custody, and it was clear that some of them should really have been treated as youths during that period.

One of the key points to come out was the issue of mental illness. I do not think that the prison system understands mental illness in its complexities or recognises it in individuals when they present with it. We even heard examples of where people had presented with some

form of mental illness to start with and their records had been flagged up, but where nobody had had the time to check what the flag meant. If someone had checked that, they would have seen that there was some mental illness attached to that person and would have taken different action while they were in custody.

As I am sure the hon. Member for St Helens South and Whiston would agree, it was a very moving experience to listen to those testimonies from individuals and to hear the real experience of people who had been through the loss of a son or a daughter—in many cases they were sons rather than daughters—and the reasons for that. The point the hon. Lady made about mental health is a very good one, and it is one that we need our prison system to be more flexible in identifying, picking up and dealing with.

With that, I will leave my remarks there.

Jo Stevens (Cardiff Central) (Lab) *rose*—

John Howell: Sorry, I will happily give way.

Jo Stevens: I am grateful to the hon. Gentleman for letting me in at the last minute. I am glad that he has raised the issue of the mental health of prisoners, because the prison ombudsman's report, which I think came out today or yesterday, has highlighted that very issue—in relation, obviously, not only to children in prison, but to adults as well—and the lack of mental health services for prisoners. Does the hon. Gentleman agree that it should be a priority for the current Government to address what are clearly failings in the current system?

John Howell: I thank the hon. Lady for her comments. I do not want to make this a party political piece; it is a duty of all Governments to identify the need for mental health services and to take that issue forward. She makes a valid point.

We also met some people who were dealing with this issue—for example, an organisation called A Band of Brothers—by taking young people in, giving them a role in life and helping them to overcome some of the difficulties they had experienced, including some of the mental health difficulties. I am therefore not saying that it is a forlorn hope that mental health will be dealt with: there are many different ways of dealing with it, and we saw some of those yesterday. I hope that the report we produce will be able to address some of them in the future.

2.52 pm

Kelly Tolhurst (Rochester and Strood) (Con): I would like first to thank the hon. Member for Bradford South (Judith Cummins) for securing this debate in Westminster Hall today. As hon. Members will know, the Medway Secure Training Centre is in my constituency, and for me it was heart-breaking and horrifying to witness the "Panorama" programme and watch the activity that was taking place. We knew this programme was going to be broadcast, but what I saw was not what I had expected to see. I say that because, on an individual level and prior to becoming an MP, I did a lot of work with looked-after children, particularly children with foster carers or in children's homes, so I understand not only some of the challenges that some of our young people face when they are looked after, but the upbringing that some of them have had prior to arriving in a place such as the Medway Secure Training Centre.

I know that we will not go into detail, because the investigation is ongoing and there are still questions that need to be answered, but one of the concerns for me is about how we can support the workers in these particular institutions to enable them to carry out their role in a safe manner, to make sure that the young people under their control are looked after and safe. Having worked with some very challenging young people and experienced what I would call situations that have not always been pleasant or easy to manage, I know that the people working in the service and dealing with young people are in an incredibly pressurised environment. It is extremely intense, and sometimes we do not quite know how we will deal with a particular situation.

I absolutely accept that that is not an acceptable excuse for how some young people are treated when they are in our care. However, as an outcome of this process I would like to consider how we support the officers who work with these young people to do that job effectively, including from a mental health perspective, because obviously some of the things they might be subjected to and the backgrounds of some of the young people they deal with might be awful for them to understand.

In Medway, we have three secure units up at the Medway Secure Training Centre site. One of the challenges I have seen, both as a constituency MP and as a local councillor for the ward where the unit is, is that we have struggled to recruit people into the youth justice element of the secure centres—because, fundamentally, working there is very different from working in an adult prison and the pressures are much more strenuous. I would welcome it if the Government looked at ways to support those officers far more effectively—that would probably have national implications—and also to encourage people to come into the service and work. As we know, however, we are struggling to recruit social workers and other such workers.

Marie Rimmer: Does the hon. Lady agree that if prison is to be justified as a last resort, it must operate in a small, rehabilitative and therapeutic environment, rather than having big prisons? What we need is a well structured induction programme, adapted to suit each individual—many children do not see anyone in the first 24 hours after they go in—with thorough background checks carried out; risk assessments; well attended safeguarding and daily morning meetings, allowing for effective and robust measures to be applied; strong monitoring of bullying and support for prisoners who are victimised—

Phil Wilson (in the Chair): Order. I remind the hon. Member that she is making an intervention and not a speech.

Kelly Tolhurst: I thank the hon. Lady for her intervention; she makes a valid point. My concern is about the support given to those particular officers. Unless someone has been in that environment and worked with some of these young people, it is very difficult to understand some of the pressures—it might be something as simple as shift lengths—and how intense the environment is.

I was contacted by a number of people who work within the service after those revelations, who are concerned that the public view will now be that people who work

in the youth justice system are all like that, which we know is completely untrue. In fact, they include some marvellous people, whom I have had the privilege to meet.

Jo Stevens: I am sure we can reach cross-party agreement on this, but I wonder whether professionalising the work of these staff—who, as the hon. Lady has outlined, work in very challenging conditions—and trying to recruit people who want to go into the profession would raise public perceptions and help to raise standards.

Kelly Tolhurst: Absolutely. We must value the work that people in these centres do; in fact, it can be one of the most rewarding things that anyone can do.

As someone who had worked in commerce, my experience of working with young people who had such terrible backgrounds and were facing such severe challenges was one of the best things I have ever done. The staff do go through a training programme, but again there are things that perhaps cannot be learned quickly, and things come up along the way. Every single child—young person, I should say—is different. Every single young person has a completely different set of circumstances that has led to their being in the system. I absolutely agree that this should all be about outcomes.

John Howell: Does my hon. Friend have a view on whether institutions for young people are a valid option or whether greater integration of young and adult institutions is a better option?

Kelly Tolhurst: Speaking from experience, I absolutely believe that institutions are the right place for some young people. For example, it may not necessarily be easy for them to be in a family. It is absolutely right that we have institutions where adults can be mentors, there to look after those young people on a daily basis and to work with them to rehabilitate them. My personal view is that young people should not be integrated with the adult prison service. They have different requirements, and sometimes the offences are different for particular reasons.

My biggest concern is that all these young people will eventually become adults. Whether they are looked-after children who have had a difficult background in different institutions, or whether they are unfortunate enough—maybe through fault of their own—to end up in a secure training centre, for me there is nothing more important than ensuring that we are doing all we can to ensure that the outcomes for those young people as adults are improved. The Government's aim is to achieve that. I welcome Charlie Taylor's review of the system. I would like to see a review in particular of the Medway centre and some of the safeguarding. I point out that I definitely have not seen all the footage and I have not been privy to the information that "Panorama" picked up during recording, but the centre is broken up into different units, and I believe that we are only looking at one element. I would like to hear some of the better stories that have come out of that centre, which I am sure exist.

Fundamentally, I welcome the debate and the review that is taking place. From a local council perspective, I was impressed as a local Member of Parliament by the immediate response that my local authority made to

[Kelly Tolhurst]

deal with the allegations. The local authority is carrying out due diligence in following through on the investigations in the local authority-designated officer review and in co-operating completely with the police.

Wayne David (Caerphilly) (Lab): What the hon. Lady is saying from her experience and her contact with the Medway centre is very important. In general terms, does she agree that it is partly about the ethos and professionalism of the members of staff, but also partly about the ratios between the young people and the members of staff? Generally speaking, the more staff who can devote time and attention to young people, the better things are.

Kelly Tolhurst: I thank the hon. Gentleman for that intervention. Personally, I still think it is a matter of the individual young person's needs. There is no system that fits all. I am not so sure that the issue is ratios; it is about the particular care plans around those particular children or young people, the reasons why they are in the centre and the individual support they need. That is obviously just my view, but staff build up relationships with young people who may have been exposed to some desperate situations and who may have seen and witnessed things that have affected their development. Some of the challenges affecting the young people—whether those are mental or in terms of decision making—are not always evident when the staff start working with them. It is harder for young people, because adults can articulate things more easily. Sometimes it is a big challenge for young people to articulate some of the things that have happened to them and some of their thought processes.

My honest belief is that there is not an easy solution. I am pleased that this issue is on our radar, but I wish that it had not had to be brought forward by BBC “Panorama”. I am desperately sad that young people have been affected by what has been shown to have happened there, but we have an opportunity to move forward and do what we can. As an MP who has three secure units in my constituency, I will be taking an interest in the issue, not just because of my interest in looked-after children and wanting the very best outcomes for our young people, but because I want a constituency where my constituents are happy that what is going on in our patch is right. I welcome the debate and I welcome the information that will be released in the coming months by the review.

3.6 pm

Angela Crawley (Lanark and Hamilton East) (SNP): It is a pleasure to serve under your chairmanship, Mr Wilson. I congratulate the hon. Member for Bradford South (Judith Cummins) on securing this important debate. Today's debate was anticipated by the exposure by “Panorama” of the Medway secure training centre earlier this month. The prison abuses it broadcast, which we have discussed today, are shocking and to be condemned, and I thank Members for their valuable and knowledgeable contributions.

It is important to acknowledge that youth justice is a devolved policy area, and the Ministry of Justice is responsible for justice policy in England and Wales only. My brief contribution to this debate will therefore acknowledge the importance of promoting the safety of

children and young people in the criminal justice system more generally, and I will refer to how youth justice is administrated in Scotland to provide some experience of an alternative strategy that the UK Government may wish to consider.

If we are to prevent young people from going down the wrong path in life, we must be proactive in making timely, appropriate and effective interventions to address offending behaviour at the outset. That will keep our communities and children safe from crime, including protecting young people when they are detained. We must ensure that action is taken by all agencies so that adequate safeguards and structures are put in place to prevent abuse.

The hon. Member for Bradford South rightly questioned the safety of young people in these institutions. It is only fair to acknowledge that children and young people facing the desperate circumstances that she referred to rightly deserve the safety and wellbeing that can and should be provided by these institutions. As she said, that is key to their rehabilitation. We must ensure that young people are at the heart of that. This could be a moment in time in their lives, and they could move on to much greater things with the right support. I hope that all Members in the room acknowledge that.

The hon. Member for Henley (John Howell) rightly emphasised that young people are in many ways still children. He took the time to emphasise the impact that mental health can have on young people's experiences in the institutions, and that point should be highlighted.

The hon. Member for Rochester and Strood (Kelly Tolhurst) spoke of her personal experience, as the Medway centre is in her constituency. She spoke of the heart-breaking and horrifying experience she had learning of these things. I am sure that no Member in this room takes any pleasure in or would choose to politicise such an important and truly atrocious example of bad practice. I am sure there are many more examples of good practice across the country, but we must in this instance take stock of bad practice and look at what we can do across the country to make the experience better and to ensure that these young people go on to better and positive destinations.

The hon. Member for St Helens South and Whiston (Marie Rimmer) said that safeguarding young people and children should be at the heart of the work we do. She also made the constructive and important point that bullying should be monitored. These children and young people experience the day-to-day issues other young people face, and institutions must ensure that their experiences are not damaged by bad practice or bad management in those institutions.

As I mentioned, youth justice is a devolved matter in Scotland. The youth justice strategy for Scotland from 2015 to 2020 focuses on taking a whole-system approach, improving life chances and developing the capacity for improvement. An holistic approach to youth offending and rehabilitation allows us to reverse negative trends and curb the statistics, to prevent offending from happening again. Indeed, in Scotland, there has been a substantial reduction in offence referrals to the Children's Reporter, as well as in the number of young people committing crimes and the number of 16 and 17-year-olds in custody. Partnership working has been crucial to that, and it will remain integral to the delivery of the strategy, with consideration of course given to the role of alternative measures.

The Scottish Government's vision is to promote Scotland as the best place for children to grow up. That was outlined in 2008 in "Preventing Offending by Young People—Framework for Action", marking a significant shift towards prevention and early intervention, combined with procedures to manage high risk and build community confidence. In particular, the children's hearings system is a unique feature of the Scottish youth justice system, providing special protective measures for children and dealing with offending alongside the child's needs and best interests. Fundamentally, the hearings recognise that children and young people who offend and who require care and protection are equally deserving of being considered as children in need.

In conclusion, all children and young people have the right to be cared for and to be protected from harm, and we cannot forget that. They must be allowed to grow up in a safe environment, and the duty of child protection is shared among all of us in society, not just core professionals. In the case of the Medway secure training centre, that duty was completely breached, and I hope the Minister will take my points on board and ensure that further action is taken. I thank all Members for their contributions.

3.12 pm

Christina Rees (Neath) (Lab): It is a pleasure to serve under your chairmanship, Mr Wilson. I congratulate my hon. Friend the Member for Bradford South (Judith Cummins) on securing a timely and much-needed debate on this subject, and I thank all hon. Members for their contributions.

It is agreed that the safety of children in custody is paramount. The investigation by the BBC broadcast on 11 January, which uncovered serious and shocking incidents at Medway secure training centre, must be my starting point. Those incidents have once again highlighted the need for urgent action specifically at that centre, but they are also indicative of failures across secure training centres and the prison estate as a whole.

For those hon. Members who have not viewed the programme, I should say that it makes for extremely disturbing viewing. There are allegations of guards unnecessarily using restraint techniques, hitting a teenager, pressing heavily on young people's necks, using intimidating language and taking concerted action to conceal their behaviour by avoiding CCTV cameras and misreporting incidents. That is simply unacceptable. Since the broadcast, four G4S staff members have been dismissed and four other staff members have been suspended, including one person employed by the healthcare provider.

As hon. Members may be aware, the Labour party called on the Secretary of State to take immediate action to put all G4S-run prisons, secure training centres and detention centres into special measures and to prevent G4S from being considered for bidding for other Government contracts. He responded that the allegations must be treated with the "utmost seriousness", and police and child protection teams are investigating. However, we should not believe that that is the end of the matter. Running a centre such as Medway requires staff who are well trained and properly motivated and who have a full appreciation of their role in the youth justice system, as the hon. Member for Rochester and Strood (Kelly Tolhurst) mentioned.

Just last September, G4S was stripped of its contract for managing a separate STC—Rainsbrook, in Northamptonshire—following an inspection revealing that there had been a doubling in the number of assaults since the last inspection; that 15 young people had required medical attention following assaults, with one requiring hospital treatment; and that the number of assaults on staff was higher than at the previous inspection, averaging nine per month. Let us not forget that G4S is still the subject of an ongoing investigation by the Serious Fraud Office.

Such incidents raise serious questions as to whether G4S is a fit and proper organisation to run youth facilities. However, the debate is about not only what happened at Medway, but youth custody generally. Unfortunately, the problems underlying recent incidents are echoed across the prison estate. Ministry of Justice figures show that deaths, incidents of self-harm and assaults in prison are at their highest level in a decade, with assaults up 13% in a year, serious assaults on prison staff up 42% in a year, self-harm up 21% from last year and seven prison murders in the last 12 months—the highest number recorded since 1978.

In 2012, the Prison Reform Trust and INQUEST jointly published a report entitled "Fatally flawed: Has the state learned lessons from the deaths of children and young people in prison?" The report considered the deaths of 143 children and young adults between 2003 and 2010. It concluded that many young people whose deaths were self-inflicted shared common traits and that successive Governments had not learned the lessons from those deaths.

A further INQUEST report in March 2015 studied the deaths of 65 young people and children between 2011 and 2014. It concluded that institutions had not learned the lessons from previous deaths, stating:

"The vulnerabilities of young prisoners have been well documented, yet they continue to be sent to unsafe environments, with scarce resources and staff untrained to deal with, and respond humanely to, their particular and complex needs."

The report concluded that

"too many deaths occur because the same mistakes are made time and again."

Last July, the Harris review published its report "Changing Prisons, Saving Lives: Report of the Independent Review into Self-inflicted Deaths in Custody of 18-24 year olds". Soon after the report was published, another report, from the Children's Commissioner for England, revealed that a third of young offenders experience isolation and segregation for up to 22 hours a day, particularly in larger institutions. The report found that the children who are isolated are nearly 50% more at risk of suicide. It called for an end to solitary confinement and urged that large secure units for children be replaced by smaller units.

Overcrowding and a widespread lack of staff resources across the Prison Service is leading, not surprisingly, to widespread problems. Temporary staff are used to fill quotas, but they often do not have the requisite experience to carry out such a challenging yet important role. As my hon. Friend the Member for Caerphilly (Wayne David) said, prison officers simply lack the time to do anything more than carry out the most straightforward security functions, with no time to talk to inmates or to assist in their rehabilitation. There is no time to spot mental ill health, or drug issues. The hon. Member for Henley

[Christina Rees]

(John Howell) has already mentioned how concerned he is that prison staff do not have time to follow through in flagging up issues that may affect a young individual. There is insufficient time to escort inmates to and from the classes and programmes on offer.

Instead, long periods of lock-up and inactivity lead to increasing frustration, making violence more likely. The Government proclaim that they recognise the importance of rehabilitation. If what I have been saying sounds familiar, it is because Labour has long said that prisons should be measured by their success on rehabilitation, and our manifesto at the general election stressed the importance of increasing the amount of time prisoners spend learning and working. Nowhere is that more important than in youth justice, where young lives can be turned around, with the right intervention.

Kelly Tolhurst: Does the hon. Lady agree that some of the young people who arrive at these institutions are there only for short periods, depending on the challenges that they have had before arriving at the centre, and that we should perhaps consider what happened to them before they arrived at the centre or the unit? In some cases, the young people are there for just a short period, and finding the opportunity to complete a really good rehabilitation is sometimes a challenge.

Christina Rees: I agree. I think a partnership approach is needed. The hon. Lady spoke about the local authority in her constituency and its important role in youth rehabilitation and the care of children. The whole approach must be one of across-the-board partnership. I agree that sometimes a short time in prison does not allow for any beneficial turnaround.

Jo Stevens: On that point, taking preventive measures was one of the recommendations in the Harris report about how to stop young people going into custody in the first place. Perhaps my hon. Friend will ask the Minister how many of the Harris recommendations have been implemented.

Christina Rees: I thank my hon. Friend for her intervention.

The Government must understand that a fundamentally different approach to youth justice and custody is needed. Young people and children need to be supported and helped. The idea that young offenders should be punished, locked away and forgotten about or, worse, mistreated, is morally reprehensible and entirely counter-productive. However, just months ago, the Chancellor announced cuts of £9 million to the Youth Justice Board, despite warnings from the Local Government Association, the Association of Youth Offending Team Managers and the Association of Directors of Children's Services that that would lead to an increase in the number of young people in custody. Coincidentally, the £9 million that is being taken away almost exactly matches the amount that the Government have wasted on a failed procurement process to outsource fine collection—a clear case of misplaced priorities and ideology taking precedence over sound, evidence-based policy making.

The Crime and Disorder Act 1998 states that the principle aim of the youth justice system is the prevention of reoffending. However, currently two thirds of offenders

under the age of 18 reoffend within a year of release. Behind every one of those figures is a victim, or victims, of crime. How can young people be rehabilitated when there are so many failings within the youth justice system—when it is not even a safe environment for them?

The media reports of what happened at Medway clearly demonstrate a deeper crisis in our youth custody system. Government cuts and a refusal to address the issues properly are creating a perfect storm of overcrowding, understaffing and poor resources. First and foremost, we urge immediate action to put all G4S-run prisons, secure training centres and detention centres into special measures so that the safety and competence of each facility can be urgently assessed.

The Government have the power, under the Criminal Justice and Public Order Act 1994, to intervene in contracted-out STCs. Therefore, as we outlined in our recent letter to the Secretary of State, we urge the Minister to put in management teams alongside existing staff at those facilities—teams with experience of working with vulnerable children. The reforms to youth justice made by a Labour Government, requiring agencies to collaborate in preventing youth offending, reduced both youth crime and the numbers of young people in prison. We would further extend that model by piloting a new approach for 18 to 20-year-old offenders. That would incentivise local authorities, the police and the probation services to work together, to identify those at risk of engaging in criminal activity and to divert them on to a more constructive path.

I want to pose the following questions to the Minister: how many children are currently in Medway STC; and have any been sent there since 30 December? What action did the Ministry of Justice take between 30 December and 8 January? Since 2010, how many times have contract breaches occurred at secure training centres run by G4S under contract with his Department? What was the budget of the Youth Justice Board in 2009-10 and 2014-15; and what is the estimated budget for that body in 2015-16? Has the Minister considered writing to the local safeguarding children board to see whether it will order a serious case review of the allegations regarding abuse at Medway secure training centre? I also remind him of the question put by my hon. Friend the Member for Cardiff Central (Jo Stevens) in her intervention.

3.27 pm

The Parliamentary Under-Secretary of State for Justice (Andrew Selous): It is a pleasure to serve under your chairmanship this afternoon, Mr Wilson. I congratulate the hon. Member for Bradford South (Judith Cummins) on bringing this important debate before the House. She said that complacency is never an option in such matters, and she is absolutely right. I assure her that that is exactly the attitude we have in the Ministry of Justice. We also made the broader point that, if we want people to behave well in custody, we should treat them well. She is absolutely right as far as that is concerned.

The hon. Lady spent quite a lot of her speech talking about “Managing and Minimising Physical Restraint”—understandably, following the shocking revelations we saw in the “Panorama” programme. Her Majesty's chief inspector of prisons described “Managing and Minimising Physical Restraint” as a significant step forward; but of course we acknowledge that more needs to be done. However, I can tell the hon. Lady that detailed action

plans are being agreed with individual sites on its implementation, and additional training and support are being provided. We want to get things to a really high standard, and of course it is not good enough just to have good training; we must ensure that the officers on the ground actually implement what they have been trained to do.

The hon. Lady and the hon. Member for Neath (Christina Rees), who spoke for the official Opposition, mentioned the Youth Justice Board budget. The YJB has, as part of general Government savings—as, unfortunately, the country continues to live beyond its means—reduced its administrative expenditure by restructuring to become more efficient; but in doing that, it has been able to focus more resources on monitoring in the youth estate, despite falling numbers of people in youth custody. It is important that that should be on the record.

Jo Stevens: The Minister said there was more monitoring of secure children's centres in youth custody services. If that is the case, why and how did what we saw at Medway on the "Panorama" programme happen?

Andrew Selous: The hon. Lady asks the central question of the whole debate. I can tell her that I have thought long and hard about it since the "Panorama" revelations. I do not know whether she was in the House for the urgent question when my right hon. Friend the Lord Chancellor and Secretary of State for Justice set out in some detail the considerable monitoring arrangements we have. Yet the fact is that they did not detect mistreatment and prevent it from happening. As the Minister responsible for youth justice, I have absolutely fully taken that on board and can assure her we will continue to review seriously how we monitor to ensure we do not find out that terrible things are happening from an investigatory television programme. I will elaborate further during the course of my speech.

My hon. Friend the Member for Henley (John Howell), who is a valued member of the Justice Committee, rightly drew attention to the issue of mental health. I can tell him and other Members who properly drew attention to that issue that a comprehensive health assessment is completed for every young person on arrival in custody. This includes an immediate assessment of needs during the first day or night, followed by a more comprehensive assessment as part of their induction programme. If an alternative placement is deemed appropriate, this will be referred back to the youth justice board placement team for consideration in consultation with healthcare professionals.

I can also tell the House that each site has healthcare teams and in-reach teams that provide appropriate treatment for young people with mental health issues. I get the seriousness and importance of this issue and will continue to work with colleagues in the Department of Health to ensure we keep a relentless focus on mental health.

John Howell: When he gets back to the office, will the Minister look at the transfer of people and how often the transfer of the information about their mental health does not actually follow them on time?

Andrew Selous: My hon. Friend raises an important and serious point. Yes, of course I will look into that matter. We have to have a joined-up system as far as health needs are concerned. He makes a valuable point.

My hon. Friend also made points about young adult provision. I know the Select Committee is looking at that at the moment, but I can tell him that a Government consultation on the management of young adults was paused while the Harris review was completed. This is now being reconsidered as part of our wider prison reform strategy work and alongside the youth justice review, about which I will say more in a few moments.

The hon. Member for St Helens South and Whiston (Marie Rimmer), who is also an extremely diligent and engaged member of the Justice Committee, asked a general point about the threshold for custody for children. The threshold is high and the courts must state in open court why a youth community sentence with high-intensity supervision and surveillance is not appropriate. I will point out, as have others during this debate, that the under-18 youth custody population has halved in the past five years.

I thank my hon. Friend the Member for Rochester and Strood (Kelly Tolhurst) for her contribution to the debate. She is not only the local Member of Parliament who represents Medway, but a ward councillor in that area, so she has detailed local knowledge that we all respect. I have had frequent dealings with her since the revelations came to light. I also thank her for praising the vast majority of decent staff who work very hard in a challenging environment. She was right to put that on the record, and I do so as the Minister as well. We will be relentless in dealing with staff who fall below the very high standards that we rightly expect of them and will continue to demand.

I thank the hon. Member for Lanark and Hamilton East (Angela Crawley) for her contribution. She pointed out that my domain as the Minister extends to England and Wales, and not to Scotland, but generally we take a serious interest in what happens in criminal justice matters and in the youth estate north of our border with Scotland. I have spent time with Scottish academics and others trying to learn what we can from the Scottish prison system, so I thank her for her contribution this afternoon.

The hon. Member for Neath, who speaks for the official Opposition, asked me a large number of questions, which I will do my best to answer this afternoon. I will write to her if I do not answer them all—she posed her questions just before my own contribution, so I will not manage to answer all of them. In general, I repeat what the Secretary of State for Justice said during the urgent question:

"the care and supervision of young offenders in custody is not good enough."—[*Official Report*, 11 January 2016; Vol. 604, c. 573.]

We recognise that. That is why the Secretary of State has commissioned the youth justice review. There will be an interim report in due course and a final report in the summer. It is the right thing to do.

The hon. Member for Cardiff Central (Jo Stevens) asked her hon. Friend the Member for Neath to ask me how many of Lord Harris's recommendations had been implemented. The answer is more than half, but I would ask the hon. Member for Cardiff Central to look at our wider prison reform strategy, more of which will be unveiled over the coming months. She and others will see much in that that speaks to the important points that she and others have raised this afternoon.

[*Andrew Selous*]

The allegations made by the BBC in the “Panorama” programme on 11 January were profoundly disturbing and have quite rightly generated concern about the safety of young people detained at Medway. Let me put on the record, as the Justice Secretary did, my thanks to the BBC for the work it has undertaken to bring the serious allegations to light, although it should not have taken an investigatory television programme to do so.

We take all allegations about mistreatment of children in custody extremely seriously and make sure that they are swiftly referred to the local area designated child protection officer for immediate action. Although it would be inappropriate for me to comment on specific allegations while the investigation by Kent police and Medway Council is under way, I can assure Members that we place the highest priority on the safety of the children and young people committed to our care in custody.

It may be helpful for me to outline in further detail the action taken since the contents of the “Panorama” investigation were first reported. First, G4S suspended all seven staff members named by the BBC on 30 December 2015 and referred the allegations to Medway Council’s local authority designated officer, who is responsible for overseeing safeguarding concerns about children across the local authority, and to Kent police. G4S has subsequently dismissed five staff members, and three more are suspended.

Kent police and Medway Council’s child protection team have launched an investigation that will determine whether there is any evidence to justify criminal proceedings against anyone involved. Five members of staff have been arrested and bailed while police inquiries continue. It is important that the police are now able to complete a full and thorough investigation into each incident and to pursue all necessary lines of inquiry. I can assure Members that the Ministry of Justice and the Youth Justice Board will support and co-operate with their inquiries to the fullest possible extent.

Our immediate priority has been the safety of the young people in custody at Medway. As the Secretary of State indicated in his statement to the House on 11 January, we are meeting Lin Hinnigan, the chief executive of the Youth Justice Board, regularly to make sure that all necessary action to ensure the wellbeing of young people at Medway is being taken. Her Majesty’s Inspectorate of Prisons and Ofsted also visited Medway on 11 January to meet representatives of G4S, Medway Council and the Youth Justice Board, as well as the children detained there. The findings of HMIP’s report are being considered carefully by the Secretary of State and me.

The YJB, which is responsible for commissioning the youth secure estate, has also taken immediate steps to safeguard the children and young people placed in Medway. It might be helpful for me to outline those steps to the House. The YJB has, with immediate effect, ceased new placements of young people to Medway until further notice—that addresses one of the shadow Minister’s questions. The YJB sought urgent assurance from the G4S director of Medway that the centre had safe staffing levels following the suspension and dismissal of staff. That assurance was received on 31 December and is being kept under review. The YJB has increased both its monitoring activity at the centre and the presence of other of its staff members, including senior managers.

I am concerned that the allegations were not readily identified by the checks and systems that we already have in place. It is clear that my Department and the YJB need to work together to make sure that monitoring in the youth secure estate is more effective and robust. We expect the highest standards from all the providers who operate the youth secure estate. We expect staff to want to work with children, to have the skills and training to engage with children positively, and to act with professionalism and integrity throughout. We expect our providers’ management teams to rigorously supervise their staff and drive a positive culture throughout their organisations.

Jo Stevens: There will be children in Medway and other secure training centres who are repeat offenders, but it seems to me that the real culprit here is G4S, which is a persistent offender in failing to deliver Government contracts to the required standards. I am concerned about whether G4S should be awarded any further contracts, or should even be bidding, until all the outstanding issues with the company—the Serious Fraud Office inquiry and the investigation into Medway—are resolved. Will the Minister please address that specific point?

Andrew Selous: I hear what the hon. Lady says and, given what has happened, I understand the strength of feeling on this issue. Nevertheless, I repeat what I said earlier: it is important that we allow Medway Council and Kent police to investigate fully what are, at the moment, allegations, albeit extremely serious ones. We should wait for the results before we do anything else.

The YJB has increased the availability of the independent advocacy service provided by Barnardo’s. It will now be available on site six days a week, compared with three days a week previously. All youth offending teams that are responsible for those currently held at Medway secure training centre have been contacted and asked whether they have any concerns about individual children or young people. The YJB will consider, on a case-by-case basis, any specific action that needs to be taken to meet the particular needs of each individual child or young person, including, where appropriate, reviewing their placement at the centre. The YJB has also contacted the families of each child and young person at all three secure training centres to explain the actions we have taken and to give them a contact point at the YJB.

I shall outline the key safeguarding and monitoring arrangements that already exist in secure training centres, which we have now reinforced at Medway in the light of the recent allegations. First, YJB monitors are appointed at all STCs to monitor and report on the performance of the establishment. Monitors will investigate and report on allegations made against custody officers and, where necessary, suspend and revoke custody officers’ certificates to work. Barnardo’s staff are also in place at all STCs to provide independent support and advice to young people through its independent advocacy service. Young people can raise any issues or concerns through either the YJB monitors or the advocacy service provided independently by Barnardo’s. There are clear processes in place that enable staff to raise concerns.

The YJB’s service specifications and commissioning arrangements for the secure estate make it clear to providers that there is an expectation that children’s welfare and safety is paramount when they are in custody. That expectation has been strengthened and reinforced

in the specifications for new STC contracts and as part of the provision in young offender institutions. All persons in charge of secure establishments have a statutory duty to ensure that their functions are discharged having regard to the need to safeguard and promote the welfare of children. They must also participate as a member of their relevant local safeguarding children's board. In line with statutory safeguarding guidance, each secure establishment must have an annually reviewed safeguarding policy and a member of the senior management team with responsibility for implementation of the policy. The policy should promote safeguarding and wellbeing by covering issues such as child protection, risk of harm, restraint, separation, staff recruitment and information sharing.

Each local authority has a designated officer to whom concerns about children's safety that arise from the behaviour of adults must be referred. That is in addition to the requirement for those working with children to report to the local authority any concerns about a child they believe to have been harmed or at risk of harm. All safeguarding managers in young offender institutions are expected to attend the Working With Young People in Custody training programme, which includes modules on child protection and safeguarding. The head of safeguarding will be supported by an establishment-based qualified social worker from the local authority.

As many Members know, there is now a higher concentration of violent and high-risk offenders in the youth secure estate who present complex risks and needs. The level of violent incidents remains a concern, and one to which there is no single, simple solution. For that reason, we have in place a wide range of measures to manage safety and stability. That begins with the placement of young people. The YJB actively manages where young people are placed to support custodial providers, who in turn manage their regimes locally to keep children safe. In young offender institutions in particular, we are working to use more mental health support and psychological services to better manage and support those detained. We are also implementing a range of tools for staff to manage conflict more positively and deal with challenging and complex children. All the while, we have a zero-tolerance approach to violence and are seeking to increase children's engagement in education to give them a greater opportunity of making progress during custody and on release. For example, in young offender institutes we now require 30 hours of education a week, which is a significant increase.

Wayne David: I welcome many of the positive proposals that the Minister is making, but will he give us a commitment that, if it is clearly demonstrated that certain organisations that run STCs are in breach of their duty of care to young children, they will be formally excluded from future bidding processes?

Andrew Selous: As I said earlier, for now, we should wait for the result of the investigation by the local authority and the police. I have already said that we have the power to strike off someone from being a custody officer. We have statutory powers and we are not afraid to use them in pursuit of our serious duties regarding the care of these young people.

The managing and minimising physical restraint policy that I mentioned earlier sets out that robust local governance arrangements should be in place to enable those running

secure establishments to identify any poor practice. A weekly use-of-force meeting takes place in all establishments using the MMPR policy, and it is regularly attended by a YJB performance manager. During the meeting, which is attended by senior managers in the establishment, along with the YJB, CCTV footage of all incidents is reviewed, anything that happened in the lead-up to an incident is discussed, and any training that might be required to handle incidents better in future can be identified. Those arrangements were already in place at Medway. If there is an incident that warrants referral, we would expect an establishment to refer it to the local area designated officer at the local authority. If that is not done by an establishment, the YJB's performance managers can make referrals themselves.

As the Secretary of State made clear in his statement on 11 January, it is a matter of record that there have been earlier examples of where G4S has let down the Ministry of Justice and those in our care. But there are also examples of innovative and high-quality institutions run by G4S. I recognise in particular that unacceptable incidents and practices were identified in Ofsted's inspection of Rainsbrook last year. In that case, the monitoring arrangements in place were effective. The YJB monitor was aware of each of the incidents as they occurred, took the appropriate action and highlighted them to the inspection team. The YJB immediately required G4S to address the issues swiftly and effectively. G4S put in place new leadership, and the YJB agreed an action plan to improve recruitment and training.

I am pleased to tell colleagues that Ofsted's latest inspection of Rainsbrook shows significant improvement, with improved findings for both safety and care of young people. Although the report identified two serious incidents of staff misconduct since the previous inspection, in both cases, G4S took action and dismissed the members of staff involved before the latest inspection took place.

Jo Stevens: Although the problems at Rainsbrook have been identified and welcome steps have been taken, the Government allowed G4S to renew its contract at Medway. Will the Minister explain why it was allowed to renew that contract when it has a history of problems running a secure training unit at Rainsbrook?

Andrew Selous: There was a competitive bid to run the contract. Ministry of Justice officials, who are wholly independent from Ministers, scrutinised all the bids using set criteria. They demanded higher standards than we currently have in the STCs. We are satisfied that there was a robust, proper, independent and legal process.

Following the re-tendering of the Rainsbrook STC last year, we selected a new provider, MTCNovo, to take over the running of the centre from May 2016. The YJB put in place an enhanced monitoring plan that aims to support G4S to continue to make the required improvements, as well as supporting MTCNovo as it takes over delivery. We are clear that standards must continue to rise before MTCNovo takes over the contract.

Although youth offending has fallen, reoffending rates have remained high, particularly for those leaving youth custody. We acknowledge that violence in custody has risen and that we are dealing with an increasingly challenging cohort of young people in our custody. As I said earlier, there are no simple solutions to that, which

[Andrew Selous]

is why the Secretary of State and I agree that the youth justice system requires reform.

As Members will be aware, we asked Charlie Taylor, the former chief executive of the National College for Teaching and Leadership, to conduct a review of youth justice. He is looking at the evidence and current practice in preventing youth crime and rehabilitating young offenders; how the youth justice system can most effectively interact with wider services for children and young people; and whether the current arrangements are fit for purpose. The review will publish an interim report shortly and conclude this summer.

I recognise and share Members' concern about the allegations featured in the "Panorama" programme, but hope I have reassured colleagues that young people's safety and wellbeing will remain central to how we look after young people in custody. As my hon. Friend the Member for Rochester and Strood said, the vast majority of those working in the youth justice system display high levels of professionalism and dedication in working with young people from particularly complex and challenging backgrounds. They are committed to the rehabilitation and support of the young people in their care.

Marie Rimmer: Will the Minister please consider introducing a duty of candour for custodial institutions, as has been introduced in the health service?

Andrew Selous: I am aware that a duty of candour has been introduced in the NHS to good effect, I believe. I commit to look carefully at the lessons learned from its introduction in the NHS to see whether one could be applicable to the youth justice system.

I am clear that the provision of safe, decent and secure environments is an essential foundation for achieving our objectives to protect the public and reduce reoffending. We will continue to challenge the youth justice system to provide the best possible support and the highest levels of care for young people in youth custody.

3.44 pm

Judith Cummins: I thank all Members who spoke in this debate. Their contributions reflect the seriousness and importance of the issue of ensuring the safety of children in custodial institutions. We all acknowledge the need for high professional standards when looking after our children and young people in custodial institutions. I ask the Minister to take very seriously the concerns that were raised about the continuation of G4S's contract.

When looking at the issue of child safety in our custodial institutions, the concerns about children with complex needs or mental health problems must be looked at in detail and treated appropriately, particularly those pertaining to the issue of restraint in our custodial institutions. It is important that the Minister addresses our concerns about the cuts to the budgets of the Youth Justice Board and local authorities. Thank you, Mr Wilson, for treating me kindly today. I thank all Members present.

Question put and agreed to.

Resolved,

That this House has considered safety in youth custody.

IVF: Welfare of Women

[SIR ALAN MEALE *in the Chair*]

3.48 pm

Siobhain McDonagh (Mitcham and Morden) (Lab): I beg to move,

That this House has considered the welfare of women undergoing IVF treatment.

I want to draw attention to the Human Fertilisation and Embryology Act 1990, which is also known as the HFE Act. It contains worrying failures that are endangering women's lives and long-term health. As a result of the failures, it is time for Parliament to take action to protect the welfare of women undergoing IVF treatment. IVF is a huge industry, estimated to be worth some £500 million, with most treatment taking place in the private sector.

The Human Fertilisation and Embryology Authority code of practice, which follows from the 26-year-old HFE Act, rightly requires clinics to take into account the welfare of the child before providing IVF treatment, but the HFEA's narrow interpretation means that women's welfare is not considered. IVF treatment works by stimulating the ovaries of a woman to grow multiple follicles through the use of a drug identical to the natural stimulating hormone called follicle stimulating hormone or FSH. In turn, the growth of such follicles causes a rise in oestrogen in a woman's bloodstream.

However, if levels become too high, there can be a profound and adverse effect on a woman's health. Indeed, extensive research has shown that the high stimulation given to women during IVF can significantly compromise their health. The most common adverse effect following the use of such hormones during IVF is ovarian hyperstimulation syndrome or OHSS, which can be mild, moderate or severe. Mild OHSS can occur in up to 33% of IVF cycles, while 3% to 8% of IVF cycles are complicated by moderate to severe OHSS. Women with severe OHSS are hospitalised, some in intensive care, needing intravenous infusions and drugs to save their lives. In its most severe form, OHSS can be fatal and women have died in the UK as a result of the complication.

Joan Ryan (Enfield North) (Lab): Given the serious health risks that can arise from women being treated with too much hormone medication during IVF, does my hon. Friend agree that the HFEA must collect and publish information on the type and amount of drugs given to women so that they can make a more informed choice about the treatment they may receive?

Siobhain McDonagh: I wholeheartedly agree with my right hon. Friend and hope to expand on that point in my speech.

John Howell (Henley) (Con): I thought I would get an intervention in while the hon. Lady was in the mood for taking them. I appreciate that she is talking about women who are going through IVF, but has she considered the health effects on women who want IVF but are prevented from doing so due to their age?

Siobhain McDonagh: I have no comments in my speech that address the hon. Gentleman's concerns about age and effectiveness. I mostly want to ask the Minister,

and through her the Department of Health, to consider how figures are recorded, what the practice is and how we can improve on what is now a 26-year-old Act.

It goes without saying that OHSS has a huge emotional cost to women and a huge financial cost to the NHS, but it is preventable. It is widely known that there are modern OHSS-free protocols that can entirely prevent the syndrome from manifesting, but they are underused. In a 2011 article in *The BMJ*, authors Bewley and Braude reported on women's deaths as a result of the complications around IVF treatment. The article states:

"The last Confidential Enquiry into Maternal Death recorded four deaths directly related to IVF via ovarian hyperstimulation syndrome and three deaths related to multiple pregnancy after IVF. Thus, more deaths were related to ovarian hyperstimulation syndrome than to abortion...despite many fewer procedures (for example, 48,829 IVF cycles v 198,500 abortions were performed in the UK in 2007). IVF associated maternal deaths may be underestimates, because record linkage is not allowed by the Human Fertilisation and Embryology Act".

The article worryingly concludes that:

"infertility treatment now poses a higher risk for maternal death."

Despite the potentially fatal risks to the health of women going through IVF, there is little accurate or complete information regarding the incidence of OHSS. Instead, the HFEA records it only via a flawed self-reporting system. In practice, that means that clinics must indicate when a patient has been admitted to hospital with severe OHSS when it is entirely induced by their IVF treatment, but that system of self-reporting is inadequate, for obvious reasons. The HFEA's own data suggest that there is gross under-reporting of the condition.

We know that the number of eggs collected is a predictor of OHSS. The collection of more than fifteen eggs significantly increases the risk of OHSS, without improving the live birth rate. Bearing that in mind, over the first half of 2013, there were over 1,700 IVF cycles in which more than 20 eggs were collected—cycles that therefore posed an increased risk of OHSS. Yet, that same year, only 46 cases of severe OHSS were reported. Between 2010 and 2012, only 60 cases of severe OHSS and 150 cases of moderate OHSS were reported. During the same period, however, there were more than 3,000 IVF cycles in which more than 20 eggs were collected per cycle. Those examples demonstrate the worrying, and dangerous, trend of under-reporting. We also know that the stimulation dose given in IVF is negatively correlated to live birth. In other words, the higher the stimulation, the lower the rate of live births. Research has also shown that a high number of eggs collected increases rates of prematurity and low birth weight in babies. The risks are clear when considering how many cycles feature high stimulation and high numbers of eggs collected.

The HFEA database demonstrates that, between 2008 and 2013, more than 20 eggs were collected per egg collection procedure in more than 18,000 IVF cycles, more than 30 eggs were collected in 2,285 IVF cycles, and more than 40 eggs were collected in 313 IVF cycles. It cannot be stressed enough that those figures show a very worrying trend in IVF treatment in the UK, potentially placing women in real, and avoidable, danger. The evidence also demonstrates the pressing need for a change in legislation and for reliable data to be collected by an empowered regulator.

Furthermore, research from last year has observed an increased risk of ovarian cancer among women undergoing IVF in the UK compared with national averages. That was based on the HFEA database of more than a quarter of a million women who have received IVF treatment between 1991 and 2010. Similarly, a large Dutch study from 2011 of 20,000 women who had received IVF treatment concluded that ovarian stimulation for IVF may increase the risk of ovarian malignancies, especially borderline tumours. The link between ovarian cancer and IVF treatment, as well as the many health risks I have outlined, so obviously justifies the collection of reliable data by the HFEA.

As if the risks were not enough, several clinics are using a cocktail of drugs off-label in a manner for which they were not intended. It is most common in the use of drugs and intravenous infusions during IVF treatment and pregnancy that affect a woman's immune system. However, they are often used without any supporting scientific evidence, posing significant risks to women. Both the Royal College of Obstetricians and Gynaecologists and the US Food and Drug Administration have issued warnings about the use of drugs off-label. The HFEA, while stating on its website that there is no evidence to support such practice, has admitted that it has no powers to stop it from happening despite being aware of the considerable potential harm posed to women. That clearly needs to change.

Despite the potential threat to women's safety, the HFEA states that it does not have the statutory authority to take action in the so-called areas of clinical judgment and drug administration. Indeed, in relation to the HFEA's limited response on the incidence of OHSS, the Minister stated the following:

"They have no express powers concerning the administration of drugs, which is a matter of clinical judgment. Although the HFEA does not collect data about the overall incidence of OHSS, clinics are asked to report when a cycle has been abandoned because of risk of OHSS. Severe OHSS is treated as an incident and depending on the nature of incident and the patient outcome, the HFEA will either expect an incident report or conduct an incident review itself".

Given the severity of the risk to women that I have outlined, however, that response is clearly inadequate.

Considering the evidence, the absence of comprehensive data collection seems to be the result of a bizarre regulatory remit. That limited remit seems to see the safety of women as secondary. The McCracken review into the HFEA, the recommendations of which were entirely accepted by the Government, argued that the balance of HFEA activities was unacceptable. Recommendation 10 stated:

"The HFEA should conduct a review of the balance of its regulatory focus to ensure that it reflects the relative risks of the different activities that it oversees. Its approach should reflect the relative maturity of the sector it regulates...the need to ensure appropriate oversight of technical developments in the field of ART"—

assisted reproductive technology—

"the need to ensure that appropriate standards of practice are implemented consistently throughout the sector, and the continuing need for a high degree of public assurance regarding the sensitive activities that it oversees. This should not lead to any overall increase in regulatory activity or cost, but a rebalancing of activity."

Further, as part of the preface to the recommendation, McCracken stated:

"Similarly where there are well known side effects of ART techniques, such as...OHSS...the HFEA should make sure that

[Siobhain McDonagh]

appropriate standards in managing them are being adopted across the sector...It is worth noting here that the work that the HFEA led in reducing multiple births, the 'One at a Time' project, is universally praised and may provide a model for addressing some of these other topics."

To reiterate, the report states that reviewing the HFEA remit should not lead to an increase in regulatory activity or cost, but simply a rebalancing of its activity. However, the HFEA has not taken any specific action on OHSS or on the other interventions so desperately needed. That is why we need Parliament to act.

What can be done? I have a number of recommendations that I hope the Minister will be able to implement to address the risk to women's health. First, an explicit commitment to the protection of the welfare of women urgently needs to be added to the Human Fertilisation and Embryology Act 1990 in order to give powers to the HFEA to regulate and monitor drug administration to safeguard the short and long-term health and welfare of women undergoing IVF.

Secondly, the HFEA must immediately start collecting information about all drugs, dosages—whether daily or cumulative—and off-label drugs administered to women during IVF treatment and pregnancy. The HFEA already collects extensive data about embryos, including the use of consumables or culture medium. In other words, what is administered to eggs, sperm and embryos is regarded as of primary importance, but what is administered to women is deemed to be of limited importance. We urgently need to redress that imbalance. Adequate information is desperately needed to gauge the adverse effects of the drugs on gametes and embryos, and to assess their threat to women's health. Those data are already collected in the USA, Australia and across Europe. It is about time the UK followed suit.

Thirdly, the HFEA should introduce a campaign and licence condition expressly focused on reducing the incidence of OHSS, which can be fatal. That could be modelled on the HFEA's successful multiple births minimisation strategy.

Finally, the HFE Act should be amended to link the HFEA registry with the hospital, cancer and death registries. That would allow accurate recording and publication of the links between IVF treatment and incidence of severe OHSS, cancer and mortality among women. The HFE Act has typically used patient confidentiality as a reason to have a hands-off approach to collecting important information. Links between IVF treatment and such incidences, however, have already been established in other developed nations by using such data. I am sure the Minister will agree that the more we understand such links, the more we can do to prevent unnecessary harm to women.

We urgently need a regulatory body that has the powers to monitor drug administration during IVF treatment, and to take action where needed to protect the welfare of women. We need to have adequate information to assess the safety of fertility treatments. Indeed, it seems absurd to have a regulator that is dedicated to licensing and monitoring clinics that carry out IVF, but that is unable to take action because it lacks statutory authority.

According to the McCracken report, such changes can be cost-neutral, and the HFEA has already achieved success in other areas. By including the welfare-of-women

protection in the HFE Act, alongside the "welfare of any child", we can finally act on the issue. By doing so, Government can oversee the collection of information about drugs administered to women during IVF treatment and pregnancy. What I am calling for is not unusual elsewhere in the world, and such systems of data collection are prevalent in so many developed countries. Changing the Act will also enable the HFEA to implement fully the recommendations of the McCracken report, in particular that

"appropriate standards in managing...are...adopted across the sector."

That should include the use of modern OHSS-free protocols that prevent the incidence of potentially fatal OHSS.

Patients undergoing IVF treatment are often vulnerable, forced into paying for treatment themselves, and they desperately need someone to protect them. As more and more people use IVF treatment, the issue is no longer one for only a minority. It is time to give the safety of women the recognition that it desperately deserves in the Act. Let us not sit back and allow another woman to suffer or die unnecessarily during IVF treatment.

In the HFEA, we have a body dedicated to regulating IVF. Let us give it the tools to fulfil its duty. Twenty-six years since its creation, it is time to maintain what is good about the HFE Act and to reform what is inadequate. I hope the Minister will recognise the opportunity for the Government to pioneer a new chapter in the young history of IVF treatment.

4.16 pm

The Parliamentary Under-Secretary of State for Health (Jane Ellison): It is a pleasure to serve under your chairmanship, Sir Alan.

I thank the hon. Member for Mitcham and Morden (Siobhain McDonagh) for raising this important subject for debate. I will take the opportunity to offer, I hope, some assurance to interested Members about what is being done to safeguard women's health in the area.

IVF has been an amazing gift for millions of people throughout the world, bringing the joy of a child to those who would otherwise not have been able to have one. The treatment was a groundbreaking one that we can be proud to say was invented and developed in the United Kingdom.

Recognising the special ethical approach needed for the creation of human life, the Government introduced the Human Fertilisation and Embryology Act in 1990 to bring a strong legislative framework to the provision of fertility treatments, establishing the HFEA as the specialist regulator. That legislation was supplemented by a review and amendments in 2008, providing a legislative settlement agreed by Parliament, and it has served the United Kingdom well since then.

The hon. Lady eloquently outlined the effects of OHSS, which is a well recognised side effect of the use of ovarian stimulatory drugs. In its most severe form, it can be fatal for the patient if not treated, although thankfully that is rare. There are more than 60,000 cycles of IVF each year, with between 150 and 200 instances of what would be regarded as more serious incidents, known as grade A and grade B. That represents about 0.33% of all cycles.

4.18 pm

Sitting suspended for a Division in the House.

4.30 pm

On resuming—

Sir Alan Meale (in the Chair): The debate may continue until 4.42 pm but could conclude before then if circumstances permit.

Jane Ellison: If the debate has to conclude early, which would be a great shame, I shall certainly undertake to write in detail to the hon. Member for Mitcham and Morden, to respond to the various points she made in her speech.

As I was saying, thankfully, very severe incidents for women undergoing IVF are very rare. There are more than 60,000 cycles of IVF each year, and around 150 to 200 instances of what would be regarded as more serious incidents. That represents 0.33% of all cycles. To put that in context, in 2013-14, there were four grade A incidents that involved a serious threat to health, while in 2012-13 there were none. It is helpful to explain that.

It would also be helpful for me to put on the record that ovarian stimulatory drugs are generally self-administered after being prescribed, and each patient is given instruction from the clinic with appropriate warnings about side effect symptoms to be aware of. Patients are monitored at the clinic through regular ultrasound scans and blood tests to check how the ovarian stimulation is progressing and to look out for any signs of OHSS.

I note the suggestion from the hon. Lady about amending the Human Fertilisation and Embryology Act 1990 to require the UK regulator to collect data on the dosage of drugs prescribed to women during fertility treatment and birth rates and information on any adverse outcomes for the patient. That proposal would also place a duty on all fertility clinics to consider the welfare of women proposing to undergo these treatments. It is important to put on the record that drug dosage levels do not determine the risk to individual women of OHSS. Patients react differently and individually to the same dosage levels, so it is not possible to identify those who may be at the highest risk of an adverse reaction.

In response to the suggestions made, I want to stress that all clinicians have a general duty to consider the welfare of patients when deciding whether it is appropriate to offer any treatment service. The 1990 Act also requires that same assessment to be made of any child born as a result of fertility treatment and any existing children who might be affected by it.

The prescription of stimulatory drugs is not an activity regulated by the HFE Act 1990, as amended, or by the HFEA. Prescribing is a matter for clinical judgment, taking account of professional guidance, of which there is a considerable amount, and the individual circumstances of the patient. All patients who undergo ovarian stimulation as part of their IVF treatment are given information on the symptoms to look out for and are advised to contact clinics immediately if they suspect they may be developing the condition. That includes being given contact details for out-of-hours arrangements, so that they can report immediately. In addition, it is a requirement under the 1990 Act that a woman shall not be provided with treatment services unless she has been provided with

information relevant to the treatment, including the potential side effects, and a suitable opportunity to receive counselling about the implications.

Although the HFEA does not collect data about the overall incidence of OHSS, clinics are asked to report treatment cycles to the HFEA where a cycle has been abandoned due to there being a risk of the patient developing OHSS. All severe cases of OHSS must be reported to the HFEA as a serious adverse incident. Depending on the nature of the incident and the patient outcome, the HFEA will either expect an incident report from the clinic or will conduct an incident review itself. The HFEA publishes a detailed annual analysis of the data it receives, and information is also available on the HFEA's website on outcome rates for each clinic, including information on live birth rates as a percentage of embryo transfers.

I reiterate that the administration of drugs is a matter for clinical judgment. The HFEA's code of practice advises licensed fertility clinics to provide women seeking treatment with information on the likely outcomes of the proposed treatment and the nature and potential risks of that treatment. That includes the risk of children conceived having, for example, developmental defects, as well as the potential side effects and risks for the woman, including OHSS. That requirement is examined as part of the HFEA inspection regime. The HFEA also asks to see a clinic's OHSS management protocols before a licensed renewal inspection, so it is part of the regulatory process for each clinic.

In its fertility guidelines, the National Institute for Health and Care Excellence advises clinics that they should inform patients about any potential long-term safety implications associated with IVF. That includes specific reference to limiting the use of ovulation induction or ovarian stimulation agents to the lowest effective dose and duration of use. In addition, the HFEA code of practice sets out the expectation that clinics should follow relevant and appropriate professional guidance in the care of patients, which obviously includes NICE guidance. Clinicians must have the clinical discretion to make decisions about the care of individual patients, taking account of their individual circumstances.

I want to give the hon. Lady assurance about some of the work the HFEA has in the pipeline. In its business plan, the HFEA sets out an intention to increase focus on learning from incidents and adverse events through, for example, publication of a report on clinical incidents between 2010 and 2012; dialogue with the sector about how best to learn from incidents and adverse events; and exploring, with professional groups, whether more data need to be collected better to understand factors contributing to ovarian hyperstimulation syndrome, in order to reduce its incidence. That is in the HFEA's business plan, which is publicly available.

I would like again to thank the hon. Lady for raising this important and complex subject. I understand and appreciate the concerns she rightly has about the possible impact on women's health of a reaction to stimulatory drugs during the process of fertility treatment and the consequences. However, I believe that the existing UK regulatory system is second to none in its approach to safeguarding women's health. I am assured that, within its statutory and regulatory remit, the HFEA is taking proportionate action.

[Jane Ellison]

I know that the debate must end here, Sir Alan, so I will write to the hon. Lady with responses to additional points made in her speech.

Question put and agreed to.

4.37 pm

Sitting suspended for Divisions in the House.

Storm Eva: Local Authority Support

5.12 pm

Holly Lynch (Halifax) (Lab): I beg to move,

That this House has considered support for local authorities after Storm Eva.

I am delighted to serve under your chairmanship, Sir Alan, even if it is later than scheduled. The first challenge of debating the flooding that devastated parts of Cumbria, Lancashire and Yorkshire over the Christmas period is that just one Department can respond. In considering what support local authorities will require as they seek to emerge from these difficult times, nothing short of co-operation from almost every single Department will be sufficient. In calling on the Department for Communities and Local Government to hear the challenges that we face, I hope the Minister will be working with his colleagues across Government to respond as comprehensively as possible.

For the purpose of today's debate, I am representing Calderdale Council, which includes both my constituency of Halifax and the neighbouring Calder Valley constituency. Areas around the Dean Clough Mills complex in Halifax town centre, and particularly Sowerby Bridge and Copley in my patch, were devastated by the floods on Boxing day in weather that had not been seen in living memory. However, the devastation further down the valley in Mytholmroyd and Hebden Bridge, with further damage in Elland, Todmorden and Brighouse, has put Calderdale Council under unprecedented pressure of a primarily financial nature.

I attended a transport working group meeting at Halifax town hall on Friday with my friend, the hon. Member for Calder Valley (Craig Whittaker). The chief officer for highways and engineering, John Lamb, who is doing a fantastic job, described the River Calder as having become "weaponised" over Boxing day, picking up everything in its path and using it to smash its way through the valley, taking on the bridges, roads, homes and businesses in its path.

To give Members a quick overview and to demonstrate the breadth of the range of problems, 2,781 residential properties and 1,635 businesses have been affected by Storm Eva in Calderdale. Nine electrical substations were flooded, resulting in widespread power outages, with some properties without electricity for four days. Eight schools across the district were damaged, and at least two of them will be closed for a prolonged period. The police station in Sowerby Bridge and the fire station in Mytholmroyd were flooded, and general practitioners' surgeries, Sowerby Bridge leisure centre, libraries and Sure Start centres along the river all sustained damage.

With that in mind, I hope the Chair and the hon. Member for Calder Valley will grant me the freedom to speak about the needs of the local authority as a whole, taking into account the challenges facing our constituents, who will traverse both constituencies on an almost daily basis. I start by thanking the Government for their announcement earlier this week that £5.5 million will be made available for the rebuilding of Elland bridge. Having to rewrite this speech in the wake of that good news was a welcome inconvenience. The floods envoy, the Under-Secretary of State for Transport, the hon.

Member for Scarborough and Whitby (Mr Goodwill), hit the nail on the head when he said during the announcement:

“A good local transport system is the lifeblood of the region, and key to a thriving economy.”

As the Minister may already know, the communications network that crosses Elland bridge is essential to businesses in the area, so discussion now moves from funding to the speed with which we can get it back up and running. Partly due to the bridge’s status as a grade II listed building, it is estimated that a replacement bridge will not be in place until December 2016.

Elland bridge will not be the only damaged structure with listed building status. Although, as a history graduate, I appreciate the significance of listed buildings in principle, where a listed structure is no longer fit for its intended purpose and, conversely, presents a danger to the public, what power do the Government have to work with Historic England to consider lifting that status, thereby giving local authorities, or in this instance, the Canal and River Trust, the greatest range of options for reconnecting communities as quickly as possible? I hope the Minister will consider looking into that.

Although the £5.5 million for Elland bridge is extremely welcome, new problems resulting from the flooding are arising on an almost daily basis, which is increasingly worrying. New landslips are compounding the existing damage. The combined cost of damage to infrastructure as a result of that weaponised river and the broader impact of Storm Eva—just to be clear, this excludes the money allocated for Elland bridge—is now in the region of £18.5 million. I am not saying that for impact or effect, and I am not rounding up. That is what we are facing in the cost of highways alone, and it is financially terrifying. I hope the Minister recognises that Calderdale Council will need support to cope with the scale of damage to infrastructure and that constructive dialogue on how to do that will follow today’s debate.

On where some of that money might come from, like many of my colleagues and constituents, I am confused as to why the Government have not yet applied to the EU solidarity fund for financial support. The Prime Minister said that he had looked carefully at the question of EU funding but decided that it was “quicker and better” to give the people the help they need from our own resources. Although it is a relief that we must have the resources to meet the financial challenges that I have just outlined, I ask the Government to think again and apply for the solidarity fund. There may be strings attached to that funding, but the Government have failed so far to give a credible answer as to why they have sent that opportunity begging. Will the Minister ask the Prime Minister to think again for the benefit of all those who stand to gain from tapping into that fund?

I visited several businesses in Sowerby Bridge immediately after the floods. Some are big employers in my constituency that have never flooded before, but the cost and devastation caused by flooding just once means that they are thinking long and hard about whether they want to rebuild in the same premises or to leave the valley altogether. I met small and medium-sized enterprises that had struggled to find affordable insurance due to their proximity to the river. At least one of the bigger businesses that I visited had business interruption insurance, but it is

anxious about whether that same protection would still be available at an affordable price if it were to rebuild in the same location.

I mentioned in the recent floods debate in the main Chamber that Pulman Steel, a business in Sowerby Bridge that was visited by the Chancellor twice in the run-up to the 2010 and 2015 general elections, is faced with completely refitting its factory, and it is battling to be up and trading at full strength as soon as possible. I have written to the Chancellor inviting him on a return visit to Pulman Steel. He will be aware that Pulman Steel is a supplier to a number of key northern powerhouse infrastructure projects, so it is of strategic importance to the north and beyond that it is up and running. I ask the Chancellor to put his high-vis and his hard hat back on and to come and discuss with Pulman Steel how its situation has changed and what his team could be doing to support it as a key player in our local economy.

A shot-blasting company at Lee Bridge in Halifax and its neighbours were flooded three times in four weeks over the Christmas period due to a complicated culvert system that runs underneath the small industrial estate. Calderdale Council has identified that 800 businesses, which employ 4,588 people, will need financial support following the floods. The grants of £2,500 from Government funding are going out to businesses and are making a difference, but businesses such as the ones I have mentioned need specialist business support—they need not only cash but expertise. They face dilemmas around how to hold on to customers while they deal with the impact of the floods, or around how to remain competitive when they are faced with increased insurance bills, or quite simply around how to keep trading when the back wall of their premises and half their stock have ended up in the River Calder, as was sadly the case at some of the businesses that I saw at Tenterfields business park.

The local authority can provide some of that support, but I am here to echo Calderdale Council’s request to the Government that staff from the Department for Business, Innovation and Skills get out to flood-affected areas and work with the local enterprise partnerships to bolster the specialist business support that could make such a big difference. I hope the Minister is in a position to give us assurances today that he will work with his colleagues in DBIS to send those delegations out from our central offices and to get experts’ boots on the ground, where they are most needed.

Everyone in this room will also appreciate that we cannot talk about business support without pressing for affordable insurance. The Federation of Small Businesses has carried out research that suggests that 75,000 smaller businesses at risk of flooding had found it difficult to find flood insurance, and that 50,000 had been refused cover.

Later this year, Flood Re is set to provide access to affordable insurance for around 350,000 households. Whether it is through an extension of Flood Re or through an alternative scheme, we must look long and hard at how we can offer the same protections to businesses that we have been able to offer to residents. The Association of British Insurers does not believe that extending Flood Re to businesses would be the answer. However we do it, we must find a way of delivering affordable protection, and I hope the Minister might be able to update hon. Members about any progress that has been made in that regard.

[Holly Lynch]

I appreciate that the issue of flood defences has one foot firmly in the Department for Environment, Food and Rural Affairs, but in this instance I believe that the other foot is firmly in the Department for Communities and Local Government. In an article written by the Secretary of State for Environment, Food and Rural Affairs that was published in the *Yorkshire Post* on 30 December, she suggested that £280 million in Government funds will allow flood prevention schemes to go ahead in a number of areas, including Calderdale. Calderdale Council and the Environment Agency have worked closely together to identify which schemes would be required and where. Under the current funding formula, however, once the maximum Government contribution has met the maximum possible funds available from the local authority and any other funding streams, there is still a £15 million shortfall in delivering those projects.

Andrew Percy (Brigg and Goole) (Con): Of course, the flood defence formula that we are dealing with is the one that was changed just before 2010, and it causes particular problems for many people in our area across Yorkshire and the Humber, and particularly for a number of houses. I make that point not to be political—both Governments have operated under it. Does she agree that we need a root-and-branch review of the whole formula because it does not work in the way that people hoped it would, and are now ending up with situations in which schemes will not be funded because they do not have match funding?

Holly Lynch: The hon. Gentleman might be right. Actually, what we have got to look at is those schemes that were in place and how much they were going to cost. Will they work? Will they be effective in the light of the new models and the damage that we have seen this time? What would the cost of those schemes be, and how do we consider meeting that cost from Government and local authority funding?

I know that at least one scheme in particular would benefit the shot-blasting business that I mentioned, which sits directly above the culvert at Lee Bridge, and so I plead with the Minister to speak to his colleagues at DEFRA to seek clarity on behalf of the local authority, so that work can begin on those schemes—where they are now appropriate—without delay.

On a very pragmatic note, a proposal that I do not believe would cost a great deal at all is a national floods conference. It would be a meeting for all the affected local authorities to come together to discuss their experiences with the Government, but more importantly with one another. They could share best practice, and examine what worked and what did not work in terms of both flood defences and the emergency response to the flooding.

I genuinely believe that Calderdale Council responded as quickly and efficiently as was possible, but I hear from other hon. Members that they did not necessarily have the same experience with their local authorities. Further down the valley from Halifax in Hebden Bridge, there is a volunteer flood warden scheme, for example. Flood wardens have not been necessary in my constituency before now, but I am keen to explore this possibility, which may also be useful to other areas. What training have those wardens in Hebden Bridge had and how did

the local authority mobilise them over the Christmas period? Would Calderdale benefit from more emergency planning? Do other local authorities, in Cumbria for example, already have emergency plans in place?

If there are examples of best practice that can be shared and lessons that can be learned following Storm Eva—and following Storms Desmond and Frank, for that matter—will DCLG consider organising such a national conference sooner rather than later, so that we can all learn from these recent experiences as we start to plan for the future?

Andrew Percy: I thank the hon. Member for giving way again, precisely because my area floods so consistently. Does she agree that one thing we should consider is organising from the bottom up rather than from the top down, through local parish councils where they exist? In my area, many of the parish councils now have emergency plans—they have been provided with funding from the local authorities to develop those plans. Actually, it was the people on those councils who, after every flooding incident we had, were the people out there on the ground. They have the connections into the local authority and the Environment Agency. That model exists already and we need to spread it across the country. That bottom-up approach, through parish councils, emergency plans and emergency committees, can be really effective.

Holly Lynch: I completely appreciate that intervention and those local schemes are very effective. For example, in my constituency—I am not aware of what the hon. Gentleman is doing in his constituency—such schemes might be effective, and that is why some oversight and some co-ordination might be helpful to get them off the ground. That is all I will say on that.

Finally, I return to the issue of volunteers and the at-times heroic efforts of local council officers and the emergency services. It was overwhelming to see the number of volunteers who came out to help following the worst of the rains on Boxing day. Ordinary people—most of them from the local area, but some from much further afield—came to play their part in the clean-up. The staggering generosity and compassion of those volunteers, who gave up time over the Christmas period that would otherwise have been spent with family and friends, allowed us to make a great deal of progress in the hours and days immediately after the floods. Volunteers took the lead on cleaning up the streets, and on helping homeowners and businesses with the removal of ruined and contaminated goods and furniture, which freed up council officers to deal with the most serious incidents. The depth of the community spirit that got us through the worst was staggering.

There were also acts of outstanding bravery from our emergency services, who worked around the clock to remove people from harm's way. A local authority cabinet member told me this week that she had taken car keys from a council officer who had worked for almost four days straight with barely any sleep and called him a taxi, because she was worried that he was too exhausted to drive himself home. That is not an exceptional case. Council officers and staff came in to work over the Christmas period without a moment's hesitation.

Will the Minister consider recognising outstanding contributions where local authority staff went over and above and served with distinction? Will he ask his

colleagues at the Home Office to extend the same recognition to the emergency services and the volunteers who gave so much to their communities in what were desperate times? I appreciate that more could be done locally to recognise key individuals and key contributions.

I could go on, but I am aware that several hon. Members want to put their “asks” to the Minister. I will leave it there and I look forward to hearing from my colleagues and the Minister’s response.

Several hon. Members *rose*—

Sir Alan Meale (in the Chair): Order. Before we proceed, I advise Members that we will have Back-Bench Members’ contributions until about 5.48 pm. We can continue to 6.12 pm because of the delays that preceded this debate, and I intend to call the Front-Benchers to make their winding-up speeches from about 5.48 pm. You can all do the mathematics in that, and could you please try to be succinct to give proper leeway to the mover of the motion at the end of the debate, so that she can have a minute just to speak about how the debate has gone?

5.28 pm

Craig Whittaker (Calder Valley) (Con): Thank you, Sir Alan, for calling me to speak. As always it is a pleasure to speak under your chairmanship.

I thank the hon. Member for Halifax (Holly Lynch) for securing the debate on a subject that has affected both of our constituencies on a horrendous scale. In total, 2,700 homes and 1,635 businesses were flooded; three bridges are down; four schools were affected; there was a landslide that affected 17 homes, and a school was closed as a result; and there was major damage to vital roads and other infrastructure all over Calder Valley and indeed all over Calderdale. So far, the bill for the infrastructure damage alone is in excess of £20 million, which is massive, and that is not to mention the pain and misery suffered by many of our constituents.

The Government response to date has been rapid and welcome: a £12 million package for households and businesses to help with initial costs; Bellwin at 100%; and, as has already been mentioned, £5.5 million for Elland bridge, which is in Calder Valley. We have also had £2 million in match funding, which I know has been welcomed by a lot of people locally.

As my neighbour, the hon. Member for Halifax, has already said, we need further help, but I will not go over the ground that has already been covered. Instead, I will raise two main points on relieving pressure on local authorities. First, insurance is a problem for most people in businesses. We know Flood Re takes effect from April. Sadly, it will not help homes that could not get insurance this time before the floods, but it will in future. The major issue is that Flood Re does not include businesses. So many of my well established businesses, despite paying for flood insurance, in some cases for decades, are now finding that they have not been covered for flooding. The results are catastrophic for many. It will mean many businesses in Calder Valley will not reopen, and many jobs and much expertise will be lost.

In reply to a question a couple of weeks ago during Question Time, the Prime Minister said that the insurance industry says all businesses will be offered insurance. That may be the case in some instances, but it is not the case for many.

Those that were offered insurance saw phenomenal premiums with equally high excesses. A local sandwich shop was offered insurance for £10,000 with a £10,000 excess. A local factory owner was offered insurance, but with a £30,000 excess for flooding. A world-renowned British furniture manufacturer in Mytholmroyd was insured for stock but not equipment, and lost more than £600,000. Christmas orders were massive, but there were no facilities to fulfil those orders.

A destination retailer lost £650,000. A fireplace manufacturer and retailer, offered no option of insurance, is facing ruin. A major supplier of coir mats to supermarkets and hardware stores all over Europe lost all its stock. It had no insurance; no stock to supply ongoing; penalty charges for non-delivery; and it is tied into its current lease for three years. If those businesses manage to get up and running again, they face no prospect of being able to get insurance and no prospect of getting out of leases to relocate. If they do relocate, our local valley bottom towns will die: places such as Todmorden, Hebden Bridge, Mytholmroyd and Elland. We need our businesses to stay to feed our local economies and keep the skill set that has grown up with these businesses over decades and generations.

Julian Sturdy (York Outer) (Con): My hon. Friend is making a powerful argument. He is absolutely right to focus on business insurance and the problems that local businesses face. However, is it not also true that many businesses have not been flooded, but are hugely affected because the wider regional economy is affected? Is it not right that we send out a clear message that Yorkshire is open for business? My area and that of the hon. Member for York Central (Rachael Maskell) are certainly open for business, and I know that my hon. Friend’s constituency is definitely open for business.

Craig Whittaker: My hon. Friend is absolutely right. I had a call only this morning from a local farm business—Porcus—that supplies pork sausages far and wide, not only in Calder Valley but in many of the flood areas as well. The business is down 75%, even though it has not been hit by the floods.

We are supporting private homes with Flood Re, but to not support businesses with insurance is criminal. Will the Minister consider urgent talks with the insurance industry and look again at Flood Re—if not Flood Re, something else—to include businesses as well? If no urgent progress can be made, will he look at introducing secondary legislation to force insurers to insure companies for floods at a level that is affordable and fair to all?

As I have said, the pain and suffering of Calder Valley residents over Christmas has been horrendous. To have the possibility of losing their jobs as well as their homes and businesses is a bridge too far—if you can find a bridge in Calder Valley still standing. The situation is dire, and the Government could help in a way that would help far more than a simple cash injection. On behalf of Calder Valley business owners, please, please, please can we sort out their plight with insurance? That would also alleviate many pressures that the local authority is currently picking up on.

My second point—I will be brief—concerns planning and co-ordination. The floods happening on Boxing day meant that many people were at home, and help among communities and neighbours was humbling and

[Craig Whittaker]

incredible to see in action. A multitude of agencies and Government Departments were very difficult to contact and get hold of because they were not working, because it was Christmas, or they were on holiday.

Local farmers were saying in November that the moors and hilltops were saturated with water after record rainfalls in November. Some were warning that if we had severe rainfall in December, we would be in trouble, as the only place for water to go when the land up above is saturated is downhill. That is exactly what happened.

It took several days for the recovery to get fully under way because of the lack of agency co-ordination among Yorkshire Water, the Environment Agency, the National Grid, utility companies, including mobile phone providers—we had areas with no phone coverage at all—Calderdale Council, the Canal and River Trust, Network Rail, highways, police, fire, ambulance, the Army, the Department for Environment, Food and Rural Affairs, and the Department for Communities and Local Government. I am sure there are many more.

In areas such as Calder Valley, where we suffer from flooding on a fairly regular basis and where the floods are getting far more frequent and severe—we had floods in 2000, 2007, 2012, and of course recently in 2015—we need one individual or one individual agency to take responsibility on behalf of all agencies, not just to mobilise all agencies as a co-ordinated response, but to flag areas where flooding can be reduced. For example, if Yorkshire Water had released some capacity from reservoirs in November, the flow downhill could have been slowed. The Canal and River Trust could have opened locks at strategic points. The Environment Agency could have warned residents to move cars, for example, in multiple parking areas that were flooded. All that needs co-ordinating through one person or one body. Although it would not have prevented all the flooding, it would have prevented some of it and would have saved millions of pounds' worth of damage to infrastructure and personal possessions.

To sum up, may we have a serious look at having one person or one body that will be responsible in areas such as Calder Valley for co-ordinating a rapid response from all agencies during disasters like the one we have just experienced, and that will also hopefully help to prevent them on the scale that Calder Valley has just experienced?

5.36 pm

Rachael Maskell (York Central) (Lab/Co-op): It is a pleasure to serve under your chairmanship, Sir Alan. I thank my hon. Friend the Member for Halifax (Holly Lynch) for securing today's debate. There have been different experiences, but we are hearing very much from Yorkshire today. Many aspects of the operations in York are to be highly praised—the mountain rescue team, the Army, the public sector workers who gave up their Christmases, and the awesome response from volunteers across the city, mainly co-ordinated through one person, Chelle Holmes, and her Facebook page, "York Floods 2015: Help for the affected", with its 14,000 members, which put together the operation. That, together with BBC Radio York, became the mainstay of communications.

Other parts of the operation have been heavily criticised by people on the ground. Much of this has boiled down to communication and co-ordination during the flood period. It has now become clear from a meeting in the city last Friday that the local authority had no plan for the Foss catchment should flooding occur, despite the council's strategic flood risk assessment highlighting a greater than one-in-10-year risk of the capacity of the River Foss exceeding the capacity of the pumps at the barrier. To give some context, the River Foss is protected from the far larger river, the Ouse, by a sixteen-and-a-half-tonne steel barrier. When flows of the Ouse rise, the barrier is closed to protect the Foss catchment, and eight pumps are switched on to pump up to 30.4 tonnes a second.

The capacity of the water was 35 tonnes a second over Christmas. The pumps could not cope, and water surged up into the pump house, where the power for the pumps and operations for the barrier were. The decision was therefore to switch off the power supply and lift the barrier in the belief that this was the least worst option and could save 1,000 homes. Reports from the Environment Agency going back to 2004 show that there was a risk of this happening. In the 30 years of the barrier, there has been no attempt to raise the level of the electrics, which are at a low level. There was a plan to lift them higher, but planning permission was denied to the agency at the time.

The revelation that there was no plan should the barrier fail and not be able to cope is quite astounding, and it has left people in York angered, upset and certainly with a host of questions that still need answers. I have been inundated with correspondence. I have been going door to door, and I have held a series of community meetings with residents and with business to ensure that we drill down on the issues and raise them, as we now are, with the various agencies.

I want to raise various points about action for the future. The first and perhaps most vital is that I want to see all local authorities having flood plans externally audited. This will ensure that we will have the right support in place at the right time and that local authorities are not left with the burden of marking their own homework. We know that there were certainly some serious flaws in York during the flooding. Vulnerable people, particularly those in an elderly residential complex and an area where Travellers live, saw no one at all from the council. People self-evacuated when the waters rose. There were also difficulties with the sandbag operation—not only were there problems filling them, not enough shovels and not enough personnel to fill them, but there was no distribution plan. That must be addressed.

There were problems with phones even before 45,000 phones went down—an issue that is the subject of a different inquiry. If someone whose home was being flooded called the number that the Environment Agency gave to the council, they got an answer machine message saying that the council was returning to work on the Tuesday morning. That is not good enough. When the phones at the council came back into operation, just four people were answering calls. We need proper plans in place.

Rachel Reeves (Leeds West) (Lab): I am listening with interest to what my hon. Friend is saying about the response of her local council. In my city, Leeds, the council

responded to the floods amazingly. Nevertheless, the council is worried about the future and what the additional cuts to its budgets will mean, not only for its day-to-day capacity for things such as keeping gullies clean, but for how it will respond in emergency situations. Does my hon. Friend share those concerns?

Rachael Maskell: Absolutely. Part of the inquiry I am carrying out is about how much cuts to date have affected the resources available to the plethora of agencies involved and how that will be addressed in future, what with further cuts planned, including to the fire and rescue service, which was overstretched over the Christmas period.

People gave up their Christmases, but there was no one to direct them to where they should volunteer. Again, that was a serious problem. I could discuss other issues, such as electrics being switched on in residential council accommodation without sockets being checked and people being denied their £500 despite their properties being flooded. The list is enormous—it is six pages long—but the Minister probably gets the gist: things must be improved. The council has said that it will carry out its own independent investigation. It is incredibly important that it truly is independent, that all questions are asked and that no stone is left unturned.

I want to share some of the other questions and issues that people have raised. We must recognise that the agencies came together and ensured that nobody died, but important questions have been raised. First, the suggestion from my hon. Friend the Member for Halifax that we hold a conference to try to share best practice was excellent. We are learning a lot at the moment, so it is important that we share best practice in a structured way to ensure that local authorities draw on it to respond to communities.

Secondly, I ask the Government to hold an inquiry into the communications failure. Elderly residents who depend on their Lifeline personal alarms were left without any communications at all. I explained earlier the situation with the phones. When phones go down in an emergency, we should be able to switch systems. Even the ambulance service did not have a system to call on. We should be able to switch call centres to enable a continuous response. We must even look at the basics on the ground. Someone with a loud hailer or a siren could have made such a difference to people's lives.

Thirdly, I very much support the point made by the hon. Member for Calder Valley (Craig Whittaker) about expediency in responding. We have a local barracks, but we had to wait for a process to be gone through before soldiers were mobilised. It could have been done a lot quicker. I am going to meet Brigadier Strickland to discuss future military involvement.

Fourthly, we have heard about the success of the flood wardens on the ground who were able to bring things together. There is now a real appetite among the community to ensure that flood wardens are part of the future strategy. It is really important to draw on that experience.

Fifthly, there is concern about drainage, which relates back to the point about local authority resourcing. Gullies, drains and ditches must be cleared. Surface water was a factor in the flooding in parts of the city, so we need to ensure that the right resources are in place to

address it. We must also ensure that drainage and sewage are dealt with appropriately, because Yorkshire Water suffered a breach when its pumps failed and sewage went into the mainstream water supply.

Sixthly, we must ensure that there is better flood literacy. There is an assumption that people know how to address issues appertaining to floods and how to build resilience for the future. We cannot make assumptions in these situations, so it is vital that we ensure that there is proper education around floods—what people need to do, how they should respond and how they can protect themselves for the future.

Holly Lynch: On that point, because volunteers were so enthusiastic—so keen to get involved and help people where they could—there were issues with education and keeping safe volunteers who were almost too keen and were potentially exposing themselves to risk. That is part of the education that might be required for the future.

Rachael Maskell: My hon. Friend makes a very valid point that is true not only for during the flooding, when people are trying to save lives and protect the public, but for the clean-up operation. Clearly, when people are dealing with sewage, they are also dealing with risk. People need to be made aware of the risks and how best to protect themselves.

Seventhly, we have heard very clearly that businesses really do require support. Last Friday I brought together the local chamber of commerce, the Federation of Small Businesses and the local enterprise partnership to discuss how we can support business better at times of flood. It is clear that our city centre, like so many towns and cities, is experiencing a downturn in trade, so it is important that we get more support to local authorities to help with plans to build capacity back into the city.

Rachel Reeves: My hon. Friend mentions the impact on businesses. In my constituency, around 250 small businesses have been affected by the floods, but those businesses employ 2,500 people, most of whom have not been working since Boxing day. That is a real worry. As well as talking about the businesses, we should be mindful of the people who work for them and think about the support we can provide to them, both to regenerate the places where they work and to support them in the interim.

Rachael Maskell: I totally agree.

Finally, I want to raise the issue of personal finances. So many people in my constituency who were flooded could not afford any insurance at all. They just do not have the resources to pay for insurance, and £500 does not stretch far. All I have been told is that they need to draw on charitable sources. We need a more structured approach to support people who, in their poverty, have lost even more.

There are so many things that I could raise; this is just the start. I hope that there will be an opportunity for MPs to gather together to share their intelligence and concerns and to raise issues that they believe could help future operations. As we gather that intelligence, between us we could ensure that sufficient plans are in place to address the need, should such floods occur again. With climate change on its way, there is a high possibility that that could be the case.

5.47 pm

Calum Kerr (Berwickshire, Roxburgh and Selkirk) (SNP): As seems to be in keeping with proceedings in Westminster Hall, this has been an enlightening and constructive debate. I congratulate the hon. Member for Halifax (Holly Lynch) on kicking it off so perfectly. Her description of the River Calder as becoming weaponised is something I can relate to. I walked through very shallow flood water in Hawick in my constituency and was taken by the sheer power, even of shallow water. The sheer force was incredible, which means all the more credit should go to those who went out and worked for days and nights to try to help people to save properties and businesses throughout the UK. We thank them for their commitment and hard work.

The hon. Lady made a number of excellent points that brought home the incredible damage and range of costs that have resulted from the flooding. I echo her thoughts on the EU solidarity fund. The fact that it might take a while to get the money suggests to me that perhaps they think we will be out of the EU by the time it comes through. I do not care: let us get the money, because it should all help. Everything helps, and every pound is a prisoner nowadays, so absolutely, let us apply and have some benefit from the EU instead of continually complaining about it.

The hon. Lady made an excellent point about Flood Re. I realise that there are some challenges and that we have to be careful, but if there is a will, there is a way, so I am sure we can do something.

Andrew Percy: I sat on the Bill Committee that debated Flood Re, so I can tell the hon. Gentleman that if a business is also a residence, it falls within the scheme. The problem is that Flood Re is paid for by other consumers. Nobody of any party in the Bill Committee tabled an amendment to include businesses, because the cost would be passed on to other consumers. That is the rub.

Calum Kerr: Absolutely. That is a great articulation of the challenges, but as I said, if there is a will, there is a way. Let us look at what schemes we can put in place, even though there will be limitations.

The hon. Member for Calder Valley (Craig Whittaker) talked about the importance of insurance for businesses. He brought the issue alive with some detailed figures about the impact on businesses. It is easy to talk about things conceptually, but personalised stories enable us to really understand how important this is.

Having a single agency is an interesting idea, but the approach in Scotland is different. Granted, we have a considerably smaller population, but the structure of the agencies is different, so we have an opportunity to share lessons and experiences and learn from one another. The hon. Member for York Central (Rachael Maskell) talked about the importance of learning lessons. Although floods happen too often, thankfully they do not happen very often. Whenever they happen and cause people trauma and disruption, we need to look for lessons that we can learn. As the hon. Lady said, we already knew some things from past problems. Let us ensure we do not say the same thing when the next event happens, as it surely will. She came up with a number of great suggestions as a way forward.

The reality is between December and January—certainly in Scotland—we had the greatest rainfall in the past 100 years of available records, and there were 50 new record river levels across Scotland. We will probably not get used to climate change, but it means that we need to look at how we manage severe weather in the future. Local authorities in Scotland were at the centre of the relief operations. They worked in partnership with the Scottish Government and other agencies to distribute funds and plan for future risk.

In Scotland, the draft budget provided £4 million of extra funding for the local authorities most affected by flooding, including my constituency, which was one of the worst hit. The Scottish Borders Council got nearly £2 million. Earlier this month, Nicola Sturgeon announced an additional £12 million of funding to help affected areas, including capital funding of up to £5 million for local authorities to replace infrastructure severely damaged by flood waters. An additional £5.8 million has been allocated to households and businesses, including a provision for local authorities to make payments of £1,500 to households, businesses, charities and communities affected by flooding. A flat-rate grant payment of £3,000, which will be funded separately by the Scottish Government, can also be made to businesses to offset clean-up costs.

Earlier this month, I was in Selkirk with the Scottish Environment Minister to launch our first ever flood risk management plan, which includes 14 local strategies. In June, local authority-led partnerships will set out a detailed action plan with details of how that plan will be delivered up to 2021. The Scottish response has been rapid, comprehensive and effective, with partnership and local authority action at its heart, but we still have lessons to learn, and we strive to do so. We recognise that there are severe challenges across the UK. We welcome all UK Government investment in flood prevention, not least because it led to Barnett consequentials, which we gratefully received.

Flooding is not going to go away, so the Scottish Government have prioritised prevention. We need to share best practice across the UK and in the regions and develop a fuller understanding of the issue. The UK and Scottish Governments can and should learn from each other. That is an example of how the whole can be greater than the sum of its parts.

5.54 pm

Liz McInnes (Heywood and Middleton) (Lab): It is a pleasure to serve under your chairmanship, Sir Alan. I thank my hon. Friend the Member for Halifax (Holly Lynch) for securing this important debate. All hon. Members who contributed made excellent points. My hon. Friend made the important point that only one Government Department can respond to this issue. We discussed which Department is the most appropriate to respond, but the responsibility fell to the Department for Communities and Local Government. I will do my best to sum up the debate, and I am sure the Minister will respond in kind.

Hon. Members made several important points. I do not want to repeat what everybody said, because I want to hear what the Minister has to say in answer to them. It is, however, important that we talk about electricity sub-stations, which is an issue that I have raised in the Chamber. We need to do something about our flood

defences around electricity sub-stations. The major issue in my area was not the flooding, but the power cuts that left 20,000 homes in the borough of Rochdale without electricity for a long time, so the Government must improve flood defences around our power stations.

An important point was made about the listed building status. I would like to hear the Minister's thoughts on what we should do when a building or structure becomes unfit for purpose. I fully appreciate the problems that my hon. Friend, who is a history graduate, has with that issue. We need to pay a lot of attention to it.

Let us apply for the EU solidarity fund. I do not understand why the Government keep saying, "It's difficult; it's a lengthy process." Prevaricating makes the process even lengthier.

Several Members talked about business support. I fully concur with my hon. Friends the Members for York Central (Rachael Maskell) and for Leeds West (Rachel Reeves), and with the hon. Member for Berwickshire, Roxburgh and Selkirk (Calum Kerr). Every Member in the Chamber mentioned business insurance, and my hon. Friend the Member for Leeds West made a very important point about people who are still out of work because damage to their business has made it unable to operate.

I fully support the idea of getting Department for Business, Innovation and Skills staff to bring their expertise to flooded areas. We have been called on to work with other Departments. It is really important that we use our expertise to advise businesses that are struggling with ruined stock and problems with insurance.

The idea of a national floods conference is excellent. Everyone in the Chamber said that we need to learn lessons and that local councils can learn from best practice. We heard about some brilliant examples of good practice and some not so good examples where there were delays in communication. In York Central, there were problems with the phone lines.

We could spend three hours on this debate, but I will wind up to give the Minister sufficient time to respond. Will he consider the example of the Somerset Rivers Authority? It has been given the power to raise a shadow precept from April 2016, which enables it to raise additional funding for flood risk. Will the Government allow other areas to use a similar mechanism where there is local agreement to do so?

Sir Alan Meale (in the Chair): Before the Minister starts, I want to say that we have had a full and frank debate. Members on both sides have been very kind in being here for the whole of this very serious debate and restricting themselves to making interventions. This is a very difficult subject, and we are grateful for that. I ask the Minister to leave a little time at the end for the mover of the motion to respond to the debate.

6 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (James Wharton): Thank you, Sir Alan. I will of course take that request on board and endeavour to do so. The debate has been constructive, and I congratulate the hon. Member for Halifax (Holly Lynch) on bringing it forward.

Those whose constituents have been affected know just how devastating flooding can be and the impact that it has on individuals, businesses and communities.

Whether an area has a small number of homes or, as we have sadly seen in some areas during the recent storms, a significant number of homes, that makes little difference to the person or business affected by flooding. We need to look right across all areas to see what we can do to support them now that we have passed through the immediate response phase. We must ensure that recovery starts, that businesses are protected as best we can, that homeowners are given the support that they need, and that we recognise the good response work that so many different agencies, local authorities and volunteers have done. We must do everything that we can to mitigate the flooding's impact.

December was a record-breaking month for rainfall in some parts of the UK, with exceptional amounts of rain falling on to already saturated ground. Over the weekend of 5 and 6 December, we experienced the highest levels of rainfall ever recorded in a 24-hour period in the UK. Around 7,000 properties were initially reported as flooded. Over Christmas and new year, we experienced more heavy and sustained rainfall, which resulted in widespread flooding across the north of England. At the height of this second incident, 32 severe flood warnings were in place and around 9,000 properties were initially reported as flooded. It has been a major series of incidents and the impact has been significant, as we have heard in hon. Member's comments today.

We deployed resources and personnel to where they were most needed in what was a fast-moving, complex situation. The multi-agency response to the flooding was rapid, with the army deployed from day one and with assets deployed and money paid out to local authorities in record time. We wanted to ensure that local authorities had the financial support that they needed to respond quickly, and without hesitation and concern as to what would follow. Cobra met 14 times, including daily between Christmas eve and new year's eve, to assess impacts and to co-ordinate where and how most effectively to deploy further resources from across Government to support affected communities. The Environment Agency, local authorities, fire and police, military personnel, the voluntary sector, utility providers, communities and a range of individuals came together to respond to what was such a significant incident.

I also include in that list many Members of Parliament. I know that my hon. Friend the Member for Brigg and Goole (Andrew Percy), who is in the Chamber, was out in his constituency delivering sandbags to those who needed them during the Christmas recess. He was working hard to look after and protect his constituents and to ensure that they were given every support. Members were not only out doing things on the ground. Many were also talking to Ministers, responders and their local authorities, feeding in what was going well and what they wanted done differently, ensuring that the response was as informed as it could be, so that it could do what was needed to minimise the impact of such a significant weather event.

It is appropriate to put on the record the scale of the response and the scale of what we were responding to. The Government have announced support packages worth around £200 million. Money has been given out in record time. There have been concerted efforts to co-ordinate across Government Departments and agencies. We have seen so many individuals work so hard throughout the period.

[James Wharton]

I want to address some of the specific points raised by hon. Members. The hon. Member for Halifax made specific reference to Elland bridge and the welcome £5.5 million for its repair. She asked about its listing and what that means for the repair work. Listed buildings are complex, and it is sometimes difficult to know the right answer. The list of listed buildings is maintained by the Secretary of State for Culture, Media and Sport, and if consideration is to be given to delist a building, it would be done in consultation with Historic England to ensure that it is the right thing to do. If the hon. Lady wants to pursue the matter, I am happy to assist in facilitating that. I do not know what the outcome will be, because we will have to look at the impact and at the bridge's contribution and consider Historic England's views, but if she feels that it is an avenue worth pursuing, we should discuss it further.

The hon. Lady and several other hon. Members have asked about the European Union solidarity fund and I want to make the Government's position absolutely clear. We have not ruled out applying for such funds, but we need to understand what that would mean, what sums of money we are talking about, which incidents are eligible, and what resource would need to be put in to the complex process of applying—it is an incredibly complex fund.

However, we have not yet reached a deadline by which a decision whether to apply would have to be taken, so we are looking to understand the impact across the board to see how it breaks down and what making an application would mean. A decision will be made at the appropriate time as to whether it is the right thing to do. It is true that it takes a long time for such funding to be paid. I believe it is in the region of six to seven months from the date at which we can make an application, which has not yet arrived. It would not therefore provide the immediate relief that many areas are looking for, but if going through that process is the right thing to do, it is of course what we will look to do. We want to understand exactly what it would mean and exactly what sums we are talking about before giving a black or white answer, which some Members may seek, because the picture is not as simple as some—not anyone who has contributed to the debate today—in public discussion have occasionally attempted to present it.

The hon. Lady also mentioned the cases of specific businesses and the level of Government business support. My hon. Friend the Member for Calder Valley (Craig Whittaker) also referred to several businesses in his constituency about which he has concerns. The Department for Business, Innovation and Skills has teams located across the country, and our teams covering the north-west, Yorkshire, Humber and the north-east are working closely with local partners on business recovery. Where specific expertise or additional support is needed, I encourage hon. Members to contact me with the details. Our teams can be deployed to try to provide support, advice and guidance, and we will look to direct them to any businesses in Members' constituencies that have been specifically affected. I am happy not only to take on board the comments that have been made during the debate, but to take something constructive and proactive away from it should hon. Members want to contact me.

The proposal for a national floods conference has merit—it would be foolish of me to say we would not consider it. At this time, we have to support local authorities with their significant ongoing work dealing with the situation, but in the longer term I see no reason why we would not want to consider such a conference.

Andrew Percy: I agree with the Minister that that is something to consider, but we have been here before, through such lesson-learning exercises—guidance was issued years ago to local authorities about the need for emergency plans. My contribution, which I hope to make in this intervention, is that they are not top-down only. The 2007 event hit my area, as all those other events have, but we are in exactly the same position with resources. The response has to be bottom-up, with strategic sandbag stores in the localities, run by parish council emergency committees, such as the one established in my area, and with local flood warnings. We have to have a bottom-up approach. I commend to him North Lincolnshire and the East Riding of Yorkshire for the funding that they have provided to parish councils to do just that, so that the parish councils are the people who respond to an event.

James Wharton: My hon. Friend makes an important point. I hope that I have shown in many different kinds of debate my support for devolution and for allowing people at the appropriate level to make decisions and to drive forward responses, whether to flooding or in other areas of local government. We have seen some of the lessons learned in the Government response to the events of recent weeks and months. We have seen funding transferred quickly to local authorities, but control over how it is spent has also been devolved to them. They have had much greater flexibility in how they deliver schemes, in how they support local areas and in what they do. We have looked not only to support but to empower local authorities to do what is needed with that £200 million of funding on which I have already commented.

Rachel Reeves: Will the Minister give way?

James Wharton: I will give way, but I then want to make quick progress.

Rachel Reeves: I agree with the hon. Member for Brigg and Goole (Andrew Percy) that a bottom-up approach is needed. Floods are an example of an area in which we have to pool risk and share resources, including for flood defences. In 2011, the Government scrapped the flood defence scheme in Leeds that would have protected the area from the city centre and the train station up to Newlay bridge. Had that scheme been in place, the Boxing day floods would not have had the same devastating impact on Kirkstall. I urge the Minister to take the opportunity to learn the lessons from the floods and to put in place the comprehensive defence schemes necessary if we are to create a northern powerhouse.

James Wharton: I gave way hoping that the constructive nature of our debate would continue, but I fear that we are starting to venture into broader points of a party political nature, which I had hoped we would avoid. In 2005, the Government spent £1.5 billion on flood defences; the coalition Government in the last Parliament spent £1.7 billion; and in this Parliament £2.5 billion is to be spent—a real-terms increase in each consecutive Parliament.

We need to learn lessons, however, and we need to look at what the areas can do. We need to listen to what local communities understand about their areas and about what has to be done.

Rachel Reeves: Will the Minister give way?

James Wharton: I have given way to the hon. Lady once, but now I must wrap up so that the Member who introduced the debate may conclude it.

It is important that we recognise that MPs from across politics and the areas affected have worked well in and with their communities. Lessons have been learned from what has happened before, and we have seen evidence of those lessons in the route that Government response has taken recently. We ensured that funding got out more quickly and we gave local authorities as much flexibility with it as we could to ensure that they could respond properly. We are continuing that in the nature of the resilience funding that we are providing, which is up to £5,000 per flooded household. Furthermore, only last week at a meeting in Manchester, we gave guidance to local authorities that gave them flexibility on how they will deliver their schemes, because we recognise that different areas need different things.

Hon. Members have raised a number of important issues, some of which I have been able to touch on, including insurance. We need to continue to look, to listen and to learn lessons from what has happened. A lot is being done, but we can always ask, “Can we do more?” My hon. Friend the Member for Calder Valley wanted a single responsible person, but we have already seen great improvements in how Government respond and bring Departments together. We have seen the appointment of flood envoys by the Prime Minister in response to some of what we have seen happening recently. We always ought to look at where we might go

further and what else we might do, however, and my hon. Friend’s ideas are valuable.

Julian Sturdy: Will the Minister give way?

James Wharton: I will give way to my hon. Friend, but then I must conclude and allow the hon. Member for Halifax to sum up.

Julian Sturdy: In the spirit of bringing people, Departments and local authorities together, does the Minister not agree that, when we are talking about spending money on flood defences, we have to look at the whole catchment area? That might mean spending money to defend York outside the city in the wider catchment area.

James Wharton: My hon. Friend makes an important point that will of course form part of our considerations. I hope I have been able to answer some of the questions asked by hon. Members. I am always happy to have further discussions and meetings, whether in debates or outside the Chamber. I am conscious that the hon. Member for Halifax who introduced the debate might wish to add a further comment.

6.11 pm

Holly Lynch: I thank the Minister for his comments. I will follow some issues up with him in more detail, if that is okay. I thank all hon. Members who contributed to the debate today, and I thank you, Sir Alan, for your chairmanship. I hope we can all work constructively together to prevent some of the damage we have seen recently in future events.

6.12 pm

Motion lapsed, and sitting adjourned without Question put (Standing Order No. 10(14)).

Written Statements

Wednesday 20 January 2016

CABINET OFFICE

Charities (Protection and Social Investment) Bill

The Minister for Civil Society (Mr Rob Wilson): I am today placing in the Library of the House the Department's analysis on the application of Standing Order 83L in respect of the Government amendments tabled for Commons Report stage for the Charities (Protection and Social Investment) Bill.

Attachments can be found online at: <http://www.parliament.uk/writtenstatements>

[HCWS477]

HOME DEPARTMENT

Police Reform

The Secretary of State for the Home Department (Mrs Theresa May): The Government consulted in September 2015 on a series of reforms to enhance the powers of designated police staff and, for the first time, enable volunteers to be designated with powers without taking on the office of Special Constable. We also proposed that, for the first time, a single piece of legislation should set out the core list of powers available only to those that hold the office of constable.

As I said when I launched the consultation in September, the office of constable is central to the delivery of policing in England and Wales. But I was equally clear

that we needed to explore whether police staff and volunteers could play a key role in helping officers to police our communities, bringing new skills and expertise, and freeing up police officers to concentrate on the core policing task that most requires their particular powers and experience.

Today I am announcing the Government's consultation response, which sets out the key themes highlighted in the consultation and our response to the issues raised. We received 150 responses from a wide range of representative bodies and individuals, from members of police forces, existing police staff and volunteers and from the wider public.

The majority of the responses were supportive of all our proposed reforms and were clear that there is indeed a role for police staff and volunteers, provided of course that they are appropriately selected, trained and accountable for the role that they undertake.

The vast majority of responses (86%) agreed with the principal proposal to give chief officers a greater level of control over the designation of powers on their staff. Sixty seven per cent of responses agreed that chief officers should be able to designate powers on volunteers.

The proposal to create a list of powers exercisable only by police officers was very well received, with 92.5% of respondents welcoming this. The content of that list, as set out in the consultation document, was also well received, with few proposals to add to the list and none to subtract from it. We have accepted the suggestion from the Police Federation of England and Wales to add the power to conduct intimate searches to this list.

Given the majority of respondents welcomed all of the proposals, with the caveats in some areas as summarised above, we intend to legislate in the forthcoming Policing and Crime Bill to give effect to the proposals consulted on, with the small number of changes set out in the consultation response which has been published today.

[HCWS478]

Petition

Wednesday 20 January 2016

OBSERVATIONS

FOREIGN AND COMMONWEALTH OFFICE

Humanitarian situation in Yemen

The petition of residents of the UK,

Declares that the dire inhumane situation in Yemen due to the armed militia conflict (civil war) and the coalition bombing has led to thousands of people losing their lives or being injured as well as the destruction of thousands of homes, utilities, ports and airports; further that the United Nations now recognises the situation in Yemen as the world's biggest humanitarian crisis; further that many British citizens and sole dependents and relatives of British citizens are stranded in Yemen; further that the petitioners have concerns about the requirements for settlement visas because the visa requirements cannot be met by many people and because Yemeni nationals who are spouses or children of British citizens cannot cross over into neighbouring countries and cannot apply for such visas as there are no embassies in Yemen; and further that a petition in Liverpool was signed by over 600 individuals.

The petitioners therefore request that the House of Commons urges the Government to take urgent action to ease the suffering of friends and families of British citizens in Yemen by speeding up and simplifying the application process for visa or entry requirements, by allowing the issuing of temporary sponsored visas for relatives and dependents of British citizens residing in the UK who are waiting for visas or whose passport applications are being processed and by coordinating evacuations for vulnerable British citizens who are in urgent need of evacuation from Yemen.

And the petitioners remain, etc.—[Presented by Luciana Berger, Official Report, 21 July 2015; Vol. 598, c. 1461.]

[P001536]

The petition of residents of the UK,

Declares that the dire inhumane situation in Yemen due to the armed militia conflict (civil war) and the coalition bombing has led to thousands of people losing their lives or being injured as well as the destruction of thousands of homes, utilities, ports and airports; further that the United Nations now recognises the situation in Yemen as the world's biggest humanitarian crisis; further that many British citizens and sole dependents and relatives of British citizens are stranded in Yemen; further that the petitioners have concerns about the requirements for settlement visas because the visa requirements cannot be met by many people and because Yemeni nationals who are spouses or children of British citizens cannot cross over into neighbouring countries and cannot apply for such visas as there are no embassies in Yemen; and further that a petition in Liverpool has gathered many signatures.

The petitioners therefore request that the House of Commons urges the Government to take urgent action to ease the suffering of friends and families of British

citizens in Yemen by speeding up and simplifying the application process for visa or entry requirements, by allowing the issuing of temporary sponsored visas for relatives and dependents of British citizens residing in the UK who are waiting for visas or whose passport applications are being processed and by coordinating evacuations for vulnerable British citizens who are in urgent need of evacuation from Yemen.

And the petitioners remain, etc.—[Presented by Mrs Louise Ellman, Official Report, 21 July 2015; Vol. 598, c. 1462.]

[P001538]

Observations from the Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Tobias Ellwood):

The situation in Yemen is of great concern to the UK Government. The UK is the fourth largest donor and has more than doubled its humanitarian commitment to Yemen over the last year. We have so far announced £75 million for the humanitarian response. The UK's support is providing life-saving assistance such as medical supplies, water, food and emergency shelter, as well as supporting refugees and migrants. We have also continued to strengthen and protect local capacity and community assets from further shocks by providing agricultural and other livelihoods assistance. In addition, the UK was the first country to deploy humanitarian experts to Riyadh to work with the Saudi Arabian authorities on humanitarian issues and have offered practical advice on access for humanitarian supplies and commercial shipping to increase the amount of food and fuel entering the country.

Since March 2011, the Foreign and Commonwealth Office travel advice has consistently advised against all travel to Yemen and for British nationals in Yemen to leave. The British embassy suspended operations on 11 February 2015 due to the deteriorating security situation.

Visa and passport issuing is a Home Office policy, not a Foreign and Commonwealth Office (FCO) lead. The Home Office does not have plans to change the visa regime or application process for Yemeni citizens visiting the UK. Where British nationals have Yemeni friends or family members who wish to apply for UK visas, the FCO has provided information and advice on how to do this and the contact details for UK Visas and Immigration.

Applicants in Yemen who wish to apply for a visit visa will need to travel to any visa application centre worldwide; applicants in non-visit categories can apply in Egypt, Jordan or the UAE. This must be done in person in order to submit biometric information and original passports.

Whilst the British embassy remains closed, it will not be possible to apply for a British passport in Yemen; overseas British passport applications can be made in a neighbouring country of the prospective applicant's choice.

We understand that the Yemen Passport Office is functioning in Sana'a, therefore eligible individuals are able to apply for Yemeni travel documents that would allow them to travel out of Yemen to a neighbouring country and apply for a British visa or passport.

The UK believes that a political solution is the best way to bring long-term stability to Yemen, and we fully support the UN's efforts towards a return to an inclusive political process. We welcome the positive progress made during UN-facilitated talks held in Switzerland between 15 and 20 December 2015, which

will provide a foundation for the next round of talks in the coming weeks. We are encouraging all Yemeni parties to engage without preconditions and in good faith in future talks to allow Yemen to move towards a sustainable peace and to alleviate the suffering of the Yemeni people.

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