Friday
5 February 2016

Volume 605
No. 112

HOUSE OF COMMONS
OFFICIAL REPORT

PARLIAMENTARY DEBATES

(HANSARD)

Friday 5 February 2016

£5·00

House of Commons

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The House met at half-past Nine o'clock

PRAYERS

[Mr Speaker *in the Chair*]

DEATH OF A MEMBER

Mr Speaker: It is with great sadness that I must report to the House the death of Harry Harpham, the hon. Member for Sheffield, Brightside and Hillsborough. Harry entered the House at the last general election, following careers as a miner, a researcher for David Blunkett, now Lord Blunkett, and a representative of the National Union of Mineworkers at Clipstone colliery. Harry was also a councillor on Sheffield City Council for 15 years, holding important cabinet responsibilities in that time, and serving as deputy leader of the council. Harry was a diligent constituency Member of Parliament, who held the Executive to account on behalf of his constituents. Most recently, on Wednesday 20 January, he asked the Prime Minister what support the Government were providing to world-class companies such as Sheffield Forgemasters.

I must tell the House that Harry informed me a few weeks ago of his circumstances. Let it be recorded that he first fought bravely his illness, and then bore it with stoicism and fortitude, continuing to battle on behalf of his constituents to the very end. Harry will be sadly missed by us all, and our thoughts are with Harry's wife, Gill, and the wider family at this very sad time.

Mr David Nuttall (Bury North) (Con): On a point of order, Mr Speaker. As the House knows, I come from Sheffield, which is where I was born and brought up, so I associate myself—as, I am sure, does the whole House—with your remarks. I offer my condolences to the family of Harry Harpham and to all those who knew him. It is a tragedy that he spent so little time with us in this House, and that we have been robbed of his help and advice. We will all mourn his loss today.

Mr Speaker: I thank the hon. Gentleman for what he has appropriately and graciously said.

Mr Nuttall: On a further point of order, I beg to move, That the House sit in private.

Question put forthwith (Standing Order No. 163), and negatived.

Riot Compensation Bill

Consideration of Bill, not amended in the Public Bill Committee.

Clause 3

Regulations about claims procedure

9.34 am

Mike Wood (Dudley South) (Con): I beg to move amendment 1, page 3, line 16, at end insert—

'( ) Regulations under subsection (3)(b) or (3)(d) must provide that—

(a) the time period within which a claim may be made ends no earlier than 42 days from the date of the riot;

(b) the time period within which details and evidence must be submitted ends no earlier than 90 days from the date the claimant first made the claim."

Mr Speaker: With this it will be convenient to discuss the following:

Amendment 2, in clause 8, page 5, line 23, at end insert

", except in the circumstances described in subsection (2A).

'(2A) Where a claimant's home is rendered uninhabitable, the amount of compensation may reflect costs that the claimant incurs as a result of needing alternative accommodation."

Amendment 3, page 5, line 26, at end insert—

'( ) considerations that decision-makers must take into account in deciding the amount of compensation payable as a result of a claimant needing alternative accommodation (and the regulations may include provision limiting the amount of time for which the costs of alternative accommodation may be claimed),"

Amendment 8, page 5, line 29, at end insert—

'(3A) Money received by the claimant from emergency or recovery funds, whether funded publicly or privately, in the aftermath of a riot must not be taken into account by the decision maker when deciding the amount of compensation to be paid.

This amendment would ensure that money received by the claimant for the purposes of emergency relief or recovery in the immediate aftermath of a riot is not seen in the same category as compensation under the purposes of this Bill and therefore reduce the amount a claimant might receive.

Mike Wood: May I convey my sympathies and add to the tributes that you paid to Harry Harpham, Mr Speaker? I know that the sympathies of all right hon. and hon. Members will be with his family and friends at this difficult time. Even from the short time in which we saw Harry in this House, it is clear what a loss he will be.

Amendment 1 is a consequence of amendments that were tabled by the right hon. Member for Tottenham (Mr Lammy) but not voted on in Committee, and it seeks to clarify and extend the time limit allowed for someone to communicate their intention to make a claim, and the provision of details, evidence and support of such a claim following a riot. Following concerns raised in Committee, the amendment would allow a 42-day period as originally set out in the Bill, but it clarifies that that is from the date of the riot. As Ministers

[Mike Wood]

have made clear, that time limit should come with some flexibility, and I hope that in interpreting the date of the riot, authorities will have the good sense to show flexibility in making that date start at the end of the riot where appropriate, rather than necessarily the date on which the damage was suffered.

The main change in amendment 1 relates to the second period: the 90 days from the date the claimant first made the claim. That would mean, potentially, a minimum of 132 days from the date of loss in which we expect businesses or residents to submit details of their claim and to provide the evidence to support it. I hope that that will provide some reassurance to Members who raised concerns in earlier stages.

Amendments 2 and 3 were tabled following comments made on Second Reading and in Committee, and representations made directly to me outside the Chamber, in particular by the right hon. Member for Tottenham and my hon. Friend the Member for Croydon Central (Gavin Barwell). As I made clear on Second Reading, while there are very good reasons for excluding consequential losses from the claims that can be made against the police in the event of a riot, concerns were raised about what would happen if people's homes were left uninhabitable following a riot. Social tenants would usually be rehoused, and for owner-occupiers with building and contents insurance, the insurance would normally pay for the additional costs of rehousing. However, that would still leave a significant number of people, particularly in the private rented sector, who could find themselves, through absolutely no fault of their own, having to find new housing. They could struggle to find new housing at the same cost as their current mortgage or rent, and that is what amendments 2 and 3 intend to tackle. They seek to cover the costs of alternative accommodation, whether in a bed and breakfast, a hotel or other short-term rent. Amendment 3 clarifies that and allows the regulation that could include in the provision time limits for such additional costs.

During the passage of the Bill, in particular on Second Reading, Members on all sides brought to the attention of the House heart-wrenching stories of hardship as a result of the 2011 riots. Those stories explain the thought process behind amendments 2 and 3. I still do not believe that consequential losses should be covered, but it would not be just if people were made to suffer unnecessarily in their hour of need. I am certainly not prepared to see people effectively rendered homeless while they wait for their homes to be inhabitable once again. I must stress, however, that covering a consequential loss in this way must be the exception, not the rule. It is intended only to assist individuals to recover costs incurred while staying in alternative accommodation following a riot. The details of the provisions will be clarified in regulations.

I turn to amendment 4 tabled by the right hon. Member for Tottenham. At every stage of the Bill, he has raised a number of valid concerns. He has been an extremely effective spokesman for his constituents and for businesses in his constituency. Ministers made it clear on Second Reading and in Committee that we would not expect payments made through charitable funds, or other appeals of that kind, to affect the payments made through the compensation scheme. It would certainly not be right for such payments to be deducted from compensation due under the Bill.

9.45 am

That said, while I strongly support what the right hon. Member for Tottenham seeks to achieve, I cannot support his amendment because I do not think it would be right to extend the assurances given by Ministers in relation to private funds to also cover public payments, whether from local government or central Government. Having spoken to the right hon. Gentleman, I know that a particular concern is where funds, particularly business-led, have been set up in the private sector and initial funding has come from contributions by local authorities.

Mr David Lammy (Tottenham) (Lab): I am grateful for the manner in which the hon. Gentleman is putting his points. Central Government or local government will often put up the money to persuade big business to get engaged, because businesses want to see match funding. In those circumstances, I am concerned that that money will then be counted against those who go on to claim compensation.

Mike Wood: The right hon. Gentleman makes an extremely important point, one with which I think we would all agree. That is why, to make sure that in that kind of joint venture we do not preclude local authorities or central Government from contributing to what are essentially private, business-led appeals, I would not expect that kind of fund to be deducted from riot compensation payments. This is not a black and white issue, however, and there are points on the spectrum where that kind of detail is far better dealt with in regulations than in a clause of this kind in the Bill. I therefore cannot support the amendment. It is sensible that payments from public funds should not be provided for the same purpose twice, because we have a duty to limit unnecessary burdens on the taxpayer. The right hon. Gentleman is absolutely right in saying that there are occasions when public funds contribute to private appeals. I hope the regulations drawn up to implement the provisions in the clause will allow for such initiatives.

Mr Lammy: Having heard what the hon. Member for Dudley South (Mike Wood) has had to say this morning, I am satisfied that regulations are the right place for clarity on double funds. I will not press my amendment.

Anne Marie Morris (Newton Abbot) (Con): I rise to give my support to amendments 1, 2 and 3 in the name of my hon. Friend the Member for Dudley South (Mike Wood). I congratulate him on his hard work in getting the Bill to this stage. He deserves a great deal of credit.

Amendment 1 seeks to insert substantial time limits in the Bill and introduce a two-tier system for making a claim. That will allow those affected by the riots to register a claim within 42 days of the riots starting and then submit evidence within a further 90 days after that. As my hon. Friend says, that gives those affected 132 days from the start of the riots to make their claim and submit evidence. It is crucial that those affected have adequate time to make their claim, especially considering the likelihood that paperwork and/or laptops will have been destroyed in the riots.

Riots are not only physically destructive but emotionally draining. With that in mind, it is important to consider the priorities of those forced from their homes and stripped of their possessions. The immediate reaction is probably not to call the insurance company but to consider urgently where they and their families are going to sleep that night and to ensure that everyone in the family is safe and well. Time will also be needed to process what has happened. I have no doubt we have all been in a position where something so distressing has happened that we fail to take in all the details straightaway.

The days available to make a claim also give the police force in an area struck by riots the ability not only to get the community back into some sort of order but to get their own house in order. There may well be internal processes to decide the best way to proceed or establish the date the riot started. I am sure that many cities, since the 2011 riots, will have put in place better protocols. We hope they will not have to use them, but every police force would need time to get everything in order before considering compensation claims. It has taken us 130 years to modernise the law on riot damages and compensation. I am happy we are doing it and that it is being considered in a measured way on both sides of the House. I therefore support amendment 1.

Amendment 2 is another very good amendment. I am thankful that my constituency was fortunate enough not to experience the riots that gripped many areas of the country in 2011. Despite threats on social media of rioting in Exeter, Plymouth and Truro, Bristol was the only area in the south-west unfortunate enough to be confronted with violent disorder. During the riots in London, more than 100 people were forced from their homes, driven from their livelihoods and forced to make alternative arrangements while their homes were under repair. While unfamiliar with riots, the west country is sadly very familiar with flooding. Floods in my constituency in 2012 caused damage to more than 180 homes, with many forced to seek alternative arrangements, so I know how important the provision of alternative accommodation is when exceptional circumstances occur.

A person's home is at the centre of their life. People's day-to-day lives revolve around it. The home is a place of stability, and when that is taken away, it is the most traumatic experience, particularly given the circumstances of a riot. Many who were caught up in the riots across the country experienced activity totally unknown to them. Vandalism, arson, violence and theft are not day-to-day happenings, so we need to make the healing process as smooth as possible, which includes support with alternative accommodation, should we face a similar situation again.

Without the amendment, victims of riotous offenders would be left to pick up the bill for the alternative accommodation required through no fault of their own. I have no doubt that some people who took out insurance will have been told, after their home was destroyed and deemed uninhabitable, that the insurance would not cover the additional costs incurred while essential repairs were carried out on the home. The British Insurance Brokers Association said in 2011 in an article in the *Financial Times* that

"some insurance policies will also cover people for alternative accommodation costs if they cannot stay in their home".

I emphasise the word "some". It means that some were not covered, and although I am not sure on which side the majority falls, if it affects anyone, it is too many.

The amendment is purely a reflection of the clauses normally included in commercial insurance policies that pay out compensation for financial loss caused by disruption. In the instance we refer to, we are compensating the loss of a home due to disruption. Not having a home can inconvenience essential tasks, such as going to work to continue earning or taking children to school. Although neither the amendment nor the Bill replaces insurance, they do provide a safety net for the unexpected circumstances we are all exposed to at some point in life. In the instance of rioting, it is imperative we legislate to compensate people sufficiently, and that is why the amendment is particularly important.

Amendment 3 gives the Secretary of State the power to make regulations setting out the

"considerations that decision-makers must take into account in deciding the amount of compensation payable".

It is right that she have the power to take these situations into account when making regulations regarding the amount payable to those who need it after riotous behaviour. The ability to curtail the amount one can claim is welcome. Although we must help those who genuinely need support to get back on their feet, we must not allow the taxpayer to pay for the support longer than is necessary.

The extra cost incurred from having to stay in hotels or other rented accommodation would put pressure on most people, but those who have also lost a business are in even greater need of support and assistance. Business owners are the backbone of the British economy, and it is only right that we support them, after they have contributed to our growing economy, by helping them back on their feet and back into their own homes. Of course, the Secretary of State does not have to use the powers—with any luck, she will not have to—but her having them at her disposal will I hope be a comfort to those affected previously by reassuring them that the House has heard their cries for help and support and is taking them seriously. On that note, I add my support to amendments 1, 2 and 3.

Andrew Gwynne (Denton and Reddish) (Lab): On a point of order, Mr Speaker. I tabled a named day written parliamentary question to the Prime Minister for answer today. That question was whether the Prime Minister himself had seen a copy of the draft childhood obesity strategy document, which we suspect the Government have long-grassed. I received a letter from No. 10 Downing Street today advising me that the Prime Minister had asked for the question to be transferred to the Secretary of State for Health for answer. Surely the Prime Minister knows whether the Prime Minister has seen said document. In my 10 years as a Member of the House, I have never been treated with such contempt. Can you advise me whether it is in order for the Prime Minister to refuse to answer a very simple question?

Mr Speaker: I am grateful to the hon. Gentleman for his point of order and his characteristic courtesy in giving me advance notice of his intention to raise it. My initial reaction, off the top of my head, is that it is not disorderly, though it might be considered unhelpful. In my experience, it constitutes a somewhat odd transfer.

[Mr Speaker]

Transfers are commonplace, but where the question is as specific as his, it is an odd, perhaps unconventional transfer that might have been requested by people acting on behalf of the Prime Minister who are perhaps not as well versed in our procedures as the hon. Gentleman is or as the Chair likes to consider himself to be. I advise him to make the short journey from the Chamber to the Table Office to seek guidance on how he can take the matter forward. Knowing him as I do, I think it improbable in the extreme that he will allow the matter to rest there.

Mr Steve Reed (Croydon North) (Lab): Hon. Members will be aware that Croydon was hit very hard in the 2011 riots. Many members of the public, seeing the damage caused to local businesses, homes and property, wanted to help those seeking to recover and deal with the losses incurred, and they generously gave money to a fund set up by the mayor of Croydon for precisely that purpose.

I rise to speak in favour of amendment 8, which was tabled by my right hon. Friend the Member for Tottenham (Mr Lammy). I am sorry I missed the start of his contribution, but I heard the end, and it was typically magnificent. I would like those who give generously to help their neighbours who have suffered a loss to have the reassurance that the money they contribute will not subsequently be deducted from official compensation payments, but tragically that is exactly what happened in Croydon in 2011. Money was donated to the mayor's fund and was then distributed to individuals and businesses that had suffered a loss, but those generous payments were then deducted from the official compensation payments that were made. That is clearly wrong and a disincentive to people to give generously, as they did in Croydon to help their friends and neighbours. It is entirely wrong that such generosity should be discouraged by the deduction of those contributions from official payments. I strongly support my right hon. Friend's amendment, which I hope will have the support of the House.

10 am

Mr David Nuttall (Bury North) (Con): I rise to support amendments 1, 2 and 3, which my hon. Friend the Member for Dudley South (Mike Wood) has tabled. It is encouraging that he took the opportunity afforded to him in Committee to listen to the representations made to him and tabled these amendments for consideration this morning. They are relatively modest but important amendments. It is important that the Bill should set out clearly the time period within which claims should be made, as amendment 1 provides, so that there is no confusion and it is not left up to others to make such a determination by way of regulation. It is for the House to decide that claims must be brought within 42 days and further evidence provided within 90 days after that.

I particularly support the intention behind amendment 2. It seems perfectly reasonable that where someone's home is rendered uninhabitable as a result of a riot, the costs of their moving into alternative accommodation should be taken into account. I am grateful to my hon. Friend for tabling amendment 2 and the consequential amendment, amendment 3.

Lyn Brown (West Ham) (Lab): If it is okay with you, Mr Speaker, I would like to associate myself with your kind and apposite remarks about Harry. My sympathies go to his wife Gill and all those who mourn him. My friends on these Benches are in real shock and great sadness at his passing.

I rise to speak to amendments 1, 2 and 3, which have been tabled by the hon. Member for Dudley South (Mike Wood). I shall also speak to amendment 8, which has been tabled by my excellent right hon. Friend the Member for Tottenham (Mr Lammy).

Amendment 1 would ensure that victims of rioting had at least 42 days in which to make a claim for compensation and then a further 90 days in which to submit the necessary evidence. We support that amendment. The Bill is about supporting riot victims, and in order to do that we need to give them adequate time to complete claims for compensation. Can any of us imagine trying to rapidly process a legal claim when our papers have been destroyed, we have no access to our home or business, and our life has been completely and utterly turned upside down? That is exactly the situation in which many riot victims found themselves in 2011. That situation was made all the more difficult by the fact that so many of the victims were unaware that they were entitled to compensation. They needed the time to get their affairs in order.

In 2011, the Home Office appeared to recognise that a short time limit on claims was unfair, and extended the time limit from 14 to 42 days. Amendment 1 gives us certainty that any future victims will be guaranteed at least 42 days in future. That has to be right. The amendment also provides an additional 90 days for victims to gather the necessary evidence to complete their application for compensation. Three months' breathing room seems entirely appropriate, given the total upheaval that can be wrought to businesses and individuals by the kind of rioting we saw.

My right hon. Friend—the magnificent Member for Tottenham—spoke movingly in Committee about some of the challenges faced by his constituents in 2011. Many had English as a second language, some had their health devastated by the riots, and all had their daily routines completely shattered. They desperately needed more time to put their lives back together before they could deal with compensation claims. I congratulate him on raising the issue of time limits in Committee. If the House accepts amendment 1 today, he will have played a vital role in ensuring that any future victims of rioting are not left in the lurch, as his constituents and those of my hon. Friend the Member for Croydon North (Mr Reed) were.

Mr Lammy: My hon. Friend will know, perhaps more than anybody else in this House, the juxtaposition between shopping centres such as Westfield, where there is big business, and small businesses, which in a constituency such as hers are often run by people newly arrived in this country, making the very best of their lives. Her experience in this matter needs to be recorded.

Lyn Brown: My right hon. Friend is absolutely right—the businesses that were affected in my constituency were small businesses along the Barking Road in Canning Town and, indeed, some in Green Street. As he rightly says, they are not like the businesses in Westfield that

have massive resources behind them to enable them to make the claims, clean up quickly and get on with their economic lives.

Amendments 2 and 3 would ensure that victims were entitled to compensation for costs incurred as a result of having to seek alternative accommodation. We support those amendments too. Families should not be pushed into severe financial difficulty because their homes have been rendered uninhabitable by circumstances way beyond their control. Some families affected by the 2011 riots were not able to live in their homes for months, and some for years afterwards, putting them in severe financial difficulty. That was particularly the case in the private rented sector, but it also applied to some homeowners. We all know how expensive short-term rented accommodation can be, particularly here in London. It is only right, therefore, that that should be accounted for in the compensation awarded. I therefore urge the House to accept amendments 2 and 3.

Finally, let me turn to amendment 8, which would ensure that any money claimed in compensation for emergency relief in the immediate aftermath of a riot did not lead to a reduction in the amount of compensation a claimant might receive. It is shameful that this sort of deduction was made in 2011. We support the amendment, because people putting money into charity buckets to help their neighbours through the turmoil of rioting do not expect the compensation due to those victims to be reduced as a result of their kindness. I am not surprised that my hon. Friend the Member for Croydon North reports that his constituents were aghast that their donations led to a reduction in the compensation doled out.

My right hon. Friend the Member for Tottenham also argued in Committee, I thought convincingly, that we do not want to discourage big businesses from helping out small businesses with which they share a high street. Deducting payments as a result of charitable giving would have precisely that unwelcome and rather unpleasant effect. I urge the House to accept amendment 8 so that, in the unwelcome event of future riots, the police and charities can work together to help communities, rather than treating support as a zero-sum game.

I heard what the hon. Member for Dudley South had to say on that matter, but I now look forward to hearing from the Minister on these issues, because I am sure he is going to make us very happy today.

The Minister for Immigration (James Brokenshire): I, too, want to associate myself with your comments, Mr Speaker, following the sad loss of Harry Harpham. Members throughout the House can all say that Harry was a dedicated public servant. Although we had the privilege of having him in the House only for a short time, he clearly served with distinction in his community, having sat on Sheffield City Council, and he was dedicated to public service. The fact that as recently as 20 January, Harry was here at Prime Minister's questions standing up for constituents on an issue he believed in, Sheffield Forgemasters, underlines the sort of person he was, the dedication he showed and the fact that he always wanted to stand up for his constituents. The whole House will wish to pass its condolences, thoughts and prayers to his wife, Gill, his children and his whole family, his friends, colleagues and everyone who knew him and who mourns his loss.

I congratulate my hon. Friend the Member for Dudley South (Mike Wood) on the manner in which he has sought to advance the Bill. He has clearly reflected on the helpful debates in Committee, to which the Minister for Policing, Crime and Criminal Justice responded. The Committee worked on themes that were started on Second Reading. I believe that my hon. Friend's amendments are helpful additions and clarifications to the Bill.

Amendment 1 deals with the time limits, which are set at not less than 42 days and 90 days respectively for lodging claims and producing detailed evidence. That is the right approach to the lodging of an initial claim, and then it is right to allow more time for detailed information to be provided. We support placing those minimum requirements in the Bill.

For clarification and for the further assurance of right hon. and hon. Members, I underline that there might be some exceptional circumstances in which more time is required, perhaps when a claimant falls ill and cannot meet the deadlines, when evidence has been destroyed or cannot be accessed owing to riot damage, or when final cost estimates are contingent on other processes such as planning permission or some other regulatory requirements. We expect the regulations sitting alongside the Bill to provide some flexibility in extenuating circumstances and to allow extensions of time, while recognising the framework and the statutory minimums set out in the Bill.

Amendments 2 and 3 deal with payments for alternative accommodation. They will allow compensation to be paid to uninsured individuals whose home has become uninhabitable as a result of a riot, to cover the cost of alternative accommodation. Amendment 3 makes it clear that regulations may provide for further details of considerations to be taken into account when such claims are made, as well as the length of time for which such costs may be covered.

During the passage of the Bill, Members have highlighted a number of cases in which their constituents had suffered significant hardship following the 2011 riots. We have certainly heard that from the right hon. Member for Tottenham (Mr Lammy) and the hon. Member for Croydon North (Mr Reed).

Mr Lammy: On the issue of constituents who live in private rented accommodation, I recognise that regulations might be the best place to indicate the length of time for which support will be given, but can the Minister provide us with any clarity about whether he considers that to be a matter of weeks or months? People can be living without virtually everything for a considerable length of time after a catastrophe of this sort.

James Brokenshire: At this stage, it is probably best for me to say that we will reflect further before we bring forward the regulations. The right hon. Gentleman has made some important points on behalf of his constituents. I know from our discussions back in 2011 the direct impact of the issues that he rightly took up on behalf of his constituents. Other Members also made direct challenges on behalf of their constituents. We will continue to reflect carefully on the issue as we move towards drawing up the regulations. That is the right

[James Brokenshire]

approach and provides us with an opportunity to reflect further on the important and powerful points that have been made.

It is the Government's position that consequential losses should not be covered by the Bill, particularly bearing in mind the impact on the public purse. We agree that it would be unfair for legislation intended to help those in the greatest need not to provide support to people who have lost their homes, so we support the proposed exception to the prohibition on compensation for consequential losses to permit individuals to recover the additional costs of alternative accommodation following a riot.

10.15 am

As I have said, the best place for dealing with that is in the regulations. I envisage a system that will allow households to claim for additional costs that exceed the amount they would normally pay for rent or mortgage payments. That will include the cost of fees levied by letting agents or landlords for those who need to rent a new home while repairs are carried out, or the cost of reasonable hotel accommodation for those who need only short-term arrangements. It is not intended to be extended to cover other incidental costs that may be incurred, such as increased commuting expenses.

I hope I have given Members at least a sense of what we envisage the regulations appropriately providing. Any such compensation is obviously additional to any claims for direct loss in relation to the home itself—damage to windows and doors, and related items, for example. In common with provisions dealing with motor vehicles, we intend compensation to be limited to those whose insurance policies do not provide such cover; insurers will not be permitted to subrogate these payments. With the help of the Metropolitan Police Service and the Home Office, we have determined that the cost of such provision should be relatively low—perhaps below £10,000 per claim on average. We will obviously reflect further on that as we move forward with the regulations.

Let me respond to amendment 8. I note that the right hon. Member for Tottenham has indicated that he will not press the amendment on the basis that we agree that moneys received from public or private emergency recovery funds should not be deducted from the amount of right compensation paid out to a claimant. On the issue of charities, which the right hon. Gentleman raised on Second Reading, we remain of the view—the Policing Minister made this clear in the Committee and in a subsequent letter to its Chair—that it is not fair to reduce right compensation settlements to reflect any payment given by charity. I am happy to restate that position today.

As for the proposal to prohibit deductions from riot compensation payments for a claimant who has received money from a public fund for losses that are also covered in the Bill, we have to consider the need to protect the public purse and to protect the taxpayer from making double payments.

I have one further piece of clarification. If a payment from a public fund has been given for a purpose not covered by the Bill, a deduction will not be made. For example, if payments were made for personal injury or to cover a loss of income, which would take us into the sphere of consequential loss, a deduction would not happen. In other words, it will be fine if a payment has been made for a purpose for which the Bill provides through the compensation schemes covered in it, but if payments have been made through schemes designed for other purposes, it will clearly not be appropriate for a deduction to operate. I hope that that clarification is helpful in explaining how we envisage the inter-relationship between compensation schemes under the Bill and other schemes.

Mr Steve Reed: I take the right hon. Gentleman's point about the public purse, but what reassurances can he give that charitable donations from members of a community that were given to help victims in the locality will not be—rather than should not be—deducted from official compensation payments?

James Brokenshire: Again, the best place to deal with that and give clarity about the operation of the Bill is in regulations. I hope that given what I have said today about the intention to introduce regulations to sit alongside the Bill, hon. Members will be reassured on this important point about charitable donations. The right hon. Member for Tottenham indicated that he thought the best place to deal with that would be in regulations. That is our judgment too, but I hope that what I have said to the House is helpful in providing clarification and setting out the how the Government will seek to operate the provisions in the Bill. Obviously, right hon. and hon. Members will be able to examine the regulations when they are published, following Royal Assent—we hope that will happen, but both Houses need to give the Bill their consideration.

Mr Nuttall: I appreciate the points the Minister has made. In the internet age, donations from the public often come through crowdfunding exercises. Will he confirm that the regulations will make it clear that funds raised in that way for the purposes he has just set out—I appreciate the distinction he made with respect to the purposes—will also be excluded?

James Brokenshire: The most important thing is that we define the charitable purpose for which contributions have been made, rather than reflecting on the manner in which those moneys have been given. It is about the fundamental purpose, although my hon. Friend makes an interesting point that people will want to examine as we introduce the regulations. I hope that my comments have helped in our consideration of the amendments.

Mr Speaker: Does the hon. Member for Dudley South (Mike Wood) wish to contribute further?

Mike Wood: No, Mr Speaker.

Amendment 1 agreed to.

Clause 8

Amount and payment of compensation

Mr Lammy: I beg to move amendment 4, page 5, line 19, leave out from "compensation" to "that".

This amendment would remove the £1 million compensation cap.

Mr Speaker: With this it will be convenient to discuss the following:

Amendment 6, page 5, line 19, leave out from "maximum" to "per".

Amendments 6 and 7 together represent an alternative to amendment 4 and to amendment 5. They would make determining the compensation cap subject to parliamentary approval and also provide for its review and revision on the same basis without recourse to further primary legislation.

Amendment 5, page 5, line 19, leave out "1" and insert "10".

This amendment is an alternative to amendment 4 and would increase the £1 million compensation cap to £10 million.

Amendment 7, page 5, line 20, at end insert—

'(1A) The compensation cap (the "cap") under subsection (1) must be determined, and revised every three years, by regulations made by the Secretary of State, with the following elements:

(a) the cap may apply differently, or be set at a different level, in different areas; and

(b) the Secretary of State must publish:

(i) the methodology used; and

(ii) the first draft determination of the cap for public consultation within a month of the day after the day on which this Act is passed.

(1B) The Secretary of State must lay before the House of Commons a draft of the regulations making the final determination or revision in a statutory instrument alongside a statement of whether and how the responses to the public consultation were taken into account.

(1C) A statutory instrument under subsection (1B) must be laid in draft before the House of Commons and may not be made until approved by resolution of that House.

(1D) Notwithstanding section 12, section 8 shall come into force on the day after the day on which this Act is passed for the purposes of subsection (1A).

(1E) Until a determination has been approved by the House of Commons, no cap shall apply.

Amendments 6 and 7 together represent an alternative to amendment 4 and to amendment 5. They would make determining the compensation cap subject to parliamentary approval and also provide for its review and revision on the same basis without recourse to further primary legislation.

Amendment 9, page 6, leave out lines 16 and 17.

This amendment is consequential on amendment 4 and on amendment 7.

Mr Lammy: The amendments address the issue of the £1 million compensation cap. It is important for the House and for individuals beyond it who, unfortunately, may find themselves caught up in a riot that we interrogate how the Government reached that figure. In Committee, I raised the issue of the cost of running a business and the fact that it varies across the country. The price of running a newsagent, off-licence or small gift shop in Yeovil is different from the cost in Northumbria and different again from the cost in Tottenham, yet this £1 million figure exists for all those businesses.

I was grateful that the Minister for Policing, Crime and Criminal Justice, who led for the Government in Committee, wrote to my right hon. Friend the Member for Knowsley (Mr Howarth), who also served on the Committee, in response to some of the points I had made and that he shared that with members of the Committee. The letter stated:

"In finding a solution it was important for the Government to come up with a balanced approach that protected the public purse from unlimited liability whilst also ensuring that significant numbers of businesses would not be inhibited from making claims. A further key issue was to minimise the bureaucracy around the administration process.

A number of respondents to the consultation suggested an alternative, and more simple administrative approach, of a cap on the amount of money…We examined data provided by forces and found that 99% of claims from businesses and insurance companies made after the 2011 riots were under £1m."

It is important to stress that we do not know when there will be another riot. We hope there will not be one, but we are here this morning because we suspect there will be, given the history of our country and the fact that from time to time these things happen. It is important to emphasise that the fantastic nature of our policing model, with policing by consent and our police not routinely carrying guns, means that the public stand alongside them. When that consent is withdrawn and a riot happens, it is not the fault of the business or the homeowner, who have paid their taxes and expect to be protected. Therefore, setting a £1 million cap is an important moment, particularly given the nature of our economy at the moment and the cost of a property in a city such as London. The average price here is now running at half a million, so the average shop front on a high street in Tottenham is about the same and the £1 million cap is an important figure to understand fully.

Anne Marie Morris: Clearly the right hon. Gentleman makes an important point about ensuring that people are properly compensated, but does his amendment not give him a concern that it would provide people with a disincentive to be responsible and take out insurance? How does he suggest we get a better balance between the obligation of the taxpayer and that of the individual?

Mr Lammy: The hon. Lady makes an important point and there is a balance to be struck, but I hope she will understand that it is important to interrogate why we have arrived at the £1 million figure. It is also important that we recognise something about parts of the country that experience these upheavals from time to time. It remains the case in a constituency such as mine, which has had two riots in a generation, that when someone walks down Tottenham High Road they do not see the sort of scene they would see in Detroit, with boarded-up shops, houses in which people do not live and no-go areas—areas that have failed. Fortunately, in these fantastic islands of ours there are no communities that have failed—we do not allow them to fail. We do not want to see that kind of failure. We need to get the balance right between having people, rightly, insuring themselves, and recognising that in the poorest parts of our country people are often under-insured or not insured, so when there is a riot we must still try to put them back into a situation where they can get on with their lives and with their business, and get on with the economy.

The 2011 riots were unusual, in that, surprisingly, there were riots in Clapham Junction and in Ealing. There were riots in parts of the country where one might not have expected riots. However, riots occur most often in the most deprived communities and we do not want the economies of those communities to disappear completely. Insurance premiums can also be so high in communities such as the one I represent, and such as those represented by my hon. Friends the Members for Croydon North (Mr Reed) and for West Ham (Lyn Brown), that they are a disincentive to insuring or they encourage under-insuring in the first place.

[Mr Lammy]

Amendment 4 seeks to get further explanation about the £1 million cap. Amendment 5 would take the figure up to £10 million, and it is a probing amendment to understand how the £1 million figure has been reached. Amendment 7 is the most important amendment I have tabled and it asks for greater transparency. I have asked for the methodology being used to be put before this House, for Parliament to be able to understand that methodology every three years or so and for this House to be a bigger determinant in reaching the figure for the compensation level.

10.30 am

I say that because there is some tension in the fact that it is the Home Office and the Met that pay out compensation, and it often arises at the point of declaration. On previous occasions there has certainly been controversy when the Home Office and the Met have not wanted to declare a riot. That tension comes up again in relation to how much compensation is paid. Of course they are reluctant to pay more than is necessary, and I understand that, because it comes out of the public purse. That is why amendment 7 would provide for greater scrutiny of the figure; how it is arrived at, what methodology and evidence are used, and whether it might not be more appropriate to lay the draft before this House so that scrutiny can take place here, as is appropriate from time to time.

Mr Nuttall: I am a bit confused—I am always confused, but I am particularly so this morning—by these amendments. Could the right hon. Gentleman briefly explain which of his three different proposals he would personally like to see enacted? It seems to me that he is proposing no cap, a cap of £10 million and a cap to be decided by a formula that is yet to be determined.

Mr Lammy: The hon. Gentleman will recall, because he was on the Public Bill Committee with me—

Mr Nuttall *indicated dissent.*

Mr Lammy: Forgive me. The hon. Gentleman was not on the Committee, but if he reads the *Hansard* report of its proceedings he will see that there was quite a lot of debate about this figure. The Government were unable to give much detail of how they arrived at the figure. The Minister has since written to my right hon. Friend the Member for Knowsley, who chaired the Committee—its members were copied in—and given greater clarity on what the Government were told by the insurance industry and on the amount of figures that came under £1 million. I received that letter after tabling these amendments. However, the amendments are probing, because it would be quite wrong for a Bill of this kind to pass quietly through the House without discussion and scrutiny. I see the hon. Member for Croydon Central (Gavin Barwell) nodding in agreement, because his constituency was caught up in the riots. My amendments have been tabled in that spirit.

The hon. Member for Bury North (Mr Nuttall) is right: there is of course a difference between removing the £1 million cap and raising it to £10 million. I suspect that not all of my amendments will be pressed to a vote. However, I emphasise amendment 7, in particular, because it facilitates scrutiny and the need to return to this figure in future, which must be right. I do not want the House to settle on £1 million and then find in 10 or 15 years that it would leave a lot of people, particularly in London and the south-east, really short if their property were damaged in a riot.

Anne Marie Morris: The right hon. Gentleman talks about the challenge of striking a balance between the Home Office and other potential sources for the unpaid sum, but I do not think he has offered sufficient clarity on the role of insurance. He has talked about the challenge of insurance being extraordinarily expensive. In my constituency we have a similar issue with flooding. Flood Re and the negotiations that the Government have had in that regard have clearly been very helpful. What conversations has he had with the insurance industry, and indeed with the Government, on what can be done to make insurance more affordable?

Mr Lammy: There are parts of this country that routinely experience flooding, as I said in Committee, and there is considerable experience in the system in relation to how we deal with those communities and how the insurance industry reacts in those circumstances. Floods happen more frequently in our country than riots, but a similar catastrophe befalls those who find themselves caught up. I hope that the bureau that will be set up as a result of this Bill can draw on the experience in those areas.

I have heard hon. Members in those areas raise concerns about loss adjustors and the manner in which they treat our constituents. In circumstances in which everything has been lost in the flood or burnt to the ground in a fire, the individual concerned is expected to go and find a receipt for a stove or oven that they now have to claim for. How are they going to find that receipt? Where is it? It is a miserable situation, and I am afraid that during the riots we found the performance of loss adjustors very patchy, and some of them behaved quite inappropriately to my constituents.

However, as I have indicated before, we have a situation of insurance, underinsurance and no insurance at all. That is why we have the Riot (Damages) Act 1886 and why we should inquire as to what the appropriate levels of this newly introduced cap should be. For all those reason, this clutch of amendments address that point. As I have indicated, they are largely probing amendments. I look forward to hearing what the hon. Member for Dudley South (Mike Wood) has to say both about regulations and the need for greater clarity. Perhaps this House might have a greater role in determining that figure, scrutinising it and returning to it over time, because I fear that £1 million may well look very different to people in the wider country in 10 or 15 years' time, long after the Bill has passed through both Houses.

Mike Wood: Let me start with amendments 5 and 6, tabled by the right hon. Member for Tottenham (Mr Lammy), which would either remove or raise the compensation cap. Although I fully understand his reasons for asking that the level of the cap be considered, I am unable to support either amendment. As I have stated at earlier stages in the legislative process, we simply cannot continue to have a situation in which the public purse is subject to unlimited liability.

Neil Kinghan's excellent independent review of the reforms necessary after the 2011 riots set out convincingly and comprehensively the reasons for retaining the principle of strict liability for police forces when the basic contract to uphold law and order, to which the right hon. Gentleman has referred, breaks down, and that police should be liable for the costs of that. However, Neil Kinghan went on to say that it is not reasonable to expect those liabilities to be unlimited. That is why he put forward a number of alternative ways of controlling liabilities—capping them—in order to deliver a fairer deal for police forces and the taxpayer.

The effect of either amendment would be to impose a still higher liability on police forces and therefore on the taxpayer. The right hon. Gentleman asks how the £1 million figure was reached. The Home Office put the figure forward in response to an earlier consultation, and it received widespread support. At present, the cap is generous. It has been set to make sure that it would have protected as many of the claims made in 2011 as reasonably possible.

Analysis by the Home Office and the Association of British Insurers estimates that, had a £1 million cap been in place in August 2011, 99% of claims paid then would still have been paid in full; that compares with about 33% had we continued with the alternative option of a cap on turnover of business, which Neil Kinghan ended up recommending. The £1 million cap is far more generous to the victims of riots and recognises exactly the points made by the right hon. Member for Tottenham: of course such victims are in no way to blame and could have done nothing to prevent their loss. We want to make sure that they continue to be compensated, within a reasonable limit.

I also take note of the right hon. Gentleman's point about big businesses and the important role they play in our high streets. However, like most businesses, big or small, they have a responsibility to insure themselves adequately—not only against riots, but against a broad range of risks. The £1 million compensation cap applies directly to riots, as defined in the legislation. We would similarly expect such businesses to insure themselves against fire and looting caused by arsonists and against gangs of people rampaging riotously, although perhaps made up of fewer than 12 people and so falling outside the scope of normal riot legislation.

Damage caused by looters or gangs on the rampage is every bit as serious, but police forces would not have liability unless negligence could be demonstrated. There is a need for adequate levels of insurance and it is not unreasonable for businesses with assets running into millions to take out such insurance. Setting a cap at £10 million would largely benefit insurers far more than big or medium-sized businesses on the high street, as they could subrogate those claims under the Bill and the existing scheme. Furthermore, of course, they tend to provide the insurance for big business.

The most pertinent example from the 2011 riots was the claims, which have not yet been settled, arising from the destruction of the Sony warehouse in Enfield. Those run into tens of millions of pounds. That money would go entirely to insurers if the claims ended up being accepted. From the Home Office research, it seems that increasing the £1 million cap to £10 million would have affected six uninsured businesses in 2011—six businesses among all those affected, at a massive cost to the taxpayer without any real benefit to our communities. That is why the £1 million cap has been widely welcomed by Members as well as by the insurance industry. The Government have published their intentions in response to the consultations following the 2011 riots on reforming the compensation arrangements. The £1 million cap was very widely welcomed in that response by stakeholders who took part in the consultation.

10.45 am

Raising or removing the compensation cap would essentially represent a large-scale transfer of resources from the public purse—our police authorities or the Home Office, funded by taxpayers—to insurers. That enormous cost would threaten the affordability of the other parts of the proposed scheme, such as switching from replacement value to new-for-old—that is common practice among almost all insurers now—and the extension of the riot compensation scheme to cover motor cars with third-party insurance. Those other parts of the scheme have a cost, and if we do not limit the expense of claims while making sure that we cover 99% of the 2011 claims, I do not believe that we could afford those other parts. I urge the right hon. Gentleman to reconsider this, as his amendment would put the substance of the Bill at risk.

The right hon. Gentleman's amendment 7 has a number of provisions that would have the effect of abolishing the current provision but introducing it later after public consultation. I certainly recognise the need to consult widely as regulations are drawn up, but I would not support the amendment. I do not believe that the proposal is necessary as the public consultation has essentially already taken place. There was a White Paper and the Home Office did consult. It has responded to the consultation. As I said, the principle of the £1 million cap was strongly endorsed.

I agree, however, that it is sensible to review the cap every so often. The £1 million figure is extremely generous, but, as the right hon. Gentleman said, in 10 or 20 years' time, inflation would make it rather less so. However, it is unlikely from an economic perspective that there would be significant financial changes within the three years from Royal Assent, after which the Government are committed to reviewing new regulation anyway. For those three years, we should support the £1 million cap, making sure that we can put it into effect as quickly as possible in case the very worst should happen. We want to be in a position to support victims. There is, of course, already a power in the Bill to amend the cap through regulations.

On the proposal to introduce regional variations, I can see the initial attraction, but the reality is that the £1 million cap is primarily determined at the London level. Regional variations would not mean that the cap was higher than the £1 million in London, but that there was a lower cap elsewhere in the country. The proposal is not necessary, and it would add additional complexity to the scheme, so I would want to avoid it.

Having read Neil Kinghan's independent review, I think that, even for London, the £1 million cap is appropriate. Obviously, the report is from 2013, but Neil Kinghan found that the average claim for uninsured losses in London—where we would expect claims to be highest—was running at about £10,000, while it was about £35,000 for uninsured losses. The average is therefore many, many times lower than the proposed cap.

I hope my colleague the Minister will agree that we cannot support a proposal that would mean the Bill was introduced without a cap, given the potential burden that that could place on police and crime commissioners and the public purse. Without having the certainty provided by the cap on liabilities, I certainly would not want to move on with legislation that put additional responsibilities and burdens on the police through new-for-old provisions or the addition of some motor vehicles.

The £1 million cap is set at the right level. As I said, it has been broadly welcomed by stakeholders, including the Association of British Insurers, which I have met. It also addresses the concerns of other respondees to the earlier Home Office consultation, such as the British Retail Consortium and the Association of Convenience Stores, which had expressed concerns at the business turnover cap that the Kinghan review had originally proposed.

The Bill strikes a sensible balance between ensuring that the vast majority of individuals and businesses are fully compensated and that the public purse does not have to pay out on high-value claims exceeding £1 million.

Lyn Brown: Amendments 4, 5 and 7, and their consequential amendments, have been tabled by my magnificent and right hon. Friend the Member for Tottenham (Mr Lammy). All the amendments pertain to the compensation cap. As has been said, the Bill caps the total amount that can be paid out in a single compensation claim to £1 million. Amendment 4 would remove the compensation cap, amendment 5 would increase it and amendment 7 would ensure that it is assessed every three years by Parliament.

The Opposition Front-Bench team have a number of concerns about amendments 4 and 5. We therefore suggested in Committee that, if the cap is raised, the Home Office should be liable for costs greater than £1 million. That would spread risk and ensure that police forces are not made financially vulnerable by circumstances that, by definition, are beyond their immediate control. If the House accepts amendments 4, 5 and 7, the Government might wish seriously to consider that proposal.

Amendment 7 would require Parliament to set the compensation cap, and to assess the level of the cap, every three years. We support the amendment because too low a cap—especially in London—may lead to increased insurance premiums in areas afflicted by rioting. We would not want communities and high streets to be damaged by this legislation, and a regular review would allow us to act on the basis of evidence.

It is important to continue to assess the compensation cap. The Bill needs to balance the interests of the community, the police, the insurance industry and the taxpayer. We must ensure that communities are protected and victims are compensated, while not asking the police to write a blank cheque. The compensation cap goes right to the heart of that task. It is right that the cap is continually assessed and that the House plays a central part in that.

I therefore urge the Minister, who has already done remarkably well this morning, to give us some assurances and some comfort, particularly on amendment 7. You know, Mr Deputy Speaker, he is fast becoming a favourite.

Mr Deputy Speaker (Mr Lindsay Hoyle): That's killed his career.

James Brokenshire: I do not know whether I am going to blot my copybook now or not, but I thank the hon. Lady for approaching this group of amendments in a constructive way, as she and the right hon. Member for Tottenham (Mr Lammy) did in Committee. That is the approach we have taken across the House, recognising that there is an issue in the Bill, and seeking to sensibly examine what is appropriate in terms of the manner in which it has been framed.

In introducing the amendments, the right hon. Gentleman highlighted his desire to probe these provisions and to ensure that the House has the opportunity to scrutinise them properly so that right hon. and hon. Members have the chance to underline important issues. He mentioned the Comptroller of Her Majesty's Household, my hon. Friend the Member for Croydon Central (Gavin Barwell), who has also fought tirelessly on behalf of his constituents. Obviously, his role on the Front Bench means that he is not able to take part in these debates in the manner that we are. However, it is for him, the public and all of us to consider what the right mechanism is and to ensure that the Bill is appropriately examined so that we get it right. That is the overarching theme reflected in our debates on Second Reading, in Committee and on Report this morning.

I want to draw attention to the operation of clause 8(8), which gives the Secretary of State the ability, through regulation, to make changes to the overall cap of £1 million set out in clause 8(1). It is important to look at the Bill's subsequent provisions, which, again, underline the protections that are there. If regulations come forward to increase the level of the cap, that would be by the negative procedure. To have an additional safeguard if, say, the level was to be reduced—that would certainly not be our intention—that would be by the more positive affirmative regulation mechanism. That, again, reflects the spirit in which the Bill has been approached and the manner in which it has been examined.

The right hon. Gentleman highlighted a number of measures in the letter my right hon. Friend the Member for Hemel Hempstead (Mike Penning), the Minister responsible for policing, fire, criminal justice and victims, wrote to the Chair of the Public Bill Committee. Obviously, in previous consultations, we examined different ways in which compensation should be capped. My hon. Friend the Member for Dudley South (Mike Wood), in a very clear contribution to the debate, set out why that is needed and some of the thought processes involved. On further analysis, it was felt that the £2 million turnover cap initially suggested by Neil Kinghan would have meant more claimants not being able to get through the mechanism, with additional bureaucracy attached to the process. It was felt that that was not the appropriate way forward.

Through the different amendments, the right hon. Gentleman has made a number of different suggestions. I know he was not seeking to favour one over the other, but rather to ask, "Have we properly examined this? Have we properly thought this through?" In terms of replacing the £1 million compensation cap by a £10 million cap, the experience of the riots of August 2011 demonstrates that it is not right for the taxpayer to shoulder the burden of unlimited liability. As my hon. Friend highlighted,

liability for the Sony claim alone has already run into tens of millions of pounds, so it is clear that a cap is needed. As a point of principle, it is not unreasonable to expect a business with more than £1 million in assets to take out insurance to protect itself from a wide range of risks. The £1 million compensation cap was generally welcomed by stakeholders. It will provide full protection to the vast majority of individuals and businesses, while ensuring that liability to the public purse is not unlimited.

11 am

Philip Davies (Shipley) (Con): On a point of order, Mr Deputy Speaker. I am very surprised that there is not a statement in the House today. You may have seen the reports in yesterday's newspapers that European judges have ruled that a foreign—Moroccan—criminal cannot be deported from the country despite the Home Office saying that she committed serious offences which threatened "the values of society". My understanding is that the person concerned is the daughter of Abu Hamza, so this is a very serious matter for the security of this country. Surely it should be raised in this House and a Home Office Minister should be making a statement today. Have you had any indication that the Home Office intends to make any kind of statement about this issue?

Mr Deputy Speaker (Mr Lindsay Hoyle): I do not think I am going to shock you by saying that I have had absolutely no indication of anybody coming forward with a statement. However, the hon. Gentleman has quite rightly, as ever, raised the matter, it is on the record, and I am sure that people in different Departments will be listening as we continue this debate.

James Brokenshire: A £1 million cap strikes the appropriate balance between protecting the public purse and helping those who need it most. Increasing it to £10 million would increase police and public purse liability tenfold, which is neither necessary nor appropriate. If the cap were raised to £10 million, the most likely beneficiaries would be insurance companies seeking to reclaim the costs of any very large claim from the relevant police and crime commissioner. I do not think that that was the intent behind the right hon. Gentleman's approach in his amendment, but I respect the manner in which he has sought to draw the House's attention to how we have reached this point and why we judge that £1 million is the appropriate level.

The right hon. Gentleman has proposed, as an alternative, that there should be regulations following a public consultation, with reviews taking place every three years. As I said, we believe that there is a compelling reason for having a cap in place. There are benefits that attach to having certainty on the level of the cap, with it being clearly defined, rather than perhaps having further uncertainty in the future as to what it might be. Leaving it to be set by regulations after a public consultation would serve only to remove certainty and increase bureaucratic burdens. A public consultation would achieve very little, given that 99% of claimants would have been paid in full from August 2011.

Mr Lammy: As this Bill and its consequences are a matter of public record, will the Minister undertake to write to hon. Members who have one of the six businesses beyond the Sony claim in their constituencies? I would certainly like to know whether there were any businesses in Tottenham that experienced a claim of more than £1 million, and the nature of those businesses. That would be helpful for the record as we move forward.

James Brokenshire: I do not know whether I am able to give the right hon. Gentleman the assurance he seeks, on the basis of legal constraints or data protection issues, but I note his point. I will reflect on it, and if there is anything more that I may be able to add, then I will obviously be happy to write to him. However, I draw the House's attention to the fact that this might not be quite as straightforward as he suggests and there may be inhibitions that would prevent that sort of broader disclosure.

The Bill already provides for the power to amend the compensation cap through regulation should it be necessary to adjust it to reflect inflation. It would be a relatively simple task to examine cost of living and property price changes in the period since the cap was last set and apply any change to its level before making compensation payments.

In Committee and again today, the right hon. Gentleman raised the issue of regional variations that might affect the cap. The £1 million cap was determined using claims information from the London riots in 2011. One could say, therefore, that the analysis was conducted on claims from one of the most destructive riots in a generation in one of the most costly regions in which to live. It was a very serious example and the right benchmark. On that basis, the cap would not only adequately cover Londoners in the event of a future riot, but more than adequately cover those in other regions. That is the approach we have taken. I reiterate that according to our analysis and that of the Association of British Insurers, had the £1 million cap been in place for the August 2011 riots, then 99% of claims would still have been paid in full.

I hope that in the light of those comments the right hon. Gentleman will be minded to withdraw his amendment.

Mr Lammy: As I indicated, these are probing amendments. The whole House has heard what the Minister and the hon. Member for Dudley South (Mike Wood) said, and I understand that the Bill will now go to the other place and receive further scrutiny. On that basis, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendments made: 2, page 5, line 23, at end insert

", except in the circumstances described in subsection (2A).

'(2A) Where a claimant's home is rendered uninhabitable, the amount of compensation may reflect costs that the claimant incurs as a result of needing alternative accommodation."

Amendment 3, page 5, line 26, at end insert—

'( ) considerations that decision-makers must take into account in deciding the amount of compensation payable as a result of a claimant needing alternative accommodation (and the regulations may include provision limiting the amount of time for which the costs of alternative accommodation may be claimed),"—*(Mike Wood.)*

Mr Lammy: I beg to move amendment 10, page 6, line 17, at end insert—

(a) after any riot in relation to which compensation was paid under this Act; and

(b) after each period of five years beginning on the date that section 8 came into force."

This amendment would require the Government to undertake post-legislative scrutiny.

Amendment 10 is about making and returning to the House with a proper assessment after there has been a riot and after the Bill has taken effect. With all that has been written by Mr Kinghan, all the work that has gone into the production of this Bill—I pay tribute to the hon. Member for Dudley South (Mike Wood) for everything he has done—and all that I, and shadow Ministers, have sought to do through it, we have learned a lot from the 2011 riots. Much of what we have learned finds effect in this Bill.

All riots are different. The hon. Gentleman said earlier that the 2011 riots were a particular case in that they were in London, and that he therefore believes that, in terms of regional impact, the £1 million cap is set about right. He will understand, though, that in the past few years we have seen anarchist groups marching in our country and things sometimes getting out of hand. They have marched in parts of the capital that have very expensive retail areas. We do not know where a riot could take place; they are all a bit different.

Given the impact of those riots and our understanding of them, and in terms of how this Bill works and its effectiveness, the issue of what compensation was paid out is hugely important. That is what amendment 10 speaks to. I sincerely hope that Conservative Members understand that and might be able to indicate that they do see the need for a mechanism, given that we are now updating the legislation. We are putting in place new mechanisms such as the bureau, which has not been discussed this morning but was discussed in Committee and on a previous occasion. It would therefore be very beneficial to provide for some assessment after a riot takes place; we do not know when. I hope that I might get some comfort from the hon. Member for Dudley South or the Minister following my decision to table this amendment.

Mike Wood: Although I absolutely agree with the right hon. Member for Tottenham (Mr Lammy) that the effectiveness of legislation needs periodically to be reviewed, I am less convinced of the need to set that out in the Bill. Of course, we all hope and pray that there will be no repeat any time soon of the kinds of riots we witnessed in August 2011, but should such riots occur in future it would be absolutely appropriate to consider how well the legislation is working and whether any changes are required, which is what happened following the 2011 riots.

The amendment proposes that the legislation should be reviewed after any riot, but that means that that provision would be triggered by any relatively small disturbance that leads to a claim being made under the riot compensation scheme. That would be unnecessarily bureaucratic and it is certainly not needed, because, as I have said, there is a Government commitment in place to review all new legislation within three to five years of the date it receives Royal Assent. That timeframe provides an opportunity for post-legislative scrutiny in the early years and consideration of non-legislative processes and support systems. I would like us to go further after that three to five-year period.

Mr Lammy: Does the hon. Gentleman agree that, if there had been an assessment mechanism in the ineffective Riot (Damages) Act 1886, it might have been better legislation in the first place? There might be a riot—we hope not—during the period of three to five years. I understand that he may not accept the amendment as drafted, but surely the Government should be prepared to consider some sort of assessment mechanism after a riot, which, thank God, happens so infrequently in our country. Perhaps that could happen in the other place when the Bill receives further scrutiny.

Mike Wood: The right hon. Gentleman makes the point that I was about to move on to. Although the initial three to five-year period provides an important chance to reflect on the early years and to consider whether all the commas are in the right place and all the details are right, it is important that regular reviews take place after that period. I hope the regulations will allow for such reviews. If there is a repeat of anything like what happened in August 2011, it is inconceivable that there would not be a review. That should be a given. Outside of the times of serious riots—which, of course, we hope will last many years or even decades—it is important to have some sort of periodic review, but I do not believe that there is a particular case for this Bill to carry a specific provision for post-legislative scrutiny. As I have said, such a provision could be triggered by a fairly small and limited disturbance, but we must make sure that it does not take another 130 years before we next review whether the legislation is working.

Lyn Brown: I completely get where the hon. Member for Dudley South (Mike Wood) is coming from—frankly, if I were the Minister in charge of his Bill, I would encourage him to say exactly what he has just said—but I am worried about where we are going with this. It has taken us 150 years to revisit the issue and there have been a number of disturbances—nay, riots—in this country during that time, and even when there have been really big riots, the system of dealing with victims has been wholly inadequate. I am concerned that we will find ourselves in 150 years' time—well, we won't, because we'll be dead by then—saying, "Oh, yeah, we didn't have very effective legislation. We had things for those old-fashioned things called cars, but the hover vehicles we're driving around in now aren't covered by this Riot Act."

I say gently to the hon. Gentleman that even minor disturbances can wreck lives. We must make sure that any future Government have not only warm words to say to victims of riots, but effective legislation on the books so that they can help those victims effectively. I gently say to the Minister, who I have got a lot of time for—he has done an excellent job so far this morning—that we need to be more warm in our consideration of this Bill, so that we can ensure that the people who come after us in 150 years do not say the same kinds of things that we have been saying, with a little frustration, over the past few weeks.

Mr Deputy Speaker (Mr Lindsay Hoyle): Minister, follow that!

11.15 am

James Brokenshire: We are verging the language used on Second Reading when we discussed how the terms of the existing Riots (Damages) Act 1886 are not fit for the purpose of providing compensation in the event of a riot. The Bill provides good flexibility. It is important to recognise that it enables matters to be dealt with by way of secondary regulation. If certain changes are required, we would not necessarily have to address them through primary legislation, with all that that entails. Indeed, as has been discussed, the Bill enables us to increase the overall cap by negative procedure.

In essence, our debate on amendment 10 is about whether primary legislation should include a mandatory requirement to review. In our judgment, that is not necessary, because of the flexibility given by the Bill, which has been well debated. The scrutiny the House has given it means that it is now fit for purpose for the years ahead, because of the latitude it contains. It enables changes to be made in a relatively straightforward way through the processes and procedures of this House and the other place.

The amendment addresses the question of the regularity of scrutiny and whether a review should be undertaken every time some form of riot takes place. In our judgment, that is bureaucratic and we question whether it would achieve the desired result. It is always open to Government to review legislation, and it is absolutely right and proper that they keep it under close review. That may not necessarily happen on a timed basis, but an event may occur to which the Government will respond—indeed, the House may prevail on the Minister in question to do this—by conducting a review of the legislation, to judge whether it is still appropriate. The Bill does not prevent that flexibility—far from it. It can still happen.

My hon. Friend the Member for Dudley South (Mike Wood) has spoken of the general approach to reviewing all legislation within three to five years of the date of Royal Assent. Therefore, in any event, come what may, there will be an assessment of the Bill. Rather than having fixed points, the Bill provides flexibility to make changes. The regulatory framework enables the issue to be contemplated in that way—it provides latitude—and that is the appropriate way to deal with it. Indeed, it is right and proper that, if such events were to happen, the House could say to the Government, "Look at the Bill now. This is the right time to do it," without that being reflected formally in the Bill. For those reasons, we judge that the amendment is not needed.

Lyn Brown *rose—*

James Brokenshire: I will, in due deference, give way to the shadow Minister.

Lyn Brown: Very brave. I say gently to the Minister that I was a bit flabbergasted by the length of time that passed before the introduction of such a Bill. There was a period of unrest in the 1980s, during my early childhood, and I can recall being in a restaurant in Leicester Square on my way to a concert during the poll tax riots. I am surprised, therefore, to be debating a Bill on a matter that has not been revisited during that time. Given that these things happen, given that there can be long periods of time between such occurrences and given that our predecessors did not see fit to revisit the legislation despite some fairly appalling riots in our capital city and elsewhere, why does the Minister genuinely believe and take comfort from the fact that the Bill is somehow different, and that 150 years will not pass before it is revisited?

James Brokenshire: The hon. Lady makes a fair point. I am sure that anyone who has been caught up in a riot, and who has suffered loss or damage as a consequence, feels that hugely keenly. We are talking not just about the immediacy of the situation and the fear that it creates, but about what that means in restoring a life, putting property back into place and dealing with adverse effects on a business. That has been at the heart of our debates on the Bill, and that is why I welcome and strongly endorse the approach of my hon. Friend the Member for Dudley South in bringing forward the Bill and seeking to address the problem.

There are a couple of points that I would make. First, the Bill has been drafted in a manner that allows greater latitude than the Victorian legislation. I return to the point about not requiring primary legislation. Dealing with things in secondary legislation gives greater latitude and flexibility to make changes to the regulatory framework more swiftly. That reflects the fact that other items may need to be covered, or the cap may no longer be appropriate. The Bill provides a real benefit in offering that level of flexibility.

Secondly, the hon. Lady made a point about individual occurrences and events, and she pointed to some serious incidents that might have made a review appropriate. The latitude provided by the Bill lends itself well to that, because it will not be necessary completely to recast primary legislation. Some riotous disturbances may not lead to a significant number of claims, so it might not be appropriate to trigger a formal procedure such as that proposed in the amendment. The student riots in 2010, for example, involved significant policing challenges but attracted fewer than five compensation claims. We have the ability to carry out such a review, but we do not need anything with quite such a rigid structure. I suggest to the House that the Bill gives the Government the flexibility and the latitude that they need. In that context, I hope that the right hon. Member for Tottenham will be minded to withdraw his amendment.

Mr Lammy: The shadow Minister, my hon. Friend the Member for West Ham (Lyn Brown), has expressed my views strongly from the Dispatch Box, and I hope that the matter will receive greater scrutiny in another place. Self-evidently, issues arise in the peculiar event of riots, and the Government ought to think seriously about producing some sort of impact assessment, which need not be onerous. I undertake to write to colleagues in the other place to ensure that that receives further examination.

As I have listened, not to myself but to my hon. Friend, I have been convinced of my own argument. Nevertheless, I will not press the amendment to a Division. This is an important Bill, and it must find its way to the other place. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Third Reading

11.25 am

Mike Wood: I thank right hon. and hon. Members from all parts of the House who have participated in debates on Second Reading, in Committee and here

[Mike Wood]

today. In particular, I thank Ministers and shadow Ministers for their supportive and constructive approach. I thank the right hon. Member for Tottenham (Mr Lammy), who has spoken persuasively and passionately on behalf of his constituents, and my hon. Friend the Member for Croydon Central (Gavin Barwell), who has done a lot of work in support of the Bill but cannot speak in the Chamber today because of his other responsibilities.

On Second Reading, I stressed our responsibility as Members of Parliament to bring forward legislation that protects the most vulnerable from harm. That is why I am proud to promote this Bill, which proposes to help individuals and businesses recover from the devastating impact of widespread public disorder in communities. I spoke on Second Reading about my family connection, growing up as the son of a west midlands police officer during the football riots and other disturbances of the 1980s. I told the story of my father being bitten in the stables, and I said that I thought it was safe for me to do so, because my father rarely watches BBC Parliament. Sadly, he listens to BBC WM, so I was not able to keep that as secret as I had hoped.

Like all right hon. and hon. Members, I hope that the Bill will never be used. However, following Neil Kinghan's review, it is abundantly clear that we need modern legislation that gives us clear guidelines and provisions in the event of any future riots. After the 2011 riots, many vulnerable communities were left counting the cost. The coalition Government responded by pledging to cover the costs incurred by the police to compensate homeowners and businesses under the measures set out in the Riot (Damages) Act 1886. Then, as today, it was clear that the "current"—130-year-old—legislation is outdated and inadequate in providing compensation in the modern world. The language is archaic, and it is unclear in what circumstances claims can be made. That means that decision making after a riot is difficult and time-consuming. There are too many inconsistencies, and it is not fair to those who need support or to those who pay the bill. That is what we need to change with this Bill.

The aim behind the Bill is to protect communities from the devastating losses to which I have referred. It makes much needed changes to address the concerns that have been raised, while still providing support to households and businesses affected by riots. It proposes to end the unlimited compensation afforded through the 1886 Act, while making sure that victims of riots receive the support that they need. The new compensation cap has been discussed at some length, so I will not add anything further. Suffice it to say that the new provisions will not just save money but improve and modernise the claims process to bring it up to date and make it fit for the 21st century.

The old Act's short timescales for submitting and evidencing a claim are simply not feasible for many potential claimants. As the House will remember, temporary changes were made to the timescales at the time of the 2011 riots in order to provide a more realistic timeframe. The Bill is intended to put that change into legislation.

The time period set out in the original legislation is clearly not long enough. Many homes and places of business are inaccessible for a considerable period after disturbances of the kind we saw in 2011. Allowing a period of 42 days after a riot to submit a claim and a further 90 days to evidence the claim and provide the details to support it will provide people with a fairer deal at a time when they need the extra breathing space and time to think about and prepare such a claim. As has been said, in many cases they will have to work out whether they ever had a receipt, let alone whether they know where the receipt is after a fire or a riot.

The minimum time allowed is now stated in the Bill. I emphasise that it is the minimum time: it remains entirely within the Government's competence to decide to have a longer period if and when they think that that would be appropriate. As the Minister said earlier, we must ensure that there is flexibility so that people are not unfairly disadvantaged in extraordinary circumstances —for example, when, whether through illness or for another reason, it is not reasonable for them to submit paperwork within the timeframe set out in the Bill.

The reason for switching away from replacement value—old-for-old, as it were—to new-for-old is one of basic fairness for the victims of riots. It is not reasonable to expect people whose homes or businesses have just been devastated by riots, first, to find out what loss adjusters think is the current value of machinery, equipment or property however many years after their purchase, and then to try to source a replacement product of equal value. On Second Reading, I gave the example of a four-year-old dry cleaning machine. It would be difficult to source it, because such machines do not show up every day on eBay. Switching to new-for-old, as most of the insurance industry has done, is sensible, more efficient and, above all, fairer.

Many Members have welcomed the riot claims bureau, which will have responsibility for managing riot compensation claims. The Bill is intended to ensure that there is greater consistency, particularly, as we saw in the 2011 riots, when riots spill over into more than one police force area. In such a case, it may be appropriate for the Secretary of State to assume such powers to ensure that someone can expect the same kind of service, timescales and treatment wherever they make a claim. Again, that is an issue of basic fairness for people affected by riots. The provision will be used if the rioting breaks out in or spreads across more than one area, and for that matter, if the local police decide that they do not have the capacity or expertise to consider such claims—why should they do so? That will particularly affect smaller police forces.

The Bill will allow local policing bodies and the riot claims bureau to place the day-to-day management of claims in the hands of experts. That is significant because although we expect our police forces to do an extremely important job—they do their job extremely well and we can be proud of the role they play—it is not reasonable to expect them to carry out claims handling or loss adjusting. Allowing police and crime commissioners to utilise people trained to play such a role makes sense and enables commissioners to retain full control over financial decisions.

As I have said, the Bill provides for the first time for motor vehicles covered by third-party insurance. It was pointed out on Second Reading that 1886, the date of the current legislation, was coincidentally the same year that the diesel engine was first demonstrated. Unsurprisingly, therefore, the legislation on which we currently rely was

not designed around the world of the motor car. We do not know what the nature of riots will be in the future, but there may be widespread damage to motor vehicles. It does not seem fair, and it would not be equitable, for people's motor cars—if they do not own their own home, their car is probably the most expensive thing they own—to be outside the scope of a compensation claim if they are not covered by their own insurance.

The purpose of the compensation scheme is not to pick up bottomless bills for criminal activity, but to provide a safety net for those in greatest need, while recognising the police's responsibility to maintain order. That is why we must absolutely recognise the serious implications for communities recovering from major public disorder. Since the 2011 riots, my right hon. Friends in government have worked tirelessly, first by commissioning the Kinghan review and then by holding the Home Office consultation that followed it.

It would be wrong for millions of pounds of public money to be handed over—in essence, to insurance companies—for people who are in a position to insure themselves. That was the thinking behind the cap, and it is also why I limited the extension for motor vehicles to people who would not be covered by their motor insurance.

The provisions in the Bill provide a balance between the responsibility of the police to maintain order and the Government to protect the vulnerable, and the interests of the taxpayer. It retains the principle that the police are responsible for maintaining order, ensures that local accountability remains in the right place and provides local communities with the mechanisms they need to recover quickly from serious disorder.

We all hope and pray that riots of the kind, and certainly of the scale, that we saw in August 2011 will not happen in the future, but hoping for the best can never be an alternative to preparing for the worst. The Bill is about preparing for the worst. I hope it will proceed through the other place as swiftly as reasonably possible so that we can put in place the system we will need should riots take place. The Bill provides a fair deal for the victims of riots and for those who will have to pick up the bill for serious damage caused by them in our communities. I commend the Bill to the House.

11.39 am

Lyn Brown: The Opposition will support the Bill this morning, as we have throughout the legislative process.

The 2011 riots were a traumatic event for London and for other cities and towns up and down the country. More than 5,000 crimes were committed in a few short days, five people lost their lives, and it is estimated that the material cost of the London riots alone was over half a billion pounds. They were truly devastating. The unfortunate truth is that when those wounded communities needed help to get back on their feet, the help that was available proved utterly inadequate.

My magnificent right hon. Friend the Member for Tottenham (Mr Lammy) has demonstrated to the House yet again this morning his true understanding of and commitment to his constituents. His passionate and well-spoken words showed that he understands the devastating impact the riots have had on the wider community. Frankly, it was not possible for the Government to respond as quickly as was needed to that impact.

I also pay tribute to my hon. Friend the Member for Croydon North (Mr Reed) for his work on this issue. His constituency was hit hard by the 2011 riots and he has worked tirelessly to highlight the difficulty that his constituents have had in receiving the compensation to which they should have been entitled. He used the Freedom of Information Act to show that three years after the riots, 133 victims in London were yet to receive a penny in compensation. Just 16% of the requested compensation had been paid out at that point.

Those victims of rioting must have felt really let down, especially considering the Prime Minister's promise that they would not be left out of pocket by those unprecedented actions. Without the tireless work of my hon. Friend the Member for Croydon North and others, including my right hon. Friend the Member for Tottenham and my hon. Friend the Member for Ealing Central and Acton (Dr Huq), I doubt that the Bill would be before the House today, but it is and that is to be celebrated.

To be fair to the Government, they recognised the problems that people had had in receiving compensation and commissioned an independent review. The Kinghan review was published in 2013 and, as we have heard, the Bill before us has the support of the Government and takes up many of the review's recommendations.

I warmly congratulate the hon. Member for Dudley South (Mike Wood) on making such an important contribution so early in his parliamentary career. I hope his father forgives him for the horse story, which I remember well. How amazing it is that an Act will be published in his name. I hope that he celebrates this momentous event suitably over the weekend. I know that he has had a lot of support from the Government, which makes these things a lot easier and gives a Bill a fair passage. None the less, it takes a lot of work and commitment to get a Bill through, and I congratulate him on being equal to that task—congratulations!

I have to thank the Minister for being so accommodating, unlike some other Ministers. I look forward to seeing him opposite me when we consider further Bills, because he has been really quite good.

I thank my Labour colleagues who have worked on the Bill—my hon. Friend the Member for Birmingham, Erdington (Jack Dromey), who led scrutiny of the Bill in Committee, and my hon. Friends the Members for Ealing Central and Acton, for Birmingham, Ladywood (Shabana Mahmood) and for Croydon North, and my right hon. Friend the Member for Tottenham, who also sat on the Committee. They have all helped to improve the Bill.

The amendment that the House accepted today to give riot victims a guaranteed time in which to claim compensation was the result of probing by the Opposition in Committee, so we are grateful to the hon. Member for Dudley South and the Government for accepting it. The Bill is better for it.

We are happy to support this legislation. Like the hon. Member for Dudley South, I hope and pray that it is rarely, if ever, used because even the most effective legislation for riot compensation can but lessen the terrible pain that is inflicted on communities by looting, violence and wanton damage.

11.44 am

James Brokenshire: I pay tribute to my hon. Friend the Member for Dudley South (Mike Wood) for his excellent stewardship of the Bill. It takes enormous

[James Brokenshire]

focus, dedication and drive to take a private Member's Bill through this House. It is not straightforward. I commend him for identifying this important issue, which has affected so many of our communities, and for having the ability, early in his parliamentary career, not only to bring the Bill forward, but to chart its passage through this House. It will now go on to the other place and, I hope, become law so that he achieves what he wants, which is to provide the protection and benefit of a safety net for those who are drawn into something that we hope will never happen, but which experience tells us might happen. We need those protections to be properly in place so that we no longer need to fit into the Victorian legislative framework, with concepts such as "riotous or tumultuous assembly", but have legislation that reflects the needs of our modern society.

As we prepare to send the Bill to the other place, I want to express my gratitude to Members on both sides of the House who have engaged in a constructive and thoughtful debate on these measures. They have added to our scrutiny and consideration, and have added benefit to the Bill. We have reflected on how best to support communities, families and people in recovering from the often devastating impacts of riots.

Some of the contributions with the greatest impact have been made by Members who represent riot-affected constituencies. They have spoken movingly and with passion about the difficulty and distress that is caused to individuals, families and business owners by riots, particularly those of 2011. Five people—Trevor Ellis, Haroon Jahan, Shahzad Ali, Abdul Musavir and Richard Mannington Bowes—lost their lives in those riots. It is right that we remember them at this time. Our sympathies remain with their families, friends and all who loved them. Their memory reminds us of the impact that these appalling events can have. Although our debate has rightly and inevitably been about issues of compensation, it is people's lives that we are talking about. The contributions of many right hon. and hon. Members have underlined that point. This Bill is important because it will help people build their lives back up after such appalling events.

The Bill will not prevent riots, nor will it tackle the base criminality that often surrounds them, but it will provide the legislative platform for a modern, well thought-out package of compensation for people who, through no fault of their own, find themselves facing damage and loss to their homes and businesses. It will also help those caught in the wake of a riot to recover from the violence and criminality more easily.

The amendment that my hon. Friend the Member for Dudley South proposed to cover the cost of alternative accommodation for those who are left homeless in a riot is important. When these measures become law, the Government will work to ensure that the compensation can be accessed quickly by individuals in the aftermath of a riot, recognising that rapid support and reassurance are of the utmost importance. The further amendment to set out the time limits on the face of the Bill demonstrates our commitment to provide a more generous approach to the submission of claims and evidence. As I have indicated, further flexibility on deadlines to cover extenuating circumstances will be provided for in regulations.

The Bill provides an important legislative platform for outlining what individuals and businesses affected by riots will be entitled to. It will be supplemented by regulations that will cover a number of important aspects, such as underlining our commitment to afford new-for-old replacements in most circumstances, providing more detail on the riot claims bureau, and confirming that charity payments will not be deducted from riot compensation payments. In addition to the regulations, as stated in previous stages of the Bill, we will also publish guidance for the public and decision makers, to provide further awareness and understanding of the legislation. As has been said, this is not simply about the law; it is about how the schemes are applied so that people know how they can claim, what they need to provide, and when they need to do that. We must respond to those practical realities, and consider how we can learn from the experience of the 2011 riots, incidents of flooding and other events where support needs to be provided.

In conclusion, the Bill sets out the framework for a modern, fair and affordable compensation scheme that supports communities that are recovering from riots, without placing unreasonable burdens on the taxpayer. The amendments and improvements that have been made are in keeping with that principle, and the Government support them. I pay tribute to my hon. Friend the Member for Dudley South for using the time afforded to him to promote a private Member's Bill to deal with an important issue that has affected so many lives. As the Bill proceeds to the other place, I believe that it will provide assurance and protection into the future, and the framework that it provides means that it will remain as relevant as it is now for decades to come.

Question put and agreed to.

Bill accordingly read the Third time and passed.

Criminal Cases Review Commission (Information) Bill

Bill, not amended in the Public Bill Committee, considered.

Third Reading

11.52 am

William Wragg (Hazel Grove) (Con): I beg to move, That the Bill be now read the Third time.

I thank colleagues from across the House who have joined me to support my Bill before it goes to the other place, where it will hopefully complete all necessary stages before we reach the guillotine of running out of parliamentary time. It has been an honour and a privilege to embark on the process of piloting a private Member's Bill through our legislative process. I was fortunate to be drawn in the ballot in my first year as a Member of Parliament, and when I was elected just nine months ago this Sunday, I never imagined that I would be standing here and leading a debate on a new Bill. At the time I had no idea where the Public Bill Office was, let alone how it performed such a vital role in our legislative process. Neither did I know how skilled, kind and helpful its Clerks and staff would be to me, and I put on record my thanks to the Clerks of that office in particular, because without them this Bill would surely have fallen by the wayside long before now.

The process has proved to be a steep yet valuable learning curve. Before coming here I watched several Bill progress through Parliament and be debated and voted on in the Chamber, and I understandably believed that that was where legislation got made. Only once I went through the process myself did I understand how much work goes on away from the Chamber. Speaking here is the easy part. I know how much of our legislative process relies on negotiating and navigating timetables and calendars, or on running down corridors with five minutes' notice to get the co-signature of one last Member before the deadline.

I congratulate my hon. Friend the Member for Dudley South (Mike Wood) on his Bill passing its Third Reading some moments ago. It is an important piece of legislation, and I am pleased that we have been able to mutually support each other as we muddle through this strange but enlightening process. However, we have made it, and I am delighted and honoured to promote the Third Reading of my Bill today. I do so not only because at several points over the past nine months I feared that it may not come to pass, but because of the Bill's importance as a valuable piece of legislation.

Following my selection in the ballot, I discussed with colleagues potential topics for my Bill. I wanted to be involved in something that would do good and make a real difference to people's lives, and improve the justice system in an important way. The Bill seeks to make a small but significant improvement to our criminal justice system, and specifically to the appeals process surrounding miscarriages of justice and the gathering of available evidence and information for such cases to be investigated.

If enacted, the Bill would allow the extension of powers for the Criminal Cases Review Commission to obtain information of evidence, testimony, documents and other material that would assist in the processing of appeals and review cases where a miscarriage of justice is believed to have taken place. In essence, it would allow the CCRC to obtain such information from a person other than one serving in a public body, to which it is currently restricted. That new measure would apply to private sector organisations, persons employed by or serving in private companies, and private individuals. If passed it will strengthen the CCRC's ability to overturn wrongful convictions and miscarriages of justice, and improve further our system of law and order, which is rightly the envy of the world.

To set the Bill in context, I intend to set out the working of the CCRC and the problem that my Bill seeks to resolve. I will then go on to detail what the Bill does and say how the amended law would work in practice. Lastly, I will explain why I believe that the Bill is necessary, how it would improve justice in our country, and—critically—why I believe that it deserves the support of the House today. I shall also attempt to provide some answers to the points raised in Committee. I hope to allow time for other Members who may wish to speak, and I am very open to interventions. The Bill has already demonstrated its cross-party support by its broad range of co-signatories, and it is important that the House now shows its full support for these new measures.

The CCRC was set up as an independent public body in 1997 by the Criminal Appeal Act 1995 to investigate possible miscarriages of justice, and it was the world's first publicly funded body to review such cases.

Mr David Nuttall (Bury North) (Con): It might not be known outside the House that my hon. Friend had the foresight to secure for his Bill the signature of the right hon. Member for Islington North (Jeremy Corbyn), who is now the Leader of Her Majesty's Opposition. That will no doubt aid the Bill's passage through the House.

William Wragg: I thank my hon. Friend for that intervention, and as he will see by the vast numbers of Labour Members here today, the influence of that signature has been a fantastic achievement.

The CCRC was set up in the wake of notoriously mishandled cases such as those of the Guildford Four and the Birmingham Six—two high-profile cases where two groups of men were convicted and imprisoned for connections to bombings carried out by the IRA in the 1970s. On a serious note, it was because of those particular cases that the Leader of Her Majesty's Loyal Opposition was so keen to lend his signature to the Bill.

However, some 10 or 20 years ago these convictions and a review of evidence and police conduct during the investigation revealed serious breaches of due process, and, in the case of the Birmingham Six, serious accusations of police brutality. Therefore, the convictions were eventually quashed and ruled as unsafe. Moreover, senior police officers in both cases were later charged with conspiracy to pervert the course of justice and the Birmingham Six were eventually each awarded compensation ranging from £800,000 to £1.2 million for their wrongful conviction.

The consequences of these cases led, in 1991, to the Government setting up a royal commission on criminal justice. The royal commission reported in 1993 and led to the Criminal Appeal Act 1995, which established the CCRC in 1997. Parliament established the CCRC specifically for the body to be independent of Government and, although sponsored and funded by the Ministry of

[William Wragg]

Justice, to operate its statutory functions independently. However, a drafting anomaly in the 1995 Act meant that a key power was omitted from the CCRC, meaning that it could not require evidence to be provided from privately held sources, whether individuals, corporations or other bodies. It is the need to address that anomaly that brings us here today.

In preparing to present the Bill to Parliament, I visited the Birmingham headquarters of the commission to meet its chairman, chief executive, head of casework, some of its case handlers and investigators, and other staff to see its facilities and operation at first hand. I am delighted to say that some staff have been able either to attend the House today or to watch the proceedings from Birmingham. The House should be clear that the commission is very keen for the Bill to pass and to have these powers, for which it has been calling for some years. I want to take this opportunity publicly to thank the staff of the CCRC for hosting me on my visit, and for all the information, support and advice it has provided to me over the past few months. In particular, I would like to thank long-serving staff member and senior case handler Mr Miles Trent, who has been a very valuable help.

I shall go on in a moment to explain precisely how the Bill will address the original anomaly in the law, which has prevailed for almost 20 years. Before doing so, however, I think it is important that the House bears in mind why the Bill is important. I wish to remind Members of the real human stories behind what can seem the rather dry business of legislation and regulation. Anyone who has ever been subject to a miscarriage of justice will attest that it is a deeply traumatic and damaging experience, often taking years away from somebody's life while they work through the appeals process, trials and retrials, often from the confines of a prison cell. While not an easy or pleasant experience for anyone at any time, the heartache and anguish will be more acute for those who know, in the back of their mind, that they are innocent and that the British justice system has failed them. In such cases, the CCRC is often a victim's only opportunity of salvation.

Although the number of cases the CCRC takes on is small compared with the overall number of criminal prosecutions each year, and the number of cases referred and quashed is even smaller, for those few victims of a miscarriage of justice in prison for crimes they have never committed, and subject to the abuses of process and powers of the system, it must be a truly harrowing existence for both them and their families. If I may, I would like to illustrate this point with one particular case which, although upsetting, contextualises the importance and seriousness of the commission's work. I should say before continuing that this case has already been on the public record.

Sally Clark, a solicitor aged 42, was jailed in 1999 for allegedly killing her 11-year-old son Christopher in December 1996 and her eight-week-old son Harry in January 1998. An appeal in 2000 failed, but she was freed in 2003 after a fresh appeal, following a referral from the CCRC. The jury at the trial was told by an expert witness, Professor Sir Roy Meadow, that the probability of two natural unexplained cot deaths in the family was 73 million to one, a figure for which the Royal Statistical Society later said there was no statistical basis. However, despite her eventual release from prison after four years, Sally Clark died at her home in March 2007 from alcohol poisoning. At the time, the chair of the CCRC, Professor Graham Zellick, said:

> "Sally Clark should never have been convicted. She should have succeeded at her first appeal. It should never have taken two years' work by us and a referral before she was released, by which time she was broken in mind and body."

Our justice system is one of the most respected in the world, but mistakes can and do happen occasionally. When this is the case, the system to right the wrong and to protect innocent people should be strong so that we avert cases such as Mrs Clark's. My Bill seeks to strengthen that system. I referred to the legislative anomaly in the original 1995 Act, which gave rise to the need for the Bill. Let me explain how the CCRC currently operates.

The CCRC currently has the power to investigate alleged miscarriages of justice in England, Wales and Northern Ireland, and to refer convictions and sentences to the relevant courts for appeal. The commission investigates convictions and applications by the offender, or, in the case where the offender has died, at the request of relatives. It has special powers to investigate cases and to obtain information it believes is necessary to review a case. If the CCRC concludes there is a realistic prospect that the Court of Appeal will overturn the conviction, it can make what is termed a referral and send cases back to court so that an appeal can be heard. Applications are free to make to the CCRC and defendants cannot have their sentences increased on account of having made an application for review. However, as the commission usually deals with cases already appealed once, if the commissioners can send cases for a review, it is usually on account of new evidence or a new legal argument that has come to light. This being so, their ability to gather information is critical to a successful operation.

The subject of the Bill hinges on what are commonly referred to as section 17 powers. Section 17 of the Criminal Appeal Act 1995 gives the CCRC the power to require public bodies and those serving on them to give it documents or other material that might assist it in discharging its functions. This includes the police, local councils, the NHS, the Prison Service and so on. It should be clear how all such bodies could and do serve as vital sources of information in appeal cases: the police provide criminal evidence and interviews; councils often provide CCTV footage; the NHS can supply details of injuries, in the case of violent crime; and the Prison Service can provide vital information about the behaviour or statements of prisoners seeking an appeal.

Those are just the most common examples of public sector sources of evidence on which the CCRC relies to do its work. There are, of course, dozens of others. However, it currently has no equivalent powers to compel private organisations and individuals to provide similar information, and has long found this to be a problem. Incidentally, this is in contrast to its counterpart in Scotland, the Scottish Criminal Cases Review Commission, which has held these powers since its inception. The Bill would allow the CCRC to make an application to the courts to require the disclosure of new evidence held by private bodies and individuals. As I mentioned, it already has those powers for public bodies. The inability to obtain information from private organisations and

individuals has limited the CCRC's actions and can cause unnecessary delay in the review of cases it undertakes and waste its limited resources.

During my visit there, I learned that the CCRC operates with an annual budget of about £5.5 million and employs just under 90 staff, including 12 highly experienced commissioners, among whom were senior lawyers, civil servants, investigative journalists and scientific experts. Each year, it receives between 1,000 and 1,500 appeal applications, and last year, 39 of them were referred back to the Court for review.

Mr Nuttall: Does my hon. Friend expect an increase in the number of applications as a result of the power in the Bill to apply for documents from private sources?

William Wragg: I will come to that in detail later, but the CCRC is a reactive body—it does not proactively seek cases to review—so I suggest that what my hon. Friend alludes to would not take place. However, I will cover that in more detail in a moment, if he will bear with me.

The CCRC's long-term referral rate—the cases that, following investigation, it believes should be reheard in the Court of Appeal—is just over 3%. However, about half the applications it receives are not taken to the investigation stage, as they must first go through the regular criminal appeals process. For the cases the CCRC goes on to investigate, therefore, a referral rate of about 7% is more representative. Nevertheless, this indicates how uncommon it is to find a sufficient weight of new evidence to overturn previous convictions. That evidence must be relevant, accurate and compelling.

The House will be aware that the current working arrangements and effectiveness of the CCRC were the subject of a dedicated inquiry by the Justice Select Committee in the last Session. The impetus behind the Bill comes directly from some of its recommendations last March. I am grateful to have had the support of Members of both the previous and the current Committee in getting the Bill to this stage.

In its report, the Committee said:

"The extension of the CCRC's section 17 powers to cover private bodies is urgently necessary and commands universal support. Successive Governments have no excuse for failing to do this and any further continuing failure is not acceptable."

The report went on:

"It should be a matter of great urgency and priority for the next Government to bring forward legislation to implement the extension of the CCRC's powers so that it can compel material necessary for it to carry out investigations from private bodies through an application to the courts. No new Criminal Justice Bill should be introduced without the inclusion of such a clause."

I stand here today with just such a new criminal justice Bill and hope to put right the failure by successive Governments to which the Committee referred.

Let me turn to the new powers in the Bill and how their implementation would work in practice. The Bill would insert a new section 18A in the Criminal Appeal Act 1995, which would enable the CCRC to obtain a court order requiring a private organisation or individual to disclose a document or other material in their possession. As with the current power to require material held by public bodies, the new disclosure requirements will apply notwithstanding any obligations of secrecy or other limitations on disclosure, including statutory obligations or limitations. This will mean that companies will not be able to use excuses such as the Data Protection Act to deny the CCRC information, nor will it be possible to cite information that carries a security classification, including restricted and secret information, as a reason for non-disclosure. This could be particularly important in cases of courts martial, which the CCRC has been involved in investigating since the Armed Forces Act 2006.

Even after the enactment of the Bill, the CCRC should always attempt at first to obtain any information voluntarily before reverting to a court order. Not only would that build a better accord with the private individual or organisation concerned, it is also likely to be more expedient than an application to the court.

I should state for clarity that the provisions would extend to England, Wales and Northern Ireland, in relation to which the Northern Ireland Assembly will be invited to pass a legislative consent motion. Scotland will be unaffected because, as I said, it has its own powers.

I mentioned how low, at 7%, the referral rate was for cases that the CCRC investigates and sends back to the Court of Appeal. The shadow Cabinet Office Minister, the hon. Member for Caerphilly (Wayne David), asked in Committee—I am grateful for the opportunity to answer some of these points on Third Reading—whether this Bill, by virtue of increasing the CCRC's powers and therefore its scope for conducting investigations, would increase the rate of referral and therefore the workload, which neatly taps into the point raised by my hon. Friend the Member for Bury North (Mr Nuttall). I must stress that it is not our job, nor is it the purpose of this Bill, to increase the referral rate per se. Far from it; indeed, the low rate is a testament to how robust and rigorous our criminal justice system is, indicating that no evidence of a miscarriage of justice was to be found in the original case.

We must remember that not all information supplied to the CCRC will necessarily lead to an appeal. The commission's mandate is not to secure as many referrals and overturn as many convictions as possible; it is to thoroughly investigate alleged miscarriages of justice. In some cases, privately held material might help to identify these miscarriages, and that material may lead to some convictions being referred to the Court of Appeal and subsequently quashed, in circumstances where those cases would otherwise have been turned down. In other cases, privately held material might persuade the CCRC not to refer a case for appeal where it was otherwise minded to refer.

It would be natural to anticipate that the receipt of the proposed powers should lead to an increase in referrals to the Court of Appeal, as the CCRC believes it is sure that there are miscarriages of justice that have gone unremedied because of the lack of power. However, I want Members to be clear that the referral rate is not a direct proxy for the effectiveness of the commission's work. Increasing referrals is not to be confused with being the objective. Our job as parliamentarians is to ensure that the CCRC—and, more widely, the justice system as a whole—has all the powers and processes it needs to operate in the best way possible.

I want now to elaborate on why this change in the law is necessary, and I thank the House for its forbearance.

[William Wragg]

During my term in Birmingham, those at the commission explained that, in the 18 years of its existence, the powers under section 17 have been an essential tool of that body. The power extends to the information from public sector bodies, as I explained earlier, but it should also extend to public bodies held at arm's length. The commissioners also explained that the absence of power to obtain material in the private sector has often operated to the disadvantage of applicants to the commission.

Currently, where material relevant to the CCRC's work is held outside the public sector, the commissioners are reliant on requesting voluntary disclosure by the relevant individuals or organisations. Although voluntary disclosure is not uncommon, organisations increasingly regard themselves as being unable to assist the CCRC as a result of statutory restrictions on the disclosure of information. Even where voluntary disclosure is made, it will often be after protracted negotiations, causing lengthy—and, indeed, expensive—delays in the case review process.

Solicitors' firms provide one such example. One would have thought that solicitors would be among the most co-operative of sources, but that is not always so. In the past, the commission has seen a good level of co-operation in respect of its requests for case files from solicitors who represented applicants at trial and/or on appeal. In part, that level of co-operation has been thanks to relevant professional codes of conduct that apply to solicitors. In more recent times, however, and perhaps as a result of increasing pressures on legally aided defence firms, the commission has faced greater difficulties. It is often readily apparent that requests from the commission are placed at the bottom of solicitors' lists of priorities. On occasion, the commission has been faced with protracted negotiations over who bears the cost of transferring the materials in question.

The commission tends to encounter four typical situations that, as a result of its lack of powers in relation to the private sector, operate to the applicant's disadvantage. These are, first, the inability to obtain information from a private individual; secondly, the inability to obtain information from private sector organisations; thirdly, partial information or only a summary of information is provided, which the commission is not in a position to scrutinise or verify; and fourthly, information sources are obtained, but protracted negotiations with the private sector create lengthy delays.

Alarmingly, members of the commission told me that, in several instances, with respect to the information it seeks from an organisation, it has experienced significant and repeated difficulties. Against that background, the commission has decided that it would be fruitless to pursue the information in question and therefore does not do so. The current lack of power does not affect isolated cases alone, but can cause a systemic problem relating to a source and a repeated basis, leading to not one but potentially many miscarriages of justice incapable of being remedied.

I know that the commissioners share the view that it is highly regrettable that their inquiries into miscarriages of justice should be impeded by the refusal of a private organisation or witness to provide material. The absence of any compulsion exercised at the instance of the CCRC may result in the victim of a miscarriage of justice suffering continuing imprisonment, with all the continuing social consequences of having a criminal conviction. That cannot be right.

Moreover, the problem has become more acute in recent years, because much of the responsibility for the material held by public bodies when the 1995 Act was envisaged has since been entrusted to private sector bodies. The number of private organisations holding relevant information has increased dramatically, with the contracting out of public services to the private sector becoming more commonplace. Additionally, recent statutory data protection trends have reinforced the issue of confidentiality and have affected the voluntary co-operation of private bodies. There is a real risk that applicants to the CCRC will be at a significant disadvantage unless the CCRC is afforded the facility to obtain material held in the private sector.

Examples of private bodies that may now hold vital information relevant to the review of a case that may once have been in the public sector and within the CCRC's scope but is now outside it include private health clinics, forensic experts, charities, campaigning groups, law firms, news agencies, probation services—now largely contracted out—banks, private schools, shops, department stores and public transport companies.

Let me illustrate this by using a few examples that the caseworkers from the commission shared with me where they believe the current lack of powers has led to long delays in a case review or even directly to its failure. Private companies can be a vital source of information, as we see in a case I was told about during my visit to Birmingham. The commission was looking into the case of an HGV driver who had been convicted in 2013 of serious sexual offences and sentenced to 15 years in prison. The commission wanted access to some of the data held by an employer which might have supported an alibi. Those inquiries evolved into a search for timesheets within the private company, but the company would not co-operate. It is not really clear whether it even checked its records. The commission was not able to obtain the information and proceeded without it, and the case was not referred.

I mentioned earlier the importance of the Forensic Science Service. A key aspect of the commission's work is re-examining and re-testing material from crime scenes that was submitted as evidence in the original or earlier appeal trials. The recent closure of the nationalised FSS and its replacement with a contracted-out service has also highlighted this gap in the current law, the result of which is that the CCRC no longer has the power to compel the production of forensic material which it had when the FSS was a public body. This type of material will be held by private companies and may not be available to the commission in future.

Another common source of evidence is CCTV. I learned of another example where an applicant, convicted and jailed for a serious armed robbery in a shop, alleged that the expert facial mapping evidence presented at the trial was flawed. The commission wished to instruct an expert to conduct further tests, but the owner of the shop in question refused to provide information about the make and specifications of the CCTV equipment. Without those details, the commission's new expert could not consider the issues. The irony is that, had a similar incident taken place on the street in sight of a council-owned CCTV camera, the equivalent information

could have been requested under section 17 of the 1995 Act, by virtue of the fact that the footage from a council-owned camera is deemed "publicly held". Therefore, the information required to properly evaluate the appeal investigation would have been available.

Lawyers here will know that witness credibility often proves to be a vital crux of criminal prosecution or defence cases. To that end, we should consider the case where an applicant was convicted of indecently assaulting three former pupils during his employment as a housemaster at a private residential school. He was sentenced to three years' imprisonment. For the jury at the trial, the consideration hinged on the credibility of the complainants. The commission requested the files on each of the three complainants in order to address issues raised about their credibility. The private school declined the request and the point remains unresolved, yet a state-maintained school would have been compelled to honour the request for information and the outcome of the review investigation may have been different.

Social work or counselling records are another source of vital information to the commission. Charitable bodies such as ChildLine and the National Society for the Prevention of Cruelty to Children, and private counsellors or doctors, often hold vital information relevant to commission reviews, particularly in cases of intra-family abuse. Such organisations may agree to assist when the consent of the individual concerned is obtained. If consent is not forthcoming, such organisations will generally decline to provide the commission with information, on the basis of confidentiality. However, the discrepancy arises in that local authority social workers' or NHS records are deemed even without individual consent to be admissible by the commission when it considers a review.

I hope the House can see that the distinction between private and public organisations in cases such as these is artificial. Why should the outcome of justice depend on whether key witnesses went to a public or private school, or whether an alleged crime happened in front of a council-owned or privately owned CCTV camera? This false divide is due partly to a drafting anomaly in the original legislation and partly to unforeseen rises in the amount of important evidence generated and held by private sources.

Members should bear it in mind that examples of situations where the commission has been unable to obtain potentially significant information illustrate only a part of the wider issue. At least as important is the extent to which being granted the power to obtain material from private sector sources would allow it to consider new avenues of inquiry that we currently rarely consider because our powers do not allow us to pursue them.

We are unlikely ever to be sure whether the applicants in the cases to which I have referred were truly guilty or innocent, or whether their appeals would have succeeded had the information been provided—truth is likely to be mixed across the cases. But we can be sure that the current law gives rise to question marks over this point, and that is something it is right to change.

As a final but important justification for why the Bill is necessary, it is worth considering the situation of the Scottish Criminal Cases Review Commission. The power to obtain information from the private sector is contained in section 1941 of the Crime and Punishment (Scotland) Act 1997. The legislation is framed in a very similar way to the English commission's existing power under section 17 of the 1995 Act, but it entitles the Scottish commission to apply to the High Court in Scotland for an order requiring a private individual or private sector body to produce, or allow access to, material that it is believed might assist the Scottish commission in the exercise of any of its functions.

I hope that I have established how the Bill will improve the work and thoroughness of CCRC investigations and why it is necessary. I shall now attempt to anticipate and answer some questions that the new measure is likely to raise—questions that I have indeed asked myself, and on which I have consulted both the commission and the Ministry of Justice over the past few months. Indeed, some of these points were put to me in Committee.

I want to address up front one of the largest concerns that Members are likely to have with the extension of these powers: their possible intrusion into the lives of private individuals. Although consent and privacy are to be valued, where information, even of a personal and distressing nature, could make the difference between a person's further incarceration or their freedom, I believe that it is right that that information can be requested, subject to due process and the provision of strict safeguards. Members should know that there are significant safeguards in place to ensure that this new power is not abused.

The Bill provides that there would be judicial oversight of the process. The CCRC could only compel a private individual or organisation to provide material by order of the court. All the same safeguards that currently operate for section 17 disclosures would apply, and the commission agrees that such a process would be appropriate. The main safeguard against improper intrusion is contained in the Bill itself: namely, judicial oversight. As specified in clause 1(1), a person will be obliged to provide the CCRC with private documents or other material only if ordered to do so by a Crown court judge.

In practice, the Crown court judge may make such an order only if they are satisfied that the material may assist the CCRC in its investigation of the alleged miscarriage of justice. Furthermore, unauthorised wider disclosure of any information obtained will be an offence under section 23 of the 1995 Act. In addition, the person from whom disclosure is obtained will be able to stipulate that any information obtained is not to be disseminated further without their consent, in accordance with section 25 of the 1995 Act.

As with its current practice when preserving public body material under section 17, the CCRC would not seek to exercise its functions in an unreasonable or disproportionate way, and it would remain mindful of the right to a private and family life under article 8 of the European convention on human rights when selecting those cases where an application for a court order appeared justified.

Even so, if there are privacy implications, I believe that any interference by the new measures with that right would be legally justified. The material will only be sought pursuant to a review of an alleged miscarriage of justice, which is a serious matter. Therefore, arguments regarding intrusion into private life must be viewed in the context of the human rights implications of continued wrongful imprisonment, which is itself a breach of article 5.

The hon. Member for Caerphilly asked me in Committee what provisions were in the Bill to bring about any sanctions for private bodies or individuals failing to

[William Wragg]

comply with the court order once issued. I undertook to investigate that point and report back to him. In the intervening period I have made inquiries with the Ministry of Justice, the staff at the CCRC itself and also some hon. and learned Friends in the House, and I am pleased to report back to him.

It is true that the Select Committee's report, which paved the way for this Bill, included an additional recommendation for a new measure for timely compliance, to apply to public and private sources. The Ministry of Justice considered that possibility and how it could be practically applied. It concluded that the evidence that this is needed, or that its implementation would make a significant difference to the timing of reviews by the CCRC, was weak and that it could not consider "sanctions" to be appropriate for the CCRC to apply if bodies failed to comply with the disclosure. Moreover, however, on reflection, the lawyers whom I spoke to and the CCRC considered that there were no such provisions in the Bill because they were unnecessary. That is because the power to demand disclosure is subject to a judge's agreement, and the existing rules on contempt of court would provide sufficient protection. If a private body refused to provide material to the CCRC after a request for voluntary disclosure, there would clearly be no penalty. However, if the CCRC has sought and obtained a Crown court order under the new provision, then non-disclosure by the private body would be a breach of that court order, and would place the body in contempt of court.

The hon. Member for Caerphilly also raised a foreseeable objection: that of cost. The Bill has no financial implications and will not impose a financial cost or charges directly on the CCRC or private bodies. However, Members may be asking themselves whether the new power could place an unjustified financial burden on private companies that would be obliged to retrieve material for the CCRC. I suggest that the best answer to the question is to look at where the equivalent powers have been in operation for a long time—namely, the Scottish CCRC, which has not reported such issues.

I wish to recap the main reasons why I believe the Bill deserves the support of the House. First, the important power to request privately held information is currently lacking, and that is hampering the work of the CCRC. The limits placed on the CCRC by its governing statute have occasionally hindered its work and limited its ability to help victims who may be innocent. Richard Foster, the chairman of the CCRC, has said he is confident that miscarriages of justice have gone unremedied because the commission lacks that power. It is impossible to tell in retrospect whether the outcomes of any cases would have been different had additional information been available, but I hope I have made it clear how the problem is fixed by the Bill.

Additionally, the power has been wanted for a long time. The CCRC has long complained of this weakness, and after a thorough inquiry the Justice Committee has said that there has been a failure of successive Governments to right the situation. I tell the House that the time has now come. Crucially, we must also remember that the Scottish CCRC has enjoyed the powers for 18 years. Not only would the Bill fix a discrepancy between the two legal systems—as a staunch Unionist, I believe that is surely a good thing—but we already have a working example of how the powers work. There is no record of abuse or invasion of privacy; the Scottish system is largely voluntary and complied with. Given that the commission has the legal recourse should it need it and that information is provided without great cost, only rarely would a court order be contested.

The House will be pleased to know that I have come to my final point. We must consider the human aspect of this debate. Although the British system of justice works well in the vast majority of cases, mistakes occasionally happen. Prisons are not nice places, and they are not supposed to be—that is why we use them as a deterrent. However, what about somebody who has been convicted of a crime and sent to prison when they know that they are innocent, that the system has made errors against them and that the key evidence that could prove their innocence has been withheld? Imagine how their experience is compounded. Those people are victims.

There are countless cases of people wrongly convicted who, owing to psychological pressures resulting from their experience, end up taking their own lives still protesting their innocence and still, sometimes, locked up in prison. We have a moral duty to help those people to ensure that such incidents are minimised and that mistakes are swiftly and thoroughly investigated without hindrance, so that justice can be served. That is the ideal that the Bill will bring us a little closer to realising. I hope that the House will give the Bill its full support.

12.34 pm

Christina Rees (Neath) (Lab): First, may I echo the sentiments that have been expressed about the sad passing of our colleague, my hon. Friend the Member for Sheffield, Brightside and Hillsborough? We came into the House together in the 2015 intake, and he was always so supportive and so positive. He was a man with great dignity. We will miss him dearly, and our thoughts are with his wife and family.

I will keep my comments on the Bill brief, as the hon. Member for Hazel Grove (William Wragg) set out the case for it clearly and in great detail. The Opposition will not oppose the Bill, for the following reasons.

The CCRC performs a vital function in our criminal justice system. That system is crucial to prosecuting criminals, but also to supporting victims efficiently and effectively. However, sometimes, those processes do not work when someone is in fact innocent. The CCRC's function is to ensure that those innocents can investigate their case and to consider whether there is a real possibility of their conviction not being upheld and of the case being referred to an appeal court.

The Bill will extend section 17 powers to require all persons, corporate and unincorporated, and all natural and legal companies, including partnerships, to provide the CCRC with documents or other material necessary to its investigations. That will put the CCRC in England, Wales and Northern Ireland in the same position as the Scottish CCRC, which has had those powers for 18 years —nearly two decades.

The absence of powers to obtain material from the private sector has often disadvantaged applicants to the CCRC. The powers cover expert witnesses at trials and their personal notes; original contemporaneous notes

of interviews recorded by clinicians in NHS files; information received by forensic medical examiners from victims of crime during their examinations; journalists and legal departments of newspapers; banking organisations; companies that have no direct involvement or interest in a case; companies that provide details of employees; private counselling records; third sector organisations such as the Samaritans, the National Society for the Prevention of Cruelty to Children and ChildLine; and campaign groups. They will now all be caught by the section 18A powers.

The overwhelming number of private individuals approached by the CCRC agree to disclose material, but the Bill is for those who do not. They will not be able to hide behind data security legislation or the fact that information has a security classification. The CCRC re-examines and re-tests material from crime scenes, but the Forensic Science Service was abolished by the coalition Government and replaced with a private organisation from 2012. Material was not, therefore, available under section 17, but it will now be available under section 18A powers.

In the past, the CCRC has had good co-operation with its requests for case files from solicitors representing applicants at trial and/or on appeal. In part, that co-operation has been due to the relevant professional codes of conduct. In recent times, as has been said, pressure on legally aided firms has led to the CCRC having difficulties obtaining legal material. Often, such requests are the last priority on solicitors' work lists, and that has led to protracted negotiations, leading to delays and discussions about who bears the cost of transferring the materials in question. Section 18A will cut those lengthy delays and expedite justice.

The Opposition welcome the safeguards that the Bill will put in place. The CCRC should always attempt to obtain information voluntarily, but if such information were not forthcoming, there would be a court order accompanied by judicial oversight, as specified in clause 1(1). A person will be obliged to provide the CCRC with the relevant information, subject to the order of a Crown court judge.

The Bill will impose no financial costs or charges directly on the CCRC or private bodies. The Scottish CCRC has had only one contested proceedings case in nearly two decades. Will the Minister clarify, however, whether the non-disclosure penalties on private bodies will be the same as they are now for criminal and civil proceedings? In addition, with the CCRC's funding by grant in aid from the Ministry of Justice in 2014-15 amounting to £5.67 million—a reduction of 30% over the past decade—does he anticipate that the creation of the new powers under proposed section 18A will lead to an increased number of cases, increased workload and therefore the need for increased funding?

As I said, the new power is necessary because not being able to request private information has hindered the CCRC's working practices. Labour Members will support the Bill, because a person convicted of a crime that they did not commit becomes a victim. In prison, with all the pressure that brings, some victims of miscarriages of justice have taken their own lives. That cannot be allowed to happen again.

12.40 pm

The Parliamentary Under-Secretary of State for Justice (Mr Dominic Raab): At the outset, may I add my condolences to the family of the hon. Member for Sheffield, Brightside and Hillsborough, and say that we feel his loss in all parts of this Chamber?

I add my congratulations to those of others to my hon. Friend the Member for Hazel Grove (William Wragg), who, in getting the Bill to this stage, has achieved no mean feat. Many private Members' Bills fall long before they reach this point, and he has shown considerable tenacity, sagacity and modesty in securing its passage to this stage—*[Interruption.]* But not brevity, he tells me—you can't have it all. He has done so within nine months of being elected to this House, which is also no mean feat.

I thank the other hon. Members who have demonstrated their support for and interest in this Bill. I note that my hon. Friend has managed to amass an interesting range of sponsors, from the Leader of Her Majesty's Opposition to the Conservative chair of the 1922 committee. I am not sure whether that is entirely unprecedented, but it is certainly a rare and potent cocktail of parliamentary support, and I congratulate him on that.

In short, the Government support the Bill. It may be modest in size, but we believe it will make a significant contribution to the effective workings of our criminal justice system. When we think about justice, we usually think about the police, the courts, or perhaps the judges. We rightly focus on the victims and the witnesses, and on ensuring that justice is meted out swiftly and surely. Perhaps we do not spend enough time thinking about what happens when things go wrong. That is mercifully rare, but it does happen on occasions that someone is convicted who, it transpires, was innocent all along. My hon. Friend was absolutely right to talk about the impact of miscarriages of justice on individuals—the human toll. He put it incredibly well. British justice should be firm, but it should be fair, and that is what this Bill is all about.

In the 1970s, as my hon. Friend pointed out, there were some very high-profile miscarriages of justice. He spoke about them, and I do not need to repeat what he said. Those cases exposed the weaknesses in the criminal justice system at the time, and that led to the establishment of a royal commission on criminal justice in 1991. As hon. Members will recall, the commission's remit included considering whether changes were needed in the arrangements for considering and investigating allegations of miscarriages of justice when all the appeal processes have been exhausted. The commission's recommendations led to the Criminal Appeal Act 1995, which established the Criminal Cases Review Commission.

The existence of the CCRC ensures that those who have been wrongfully convicted have someone to turn to who will thoroughly investigate and reconsider their case. If there is a real possibility that their conviction would not be upheld, the commission will refer their case to an appeal court. The commission consists of 11 commissioners, one of whom serves as chair. They are dedicated and experienced people who deserve our support and encouragement. As I say, its purpose is to investigate cases in which it is alleged that the system has gone wrong and a mistake has been made. That is no easy task for the commissioners. It can involve trawling through reams of paperwork and great swathes

[Mr Dominic Raab]

of historical evidence. The ability to obtain that evidential material is clearly an essential tool in the commission's work; I think it is the key to its success.

Currently, the commission uses the powers set out in section 17 of the Criminal Appeal Act 1995 to require public bodies to give it documents or other material that may assist it in discharging its functions. Public bodies that the CCRC often deals with include the police, the NHS, councils, Whitehall Departments and the Crown Prosecution Service. Provided that the section 17 power is exercised reasonably, the CCRC's ability to obtain information from the public sector is not restricted by any obligation of secrecy or limitation on disclosure. For example, it extends to information that may be relevant to national security and to personal information held by public bodies.

The CCRC does not, however, have the right to obtain the same information from private organisations and individuals. As we have discussed throughout the passage of the Bill, and as my hon. Friend pointed out, that can cause real issues in some cases, albeit a small number. There is no doubt that that has limited the commission's actions and caused unnecessary delay in some of the reviews of cases it has undertaken. Obviously that is not just unfair but a waste of its resources.

When documents relevant to a particular investigation are held by the private sector, or indeed a private individual, the commission relies on voluntary disclosure. Although voluntary disclosure is not uncommon—most businesses want to try to do the right thing—organisations sometimes claim to be unable to provide the CCRC with the relevant material, perhaps because of a statutory restriction on the disclosure. Even when voluntary disclosure is made, it can often take protracted negotiation, which itself causes lengthy and expensive delays in the review process. As my hon. Friend has said, let us not forget the impact that that has on innocent people, particularly innocent people who are still in prison. The delay has a very real human cost.

The situation under the current legislation stands in contrast to the Scottish Criminal Cases Review Commission, which, when it was established, was granted far wider-reaching powers under the Criminal Procedure (Scotland) Act 1995. The Scottish body has a similar function to that of its counterpart in England and Wales, to investigate miscarriages of justice in Scotland. However, it was established from the outset with powers to obtain material from both public and private sector organisations. It is a shame that there are no Members who represent Scotland present to hear us pay full tribute to the Scottish legal and justice system.

The Bill's insertion of a new section into the Criminal Appeal Act 1995 is very welcome. It means that the CCRC will be able to obtain a court order requiring a private individual or private organisation to disclose a document in their possession or under their broader control. The court will be able to make such an order only if it thinks that the document or other material may assist the commission in the exercise of its functions. We are not talking about licensing or authorising fishing expeditions.

The involvement of the court is an important safeguard in the process. The individual or the company from which any material is requested will be able to put their case to the court if they think that the information either needs to be maintained for confidentiality or should not be disclosed. There are safeguards for documents that are, for example, commercially sensitive or subject to legal privilege. Clinics may want to safeguard personal medical records whose disclosure could be detrimental to the patient or patients concerned, and journalists want to protect their sources. All such things can be catered for in the process.

In short, there may be a whole range of circumstances where it is justifiable and appropriate that documents or other material remain confidential. The Bill provides a clear process for the courts to consider fully the circumstances of any particular case and to make an informed, sensible decision about how to proceed.

Once a court order has been made, failure to disclose the documents will be punishable by contempt of court. That is a significant sanction. The maximum penalty for that in the Crown court is two years, or a fine, or both. The penalty in any individual case will be a matter for the judges and the court, within the maximum limit. We think that is right and appropriate. Of course, it is not possible to imprison an organisation if it does not comply, but a fine has significant potential to damage a company's reputation as well as to hit it in the pocket, and we think that will be a considerable deterrent. We also think that the prospect of being taken to court will probably be enough to persuade most companies to provide any relevant documents and material, and to do so quickly. Where a miscarriage of justice is concerned, it is even more important that we brook no delay in putting it right.

One reason why the powers are needed now is that more and more services that used to be in the public sector are provided wholly, or partly, by private companies. It was good to hear that the Opposition have no dogmatic objection to that. A good example of where that works effectively is the work that used to be done by the Forensic Science Service. As hon. Members will imagine, a key part of the commission's work involves re-examining and re-testing material obtained from crime scenes. Much of that material is now initially tested and held by private companies.

When it comes to forensic evidence and samples, an important power of the commission under the 1995 Act is to request that samples are retained for later examination and testing. At present, such a request can be made to public bodies, but not to private individuals or companies. That is a good example of the situation that the Bill is designed to rectify. Documents that are in the possession of a private company might be destroyed, inadvertently or otherwise, and not be available for later examination by the CCRC. The Bill will ensure that the commission can request that the court orders a private organisation to retain documents or other material, which will reduce any risk that the company might discard or unintentionally destroy important material that the commission might need later.

Some private companies already have a policy covering what they retain, and they may be restrained by lack of space and facilities. The commission needs a mechanism to ensure that documents are retained in spite of any such policy. We think it will continue to be relatively rare for a company to intentionally destroy documents that later prove to be necessary in an investigation by

the commission, but it is important that the powers in this Bill exist for future such contingencies.

We should, of course, acknowledge that the great majority of private individuals approached by the commission comply voluntarily. Cases in which organisations or individuals refuse to release documents are, thankfully, rare, but some simply refuse to assist. As with witnesses who are reluctant to come forward, there may be many reasons for that refusal. Some just cannot be bothered, others may be scared of reprisals—for example, where a case involves gangs—and others may be hostile to the criminal justice system in general, or to the commission.

We believe that the powers that the Bill gives the CCRC will make cases of non-assistance much rarer. The backstop of a court order will make it more likely that individuals and organisations will comply fully and without delay when approached by the CCRC. That is certainly the case in Scotland.

As we have considered what the Bill is designed to achieve, we have been mindful of the recommendations made by the Select Committee on Justice following its investigation of the matter during the 2014-15 Session. I will not go through all the points that it made, but the Justice Committee clearly felt that there was a need to act in this area. It argued:

> "The extension of the CCRC's section 17 powers to cover private bodies is urgently necessary and commands universal support."

There appears to be cross-party agreement in the House to that effect. The Committee recommended that the commission should be able to apply to the court, and that important safeguard is in the Bill, so the Bill fulfils that recommendation exactly.

The Secretary of State for Justice wants a justice system that is firm but fair, and which delivers the best possible outcomes and commands the confidence of the public. It is clear from all the speeches, particularly that of my hon. Friend the Member for Hazel Grove, that the Criminal Cases Review Commission has a pivotal role to play in ensuring that the criminal justice system delivers firm but fair justice. I think the whole House agrees about the importance of the commission's role in performing independent investigations, and that, as it does so, it should have all the information-gathering powers it needs. The Bill is an important, though modest and incremental, addition to those powers.

For all those reasons, the Government are very supportive of the Bill. The powers are appropriate, and the Bill's terms will ensure that the powers are exercised proportionately and appropriately. The involvement of the courts will ensure that we get the right balance between confidentiality and the broader requirements of due process and justice. I think I will be joined by many colleagues—indeed, I hope by the whole House—in welcoming and supporting the Bill, commending my hon. Friend and wishing the Bill a safe, secure and swift passage in this House and through the other place.

Question put and agreed to.

Bill accordingly read the Third time and passed.

Bat Habitats Regulation (No. 2) Bill

Second Reading

12.56 pm

Mr Christopher Chope (Christchurch) (Con): I beg to move, That the Bill be now read a Second time.

Madam Deputy Speaker, it is a surprise and a privilege to be able to address the issue of bat habitats again in the House so soon, relatively speaking, since I last spoke about the matter back in January 2015. You may recall that, in the last Session of the last Parliament, my Bat Habitats Regulation Bill attracted a lot of interest. The Minister of State, Department for Environment, Food and Rural Affairs, my hon. Friend the Member for Camborne and Redruth (George Eustice)—I am delighted to see him on the Front Bench today—responded then by promising that various matters would be progressed. I see this debate as an opportunity to find out a bit more about what exactly has happened since he last addressed this issue in the House and about what he thinks should happen in the future.

Philip Davies (Shipley) (Con): On a point of order, Madam Deputy Speaker. I am sorry to cut off my hon. Friend in full flow. This is further to my point of order earlier this morning about the security risk this country faces from a European Court of Justice decision to stop the UK kicking out of this country a Moroccan national whom the Home Office believes to be a severe threat to national security. It now appears that the person concerned is Abu Hamza's daughter-in-law. Whoever it is, this is a very serious matter, and this country and this House should be aware of it. What can be done to get a Home Office Minister to come to the Chamber as a matter of urgency to tell the House about this matter and about what threat this country faces?

Madam Deputy Speaker (Mrs Eleanor Laing): I thank the hon. Gentleman for his point of order and for bringing this matter, which is indeed important, to the attention of the House again. As he knows, I have no power to require a Minister to come to the House, but I am quite certain, now that the hon. Gentleman has raised this matter on the Floor of the House, that those who ought to take note of what he has said will do so. I trust that the matter will be brought before the House in due course, and the hon. Gentleman is of course well aware of the many methods that he can use next week to ensure that it is brought before the House.

Mr Chope: I am grateful to you, Madam Deputy Speaker, for what you have said in response to my hon. Friend the Member for Shipley (Philip Davies). I share his concern that this is a very important issue, particularly in the light of what has been said about the need for us to be able, as a result of the current EU renegotiations, to improve our own national security.

The EU is of course a significant issue in relation to the regulation of bat habitats. The only way in which my Bill, as currently drafted, can be put on the statute book is either for the Government to agree to exclude it from the application of the European Communities Act 1972 or for us to leave the European Union. If the Bill does not reach the statute book, the need for such a Bill may be significantly reduced if we can leave the European

[Mr Chope]

Union. I do not know whether I will be able to draw out the Minister on that matter in this debate. Last year, I described him as one of the leading Eurosceptics. I hope that in the course of the next few weeks or days, he will re-establish his credentials in that respect.

This morning, I received a written answer to my question. I asked:

"what progress has been made…on developing a toolkit for effective and safe management of bats in churches as recommended in the University of Bristol report on Management of bats in churches, a pilot, published in January 2015."

The Minister referred to that report when he responded to the debate in January 2015.

The answer that I received from the Under-Secretary of State for Environment, Food and Rural Affairs, my hon. Friend the Member for Penrith and The Border (Rory Stewart), stated:

"The Government has invested significant resources into research and development to assess how we can reduce the impact caused by bats in churches. This has included a three year research project that concluded in 2013, as well as a pilot project led by Historic England that focused on churches with significant bat issues. Natural England is currently creating a licensing framework to provide the mechanism through which the impact of bats will be controlled in churches."

I will pause at that point. Natural England seems to be taking an inordinately long time to create the licensing framework. One can only assume that either the matter is incredibly complex or Natural England is not investing sufficient resources in that objective. I hope that the Minister will put more pressure on Natural England to come forward with the licensing framework sooner rather than later.

The second paragraph of the ministerial response to my written question causes me concern. It states:

"A partnership of five organisations, including the Church of England and Natural England, is seeking Heritage Lottery Funding for a five year project to support the creation of a national support network for churches that have bat related issues. The outcome of the bid for funding will be known in March."

That is an incredibly long timescale. Why can the funding not be provided directly by the Government now? Why do we need to go to the Heritage Lottery Fund to try to get it? Why will it take a similar length of time to the duration of the last world war to come up with a solution, if indeed that funding is available? Why, for all the talk, are we not able to do more, more quickly, to resolve what is for many churches and places of worship a really serious issue?

The seriousness of the issue is recognised in the material that has been produced by the Bat Conservation Trust and the University of Bristol. The Bat Conservation Trust has identified a number of case studies of churches where the problems with bats have been mitigated, rather than resolved. It also sets out in detail all the problems that bats can cause in churches, such as droppings and urine, health concerns, what happens when they fly inside churches and the problems that they can cause when building and conservation projects are under way in churches.

The Bat Conservation Trust has a helpful brief entitled "Solutions to bat issues in churches", and it answers certain questions such as "Why can't I get rid of bats in my church? What can I do about bat droppings in my church? Why do churches have to foot the bill for bat conservation? What help is available to churches with bats?", and so on. It is clear from the way that those questions are asked that we are a long way short of finding a solution to this intractable problem that is causing an enormous amount of concern to churches.

In the previous debate my hon. Friend the Member for Shipley referred to the fact that it is not just churches that are affected by this issue. The Bat Conservation Trust took up my response to that intervention, in which I said that we should perhaps start with just one small area, such as churches. The fact that I then contemplated the possibility that we might extend that provision to other buildings caused an enormous amount of angst among members of the Bat Conservation Trust, and it placed a riposte on its website. My point is that we have to start somewhere and try to get some urgency into the matter.

Philip Davies: I am grateful to my hon. Friend for taking up my point about other buildings as opposed to just churches, and in order for progress to be made, I am very happy to drop my wide ambition to see this measure extended further. If it means that my hon. Friend can make progress on churches alone, I am happy to limit my ambition to that.

Mr Chope: I am most grateful to my hon. Friend, and I hope that when he responds, the Minister will accept that dealing with churches would be a good place to start.

One criticism made of the Bill last year was that it contained no definition of a building used for public worship. To address that I have added clause 3, which defines a building used for public worship as

"a building used for the purposes of religious worship by a congregation or religious group whether or not the building is also used for counselling, social events, instruction or religious training."

I hope that that will overcome the objection raised about the lack of definition in the Bill.

When responding to our previous debate, the Minister said that there were issues that were going to be addressed, and that in light of their vulnerability, bats have been subject to protection under the Wildlife and Countryside Act 1981. At European level, that was augmented by protection under the European habitats directive in 1994, which was transposed into UK law with the Conservation of Habitats and Species Regulations 2010. He said that there would be a review of the relevant European directive, and that

"the European Commission has committed itself to reviewing certain elements of the directive to establish whether they are proportionate. So, in addition to all the work that we are doing nationally, a European-level review is under way."—[*Official Report*, 16 January 2015; Vol. 590, c. 1199.]

Will the Minister tell the House where we are with that European level review, and say when he thinks it will reach a conclusion? What sort of conclusion does he think it will reach, and what evidence has been submitted by the Government to that review?

It is a great concern to me, and to a lot of my hon. Friends, that we have European legislation to deal with bats who do not fly across Europe. These are bats who reside in the British Isles. What business is it of the other countries in the European Union to dictate to us how we should look after our own bat populations?

This could almost be a starting point for addressing the much-vaunted but totally ignored principle of subsidiarity. If we have a species in our country that does not move from one country to another, it should surely be a matter for domestic, rather than European, law. I would be very interested to know from my hon. Friend the Minister where he thinks we have got to on that.

There is some good news. Last year, I talked about the impact of wind turbines on bats. I put a provision in that Bill largely because of a proposed massive offshore wind turbine project in Dorset. The good news is that the project has now been rejected by the Planning Inspectorate. There will no longer be the adverse impact on bats on the mainland there would otherwise have been if connecting cables had been constructed through forest areas.

In responding last year to the aspect of that Bill concerning the impact of wind turbines on bat habitats, my hon. Friend said:

"That evidence is fairly mixed. Some studies in the United States and Canada suggested that there could be an impact, but, in order to clarify the position in the United Kingdom the Government are conducting their own research, which will be completed later this year."

The research must therefore have been completed by the end of 2015. I would be grateful if my hon. Friend could tell us the outcome of that research into the wind turbine impacts on our bat populations and habitats. He went on to say:

"If that research establishes that the current approach to planning in respect of wind turbines is insufficient to protect bats, we will review our approach at that point."

There is a useful purpose to be served by having an almost regular review of progress on issues such as this. The other thing my hon. Friend said last time was this:

"In a changing landscape, where hedgerows and other linear features that are so important to bats have been lost as roosting sites, churches can be important to, in particular, some of our rarer birds. However, the Government recognise, and are sympathetic to, the concern of parishioners who are suffering from the effects of bat droppings on pews, precious artefacts and equipment in the public and private areas of their churches. To address that concern, we have invested considerable resources in research and development to establish how we can reduce the impact of bats in churches."—[*Official Report*, 16 January 2015; Vol. 590, c. 1198.]

He then went on to refer to the three-year research project completed in March 2014.

At the beginning of my remarks, I referred to the answer to the question of where we are getting to in establishing a toolkit for effective and safe management of bats in churches. The answer seems to be that it is a long way off. In the meantime, what are we going to do? Something has to be done to make things better for churches and for the parishioners and others who use them. There must be a better solution than their having to put up umbrellas in church to avoid being defecated upon.

Why must our fantastic church monuments be covered with paper—not plastic, because it adds to the adverse impact on the artefacts—so that bats can carry on doing their thing inside our churches to the detriment of that important part of our heritage? It must be possible for bats to co-exist with historic churches. The challenge for the Government, which is reflected in the Bill, is to demonstrate a will to make it happen. For that reason, I ask that the House give my Bill a Second Reading.

1.15 pm

Nick Smith (Blaenau Gwent) (Lab): I associate myself with the Speaker's remarks earlier following the sad death of Harry Harpham, the MP for Sheffield, Brightside and Hillsborough. Like many colliers, Harry carried himself with strength and dignity, and we will miss him greatly.

I congratulate the hon. Member for Christchurch (Mr Chope) on the selection of his Bill today. Bat numbers have been in a downward spiral over the last century. The loss of roosting sites and insects from pesticide use sent the bat population into a sharp decline. The habitats directive was an important mechanism aimed at halting this decline, and I am pleased to say that as a result bat numbers have stabilised and even increased in recent years. That is down to the hard work of the public, private and voluntary organisations involved in bat conservation. Together, they have ensured the directive's success.

Dark, quiet buildings are a natural roosting spot for bats, and it is true that churches are a target. A nationwide survey concluded that one in six contained bats. It also concluded, however, that the number of bats was small and that congregations might not even be aware of their presence. Indeed, a separate survey by the Bat Conservation Trust showed that only 12% of churches expressed any concern about their presence. Having said that, urine and droppings can create problems, and in large quantities, they can make a church unpleasant to use and damage historic fabric.

The Bill, however, ignores the many measures being taken by organisations such as English Heritage and the National Churches Trust to help mitigate these issues. Plenty of advice is available on how to manage buildings, including churches, that contain bats. Most of this is offered free of charge and can even involve visits to affected areas. Indeed, if this requires a monetary contribution, public and non-governmental organisations can fund it for important sites. Furthermore, a Heritage Lottery Fund bid is currently being prepared by a partnership that includes the Church of England, Historic England and the BCT. The hon. Gentleman mentioned that earlier, and I hope, like him, that it is brought forward soon. Those actions are to be applauded and are an example of the system supporting itself without the need to remove vital protections.

In conclusion, there is no reason to water down the important legal protections for bats, and I urge the House to reject the Bill.

1.18 pm

The Minister of State, Department for Environment, Food and Rural Affairs (George Eustice): I too associate myself with the comments about the sad death of Harry Harpham.

I thank my hon. Friend the Member for Christchurch (Mr Chope) for giving me the opportunity to respond to his Bill. As he indicated, this is a Second Reading in more ways than one, because, a little over a year ago, I stood at the Dispatch Box debating precisely the same Bill. This is an opportunity, as he said, to update the House on what has happened since, although it is obviously a short time in which to make progress on

[George Eustice]

such a long-term problem. I am afraid, however, that the Government still do not support his Bill, for reasons I will explain.

All bats are subject to protection under the Wildlife and Countryside Act 1981, which makes it a criminal offence deliberately to kill, injure, take or disturb bats. There is also a strict liability offence of damaging or destroying their breeding sites or resting places. The Act's provisions protect bats from disturbance in their place of rest and the obstruction of such locations.

Most of the 18 species of bat found in the UK evolved to live, breed and forage in or around trees and caves, but many have now adapted to roost in buildings, including barns, houses, churches, tunnels and bridges, following the loss of their natural roosting sites through modern agriculture and forestry practices, and also through urban growth. Such artificial roosts are now essential to the survival of many bat species. However, the threat of demolition of old buildings, barn conversions, an increasing use of artificial lighting and the move towards air-tight buildings have highlighted the increasing importance of the remaining roosting sites. Decreasing the protection afforded to bats in these important sites is therefore likely to have a detrimental impact on the conservation status of bats in the UK and would be in contravention of our existing national legislation, which, as my hon. Friend pointed out, is also underpinned by our obligations under, for instance, the habitats directive.

My hon. Friend's Bill proposes that surveys must be undertaken before any new buildings are built, to assess the presence of bats in the area; and if there are any bats present, that building should proceed only if bat boxes or other artificial roosts are provided. The requirement to be aware of the existence of bats and to consider the impacts of any build on their numbers already exists. Local planning authorities have a duty to consider biodiversity and the requirements of the habitats directive when considering developments. Mitigation of damage to bat roosts and resting places may be required, but bat boxes and artificial roosts are only two of the possible measures that can be implemented. Each case should be considered on its merits. Furthermore, bats require not just roost sites, but suitable habitats in which to feed. The Bill does not take account of this.

The Bill also proposes to prohibit the placing of wind turbines in the vicinity of any bat habitat. Again, bat surveys are already undertaken at potential wind turbine sites when bats are nearby. The Department for Environment, Food and Rural Affairs has commissioned research on the impact of wind turbines on bats, and I am told the report will be published shortly. My hon. Friend asked for an update on that report, and the fact that it is being published suggests that either it is nearing completion or the finishing touches are being put on it. We expect the report to be published in the spring. Should that research show an impact, we will consider what changes may be needed in the placing of wind turbines. I would make the point, though, that this is not believed to need new legislation; rather, there would simply be a change in planning policy guidance.

Finally, the Bill proposes that bats should be excluded from a building used for public worship unless it has been demonstrated that their presence would not have a significant adverse impact on the users of such a place. Unfortunately, the Bill does not define what a "significant adverse impact" would be. Such a blanket prohibition does not take account of either the potential importance of some churches to vulnerable bat populations or the work the Government are doing to alleviate the impact of bats in such places where they are causing a nuisance or distress. In a changing landscape, where hedgerows and other linear features so important to bats have been lost and other buildings used as roost sites, such as farm outbuildings or other traditional buildings, have been lost or demolished, churches can represent one of the few remaining constant resources for bats, thus giving them a disproportionate significance for the maintenance of bat populations at a favourable conservation status.

However, as I have said previously, the Government recognise and are very sympathetic to the concerns of the many parishioners who are suffering from the negative effects of bats in churches, such as bat droppings. To address this, the Government have invested significant resources in research and development to assess how we can reduce the impact of bats in churches. A recent three-year research project led by DEFRA, along with a pilot project led by Historic England, developed techniques to assist churches with significant bat-related issues. Solutions are ready to be implemented in some churches that were involved in this work. Natural England is currently creating a licensing framework, which will be the mechanism through which these techniques will be delivered.

Mr Chope: When does my hon. Friend expect Natural England to complete the licensing framework?

George Eustice: I do not have a particular timetable, but the framework is being developed based on the evidence from the research project. I imagine that it could be done relatively quickly.

I thought my hon. Friend took a rather "glass half empty" view of the parliamentary question and the response to it that he received today. The reality is that Heritage Lottery Fund money is being sought to support the roll-out of this work across England and to create an effective national support network for churches that have bat-related issues. He might have misinterpreted one element of the response, because it made it clear that this is a funding application, a decision on which is expected in March this year, and that that funding will support a five-year project. It is not the case that nothing will be done for five years or that further evidence gathering will go on for five years. If the project is supported, it will be largely complete after five years. There is more reason for optimism than my hon. Friend showed.

Mr Chope: Obviously, I would not expect the Minister to anticipate not getting the funding from the Heritage Lottery Fund, but can he guarantee that, whether or not that application is successful, this work will be carried out, because it would be perverse if it were dependent solely on the success of that bid?

George Eustice: When it comes to heritage assets, our churches are almost second to none. We have thousands of churches and they provide incredibly important heritage assets, so I think this bid will be a very strong one. If, however, for some reason the bid were unsuccessful, it goes without saying that we would seek alternative means to fund this important work.

Major positive strides forward are already being made at one church. Work carried out at St Hilda's in Yorkshire led to the impact of bats being removed altogether, while ensuring that the bats were still able to roost in the roof of the building. This is an excellent example of peaceful co-existence between bats and parishioners in churches.

Let me deal with the habitats directive, another point that my hon. Friend raised. The Commission is working on its REFIT—regulatory fitness and performance programme—proposals, looking at the implementation of the habitats directive. We think it unlikely that any major revisions to the list of species protected by the directive will be made, but the Commission is keen to ensure that implementation is proportionate. That work is carrying on. My hon. Friend will know that things do not always move at a pace in the European Union, but I can assure him that we are in regular dialogue with the Commission on this matter, and we are keen to see the REFIT approach to the directive taking place.

My hon. Friend's Bill deals with the habitats directive by inserting a notwithstanding clause. The constitutional position is clear: Parliament has the right to set aside directives in the way he describes if it wishes to do so. It would, of course, cause difficulties for our laws internationally, which is why we have tended not to do this. He should understand that we sign up to other international conventions. He sought to make a distinction between the protection of migrating species and species that are here purely domestically. We have signed up to the Bern convention, which encourages wildlife protection in all the countries that are signatories to it—whether or not they are in the European Union and irrespective of whether the species are migrating. The Bern convention makes some reference to bats in this respect.

Mr Chope: May I give an example by referring to what happens with migrating birds in Malta? Although Malta is a member of the European Union, it does not seem that any of these rules apply to that country.

George Eustice: The rules do apply to Malta. We have debated in the House some of the challenges posed by dove shooting in Malta, for example. Legal cases have been brought against the Maltese Government on precisely these issues. They have been required, under these regulations, to put in place protection for migrating doves, too.

In conclusion, the current licensing regime administered by Natural England already allows us to address problems caused by protected species such as bats and properly balances the legitimate interest of people in a way that avoids harming wildlife, without the need to change the law. For the reasons I have outlined, the Government oppose this Bill as being both unnecessary and inappropriate. I can, however, assure my hon. Friend that I take the issues he has raised very seriously. I hope he will recognise that although it is just one year on, we have indeed made progress with this application to the lottery project and with the ongoing review of the habitats directive. I hope therefore that he will see fit not to push this to a Division.

1.30 pm

Mr Chope: I thank the Minister for his thoughtful response to the points that have been raised. I hope that his optimism about the Heritage Lottery Fund bid is well founded and that that project is able to continue. It is not often that I would describe a piece of legislation that I have put forward as being premature, but in the light of what he has said and of the fact that we are shortly to have an in/out referendum, and on the basis of the Bill's prematurity, I beg to ask leave to withdraw the motion.

Motion and Bill, by leave, withdrawn.

Benefit Entitlement (Restriction) Bill

Second Reading

1.31 pm

Mr Christopher Chope (Christchurch) (Con): I beg to move, That the Bill be now read a Second time.

Again, this Bill is a reiteration of one I introduced to the House previously, but that was first brought forward two years ago, rather than one. It sets out clearly what we need to do in relation to the benefit entitlements of those who are not UK citizens. It would:

"Make provision to restrict the entitlement of non-UK Citizens from the European Union and the European Economic Area to taxpayer-funded benefits."

Interestingly, the Bill is put in identical terms to the one introduced in the 2013-14 Session. When I introduced that Bill on 17 January 2014, it received a lot of sympathy from the Government at the time, and I shall briefly cite some of the things that were said.

I said that the Secretary of State for Work and Pensions, whom I am delighted to say is still in post, had the week prior to the introduction of my Bill been quoted in *The Sunday Times* with a big headline saying "Ban migrant welfare for two years". When that issue was examined, it turned out that it could not be done then and it was an "aspiration" rather than a "policy". I quoted the following:

"Sources close to Mr Duncan Smith stressed he was expressing an aspiration for the future, rather than spelling out a policy."—[*Official Report*, 17 January 2014; Vol. 573, c. 1138.]

The background is, therefore, that the Government at that stage were keen on limiting welfare for migrants from the European Union and the EEA.

One interesting aspect of that debate was that the problem had also been referred to by Dominic Lawson in *The Sunday Times*. He had pointed out that none other than Milton Friedman, that great free market economist who believed in open borders, had asserted that one

"can have a generous welfare state or open borders, but not both...There is no doubt that free and open immigration is the right policy in a libertarian state, but in a welfare state it is a different story: the supply of immigrants will become infinite."

That is the issue that my right hon. Friend the Prime Minister has been trying to address in his negotiations with other members of the European Union; we cannot have both open borders and unrestricted welfare. Of course, if we believed in a single superstate, as our European colleagues do, the issue would not arise, because we would all be living in one great state, with people moving freely from country to country with uniform benefits systems. That is not the policy of the present Government, and it is certainly not the wish of the British people.

Two years ago, we were hoping for a renegotiation, followed by a Conservative victory in the general election, with the promise of an EU referendum. The renegotiation is now taking place, but it is very sad to see the extent to which our aspirations have been watered down. Even the then Deputy Prime Minister said that it was wrong that people from countries elsewhere in the European economic area should be able to access child benefit for children living in another country. That issue was addressed specifically by the Conservative party at the recent general election, because our manifesto stated that we would ensure that nobody could access child benefit from the United Kingdom taxpayer for a child living elsewhere. Again, that seems to have been rejected in these renegotiations, which is very disappointing.

Scott Mann (North Cornwall) (Con): How does my hon. Friend think the general public feel about the current renegotiation and the watered-down benefit reforms?

Mr Chope: I think that the opinion polls tell the story—I am told that another one was published today. I think that the British public are enormously sceptical about the outcome of the renegotiation, and enormously concerned that those aspects that were spelled out precisely in our manifesto have so far not been realised.

Scott Mann: What does my hon. Friend think about the fact that the watered-down version we were presented with seems to have been watered down even further, with countries such as France and Germany suggesting that they might not support the legislation that the Prime Minister has already agreed?

Mr Chope: I am grateful to my hon. Friend for his intervention, but I am not going to go down that route, because my view is that, even if the high watermark of what the Prime Minister said in his recent statement, which is reflected in the documents produced by the European Commission, is maintained, it still falls significantly short of what we promised in our manifesto, and we will still be a million miles away from being able to remove access to benefits, which is what this Bill aspires to achieve and what the British people overwhelmingly support.

The Prime Minister answered questions after his statement to the House on renegotiation on Wednesday. He said:

"40% of EU migrants coming to Britain access the in-work benefits system, and the average payment per family is £6,000…I think that more than 10,000 people are getting over £10,000 a year, and because people get instant access to our benefits system, it is an unnatural pull and draw to our country."—[*Official Report*, 3 February 2016; Vol. 605, c. 939.]

There is a dispute about the extent to which such access brings large numbers of people in, but in any event the British people find it an affront that the money of those who have paid their taxes and into our insurance system for years is being used to fund people from another country who have not made such contributions.

There is a big issue here. Like my hon. Friend the Member for North Cornwall (Scott Mann), I am not convinced that the Government have achieved enough, even at the high watermark, to satisfy myself and others. The only solution is to leave. *[Interruption.]* The hon. Member for Oldham East and Saddleworth (Debbie Abrahams) is laughing, but she will see that clauses 2, 3 and 4 of the Bill have to include the words

"Notwithstanding the provisions of the European Communities Act 1972".

In other words, in each of those clauses I acknowledge that, under current European Union law, we cannot change our own law as we would wish.

In answering the debate that we had two years ago about this issue, the Minister then responsible, my right hon. Friend the Member for Hemel Hempstead (Mike Penning), said that, although he might be tempted, he could not support the Bill because he would be in breach of the ministerial code in supporting a policy that could give rise to infraction proceedings. I fear that the Under-Secretary of State for Disabled People, my hon. Friend the Member for North Swindon (Justin Tomlinson), whom I am delighted to see on the Front Bench today, is in exactly the same position: despite the temptation, he could not support the Bill because in so doing he would be in breach of the ministerial code for raising the prospect of infraction proceedings.

Philip Davies (Shipley) (Con): Is my hon. Friend suggesting that, in a couple of weeks, when it seems that the Prime Minister will allow a free-for-all for Government Ministers, this Minister will be able to say that he agrees with the Bill?

Mr Chope: That is an interesting point. Perhaps the ministerial code will have to be adjusted to take account of the fact that those who remain Ministers while supporting notwithstanding clauses, for example, should have an exemption. However, I am sure that there are more important issues at stake than the ministerial code.

Scott Mann: I hope my hon. Friend agrees that the decision will not be for this House, but for the country. I am grateful that the Conservatives went through the Lobby to put the referendum on the statute book and give people a say on whether we should be part of the European Union. Does my hon. Friend think that the decision will be made by this place or the great British general public?

Mr Chope: The people will decide. We trust the people: that is why we are Conservatives. We look forward to the referendum whenever it comes.

I know other hon. Members wish to participate, but before closing let me turn to the issue of declaration of nationality. All the responses from the Government suggest that the scale of the problem is as the Prime Minister described it on Wednesday. However, the Government do not know at the moment how many people from the European Union or the European economic area are claiming benefits because there is no information about nationality in benefit claims. When my right hon. Friend the Member for Hemel Hempstead responded to the Bill two years ago, he said this would all be put right under universal credit. Well, that is great, but universal credit is taking a very long time to roll out.

That is why I would be interested to hear what the Under-Secretary of State says about my suggestion in clause 1:

> "From the date of the coming into force of this Act no national insurance number shall be issued unless the applicant provides a declaration of nationality…no application shall be made for a taxpayer-funded benefit unless the applicant provides a declaration of nationality."

At the moment, we do not really have detailed information; all we have are some rough and ready calculations.

We know there are large numbers of people in our country claiming from the benefits system who are not UK nationals. The Bill would address that problem full on and ensure that non-UK citizens from the European Union and the European economic area were not able to access our taxpayer-funded benefits. That is why I have the pleasure of begging to move that the Bill be read a Second time.

1.46 pm

Debbie Abrahams (Oldham East and Saddleworth) (Lab): May I associate myself with the remarks that have been made about my former colleague, the hon. Member for Sheffield, Brightside and Hillsborough, Harry Harpham? I did not know him well, but at the engagements we did have, he was an absolutely delightful man. I pass my condolences to his family. He will be missed.

I congratulate the hon. Member for Christchurch (Mr Chope). I believe this is the third time he and his supporters have managed to get the Bill, in its various forms, read on the Floor of the House. He will have to give me his secret, because I have had no success with private Members' Bills. I think we can say it is congratulations to the tenacious sextet—not Tenacious D, but Tenacious S.

On more serious matters, the hon. Gentleman alluded to the fact that his timing with the Bill was perhaps a little surprising, given the state of the EU negotiations and the draft settlement that has been produced. I appreciate that the negotiations are tentative and that there are varying interpretations of how successful the Government are being, but hon. Members surely want to wait until the final settlement is known. After all, Mr Tusk has hardly digested the apple crumble and custard he had courtesy of No. 10.

The hon. Gentleman has not yet produced an impact assessment of the Bill's potential effects, which he also failed to do on the previous occasions. I am deeply concerned about the apparent lack of an evidence base to support the measures in the Bill. We must all strive for better, evidence-based policy.

Mr Chope: I welcome the hon. Lady's desire to have evidence-based policy. Surely she will recognise that it must be the first duty of the Government to let us know how many non-UK nationals are currently accessing these benefits. I have put down parliamentary questions on the issue and received answers to the effect that the information is not available.

Debbie Abrahams: The hon. Gentleman makes a relevant point, but all of us, as Members of this House, must make sure that whatever speeches we make, and whatever proposals or Bills we bring forward, they are evidence based. I would encourage him to do that.

I am incredibly proud to be British, but I am also an internationalist and an unabashed Europhile. Part of that is due to my personal experience. My great-grandparents were migrants from Poland and Germany. My grandmothers were French and Irish. My dad's wife is Dutch, and she and my dad have retired to Spain. My brother's wife is American, and she and my brother live in the US. My husband was born in South Africa. Before I became an MP, my work as a public health

[Debbie Abrahams]

consultant took me across the world, and predominantly across Europe. I have seen the immense benefits of that cultural diversity and those employment opportunities, not only in my own personal life but in the economic benefits to the country as a whole.

The EU is our biggest trading partner, alone contributing £227 billion to the economy last year, with £26.5 billion in investment coming from Europe every year. There are 3.5 million associated jobs, of which 14,000 are in my area of Oldham. Britain's EU membership makes us a major player in world trade. As an EU member, we are part of a market of 500 million consumers that other countries want to do business with. The UK is stronger in negotiating deals with countries such as China and the US as part of the EU group of 28 nations than we would be on our own.

It is not just Britain's prosperity that depends on our EU membership. After the horrors of two world wars in the previous century, the EU fosters greater ties and supports struggling regions. I was working on Merseyside in the 1990s when European objective 1 funding was made available to that area. Our working together across Europe with our member state partners has ensured 70 years of peace between European states. Cross-border co-operation is essential for Britain's future safety and wellbeing. Viruses such as Zika and Ebola do not recognise borders, nor do organised crime gangs and tax evaders, or carbon particulates and nitrous dioxide emissions. All those issues require our working closely with EU and other international countries, and the best way to achieve that is by being part of Europe, not on the fringes. That does not mean that we should not be striving for reform within all the EU institutions in strengthening governance, democratic accountability and sovereignty, but if you are going to change the rules, you need to be part of the club.

Mr Chope: But surely we, in our country, should be able to decide for ourselves how our taxpayers' money is spent on benefits. If we choose not to allow that money to be given to people from outside the United Kingdom, we should be able to decide that for ourselves.

Debbie Abrahams: I think the hon. Gentleman is waving a red herring.

Let me move on to the specifics of the Bill. I regret that the same effort that is rightly being put into ensuring that our social security system remains contribution-based is not being put into preventing the exploitation of workers and stopping UK-based employment agencies recruiting solely from abroad, undercutting wages for British workers. Why is that not a focus of the Government and of the hon. Gentleman's Bill? Although there are many benefits associated with migration and migrants, not least the net positive contribution to the Exchequer—as shown in recognised evidence—we must also recognise that there are associated costs for areas with higher levels of migration, which puts pressure on local services and local communities. That has to be recognised and addressed, and local authorities must be provided with financial support to enable effective migration management and to maintain social cohesion. That was a focus of our manifesto offer at the last election. Again, could it not have been a focus of the hon. Gentleman's Bill?

I object to the tenet underpinning this Bill, which is a failure to consider the evidence that the number of migrants who have been claiming tax credits while working is small. The hon. Gentleman mentioned the data. He will be aware that because of a freedom of information request, HMRC has had to publish the number of migrants who are in receipt of tax credits. It has been shown that in the past year only 84,000 have been involved—just over 16%, not the 40% claimed by the Prime Minister on Wednesday. I look forward to his correcting the record, although I think I could be waiting some time. That does not even take into account the fact that one in 10 couples defined as "migrant couples" include a UK national. The UK Statistics Authority has said that the DWP data the Prime Minister used were "unsatisfactory", and the National Institute of Economic and Social Research has called the figures "selective and misleading".

The evidence is that social security is not a pull factor—jobs are. We need to protect and secure our contribution-based social security system. I agree with the hon. Gentleman about that. It is there to provide basic support if someone is living in and contributing to this country's endeavours.

The Bill has little evidence base—that is being kind—and represents a bad case of scaremongering. The Conservative party must be more responsible in its approach to maximising our association with Europe and the economic benefits it brings. It should not deploy the negative divide and rule narrative that is unfortunately prevalent at present. That should not be the language of or the tenet underpinning the Bill. We must respect migrants and social security claimants, so I urge the hon. Gentleman to withdraw the Bill.

1.55 pm

Philip Davies (Shipley) (Con): I congratulate my hon. Friend the Member for Christchurch (Mr Chope) on his persistence, as the hon. Member for Oldham East and Saddleworth (Debbie Abrahams) put it. I am very proud to be one of the Bill's supporters. Although this is, regrettably, going to be a very short debate, it has been a useful one. My hon. Friend has set out a case that will strike a chord with many people around the country, and certainly with many people in the Shipley constituency. It has also been helpful to hear the hon. Lady entrench the Labour party as the party of welfare and keep up its 100% record of opposing any attempt to restrict this country's welfare system. At least the Labour party has always been consistent on that matter.

Debbie Abrahams: Could the hon. Gentleman give a specific example of where I did that in my speech?

Philip Davies: The hon. Lady said she was against the Bill, which is about restricting benefits for foreign nationals. I presume that means that she wants to continue to give benefits to foreign nationals, which means that she is against welfare reform. If I have misunderstood her, I apologise, but I do not think that is a controversial interpretation of her remarks, which were of no great surprise to any of us who have known her for a number of years.

I want to make a few points. The hon. Lady said that she opposed the Bill because it is not evidence-based. The whole point about the Bill is that it is about

principle. It is about the principle of who should be entitled to claim benefits in the UK. Should foreign nationals who come here without having made any contribution to the UK economy be able to claim benefits straight away?

Debbie Abrahams *rose—*

Philip Davies: I will press on, if the hon. Lady does not mind; time is short, and she made her case earlier.

We do not need evidence to discuss matters of principle. In principle, surely it cannot be right that foreign nationals come to the UK and start claiming benefits straight away. We do not need any evidence about that. I am not even interested in how many people do that. I am arguing that, as a matter of principle, that should not be allowed to happen.

Debbie Abrahams: I specifically said that we should protect and secure our contribution-based system and that those people who contribute should be supported.

Philip Davies: But this country does not really have a contributory system in the same way as other EU countries. That is part of the problem. It is no good the hon. Lady wanting to protect something that does not exist and opposing something that would actually do what she claims she wants to achieve. Her actions on this issue are more important than her words, and if she opposes the Bill, her actions clearly do not follow on from her words. I do not see the need for evidence. This is a Bill about a principle that is important to many people. It is about fairness, not evidence.

I would have some sympathy with the hon. Lady's opinion if we had to give all these benefits away to secure a free trade agreement with the European Union, and that had a net benefit for our economy. If we had to give away something in order to achieve that, it might be worth doing. Given that we had a £62 billion trade deficit with the European Union last year, and that if we were to leave the EU we would be its single biggest export market, it is perfectly clear that we could have a free trade agreement with the EU for nothing. We do not have to give it access to our benefit system, and we do not need to give it a £19 billion a year membership fee. We can have what we want from the EU—free trade—for nothing. That is the deal that we should be seeking to secure. I do not think anybody can sustain the argument that if we were to leave the EU and stop giving benefits to EU citizens when they came to the UK, Germany would want to stop selling Mercedes, BMV and Volkswagen cars to people in this country. Of course they would not; it is complete nonsense for anybody to suggest that.

Mr Chope: Does my hon. Friend accept that people's aspirations for retaining control over our own benefit system are gradually being eroded? It is extraordinary that back in 2014, the then Deputy Prime Minister said that he could not understand

"why it is possible under the current rules for someone to claim child benefit for children who aren't even in this country."

That was his view then, but he seems to have resiled from even that.

Philip Davies: I am grateful to my hon. Friend for raising that, because the situation regarding child benefit is probably one of the most indefensible in the benefit system. It does not matter how much evidence there is of how many people it applies to; it cannot be right, as a point of principle, that somebody can come into this country from Poland to work and claim child benefit for their children, who still reside in Poland and have never set foot outside Poland. It cannot possibly be right, on principle. We do not need any evidence to know that that is wrong; it is clearly and palpably wrong. It is strange that the Labour party is so wedded to its European credentials that it will inevitably have to see restrictions in benefits for all UK citizens to pay the bill for benefits to European citizens. I am sure that that does not go down very well in many of the estates in the hon. Lady's constituency.

I do not intend to speak for long, because I appreciate that we need to press on, but I want to make a point about clause 3, which will ensure that nobody is paid a level of benefit above that of the equivalent benefit in their own country. I think I am right in saying that the Prime Minister is trumpeting something similar in his deal regarding child benefit. As I understand it—my hon. Friend the Member for Christchurch, who is far more knowledgeable on the matter than I am, will correct me if I am wrong—the Prime Minister is saying that under the great deal that he has secured for the nation, Polish people, for example, who claim child benefit will be able to claim only the child benefit rate in Poland, or whichever country the children reside in. That seems very similar to clause 3.

Mr Chope: My understanding of the documents that were published this week is that it would not be as simple as that. The amount of child benefit that could be claimed would be related to the difference in the standard and cost of living between this country and the other EU country. That, of course, would be incredibly bureaucratic.

Philip Davies: My hon. Friend is absolutely right, but the Prime Minister is trying to secure the same kind of principle that my hon. Friend seeks in clause 3. For the benefit of not only our deliberations on the Bill but those who are trying to weigh up the Prime Minister's renegotiation, I want to say that there is a huge danger in this aspect of the Bill. We have said that if somebody comes from Poland, they can claim child benefit at the UK rate for their children in Poland. If that is changed and the amount of child benefit that they can claim becomes only £2 or £3 a week, or whatever the equivalent might be in Poland, there is a danger that rather than saving the taxpayer money, as we all intend—including the Prime Minister, I might add—we may inadvertently increase the bill to the taxpayer. We are working on the basis that people will just carry on doing as they do at the moment. Who is to say, if we limit the child benefit to the rate in the home country, that they will not take the opportunity to bring their children to the UK in order to claim the higher UK rate? On top of that, there is the cost of schooling, any medical care and all the rest of it. We must be very careful about what we wish for.

A much more sensible approach to matters such as child benefit would be that if a foreign national comes to this country but their children still reside in the home

[Philip Davies]

country, they should not get anything. Whether it is the UK rate, the Polish rate or any rate whatever, the UK Government should not give them anything. That would avoid the unintended consequence of more and more people bringing more and more of their children to this country at a higher cost to the taxpayer.

Having made those points, I will sit down, because we all want to hear from the Minister. We all know that he is a very good man. The Bill did not find any favour with the shadow Minister, but as he is far more sensible, we hope he will have warmer words to say about it.

2.5 pm

The Parliamentary Under-Secretary of State for Disabled People (Justin Tomlinson): May I, too, echo the tributes to Harry Harpham, the hon. Member for Sheffield, Brightside and Hillsborough? He was a long-standing servant of his community, including as a councillor for 15 years. I know that he will be greatly missed by all.

It is a privilege to serve in the House today as the duty Work and Pensions Minister, and to respond to my hon. Friends the Members for Christchurch (Mr Chope) and for Shipley (Philip Davies). Their forensic, constructive and diligent work has certainly kept the focus of attention on this area. The British public have sent a clear message that they are concerned that migrants are incentivised to come to the UK because of the attractiveness of our welfare system. That was clearly set out in the speeches of both my hon. Friends.

The Government share those concerns. That is why, during the past two years, we have introduced several far-reaching measures to restrict or remove access to a range of benefits for migrants who come to the UK without a job and who have not contributed to our economy. For example, EEA jobseekers can no longer access housing benefit at all. Their access to income-based jobseeker's allowance is limited to the minimum we argue is allowable under EU law—just 91 days, in most circumstances—and even then only after they have waited for three months. We have also made similar changes to child benefit and child tax credit. On the specific point about declaring a national insurance number, it is the case that the number must be declared when making a benefit claim. It cannot yet be collected through the payment system, but that will be corrected with the introduction of universal credit. As universal credit rolls out, we will remove even such elements, meaning that EEA jobseekers have no entitlement to means-tested benefits whatever.

The Bill goes even further by proposing restrictions that would apply to EEA migrants who are working and contributing in the UK. The current framework of EU law would not allow us to deliver that, since clear European rules compel us to treat EEA nationals working in the UK no less favourably than UK nationals. However, the Prime Minister is renegotiating in Europe so that we get a better deal for Britain. That includes cutting the benefits EU migrants get to prevent our welfare system from acting as a magnet and to create a fairer system for people who work here and play by the rules. That is just part of our ongoing work to make changes.

Debbie Abrahams: Will the Minister give way?

Justin Tomlinson: No, because I am short of time and we want to make progress.

Other key measures have already been taken by the Government, such as capping economic immigration from outside the EU; clamping down on non-compliant immigrant students while remaining open to the brightest and the best; restricting the right of non-EEA nationals to work in this country and bring in dependants; introducing a maximum fine of £20,000 per employee—more than four times the previous penalty—for employers who pay below the minimum wage ;and making sure that only those who secure graduate-level jobs stay on at the end of their studies. The Immigration Act 2014 will clamp down on those from overseas who abuse our public services, and make it easier to remove people with no right to be in this country.

Although the Government clearly share the sentiment behind the measures in the Bill, we are unable to support it because it goes beyond what the EU legal framework currently allows and cuts across the Prime Minister's renegotiation. As my hon. Friend the Member for North Cornwall (Scott Mann) said, this Government and this Government alone trust the British public and have offered an EU referendum. The parties now in opposition opposed such a referendum throughout the last Parliament, but we trust the British public. I have set out how we are making considerable progress in this area, and I hope that my hon. Friend the Member for Christchurch will not feel the need to press the Bill further.

2.9 pm

Mr Chope: In responding briefly to this debate, I thank everybody who has participated, particularly my hon. Friend the Member for Shipley (Philip Davies), who supported the Bill.

I join everybody in the House who has paid tribute to Harry Harpham, whose tenure in this place was far too short. He had a distinguished period of public service over many years and it is extraordinary to think that he was deprived of the opportunity to spend longer as the Member for Sheffield, Brightside and Hillsborough.

The Minister basically said that the Government are very sympathetic to what I am trying to achieve in the Bill, but at the moment their hands are tied by European Union law. That point was reinforced this morning in an interview on the "Today" programme, which you may have heard, Madam Deputy Speaker, in which a former advocate-general made it clear that the only way in which we can regain control over our own laws in this House of Commons is to leave the European Union, and that no side deal can be done that would remove the sovereignty of the European Court of Justice in deciding these issues for us.

In looking at the rights of people from the EU and the European economic area who are not UK citizens to access our benefits regime, we are completely stymied by the fact that the European Union regards everybody inside the boundaries of the European Union as effectively members of one country with a common citizenship. I believe that the citizens of this country have a distinct and, frankly, superior citizenship right to those from other European Union countries. Why should we not be able to decide, in our own sovereign Parliament and our own sovereign country, who should and who should not

have access to our benefits system? That is the principle at the heart of the Bill to which my hon. Friend the Member for Shipley referred.

A couple of years ago, the then Deputy Prime Minister, whom I have quoted, expressed amazement that people from outside the United Kingdom could obtain child benefit for their children who were not even living in the United Kingdom. We have not even resolved that matter in the draft agreements that the Prime Minister has brought back from his negotiations.

What is contained in the Bill needs to be introduced and implemented by this Parliament, but that cannot be done until we leave the European Union. Recognising that sad reality, but hoping for the best in the referendum, I beg to ask leave to withdraw the motion.

Motion and Bill, by leave, withdrawn.

Parks and Playing Fields in Public Ownership (Protection from Sale) Bill

Second Reading

2.13 pm

Mr Philip Hollobone (Kettering) (Con): I beg to move, That the Bill be now read a Second time.

Madam Deputy Speaker (Mrs Eleanor Laing): I am sorry, but there is some confusion. The hon. Gentleman has moved that the Bill be read a Second time. Does he wish to speak to the Bill?

Mr Hollobone: No.

Question put.

A Division was called; Mel Stride *and* Sarah Newton *were appointed Tellers for the Noes, but no Members being appointed Tellers for the Ayes, the Deputy Speaker declared that the Noes had it.*

Question accordingly negatived.

Speed Limits on Roads (Devolved Powers) Bill

Second Reading

2.16 pm

Scott Mann (North Cornwall) (Con): I beg to move, That the Bill be now read a Second time.

I am grateful for the opportunity to air my Bill today, and I, too, add my condolences to those expressed about the death of Harry Harpham, our honourable colleague and friend whom we have lost.

My Bill sets out to allow parish, town and city councils to set their own speed limits in their designated patches. This came about from recent visits to schools in St Teath, and notably in Werrington, where the young people wrote to me and asked me to come to their school and talk to them about traffic management and how we might adjust speed limits in that area. They wanted a 30-mile-an-hour limit, and I said that I would try to do something about it, which is why I am piloting this Bill. I went to Werrington and had an interesting discussion with the residents there. Indeed, we spoke about all sorts of things, but predominantly about the speed of the traffic.

If we hold a referendum on this issue—we are keen on referendums on the Conservative Benches—it would be done in line with local, national and European elections, and those for police and crime commissioners, and we would run a ballot alongside those elections on the proposals put forward by a local authority. If two parishes that are joined together wanted to change the speed limit in their area because the road crosses between the two, they could submit a joint proposal, and the referendum would be held in both parishes, rather than just one.

I am a firm believer in devolution, and the recent historic devolution deal proposed for Cornwall covers bus services and the European spending programme, among other things. For me, a lot of that devolution takes place in unitary and county councils, and there is not a huge amount of it in town and parish councils. I felt that it was important to get something on the record to state that town and parish councils would like a say. Speed limits are a good thing for them to discuss, because local people know the roads better than people who live hundreds of miles away. They drive on those roads every day. The people who use them should be able to set the speed limits for them.

I would just like to run through a few of the details in the Bill. Parish councils may change speed limits only on minor roads, B roads, and single carriageway A roads with a speed limit of no higher than 60 mph. The Bill does not propose just reducing the speed limit; it would allow speed limits to be increased through a referendum. I have had representations from the National Motorists Association, which was very concerned that we were proposing only to reduce speed limits. I tried to provide some reassurance that the Bill was not just about reducing speed limits, but about providing the possibility of increasing speed limits in some areas so that traffic flow is suitable for a designated area.

Leading up to a referendum, a parish council would carry out a detailed public consultation, including at least one public meeting to outline the proposals. The proposals would then be put to a vote of the parish council—or town or city council. If the vote is carried, the council would be obliged to put the proposals to a referendum, with ballot papers included in the ballot papers for other elections, such as local, general, police and crime commissioner or European elections. That would mean the cost to parish councils is marginal. They would foot the bill, which would be small, for the printing costs of the ballot. Other than that, there would be no financial implications.

I propose a cooling-off period of 30 days after the full council vote, so that if the unitary council or county council were so minded, it could implement the proposals without the need for a referendum. The referendum would still take place if it was not minded to do so. A referendum would be decided by a very simple majority-based voting system. The town or parish council would come up with a simple proposal, such as "Road A would be transferred from 40 mph to 30 mph," or "Road B would be transferred from 40 mph up to 50 mph." The proposal would be on the ballot paper and people could make their minds up on polling day whether they wanted to change the speed limit in their area. If the proposed speed limit is accepted, the emphasis would be on the local authority to implement the change within 12 months, so town and parish councils would pass a proposal for a referendum and the local authority would then be under an obligation to implement the result within a 12-month period.

The Bill sets out that a maximum of three roads can be taken into account at any one time. If we went beyond three, it could become very complicated. The printing costs of the ballot papers would be met by the town, parish or city council, but no additional funds for the cost of the referendum would be borne by those authorities. They could put counting processes in place to plan for referendums.

A county council or unitary authority would still reserve the right to implement speed limits without parish council consent on safety grounds alone. Once a speed limit had been put to a referendum, it could not be altered for five years unless the unitary authority or the police deemed that there were exceptional circumstances, or that safety concerns had changed and the road layout needed to be altered. There is a caveat to that, however. Those changes would have to come back to the town or parish council for them to change the order.

Speed limits could not be raised outside schools. In general, we believe that lowering speed limits outside schools should be encouraged. A county council, unitary authority or the police may block a proposal if it is deemed to be too dangerous—for example, raising a speed limit from 30 mph to 60 mph—and any safety concerns should be represented during the consultation process prior to a referendum. That should alleviate concerns about safety.

Finally, many parish and town councils are developing local plans. The Bill would take housing growth into account. I am very grateful for having the opportunity to air the Bill. I look forward to the Minister's response.

2.24 pm

Lilian Greenwood (Nottingham South) (Lab): I join others in paying tribute to our friend Harry Harpham. He was a great defender of working people and his city

of Sheffield, and his loss will be deeply felt. He will be missed very much, not least in Nottinghamshire, where he worked as a miner. I offer my sympathies to his family.

I am grateful to the hon. Member for North Cornwall (Scott Mann) for his brief introduction to the Bill, and I completely understand the desire of many communities to exert a greater say over traffic movements, especially as the condition of local roads continues to deteriorate. Labour's support for the devolution of powers, our encouragement of more 20 mph zones and our support for the reintroduction of national road safety targets are long-established.

I have concerns, however, that town and parish councils might not have either the resources or the expertise to administer the responsibilities that would be transferred to them in the Bill, and I have not been persuaded that a referendum should be held in these cases, rather than a local consultation. I am sympathetic to the hon. Gentleman's arguments, but I am not convinced that the Bill represents a suitable mechanism for introducing appropriate speed limits at a local level.

2.25 pm

The Minister of State, Department for Transport (Mr Robert Goodwill): My hon. Friend the Member for North Cornwall (Scott Mann) proposes giving parish and town councils powers to hold local referendums to determine whether applications for speed limit orders should be made. If the electorate voted in favour, the traffic authority would be required to start proceedings to make the speed limit order.

Moving goods and people around quicker is good for the economy, but speed poses dangers too. In 2013—the most recent year for which we have figures—exceeding the speed limit was a contributory factor in 15% of fatal accidents and travelling too fast for the conditions was a contributory factor in 13%. In addition, where the speed limit was exceeded, there were strong associations with other factors—for example, a stolen vehicle or a vehicle being driven in the course of a crime or where there is impairment by drugs or alcohol.

Setting speed limits at a level appropriate for the road and ensuring compliance with the limits play a key part in ensuring greater safety for all road users. Local authorities are responsible for setting speed limits on their roads, as they have the local knowledge, which makes them the best placed people to do so. While completely sympathising with my hon. Friend's intentions, therefore, the Government oppose his proposal, because speed limits should be evidence-led and based on road conditions. They should also be considered together with other measures, such as traffic calming, signing, publicity and information. This should lead to a mean traffic speed compliant with the signed limit. To achieve compliance with a new limit, there should be no expectation on the police to provide additional enforcement, unless explicitly agreed.

Local authorities are asked to have regard to the Department for Transport's speed limit guidance, issued in January 2013, which is designed to ensure that speed limits are appropriately and consistently set while allowing for the flexibility to deal with local needs and conditions. I suspect that many in a community could not take the decisions that a qualified highways engineer at the local highways authority could. I am concerned, therefore, that while local communities feel passionate about these matters, they would not be suitably qualified to make those decisions.

Consultation with those affected is of key importance in the process of making a speed limit order, so local people do have an opportunity to make their views known. In my constituency, in the village of Wykeham, local campaigners alerted local councillors to the need for a particular speed limit, and that speed limit was then put in place. Similarly, in the middle of Scarborough, where a rat run was developing, the same process took place. Local people do, therefore, have an opportunity to have their say. They can sign petitions and lobby their locally elected councillors, who make these decisions.

In some cases, increasing a speed limit can actually contribute to safe roads. I know it sounds counterintuitive, but the previous Government increased the speed limit for heavy goods vehicles on single carriageway roads from 40 mph to 50 mph, and thus lessened the differential between cars, which would travel at 60 mph, and lorries, and that reduced the number of overtaking accidents. That has been in place for some months now, and we have not had any reports of an increased number of accidents.

I completely sympathise with my hon. Friend's reasons for introducing the Bill, but we do not think it practical to give this power to parish councils, and I invite him to withdraw it.

2.29 pm

Scott Mann: In the light of the Minister's response, I will withdraw the Bill. However, I will lobby the Secretary of State to try to get some of these powers in the devolution package for Cornwall, and I hope we might make some progress in devolving the power to town and parish councils in other areas. I beg to ask leave to withdraw the motion.

Motion and Bill, by leave, withdrawn.

Business without Debate

ON-DEMAND AUDIOVISUAL SERVICES (ACCESSIBILITY FOR PEOPLE WITH DISABILITIES AFFECTING HEARING OR SIGHT OR BOTH) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 4 March.

MARRIAGE AND CIVIL PARTNERSHIP REGISTRATION (MOTHERS' NAMES) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 4 March.

DRIVING INSTRUCTORS (REGISTRATION) BILL

Bill read a Second time; to stand committed to a Public Bill Committee (Standing Order No. 63).

HOUSE OF COMMONS MEMBERS' FUND BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 26 February.

CROWN TENANCIES BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 26 February.

WORKING TIME DIRECTIVE (LIMITATION) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 26 February.

AUTOMATIC ELECTORAL REGISTRATION (NO. 2) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 26 February.

Local Services (Southend)

Motion made, and Question proposed, That this House do now adjourn.—*(Sarah Newton.)*

2.32 pm

Sir David Amess (Southend West) (Con): I am delighted to have the opportunity to raise in the House the important subject of the provision of services in the town that I and my hon. Friend the Member for Rochford and Southend East (James Duddridge) represent. I am delighted to see the Under-Secretary of State for Communities and Local Government, my hon. Friend the Member for Nuneaton (Mr Jones), in his place, because he and I were colleagues on the Backbench Business Committee and I know his expertise in this area only too well.

I say to my hon. Friend in a gentle way that, given the huge change in the provision of services by local authorities generally, I am somewhat confused these days about how the Department measures their performance. When I hear that Southend council is doing well, I want to be able to compare it with other councils, but that does not seem too easy at the moment. For instance, there does not seem to be anything in place to measure the health and wellbeing element of local authority provision, and the same goes for education. In my area, none of the secondary schools is under the domain of the local authorities anymore—some of the primary, junior and infant schools are—so I would like to hear something from my hon. Friend about how we would measure them, because it is important to have a yardstick to judge performance.

My hon. Friend knows only too well that I am very committed to Southend. I do not think we need to argue about it: Southend-on-Sea is the finest seaside resort not only in the country but in the world. I have argued that we have been far too modest about just what a great town it generally is. My role and that of my hon. Friend the Member for Rochford and Southend East is to come here to this Parliament—the mother of all Parliaments—and make the case for Southend to get the maximum provision possible in any moneys that are allocated. That is regardless of who the Government of the day might be.

Let me tell the Minister that I am in confusion about our local authority. I am in confusion about who actually runs it. Is it the large number of local councillors split into seven different groups? Are they running it, or is it the council officers who are running it? I get so frustrated when I find credit being taken for things that I personally think are not truly down to the local authority. There does not seem to be much praise for central Government initiatives. If the Minister has time to reflect on my points today, I would be glad to hear from him. If not, perhaps he will write to me in due course.

Southend had a Conservative council between 2000 and 2014—for 14 years. The council was responsible for many of the high-profile projects and improvements to the local environment and amenities, which the current administration are claiming credit for. It never says, "Yes, it was five years ago when the now Secretary of State came down to Southend to sign the city deal". All these years later—we know how long it takes for capital projects to be enjoyed by everyone—no praise is given to the once magnificent leadership of Nigel Holcroft and his deputy John Lamb. So good was that council

that in 2012, we were made the council of the year and Nigel Holcroft very nearly became the leader of the year.

The then Conservative administration invested millions of pounds in the pier. Let me tell the Minister that I, together with a few other Essex and Kent Members, met the Chancellor two weeks ago. We spoke about a whole range of issues. I asked him whether, if there were any money available in the forthcoming March Budget, we could have some of it to help the marina. This is the longest pier in the world. We owe the Victorians so much, but it needs a bit of help now. Given that the Chancellor is minded to reflect on the success of the northern powerhouse, which I know is the responsibility of another one of our Ministers, I wondered whether we might be able to do the same thing. Madam Deputy Speaker is an Essex Member. Although she is not quite as near to the coast as one would like her to be, she knows all too well the points I am making. I think the Chancellor wants to explore some mechanism whereby all organisations can be brought together to promote the Thames estuary. I asked for help in that respect.

The previous Conservative administration managed to bring about improvements on the pier by recycling the Royal Pavilion. A huge boat came down the river, bringing this large structure with it. It was bigger than 30 or 40 whales being washed along. It was absolutely magnificent. The Conservative council also invested in a new swimming and diving centre, which was used as a training centre for the Olympic games—and it is still being used now. Mr Daley apparently regularly dives there, as does my hon. Friend the Member for Portsmouth North (Penny Mordaunt), who took part in "Splash" . I know she practised in that wonderful diving centre at Garon park. We also obtained funding for the first phase of the city beach, another wonderful project.

All that investment was aimed at making Southend an all-year round destination for families and a top visitor attraction. The Minister will know of the problems that many seaside coastal resorts have had. Because it is now possible to get on easyJet for £20 or so to travel to Venice, it makes it very tough to attract British-based residents to spend more than a couple of days in our seaside resorts. We are trying to enhance the wonderful facilities we already have there.

The previous council was also responsible for The Forum project, in partnership with the University of Essex and Anglia Ruskin University. We have a magnificent new library, business support centres and the arts centre, which was opened officially by the Duke of Kent this week—I was there, and he unveiled a bust of his cousin Her Majesty the Queen. It is a wonderful facility. The Forum provides the incubator space for start-up companies and access to tailored business support programmes. There is space for up to 10 businesses at any one time, and these will support more than 110 jobs over a 10-year period. That may not seem like a huge number over that period, but to the families who will be investing in this it means a great deal. That project would never have got off the ground without the energy, commitment, vision and funding provided by the Conservative council.

The development of Priory park, the new Southend museum and the outstanding Beecroft gallery—I will be there tomorrow, as we are having the opening of a wonderful new jazz centre—were all visualised and carried through by the committed and enthusiastic Conservative councillors. One of the aims of that council was to encourage and nurture the wide range of artistic, creative and literary talent in Southend, and provide venues and support for the many groups of young musicians and artists who make Southend a vibrant community. The Minister will know that next year Southend is the alternative city of culture, and when we celebrate that it is going to be global. The Conservative council was also responsible for pushing through upgrades to the A127, with the new roundabout and junction improvements, providing access to both Canvey Island and Southend airport. They are now much easier and quicker to get to, assisting local businesses and transport companies to do business in a timely manner. Both the arterial routes through Southend, the A127 and the A13, have been improved under the Conservative council. None of the current administration were involved in the bidding process, yet they claim all the credit—I find it so frustrating.

Southend has had a couple of blows at the start of this year. First, we learned that Her Majesty's Revenue and Customs will be moving from Alexander House in Southend to Stratford in five years. My hon. Friend the Financial Secretary to the Treasury, a first-class Minister, is doing the best he can to get a good deal out of it all, but that is very challenging. The bigger blow is the disgrace at c2c. I was at the forefront of arguing for the franchise to be renewed for another 15 years, having been told that commuters would be more easily able to get seats and would have faster travelling times, but the complete reverse has happened. That has been a big blow for Southend commuters.

Conservatives also negotiated the Southend city deal, which was signed by the Secretary of State for Communities and Local Government. In the executive summary for the deal, Southend-on-Sea Borough Council was praised for demonstrating

"its ability to deliver effective regeneration programmes of a transformational nature… delivered on time and on budget".

The city deal obtained, among other things, direct business support for more than 1,300 businesses, creating or safeguarding more than 550 jobs in the area.

In 2014, the Conservatives lost overall control of the council and a "rainbow coalition"—those are not my words—of minor parties came together to keep the Conservatives from forming a minority administration. The Minister will realise that that is extraordinary, because the Conservatives were by far and away the largest group, being double the size of any other group, and had obtained by far and away the largest percentage of the vote. Yet all these others, Labour, Liberal, Independents—I do not understand the concept of an Independent, as these people must have a political philosophy so let us hear about that—and the UK Independence party joined together. Five UKIP councillors were elected but they have now split into two groups, and the independents have also split into groups.

If I had voted for these individuals in the local elections, I would be upset because it is wrong that they have somehow come together in this way. If we look at the political spectrum, we must ask how it happens that UKIP is working with Labour and the Liberals locally. It is extraordinary and it has been a disaster for the residents of Southend. We have nine Labour councillors;

[Sir David Amess]

four Liberals; 11 independents, in two groups; and five UKIP councillors, again in two separate groups. It is very difficult to see any cohesive policies at all. Rather than having a vision for the town, as the Conservatives did, they are constantly courting popularity and not taking the hard decisions needed from a responsible council. Their reliance on council officers means there is no overall plan for the future of Southend and no transparency in the decision-making process. They are happy to criticise the previous administration for wasting money, yet they publish "Outlook" magazine, using public money to publicise themselves. There is a constant flow of press releases from their obviously overworked press officer in an effort to convince local residents and, in particular, the local media that they are doing a fantastic job.

Since taking power, this rag-bag administration have raised council tax by 1.95%, despite being offered a Government council tax freeze grant. Parking charges have been raised by 20% in the town centre, hitting local businesses hard. That is despite the claims they made when in opposition that car parking charges were too high and that that was affecting local businesses. Fees and charges for all services and Southend's top attractions have been hit by an above-inflation rise of 20%. To add insult to injury, cremation charges have been raised by £100, hitting families with additional costs at a time when they are very vulnerable.

The current administration have reduced the waste budget by nearly £900,000. Their miserable record on the environment has seen 55 litter bins removed, and more are threatened with removal. Enviro-crime team officers have been axed, recycling schemes have been scrapped, including the white textile recycling sacks, and weekly rubbish collections are threatened. Four public toilets are threatened with closure; only prolonged pressure from the Conservative group has kept them open. The proposal to close them came from unelected officers, bringing into question whether Southend council is being run by elected councillors or not.

The current administration have left Shoeburyness residents—I referred earlier to my hon. Friend the Member for Rochford and Southend East—open to flooding because they are not prepared to make unpopular decisions regarding the improvement of sea defences. They promised a review of flood defences when they were in opposition, but two years later it is still under review while residents' homes and livelihoods are at risk. Their lack of leadership and experience has led to council officers having to take more and more responsibility for such decisions.

In April 2013 responsibility for public health functions was transferred to councils. Southend council's health and wellbeing board, which really should be overseeing what goes on at Southend council—the Care Quality Commission and Monitor are currently doing that—should be a robust body responsible for holding service managers to account, but it seems to be used as just another council committee. I am aware that it is chaired by a UKIP councillor, or perhaps he is part of the break-away movement—I do not understand all the internal machinations of these political groups. Funding is seen as an opportunity to promote council schemes, to the detriment of local health services. The health and wellbeing board should be holding local health service providers to account to ensure that local residents get the best possible care, yet only yesterday I received notice that the CQC has put a GP practice in my constituency into special measures following an inspection in September 2015.

In conclusion, this administration have tried to claim the credit for everything achieved by the previous Conservative council, including The Forum, despite having accused the previous council of borrowing and wasting too much money. Having claimed that the previous council's borrowing was out of control, they have increased borrowing by £9 million. They are currently looking to outsource development work on the pier, which will completely change its wonderful character, despite opposition from residents. Entry charges to the pier have been raised by 20%. Local businesses, which rely on the flow of holidaymakers and day-trippers, have been dismayed as that has a direct impact on them, including the famous Rossi's, which makes the best ice cream in the world. Extortionate parking charges in the town centre are also having an adverse effect on local shops and places of entertainment, including the Palace theatre and the wonderful Cliffs Pavilion.

The only policies that this council has come up with since being elected have been in search of media plaudits and good soundbites. It takes the credit for projects in which it had no input and blames national Government when the money runs out. It is wrecking all the good work done by the previous Conservative administration and letting local residents down. Therefore, what criteria does the Minister's Department use to judge the performance of local councils? With more powers being delegated to local authorities, what provision is being made to ensure that local services are properly run and that elected officials are held accountable for their actions on behalf of the residents who elected them? Who decides when enough is enough, and what redress do local residents have when their council lets them down so badly?

2.49 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr Marcus Jones): I congratulate my hon. Friend the Member for Southend West (Sir David Amess) on securing the debate. He has a great passion for his constituency and the interests of the people whom he represents. I represent a constituency that is probably about as far away from the sea as anywhere else in the country, so I will not challenge his assertion that Southend-on-Sea is the best seaside resort in the country.

I am grateful to my hon. Friend for giving me this opportunity to talk about something that I feel strongly about. Local services, whether in Southend, my constituency of Nuneaton or anywhere else in the country, are crucial to local people. He raised interesting points about finance; from what he says, it seems that a bit of a blame game is going on at times. We all know that there are challenges with the public finances. Local authorities account for a quarter of public spending, and it is only right that local government should find its share of savings. We need to reduce the largest deficit in our post-war history.

Sir David Amess: To date, neither my hon. Friend nor I have had one letter complaining about the allocation of funds. To whom are representations being made?

Surely my hon. Friend agrees that they should be made through local Members of Parliament if the situation is to be addressed. Will he let me know or write to me about that?

Mr Jones: My hon. Friend makes a good point. I may need to write to him about a number of things that he has raised in today's debate.

It is important that we recognise that one reason for where we are with the public finances is the profligacy of the last Labour Government, who put the public finances at risk. In the same context, at the last election the Labour party stood on a manifesto in which it said it would reduce funding to local government. That is an important point.

Overall, councils have done a good job of achieving savings while balancing budgets, in many cases keeping council tax low and maintaining satisfaction with services. However, more savings need to be made. We have listened carefully to councils while preparing both the spending review and the local government finance settlement. I thank everyone who took the time and effort to respond to the recent consultation with considered comments about our proposals. Even in the context of tougher public finances, we have given councils extra help to protect services such as those that support the most vulnerable in our society.

Through our £5.3 billion better care fund, we are spreading best practice to all areas of the country and have put national clinical experts into the most challenged areas to help them improve. Over the life of this Parliament, we will maintain the NHS contribution to the better care fund in real terms, including additional local government social care funding worth an extra £1.5 billion by 2020.

Back in November 2013, the Government selected 14 localities in the UK as integrated care pioneers. Southend—then under Conservative control—was one of them. Steps were taken to promote the prevention agenda, reduce unnecessary hospital admissions and keep patients independent in their own homes for longer. Our aim is for local government and the NHS to work together in a genuine partnership and to be held accountable for delivery. There must be a commitment to achieve that ambition on both sides.

That brings me to localism. We are committed to giving local authorities even greater control by the end of this Parliament. By 2020, local government will be entirely funded by its own resources—council tax, business rates, and fees and charges. Many people never thought that possible until very recently. Alongside all the new flexibility, we have to be clear that all public bodies should adopt maximum openness and transparency, which are the foundations of local accountability and democracy.

Since 2010, we have put in place a number of strong measures to improve town hall transparency. People should have access to their local authorities' meetings and information. We live in a modern, digital world, where filming and social media should be embraced in reporting on public council meetings. That is why we introduced the Openness of Local Government Bodies Regulations 2014, which give any member of the public the right to take photographs and film and audio recordings in public council meetings, and to report on them.

In addition, the local government transparency code now requires local authorities to publish information about their financial transactions and assets. That enables the public more effectively to engage with and challenge their local authority. The code places more power in the hands of the public by increasing democratic accountability through wider access to information. With greater availability of information, not only can members of the public better understand and challenge their local authority's performance, but greater transparency can lead to better and more efficient services.

The public rightly expect high standards of behaviour from their elected representatives, including local authority members. In 2012, the Conservative-led coalition Government did away with the discredited standards board regime, which had become a vehicle for malicious, vexatious and politically motivated complaints. New arrangements were put in place, giving local authorities control over how they promote and maintain high standards of conduct, and ending top-down, centralist control.

Every authority, including parish councils, was required to put in place a code of conduct that is compliant with the seven Nolan principles of standards in public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. When it is found that a local authority member has failed to comply with their authority's code, the council can censure that member. At the same time, we introduced tough new rules on pecuniary interests to ensure that local authority members cannot put their own interests ahead of those of the public.

Wilfully ignoring the national rules, giving false or misleading information, or taking part in the business of the authority when that is prohibited by the rules is a criminal offence punishable with a fine of up to £5,000 and with being disqualified for up to five years from standing for or holding office in England. With those new localist, proportionate and robust arrangements in place, we are confident that local people will be able to hold their elected representatives to account for their conduct. A criminal sanction will ensure that elected members always put the public's interest ahead of their own interests.

When people are let down by their local authority, it is important that there is swift and effective redress so that things are put right. A good complaints process can not only enable somebody who has been let down by their council to get swift and effective redress, but be a useful intelligence gathering mechanism for local authorities, alerting them to a problem with one of their services, actions or decisions. Where redress cannot be achieved, the local government ombudsman can consider complaints from members of the public who consider that they have suffered personal injustice as a result of maladministration in a local authority.

There are also routes of redress where services for vulnerable people are concerned. For example, if there is evidence of systematic failure in the provision of good-quality social care, the Secretary of State for Health has the power to require the Care Quality Commission to investigate. Should the CQC consider that the council is failing in its functions, a range of improvement options are available, from a notice requiring specific action, with a deadline for completion, through to the recommendation that the Secretary of State should impose special measures on the authority.

[Mr Marcus Jones]

If my hon. Friend would like to write to me with further details of the GP practice that is being put into special measures, I will ask my officials to look into the issue and involve their counterparts at the Department of Health. As he says, local residents must be able to rely on the NHS to provide the best possible care, and we cannot tolerate poor standards of care.

The measures I have outlined ensure that we have a strong, 21st-century local democracy, where local government bodies are clearly accountable to the people they serve and to the taxpayers who help fund them. On my hon. Friend's final point about redress for members of the public, I would say to him and to his constituents that if the public are so dissatisfied with the situation at Southend council, their final point of redress is, at the next set of elections, to vote in a Conservative administration that will provide high-quality administration for local people.

We recognise the challenges that lie ahead for local government. At a time of big opportunity, we want local government to take that forward, but we also expect it to be responsible, to be accountable, and to be open and transparent.

Question put and agreed to.

3 pm

House adjourned.

Written Statements

Friday 5 February 2016

TREASURY

Public Sector Exit Payments

The Chief Secretary to the Treasury (Greg Hands): On 25 November 2015 the Government announced in the spending review that it would consult on cross-public sector action on exit payment terms, to reduce the costs of redundancy pay-outs and ensure greater consistency between workforces.

Today I have launched this consultation. The consultation document invites views on the range of options the Government are looking at, including:

- Setting a maximum tariff to calculate exit payments at three weeks' pay per year of service
- Capping the maximum number of months' salary that can be used to calculate redundancy payments to 15 months
- Reducing the cost of employer-funded pension top-ups to early retirement as part of redundancy packages
- Introducing a tapering element the closer individuals get to their retirement age
- Introducing a salary cap on which exit calculations can be based

The consultation is available at: https://www.gov.uk/government/consultations/further-consultation-on-limiting-public-sector-exit-payments

[HCWS514]

HEALTH

Government Response to Lord Carter of Coles' Report

The Secretary of State for Health (Mr Jeremy Hunt): I should like to make a statement on the final report of operational productivity in English NHS acute hospitals carried out by Lord Carter of Coles. His detailed analysis of acute hospitals across the NHS has revealed unwarranted variations across a whole number of areas from workforce productivity, medicines choice, procurement, through to the costs of running the estate. His report identifies far-reaching opportunities for improving productivity and efficiency across the NHS. Lord Carter's report makes 15 recommendations for tackling unwarranted variation in the productivity and performance of trusts which could release around £5 billion in efficiency savings. They cover how to improve efficiencies in areas across:

- Clinical staff and clinical resources
- Non-clinical resources
- Leadership and people management
- IT
- Hospital collaboration
- Regulation and support management

The House will be fully aware that the Government have committed to a further £10 billion investment in the NHS over this Parliament, but as the NHS's plan for the future has made clear, significant savings must continue to be made. So I was keen to know what could be done to make existing budgets go further which is why I asked Lord Carter to undertake this review. His findings are revealing in that there is inexplicable and unwarranted variation across our hospitals in the way they manage their resources. This must be tackled and I welcome his proposals for addressing this.

Lord Carter proposes and has already developed the first iterations of a model hospital with metrics and benchmarks for measuring productivity and efficiency across a whole range of costs. He also proposes a single integrated performance framework for hospitals—one version of the truth—that will help trusts set baselines for improvement and provide them with the tools to manage their resources daily, weekly, monthly, yearly. He recommends NHS Improvement should become the organisation to host performance management and to provide the skills and expertise to help trusts improve. I welcome Lord Carter's non-executive director role at NHS Improvement and look forward to his ongoing input into the implementation of his review.

In the light of Lord Carter's report, I can now announce that we will act upon all his recommendations and have asked Lord Carter to report back on progress with implementation by spring 2017.

I attach a copy of the final report and it is available on gov.uk. I asked Lord Carter in June 2014 to undertake his review and I am extremely grateful to him and his team for all their time, expertise and professionalism.

Attachments can be viewed online at: http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2016-02-05/HCWS515/

[HCWS515]

Zika Virus

The Parliamentary Under-Secretary of State for Health (Jane Ellison): I would like to update the House following the declaration earlier this week of a public health emergency of international concern by the World Health Organisation (WHO) in relation to the Zika virus and its possible link with microcephaly.

The Government are determined to support the international community in responding to the Zika virus and to ensure that UK citizens travelling to Zika affected areas are properly protected.

On Monday 1 February, the Director General of the World Health Organisation, Dr Margaret Chan, declared that recent clusters of microcephaly cases and other neurological disorders in Brazil and in French Polynesia in 2014 are strongly suspected to be linked to the Zika virus. The Government fully supports Dr Chan's call for international action and will continue to work with the WHO to ensure it has the resources required to respond effectively.

The UK is the second largest donor to the WHO, contributing £29.5 million in 2015 and a further £6.2 million to the WHO's contingencies fund for emergencies. The UK is also among the first countries in the world to contribute significant funding to support research into the Zika virus and will play a crucial role in helping to develop vaccines, diagnostics and treatments. Already £1 million has been provided from the UK's medical research council to fund Zika related research. Finance has also been provided through the UK's Newton fund to a joint research project between the University of

Glasgow and Fiocruz, a leading biomedical centre in Brazil. The UK vaccine network will launch a funding call at the end of February 2016 to support the development of vaccines for some of the world's most prevalent diseases, including Zika. The network is a part of the wider £1 billion Ross fund, announced in December 2015, which includes over £188 million for development of vaccines and diagnostic tests for diseases with epidemic potential.

Domestically, Public Health England (PHE) has advised that the risk to the UK population from Zika remains extremely low. Aedes aegypti is the primary type of mosquito which transmits the virus, and is extremely unlikely to be able to establish itself in the UK as the temperature is not consistently high enough for these mosquitos to breed. PHE have issued updated travel advice with guidance on minimising the risk of catching Zika by taking scrupulous measures to avoid insect bites. Specific advice has also been published for women who are pregnant (or planning to be) to seek advice from a health professional before travel, to consider avoiding travel to areas where Zika outbreaks are ongoing, or if travel is unavoidable, to take stringent insect bite avoidance measures. PHE has further provided updated guidance for healthcare professionals on the management of any symptomatic patients returning from affected countries. The guidance is accessible online and has been cascaded directly from PHE to healthcare professionals as well as via professional bodies, including the Royal College of Obstetrics and Gynaecology and the Royal College of General Practitioners.

The Government are currently in discussion with airlines to ensure that they follow WHO Europe advice that disinfection should take place on all flights that travel to the UK from countries with confirmed active transmission of Zika virus by mosquitoes. This is a highly precautionary measure to protect passengers in transit, and will be reviewed as further evidence about the virus emerges. Disinfection involves spraying an aerosol insecticide inside aircraft either before or during the flight and already occurs on the great majority of flights from the region as a precaution against malaria. This will offer additional highly precautionary protection to those on the flight as well as helping to mitigate the extremely low risk of a mosquito surviving in the UK for a short period of time and transmitting the disease.

I can also confirm that NHS Blood and Transplant have introduced a precautionary deferral period for those returning from countries where the Zika virus is endemic. All returning travellers are being deferred from donating for 28 days.

The chief medical officer, Professor Dame Sally Davies, requested a scientific advisory group to consider the risk Zika poses to the UK and what action can be taken to ensure the UK is as protected as possible. This was co-chaired by the Government's chief scientific adviser, Sir Mark Walport, and the Department of Health's new chief scientific adviser, Professor Chris Whitty. Experts will continue to review new evidence as it emerges.

[HCWS512]

HOME DEPARTMENT

Police Funding (Redress Payments)

The Minister for Policing, Crime and Criminal Justice (Mike Penning): In May 2015, the pensions ombudsman issued his final determination in a case brought by a retired Scottish firefighter against the Government Actuary's Department (GAD). This found that GAD was guilty of maladministration in failing to update the factors used in the calculation of the firefighter's lump sum pension payment. The Government determined that the principles of this ruling should be applied to other affected individuals across the UK, including around 21,000 retired police officers in England and Wales.

Parliamentary approval for additional capital of £360 million will be sought in a supplementary estimate for the Home Office. Pending that approval, urgent expenditure estimated at £360 million will be met by repayable cash advances from the Contingencies Fund.

[HCWS513]

WRITTEN STATEMENTS

Friday 5 February 2016

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