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**HOUSE OF COMMONS  
OFFICIAL REPORT**

**PARLIAMENTARY  
DEBATES**

**(HANSARD)**

**Tuesday 14 June 2016**

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# House of Commons

*Tuesday 14 June 2016*

*The House met at half-past Eleven o'clock*

## PRAYERS

[MR SPEAKER *in the Chair*]

## Oral Answers to Questions

### JUSTICE

*The Secretary of State was asked—*

#### Prisons: Population

1. **Mr Alistair Carmichael** (Orkney and Shetland) (LD): What steps his Department is taking to reduce the prison population. [905383]

**The Lord Chancellor and Secretary of State for Justice (Michael Gove):** By making our prisons places of rehabilitation, we hope to reduce reoffending and thus, in due course, reduce the prison population.

**Mr Carmichael:** I am sure that that is an aspiration with which we can all agree.

The independent review established by the Prison Reform Trust and chaired by Lord Laming found that up to 50% of all young people in custody had been in care at some point in their lives. What plans has the Secretary of State to reduce the number of looked-after children who end up in custody?

**Michael Gove:** The right hon. Gentleman has made a characteristically acute point. A disproportionate number of those who find themselves in contact with the criminal justice system and subsequently in custody are children who have been in care. My right hon. Friend the Secretary of State for Education is introducing a series of reforms to enhance the quality of social work and ensure that looked-after children are better cared for, but we in the Ministry of Justice also have a responsibility. We will shortly be publishing our conclusions on the review of youth justice by Charlie Taylor, which will say more about how we can help some of our most troubled young people.

**Philip Davies** (Shipley) (Con): In 2002, there were only 46 Polish people in our prisons; today there are 983. Back then, there were only 50 prisoners from Romania; today there are 635. The same is true of many European Union countries, particularly those in eastern Europe.

If we want to reduce the prison population, would it not be a good idea to stop free movement of people—which has become rather more like free movement of criminals—into the United Kingdom, so that these criminals do not come into the UK in the first place before being sent to prison?

**Michael Gove:** My hon. Friend has made a characteristically robust point. I am speaking from the Government Front Bench, and I must represent Government policy accurately, but I can remind Members

that on 23 June people will have an opportunity to cast their votes, and pungent voices like that of my hon. Friend will, I am sure, weigh with them as they decide how to do so.

**Mr Speaker:** As opposed to shy shrinking violets like the right hon. Gentleman. I presume that that is what he had in mind; I was sort of reading between the lines.

**Keith Vaz** (Leicester East) (Lab): The hon. Member for Shipley (Philip Davies) has a point. The prisoner transfer arrangement with EU countries has been painfully slow—only 95 have been transferred—and at the end of the year Poland's derogation will cease. Has the Secretary of State begun the process of looking at what will happen after that?

**Michael Gove:** Absolutely. The Chairman of the Home Affairs Committee is right to remind us that prison transfer agreements have not always worked as they were originally envisaged, but my hon. Friend the prisons Minister has been working closely with the Home Office, and there are 50 Polish prisoners whom we hope to expedite when the derogation expires.

**Steve Brine** (Winchester) (Con): While putting a figure on it may not be wise, does the Lord Chancellor agree that if his prison reform policy is successful, its ultimate conclusion must be far fewer people in prison and far better life chances?

**Michael Gove:** My hon. Friend is absolutely right, in two respects. It would be wrong to set an arbitrary target, but we intend to ensure that all our policies work—not just our policies relating to rehabilitation and prisons, but some of the broader policies that were touched on by the right hon. Member for Orkney and Shetland (Mr Carmichael) in respect of young people. If all those policies work and the Government's broader life chances agenda is implemented in full, we should reduce offending, and also ensure that our society is fairer and more socially just.

**Chris Evans** (Islwyn) (Lab/Co-op): Does the Secretary of State agree that one way of reducing the prison population would be to conduct a serious review of short-term sentencing? It provides no drug rehabilitation or educational programmes for prisoners who are shortly to be released, but simply sends them back into the system over and over again.

**Michael Gove:** There is evidence that some short sentences do not have the rehabilitative effect that we all want to see. We want to ensure that all those who are sent into custody by the courts—and we respect their right to decide what sentence is appropriate for a crime—receive the support that they need in order not to offend again.

#### Prisons: Education

2. **Wendy Morton** (Aldridge-Brownhills) (Con): What steps his Department is taking to improve education in prisons. [905384]

8. **Lucy Frazer** (South East Cambridgeshire) (Con): What steps his Department is taking to improve education in prisons. [905392]

11. **Pauline Latham** (Mid Derbyshire) (Con): What steps his Department is taking to improve education in prisons. [905395]

17. **Seema Kennedy** (South Ribble) (Con): What steps his Department is taking to improve education in prisons. [905401]

**The Parliamentary Under-Secretary of State for Justice (Andrew Selous):** We want prisons to be places of rigorous education and high ambition. Dame Sally Coates's review "Unlocking potential" was published last month, and we have accepted all its recommendations in principle. We will be giving control of education budgets to prison governors, so that they can choose their education providers and hold them to account for the service that they give.

**Wendy Morton:** I am grateful to the Minister for his answer. Does he agree that since 99% of criminals will eventually be released from prison, we can only cut crime and improve public safety if we better rehabilitate offenders in prison?

**Andrew Selous:** My hon. Friend is absolutely right. We want an unremitting emphasis on rehabilitation. Reoffending has been too high for too long. That is why we are investing £1.3 billion over the next five years to transform the prison estate and give prisoners the help they need to turn their lives around.

**Lucy Frazer:** The Coates review that the Minister referred to says that the employment prospects for those on short-term sentences are three times worse for women than for men, with only one in 10 women finding a job on release. What plans does he have to improve the prospects of employment for women?

**Andrew Selous:** My hon. Friend makes a characteristically perceptive point, and I think a large part of the answer is to encourage more employers to follow the example of Max Spielmann and Greggs, who have set up academies at HMPs New Hall and Drake Hall. Those academies provide work in prison and ongoing support after release, and if more employers did that with women in mind we would have more success in this area.

**Pauline Latham:** Does my hon. Friend agree that it is often those who have struggled or dropped out of school and ended up in the criminal justice system whom we must ensure have the skills they need while in our care and afterwards?

**Andrew Selous:** Again, my hon. Friend is absolutely right. Giving prisoners a second chance to learn to read, become more numerate and get the skills to hold down a job is central to rehabilitation.

**Seema Kennedy:** What plans are there to enhance the educational programmes at Garth and Wymott prisons in my constituency?

**Andrew Selous:** Giving control of the education budget to the governors of HMP Garth and HMP Wymott and holding them to account for the outcomes, as well as the introduction of personal learning plans in a consistent digital format that follows the prisoner around the estate, will absolutely drive improvement.

**Helen Jones** (Warrington North) (Lab): Does the Minister accept that, although these plans are welcome, they will not work without the right number of prison officers to ensure that prisoners are out of their cells and have continuity of learning? Since there are now 7,000 fewer prison officers than in 2010, how does he expect to implement these plans without more recruitment?

**Andrew Selous:** The hon. Lady is right to draw attention to the incredible work that our prison officers do day in, day out. I can tell her that since 1 January 2015 we have appointed 2,830 additional prison officers—a net increase of 530—and that the vacancy rate is now 2.5%, whereas at the start of last year it was 5.2%. We will carry on recruiting at this rate.

**Gavin Robinson** (Belfast East) (DUP): The Minister knows that we educate to rehabilitate and offer life-improving opportunities for those who find themselves in prison. The Minister is also seized of the information that we have shared previously about the impediment of the lack of provision of insurance for employers who want to offer opportunities when someone is released. Can the Minister update us on the progress he has made on removing that barrier to progress?

**Andrew Selous:** I am grateful to the hon. Gentleman for continuing to raise this issue. A particularly shocking case was drawn to my attention the other day: the household insurance of a family had been raised by hundreds and hundreds of pounds because the father had gone to prison, which put huge pressure on the family's budget. I continue to take up that issue and others with the Association of British Insurers.

**Cat Smith** (Lancaster and Fleetwood) (Lab): The chief inspector's report into HMP Wormwood Scrubs found that most prisoners had fewer than two hours a day out of their cells and were making very poor use of the educational facilities available. How far would the Minister say that is reflected across the prison estate?

**Andrew Selous:** We have fewer and fewer restricted regimes across the estate, but the whole thrust of what the Secretary of State and I are trying to do is increase the time out of cell and put education at the heart of the prison regime. I want prisoners to learn not only when they go to the education classrooms, but during their association periods and in their cells, so that we have a whole prison learning experience.

**Rob Marris** (Wolverhampton South West) (Lab): I praise and thank the Government for raising the profile of this issue. One thing that sometimes disrupts the education of prisoners is the loss of their records when they are transferred; that results in dislocation. Will the Minister outline what steps the Government propose to take to smooth the transition when a prisoner transfers, so that he or she can continue their education?

**Andrew Selous:** I thank the hon. Gentleman for his characteristically gracious and thoughtful point. He might have heard me say a moment ago that we were bringing in a personal learning plan—the initials PLP will mean something to Labour Members. It will be introduced in a consistent digital format that will follow prisoners as they move around the prison estate.

**Karen Lumley (Redditch) (Con):** Does my hon. Friend agree that Hewell prison in Redditch would benefit from a Teach First-style scheme for graduates to ensure better prospects on release?

**Andrew Selous:** Yes, absolutely. That is one of a number of recommendations of the review by Dame Sally Coates. We are looking actively at how we can implement her inspirational vision, which did so much to transform the teaching profession.

**Ms Margaret Ritchie (South Down) (SDLP):** Will the Minister tell me when he intends to meet the new Minister for Justice in Northern Ireland and when they will have an opportunity to discuss a range of issues including the Open University's distance learning programme, which is an important rehabilitation and educational tool for prisoners and the wider society in Northern Ireland?

**Andrew Selous:** I thank the hon. Lady for her question. I know that she takes an ongoing and serious interest in these issues. The Secretary of State tells me that he has already written to the new Northern Ireland Justice Minister and issued an invitation to her. We will learn from and co-operate as fully as possible with the prison service in Northern Ireland.

### EU Membership: Human Rights

3. **Gavin Newlands (Paisley and Renfrewshire North) (SNP):** What assessment he has made of the potential effect on the protection of human rights of UK citizens of the UK leaving the EU. [905386]

**The Parliamentary Under-Secretary of State for Justice (Mr Dominic Raab):** The Government's assessment of fundamental rights is set out in their policy paper, "Rights and obligations of European Union membership", which was published on 14 April.

**Gavin Newlands:** I thank the Minister for his answer, but his Secretary of State wants to leave the EU and the Home Secretary wants to leave the European convention on human rights, so should we take it that when this Government are finished, the UK will no longer be party to any international human rights treaties? Is that really the message that the UK Government want to send to the rest of the world?

**Mr Raab:** I thank the hon. Gentleman for his question, but I think he probably knows by now that, in regard to the plans being worked up for the Bill of Rights, it is not the Government's policy to withdraw from the convention. We have said that we cannot rule that out for ever and a day, but that is not our proposal now, and it is absolutely not the case that we would withdraw from a whole range of other international human rights treaties if we left the EU.

**Mr David Nuttall (Bury North) (Con):** Does the Minister agree that if we stay in the European Union the real risk is that, rather than human rights policy being determined by this House and adjudicated on by British courts, it will be decided by the Brussels bureaucrats and the European Court of Justice, and that before we know it, prisoners will be given the right to vote?

**Mr Raab:** My hon. Friend makes his powerful point in an eloquent way. There is a recognition across the House, on whichever side of the wider debate, that some of the laws that have come out of the EU have been damaging to civil liberties, whether involving the European arrest warrant and the injustice inflicted on my constituent Colin Dines, or the right to be forgotten, which has a muzzling effect on free speech. There are certainly areas of concern, on whichever side of the wider debate Members are.

**Joanna Cherry (Edinburgh South West) (SNP):** Gender equality is recognised as a fundamental human right by the European Union, and a report from the TUC has identified 20 key areas in which European Union law has enhanced the rights of working women, often in the face of opposition from Tory Governments. How does the Minister propose to ensure that these hard-won employment rights are protected in the event of a Brexit?

**Mr Raab:** I thank the hon. and learned Lady for her question. First, the vast majority of equal pay rights and women's and workplace rights have been introduced by this House—by elected representatives accountable to the British people. I am surprised that she believes that the human rights and wider rights of our citizens and her constituents are better protected at EU level by bureaucrats and unaccountable politicians rather than by hon. Members in this House who are accountable to the British people.

**Joanna Cherry:** As the Minister well knows, we did not get equal pay for work of equal value until the European Court intervened, and we have wide maternity rights only because of European directives. The Prime Minister's former adviser Steve Hilton, who supports leaving the EU, said in 2011 that maternity leave should be abolished. Does the Minister wish to add his voice to that particular pungent voice? If not, which employment rights would he abolish in the event of a Brexit?

**Mr Raab:** I thank the hon. and learned Lady for that, but I do not think that any of the factual assertions she has made are right. There is absolutely no plan such as that she suggests, and I do not support abolishing paternity rights; in fact, when I was a Back Bencher under the last Government and this point was raised, I was fully in favour of transferable parental leave. She is mistaken in what she says, but what is most striking is that the message she is sending to her constituents and the wider citizens of this country is that they should have no faith in her ability and that of the Scottish National party in this House to protect their rights.

**Mr Ranil Jayawardena (North East Hampshire) (Con):** The convention was agreed in the 1950s, Britain joined the EU in the '70s and the Human Rights Act was agreed in the '90s. Twenty years on, does the Minister

agree that it is important that we revisit all these papers, because rights were not invented by pieces of paper? Instead we should have a British Bill of Rights.

**Mr Raab:** My hon. Friend is right and makes an important point about the future direction of human rights laws in this country. We are party to the European convention on human rights, and that is a different and separate issue from the EU. Our regime is based around our membership of the European convention, and considerable legal uncertainty is created if the Luxembourg Court starts to interfere and create risks and wider uncertainty about which rules apply and how.

**Andy Slaughter** (Hammersmith) (Lab): The Minister may wish this was not the case, but in fact the EU has provided and protected employment and human rights for part-time workers and working parents, with paid holidays, maximum working hours, measures to tackle discrimination at work, and time off to care for sick children. Does he think that those rights are worth protecting? Or does he agree with the billionaire stockbroker who is funding the Brexit campaign, Peter Hargreaves, who thinks we should leave the EU because “we will be insecure again. And insecurity is fantastic”?

**Mr Raab:** It is thunder and lightning but it does not provide much clarity on the issue; the bottom line is that the hon. Gentleman has little faith in Labour fearfully defending workers’ rights. Whichever side someone is on in this House or in this debate, they should want to uphold the right of this House to make those finely balanced decisions on employment regulation and make sure that they are tailored to the precise needs of this country, not those of bureaucrats and other vested interests in Brussels.

### EU Prisoner Transfer Directive

4. **Mr Philip Hollobone** (Kettering) (Con): How many non-UK EU nationals (a) the UK has ever returned to prison in their own EU country under the EU prisoner transfer directive and (b) are in a UK prison. [905387]

**The Parliamentary Under-Secretary of State for Justice** (**Andrew Selous**): One hundred and two prisoners have so far been transferred from England and Wales under the EU prisoner transfer agreement. There were 4,111 EU nationals detained in prisons in England and Wales on 31 March 2016, with 2,967 serving an immediate custodial sentence. The transfer of prisoners from Scotland and Northern Ireland is a matter for the devolved authorities.

**Mr Hollobone:** I was expecting a low number but the number of EU transferees back to their country of origin is absolutely pathetic. With the number of EU nationals in our prisons approaching 40% of the foreign national prisoner population, is this not just another example of the European Union, through its directives, promising us the earth but, in effect, giving the British people the square root of naff all?

**Andrew Selous:** The main mechanism by which we get foreign national offenders out of our jails, which we are very keen to do, is the early removal system, which transfers out about 1,800 a year. The European prisoner transfer agreement is therefore in addition to the early

release scheme, but it may be helpful to my hon. Friend if I give him the figures. The transfer agreement was implemented only in 2013, and we got 19 out in 2014, 38 out in 2015 and 29 out in 2016, to date, with a roughly similar number awaiting transfer.

**Kit Malthouse** (North West Hampshire) (Con): Is the identity of prisoners who are returned to their countries of origin registered with UK Visas and Immigration, so that when they attempt re-entry to the UK they can be identified? Even if that were the case, is it right that we could not prevent their re-entry unless we were to leave the EU?

**Andrew Selous:** If a prisoner is deported, they are not allowed to return to the United Kingdom during the period of their sentence.

**Jo Stevens** (Cardiff Central) (Lab): Is it not the case, as the former Chancellor and Justice Secretary, the right hon. and learned Member for Rushcliffe (Mr Clarke), put it, that if we left the European Union we would go back to a system of prisoner transfer where we had absolutely no ability to deport anybody to their country of origin unless we could persuade the Government of that country to accept them? Why would we risk losing that progress?

**Andrew Selous:** The hon. Lady is right in that if this country leaves the European Union, we will lose the compulsory prisoner transfer agreement that we currently have, and that will cause issues when it comes to trying to return the current EU prisoners in our prisons.

**Jo Stevens:** Does the Minister agree that rather than sniping from the sidelines on these issues, we should be playing our full part in co-ordinated international security frameworks such as the prisoner transfer agreement, the European arrest warrant, Eurojust—the body that leads judicial co-operation between member states—and the Schengen information system, as all of them ensure that our EU membership continues to help protect us against crime, terrorism and threats to our security—yet more reasons to vote to remain on 23 June? [Laughter.]

**Mr Speaker:** Order. I do not know what the source of merriment is among the little troika on the Back Benches—the hon. Members for Christchurch (Mr Chope), for Shipley (Philip Davies) and for Bury North (Mr Nuttall). I do not know whether some sort of powder has been applied to them, but they are in a very happy state.

**Andrew Selous:** This Government want to see as many compulsory prisoner transfer agreements as possible, because it is hard work trying to transfer all foreign nationals, of whatever nationality, out of prisons in England and Wales. Therefore, all compulsory transfer arrangements are useful. Currently, we have them with all members of the European Union, with the exception of Ireland and Bulgaria.

### Prison Reform

5. **David Mackintosh** (Northampton South) (Con): What progress his Department has made on plans for reform prisons. [905388]

**The Lord Chancellor and Secretary of State for Justice (Michael Gove):** In the debate on the Queen's Speech, the Government announced the creation of six early adopter reform prisons. The governors of those prisons will have unprecedented freedom to run their prisons and find better ways to rehabilitate offenders.

**David Mackintosh:** Will my right hon. Friend tell me how we can improve the transition for prison leavers to employment and their access to benefits and housing?

**Michael Gove:** One thing we can do particularly effectively is ensure that prisons, whether reform prisons or others, have close and effective working relationships with the community rehabilitation companies that were instituted by my predecessor and are doing so much to ensure that all prisoners, whatever the length of their sentence, receive support on release.

**Mr David Hanson (Delyn) (Lab):** Given that the Justice Secretary has already announced the six prisons that are to be reform prisons, but he has not yet announced the White Paper or indeed published the prison reform Bill, will he tell the House when he will do the latter, because at the moment he is putting the cart before the horse?

**Michael Gove:** It is important that we give the governors of these prisons as much freedom as possible. It is also important that they are able now to explore some of the additional freedoms operationally without the need for legislation. In the autumn, we hope to publish a White Paper and the legislation alongside it.

19. [905403] **Sir David Amess (Southend West) (Con):** Will my right hon. Friend confirm that the additional funding allocated to reduce violence in prisons will be given to governors to make sure that it is spent on schemes that will have a real impact?

**Michael Gove:** It absolutely will. The effective team managing the National Offender Management Service under the superb public servant Michael Spurr has found an additional £10 million to help mitigate the effects of prisoner violence and to reduce violence overall. That money will go direct to the front line.

**Valerie Vaz (Walsall South) (Lab):** One area of reform should be to stop pregnant women having to give birth in prison. I know that the Government are committed to that, but can we consider carrying out a pilot study so that women do not have to give birth in front of unnamed guards?

**Michael Gove:** The hon. Lady makes a vital point. We are looking at how female offenders are treated overall. One thing we need to do—I know that this is not a view universally held by all my hon. Friends on the Back Benches—is to think hard about how we can reduce the female population in prison, and treat women who are in custody more sensitively.

**Robert Neill (Bromley and Chislehurst) (Con):** Does my right hon. Friend agree that reform prisons are an important part of a broader package of reform of penal and criminal justice policy, so that we not only make better use of the time of those who are in prison, but

make sure that we reduce the total number of people going to prison by finding an effective and genuinely successful means of dealing with offending in the community?

**Michael Gove:** The Chairman of the Select Committee on Justice is absolutely right. In the same way that the creation of NHS foundation trusts was not the only aspect of reform of the national health service, and the creation of academy schools was not the only aspect of reform of the education system, the creation of reform prisons is not a change in isolation. It is part of a broader change to the criminal justice system, and my hon. Friend is absolutely right that part of that is diverting people from custody when appropriate.

**Mrs Cheryl Gillan (Chesham and Amersham) (Con):** When developing reform prisons, will the Secretary of State take into account the experience of Feltham young offenders unit, which has become the first autism-accredited prison in the country? I led a cross-party visit by the all-party parliamentary group on autism to the prison yesterday, and saw how that was helping to reduce violence and assisting rehabilitation. Will the Secretary of State give me an assurance that each reform prison will work towards accreditation for autism and will eventually be able to achieve that accreditation before it begins to operate?

**Michael Gove:** My right hon. Friend is a fantastic campaigner for individuals living with autism, and I will absolutely ensure that reform prisons and others learn from Feltham. A disproportionate number of people in custody live with various mental health and other problems, and many of them are on the autistic spectrum.

**Mr Speaker:** Well done.

#### Officials: Guidelines

6. **Andrew Gwynne (Denton and Reddish) (Lab):** What assessment he has made of the effectiveness of his Department's guidelines for officials of his Department who have moved to work in the private sector. [905389]

**The Minister for Policing, Fire, Criminal Justice and Victims (Mike Penning):** The Ministry of Justice and other Government Departments have clear rules and governance in place around the standards of conduct for current and former civil servants. All permanent civil servants are covered by the Cabinet Office guidelines on business appointment rules.

**Andrew Gwynne:** I am grateful to the Minister for his reply, but he will know that in March *The Mail on Sunday* uncovered evidence of former MOJ civil servants boasting of their links to Government while working for private firms to secure multimillion-pound contracts, both in Britain and abroad. What investigations have been made into those allegations, and will the Minister make a commitment to the House to publish in full any findings by the review?

**Mike Penning:** There was an investigation after those reports in the press, but no impropriety was found. I am more than happy for the hon. Gentleman to meet my

officials in the Department. If I can publish the review, I will—I understand that it was an internal inquiry—and if I cannot do so, I will explain why. If not, meetings will take place.

### Glen Parva

7. **Alberto Costa** (South Leicestershire) (Con): What plans he has for the future of Her Majesty's prison and young offenders institution of Glen Parva. [905391]

**The Parliamentary Under-Secretary of State for Justice (Andrew Selous)**: From later this month, Her Majesty's prison and young offender institution Glen Parva will begin to accommodate adult prisoners. This change supports our aim to use the existing estate as effectively and efficiently as possible.

**Alberto Costa**: I thank my hon. Friend for that answer. Will he tell me what the staff ratios are for young adults in Glen Parva, and what they are expected to be once adult prisoners come to the prison? If the answer is not readily available, will he give it to me in a letter by the end of next week?

**Andrew Selous**: I am sorry to disappoint my hon. Friend, but I do not have that specific information. I will certainly write to him with it.

**Mr Speaker**: And put it in the Library—well done.

### Prisoner Release: Employment

9. **Mr Alan Mak** (Havant) (Con): What progress his Department has made on ensuring that offenders find employment on release from prison. [905393]

**The Parliamentary Under-Secretary of State for Justice (Andrew Selous)**: One part of my job that most inspires me is meeting businesses and trade bodies to talk about the benefits of employing offenders on release. Following the Prime Minister's announcement of changes to recruitment practices for the civil service, I am keen to encourage other employers to "ban the box" when recruiting too. This fits alongside our work to implement the recommendations of the Coates review and our announcement of six reform prisons.

**Mr Mak**: I thank the Minister for his answer. The first Hampshire and Isle of Wight community rehabilitation company women's centre opened in Havant in 2012, and part of its work involves helping to get women offenders into employment. Will the Minister join me in congratulating it on its work and will he support the continued employment of women offenders in the Havant area?

**Andrew Selous**: Yes, I am very pleased to be able to do exactly that. For that excellent centre to succeed, we need far more employers to step up to the plate and make a commitment to training and hiring ex-offenders.

21. [905405] **Mr Barry Sheerman** (Huddersfield) (Lab/Co-op): Is the Minister aware that there have been some excellent examples of major companies taking on prisoners and training them while they are still in prison? I think in particular of British Gas, which had a wonderful programme in Reading jail. Are there partnerships that we are currently encouraging?

**Andrew Selous**: Yes. I can tell the hon. Gentleman, who I know takes a serious interest in these issues, that there is a lot to be encouraged about. I am going around the country talking to employers, often taking them into prisons. I am particularly keen on the academy model, where employers come into prisons and train prisoners there. The prisoners then go out on day release to gain work experience in that business, and as they leave the prison gate they do so with a contract of employment and can go into work. That helps to secure their accommodation and to get their lives back on an even keel.

18. [905402] **Bob Blackman** (Harrow East) (Con): One problem faced by ex-offenders is not having a secure home to go to once they are released from prison, and as a result they cannot get a job. What further steps can my hon. Friend take to ensure that people leaving prison are leaving for a secure home and can then seek proper employment?

**Andrew Selous**: My hon. Friend is right to draw the link between accommodation and employment. If more prisoners were able to pay a deposit of perhaps the first month's rent on leaving prison, that would help. By the same token, if we can get more offers of employment to prisoners as they come out, they will find it easier to secure accommodation.

**Christina Rees** (Neath) (Lab): Between now and 2020 the European Union is investing over £9 billion in the UK on skills training and support for those at risk of social exclusion. One example is here in London at Brixton prison: the Bad Boys bakery project, which trains inmates to become bakers and find work when they are released. As the Justice Secretary believes in giving inmates a second chance and has talked about the importance of such schemes, will he use his loaf and encourage people to vote remain on 23 June?

**Andrew Selous**: Like the hon. Lady, I am a huge fan of schemes such as the Bad Boys bakery, which I have visited in Brixton. I can still remember the smell of the delicious lemon cake wafting out of the bakery when I visited it. More seriously, when we see the purpose and engagement of prisoners when they are given a real opportunity to do work in prison that offers the prospect of a job on release, they do engage, and we need to see a lot more of that.

**Mr Speaker**: Bad Boys bakers no doubt felt very privileged to be visited by the hon. Gentleman.

### Human Rights Act

10. **Catherine McKinnell** (Newcastle upon Tyne North) (Lab): What progress he has made on proposals for reform of the Human Rights Act 1998. [905394]

**The Parliamentary Under-Secretary of State for Justice (Mr Dominic Raab)**: We will bring forward our proposals for a British Bill of Rights to replace the Human Rights Act. We have made good progress on the development of our plans, with input from practitioners, non-governmental organisations, academics and many others right across the UK. Our proposals will be announced in due course and we shall consult fully on them.

**Catherine McKinnell:** The Minister says that plans will be published in due course, but plans to repeal the Human Rights Act were announced in the Conservative manifestos in both 2010 and 2015 and in the Queen's Speech in 2015 and 2016. Can he please explain why his Department has so far failed to publish any proposals or begin a consultation on those plans?

**Mr Raab:** I appreciate that the hon. Lady is eager to engage in a detailed, substantive debate on human rights. Distinguished people in the Opposition, from Lord Irvine through to the current shadow Justice Secretary, have talked about the defects in the Human Rights Act. They have made compelling points and we intend to act on them. I look forward to debating the matter with the hon. Lady in due course.

### Lewes Prison

12. **Maria Caulfield** (Lewes) (Con): What steps are being taken to improve safety and reduce violence at HM Prison Lewes. [905396]

**The Parliamentary Under-Secretary of State for Justice (Andrew Selous):** Improving safety is a top priority and the governor at Her Majesty's Prison Lewes has put plans in place to address safety issues, including the provision of additional training for staff to better support vulnerable prisoners. Nationally, a violence reduction taskforce has been created to support and challenge establishments with a high rate of violence. An additional £10 million has been allocated to those prisons facing the greatest safety challenges.

**Maria Caulfield:** I am sure the Minister has seen the recent independent report which highlights significant security issues not just for inmates, but for prison officers. Will he give his assurance that he will look at the findings in that report and at its recommendations?

**Andrew Selous:** Yes, I can absolutely give my hon. Friend that assurance, and I believe that she is visiting the prison shortly. We will learn from every report. There is currently a police, coroner, and prisons and probation ombudsman report on a recent incident at HMP Lewes. We will learn from that, and we will continue to make improvements in this important area.

**Liz McInnes** (Heywood and Middleton) (Lab): It is not just Lewes prison that has problems with violence. I have a constituent in Frankland prison whose mother is in daily fear that she will one day get a phone call to say that her son has been murdered in prison. What will the Minister do to help prisoners who live in daily fear for their lives because of prisoner-on-prisoner violence, with the consequent anguish caused to their families?

**Andrew Selous:** I am grateful to the hon. Lady for raising this issue. The Secretary of State has said very clearly that reducing violence in our prisons is our top operational priority, and he has recently allocated an additional £10 million to this. She will know that a lot of the violence is caused by terrible new psychoactive substances such as Spice and Black Mamba coming into prisons. We have now made them illegal, thanks to the work of my right hon. Friend the Minister for Policing, Fire, Criminal Justice and Victims on the

Psychoactive Substances Act 2016, and that is a help. We will shortly be rolling out world-leading testing, which will also make a difference. I draw a very clear link between the drugs and the violence.

### Employment Tribunal Fees

13. **Dawn Butler** (Brent Central) (Lab): What recent progress he has made on the review of the effect of the introduction of employment tribunal fees. [905397]

15. **Angela Crawley** (Lanark and Hamilton East) (SNP): When he expects the review of employment tribunal fees to be completed. [905399]

**The Parliamentary Under-Secretary of State for Justice (Mr Dominic Raab):** The review will report in due course, and it will assess how effective the introduction of employment tribunal fees has been in the achievement of the original objectives.

**Dawn Butler:** So we still await the official report from the Government, but it is obvious that tribunal fees have affected the number of cases being brought, especially by women. In 2013 there were 18,398; in 2015 there were just 6,423. Will the Minister elaborate on those figures? Will he also elaborate on the multiple cases brought by men? Were those men from the private sector or the public sector? Were they white-collar or blue-collar workers?

**Mr Raab:** The assessment will look at the impact on protected characteristics, including the ones the hon. Lady mentioned. It is only fair and reasonable that those using tribunals make some contribution to the cost where they are able to. It is not right that the whole bill for employment tribunals, which is about £71 million per year, should be picked up by taxpayers, so we are looking to strike the right balance. There is, of course, a system of fee remissions to protect vulnerable workers, and we have taken steps to raise awareness of that scheme. We have also taken steps to encourage voluntary conciliation, which is a good way of settling disputes away from the tense, stressful and costly environment of a courtroom.

**Angela Crawley:** I received assurances from the Government that the post-implementation review of tribunal fees would be published last year. We now find ourselves six months beyond that deadline, and we are still waiting. Evidence suggests that tribunal fees do act as a barrier to justice and that they are compounding pregnancy and maternity discrimination. While we wait for the Government to get a move on, women continue to be discriminated against daily. When will the Minister finally publish the post-implementation review and scrap tribunal fees completely?

**Mr Raab:** The hon. Lady makes some powerful points. We are going to publish the assessment shortly. It is also right to point out, though, that we are seeking to divert people away from costly and often acrimonious tribunal hearings. Fees are a part of that, as is pushing in the direction of conciliation. Although conciliation is not compulsory, I am sure she will be reassured to know that parties agree to participate in it in 75% of cases, and satisfaction levels are very high.

**Mr Jonathan Djanogly** (Huntingdon) (Con): Does the Minister agree that employment tribunal fees have played an important part in reducing the threat of litigation that hangs over businesses, particularly small businesses? Does he agree that they have also played an important part in the resurgence of our economy and job creation?

**Mr Raab:** My hon. Friend has a lot of experience of this issue, and he is absolutely right to look at its dual impact, particularly on small businesses. However, it is also right to say that this is not a binary, zero-sum game, and we attach huge importance to the fact that early conciliation has been used by more than 80,000 litigants in the first year, with over 80% of those participating reporting that they were satisfied with the outcome.

**John Cryer** (Leyton and Wanstead) (Lab): I have met many constituents who say that they will not pursue their cases to tribunal because of the introduction of fees. Does that not suggest that the existence of the fees acts as a deterrent?

**Mr Raab:** The hon. Gentleman makes an important point, but we also have to factor in the proportion of those who have been diverted into conciliation. In resolving disputes like this, alternative dispute settlement will often be the best outcome for resolving the dispute, but also, in particular, for claimants who would otherwise struggle to bear the costs.

### Bill of Rights

14. **Margaret Ferrier** (Rutherglen and Hamilton West) (SNP): When his Department plans to publish its consultation on a British Bill of Rights. [905398]

**The Parliamentary Under-Secretary of State for Justice (Mr Dominic Raab):** As I have already said, we are looking to report on the review in due course. It will assess how effective the introduction of the fees has been in achieving all the different objectives we laid out.

**Margaret Ferrier** (Rutherglen and Hamilton West) (SNP): I thank the Minister for his answer. However, last week the Government amended the Investigatory Powers Bill to include a duty on public authorities to have regard to the requirements of the Human Rights Act. Does this mean that the Government's plans to repeal the Human Rights Act have now been shelved?

**Mr Raab:** No, we are absolutely resolute about replacing the Human Rights Act with a British Bill of Rights, and we are working on those proposals. The hon. Lady will not have to wait long to be able to engage on the substance rather than some of the scare stories flying around in the media.

### Personal Injury Law

16. **Mary Glendon** (North Tyneside) (Lab): What assessment he has made of the potential effect of planned changes to personal injury law and whiplash claims on access to justice. [905400]

**The Parliamentary Under-Secretary of State for Justice (Mr Shailesh Vara):** The Government remain concerned about the number and cost of whiplash claims, particularly

their impact on insurance premiums, and have announced robust new measures to tackle the problem. We will consult on the detail in due course, and the consultation will be accompanied by a thorough impact assessment.

**Mary Glendon:** How does the Minister respond to my constituents who have genuine concerns about the evidence base for the proposed reforms, and believe that they are unjust and will not deliver the right and proper compensation for people who were injured through negligence?

**Mr Vara:** The Government's proposed reforms will ensure that the current cost of £2 billion annually for whiplash claims should be reduced to £1 billion for the insurance industry. They will also ensure that the average person's insurance premium should go down by up to £50.

**David Mowat** (Warrington South) (Con): In the UK, 80% of road traffic accidents generate a whiplash claim; in France, 3% of road traffic accidents generate a whiplash claim. In the UK, whiplash claims are increasing as accidents decrease; in France, it is the other way round. Insurance premiums in the UK are 50% higher, meaning that many young people cannot afford insurance. Will the Government act to get this sorted out?

**Mr Vara:** I am grateful to my hon. Friend for making that point. He is absolutely right to say that it is important, to benefit all our constituents, that we deal with this. The way to do so is through our proposed reforms, on which there will be a consultation in the not-too-distant future. That will ensure that premiums go down.

### Stalking

20. **Richard Graham** (Gloucester) (Con): What plans he has to review sentencing guidelines related to stalking offences. [905404]

**The Parliamentary Under-Secretary of State for Justice (Mr Dominic Raab):** Sentencing guidelines are issued by the independent Sentencing Council for England and Wales. I understand that it has plans to consider the stalking guidelines next year.

**Richard Graham:** The Minister has read the report by my hon. Friend the Member for Cheltenham (Alex Chalk) and me on the case for extending the maximum sentences for stalking. He will also have heard Lily Allen say last week of her stalker, "You can put him behind bars but he'll be out soon and waiting there for his victim." What can be done to assess the case for extending the maximum sentence for a few very dangerous stalkers who severely damage the lives of their victims?

**Mr Raab:** I thank my hon. Friend, who makes his point in a particularly lyrical way. He knows that we are looking at a range of issues around sentencing. It is important that those are considered in the round to make sure that we better protect the public and improve reoffending levels. I read the excellent report produced by my hon. Friends on sentences for stalking, and we are giving it very serious consideration.

### Topical Questions

T1. [905373] **Tom Elliott** (Fermanagh and South Tyrone) (UUP): If he will make a statement on his departmental responsibilities.

**The Lord Chancellor and Secretary of State for Justice (Michael Gove):** A number of distinguished figures were recognised in Her Majesty's birthday honours list at the weekend, but one of them I took particular pleasure in seeing recognised—Mr Elroy Palmer, who works for the St Giles Trust. He is an ex-offender who now devotes his time to helping young people to avoid crime and make constructive use of their lives. Last year, Elroy spoke at the Conservative party conference, where he received a standing ovation. His testimony, his experience and his example show what can be achieved if an individual in custody decides to change their life. His life has changed immeasurably for the better, and he has changed the lives of others immeasurably for the better as well.

**Tom Elliott:** I add my congratulations to those recognised in the honours list last week. Is there any requirement on Her Majesty's Government under article 2 of the European convention on human rights to initiate a new coroner's inquest if there is any potential state involvement and if a further inquest is requested by the family member of the deceased?

**Michael Gove:** I thank my hon. Friend for raising this issue; he gave me notice that it was of concern to him and to many people in Northern Ireland. Our legislation provides that there must be an inquest in cases where there may have been state involvement in the death of any individual. In such cases, the coroner investigates not only who died, and where and when, but the broader circumstances of the death. This wider investigation ensures compliance with the European convention on human rights. There may be an inquiry, instead of an inquest, if the coroner's investigation cannot ascertain all of those matters.

T2. [905374] **Maria Caulfield** (Lewes) (Con): Roughly 20% of prisoners have spent some time in care. I have met some young care leavers in my constituency and prison is often seen as an attractive option because it provides a roof over their heads and a hot meal each day. What measures are this Government taking to ensure that care leavers have better options in life than prison?

**The Parliamentary Under-Secretary of State for Justice (Andrew Selous):** I thank my hon. Friend for raising that very important issue. The Government have asked Sir Martin Narey to review residential care for looked-after children, and some of his recommendations will touch on the criminal justice system. The care and supervision of young offenders in custody is not good enough, which is why the Government have asked Charlie Taylor, a former chief executive of the National College for Teaching and Leadership, to lead a review of the whole of the youth justice system, and that final report will be out shortly.

**Andy Slaughter** (Hammersmith) (Lab): So far today we have asked the Secretary of State about the risks that Brexit poses to workers' rights and human rights, to the

European arrest warrant and the prisoner transfer directive, and even to his cherished prison reform programme, but we have had no answer from him on any of them. Are not the Government and the Opposition right to say that those who want to protect human rights, strengthen national security and make our country safer should vote remain on 23 June?

**Michael Gove:** I am grateful to the hon. Gentleman for speaking from the heart with such passion for the European Union. It is not a view that is universally shared, I have to say, by Labour voters, but I respect the way in which he put his case. I am speaking on behalf of the Government at this Dispatch Box, and the Government's position is clear: some of us as Ministers have been given leave to depart from that position. I have done so outside this House, but I do not intend to dwell on the issue now.

**Andy Slaughter:** Let me have one more try. The Justice Secretary is right to recognise that human rights and our membership of the EU are linked; it is just that we think that that is a good thing, and he thinks that it is a bad thing. Is not the choice on Thursday week between working with our closest neighbours to strengthen democracy and the rule of law, and his recipe for bleak isolationism, which has him, in the words of Lord Heseltine, marching  
“to the drum of Farage, Trump and Le Pen”?

**Michael Gove:** I entirely understand why the hon. Gentleman makes the case in the way that he does, and he does so with great force and fluency, as he always does. Whatever the decision of the British people on 23 June, I have confidence in them to ensure that workers' rights and human rights, friendly co-operation and the principles of decency and fair treatment for all will be preserved come what may, because I have ultimate confidence in the British people and their elected representatives to defend our democracy and to safeguard decent values. I would not for a moment suggest that anyone in this House, whether they are advocating a remain vote or a leave vote, is anything other than someone who wants to uphold democracy and the rights that all of us have inherited.

T5. [905378] **Derek Thomas** (St Ives) (Con): What support is, or will be, available to people with mental health problems in the criminal justice system?

**Andrew Selous:** I am very grateful to my hon. Friend for raising this extremely serious point. He may know that mental health provision in prisons is provided by NHS England and by local health boards in Wales, and that it is based on locally assessed need. All prisons have procedures in place to identify, manage and support people with such health needs. We are, however, keen to give governors increased freedoms and flexibilities to be able to respond to the needs of their populations, and we are actively talking to Ministers in the Department of Health about this issue.

T3. [905376] **Mr David Hanson** (Delyn) (Lab): Will the prisons Minister simply confirm that, despite his recruitment efforts, there are still 7,000 fewer prison officers in post today than there were in May 2010? Will he simply say yes?

**Andrew Selous:** I do not deny what the right hon. Gentleman, a distinguished former prisons Minister, says. However, I repeat to the House that since 1 January 2015, we have appointed 2,830 extra prison officers, which is a net increase of 530 since the start of last year. I also point out that the average prison population in 2010 was 84,725, while, as of 3 June, it is 85,291, so it has in fact remained reasonably stable over the past six years.

T6. [905379] **Mr Alan Mak** (Havant) (Con): Hampshire's new police and crime commissioner, Michael Lane, has put restorative justice at the heart of his agenda. Will the Minister join me in supporting that policy to ensure that victims of crime are never ignored in Havant or across Hampshire?

**The Minister for Policing, Fire, Criminal Justice and Victims (Mike Penning):** This is the first opportunity that I have had on the Floor of the House to congratulate Michael on his election. There were excellent results in the PCC elections around the country, particularly in relation to turnout. I was very conscious of the part that restorative justice played in the campaign. Restorative justice is an important component of helping victims, but we must make sure that victims want to be part of it and that it is not forced on them in any way.

T4. [905377] **Alan Brown** (Kilmarnock and Loudoun) (SNP): With regard to employment tribunals, does the Minister have any plans to include personal independence payments in the calculations for assessing eligibility?

**The Parliamentary Under-Secretary of State for Justice (Mr Shailesh Vara):** As far as employment tribunals are concerned—as the Under-Secretary of State for Justice, my hon. Friend the Member for Esher and Walton (Mr Raab), said earlier—the review will be published shortly. It is a fact that a lot of people who would previously have gone to employment tribunals are now going to the ACAS conciliatory procedure. We will certainly make sure that all the issues referred to are covered in the review.

T8. [905381] **Maggie Throup** (Erewash) (Con): At Justice Questions in March, I raised serious concerns about the systematic failure of the Solicitors Regulation Authority in relation to a case in my constituency. From my experience of dealing with this case, it has become clear that the self-governing SRA needs reform both to improve accountability and to restore public confidence. Will the Minister meet me to discuss this issue so that, together, we can bring forward proposals to ensure solicitors are regulated properly and independently?

**Mr Vara:** My hon. Friend will appreciate that the Solicitors Regulation Authority is an independent body. If she wishes to have a meeting, I am certainly happy to arrange one.

T7. [905380] **John Nicolson** (East Dunbartonshire) (SNP): Will the Secretary of State be good enough to tell us, in the wake of the atrocity in Orlando, what steps he is taking to monitor and address homophobic hate crime against lesbian and gay people in this country?

**Michael Gove:** I thank the hon. Gentleman for his question. I think everyone in this House will have been utterly disgusted by the atrocity perpetrated in Orlando. It is clear from the choice of target that the hate in that killer's heart was a prejudice—a homophobic prejudice—that I think everyone in this House would want to denounce. For that reason, I think he is absolutely right to say that we, too, need to be vigilant.

Let me first pay tribute to everyone who attended the vigil in Old Compton Street last night to show our solidarity with the victims of this atrocity. Let me also pay tribute to my right hon. Friend the Home Secretary, who has been leading work to ensure that we can both anticipate any threats to the LGBTQ community in this country and review not just the operational but the legislative requirements to keep people safe.

It is a critical part of being British that we celebrate the right of people to live and love in different ways. For that reason, I think all of us would want to send our condolences and sympathies to the victims and that all of us would want to say, as a House, that we stand resolutely behind the vital importance of recognising and celebrating difference in our society.

**Mr Christopher Chope** (Christchurch) (Con): Earlier this month, my right hon. Friend the Lord Chancellor expressed his frustration at our country's inability to prevent the entry of foreign national criminals and even terror suspects. Can he tell the House how things will change when we leave the European Union?

**The Parliamentary Under-Secretary of State for Justice (Mr Dominic Raab):** I think it is well known that the current test for denial of entry for people coming from the EU is that they must pose a serious, genuine and present threat, which has obviously created difficulties over the years.

**Meg Hillier** (Hackney South and Shoreditch) (Lab/Co-op): Last week the Public Accounts Committee published a report on the criminal justice system. One of our conclusions was:

“The criminal justice system is not good enough at supporting victims and witnesses.”

We also cited the fact that only 55% of witnesses, many of whom are of course victims as well, say that they would go through the process again. Does the Secretary of State agree with our conclusion?

**Michael Gove:** Yes, I do. It has sometimes been the habit in the past for people to be greeted with a report from the National Audit Office or the Public Accounts Committee and attempt to suggest that it is an exercise in—well, there have been criticisms in the past. I certainly do not criticise the PAC or the NAO. The report is a welcome wake-up call. My right hon. Friend the victims Minister will bring forward a Green Paper with details on how we can better help victims and witnesses, but there is much that we need to do to improve the criminal justice system, and our judiciary get it.

**Huw Merriman** (Bexhill and Battle) (Con): I, too, attended the all-party group on autism's visit to Feltham and was inspired by what the governor and his team are doing. Will the prisons Minister consider using the

forthcoming prisons Bill to improve the life chances of the 5% of the prison population who are estimated to suffer with autism?

**Andrew Selous:** I am grateful to my hon. Friend for showing serious interest in the issue. I was pleased that he was able to go to Feltham yesterday. I am not sure that we need to legislate; we need to spread the good practice from Feltham across the prison system, and I hope that the reform prison governors will be in the lead in doing that.

**Ms Tasmina Ahmed-Sheikh** (Ochil and South Perthshire) (SNP): On 19 April, the Secretary of State said in a statement:

“It is hard to overstate the degree to which the EU is a constraint on ministers’ ability to do the things they were elected to do”.

Given that being able to constrain this Tory Government can only be a very good thing for the people of this country, what did he have in mind?

**Michael Gove:** My view is that any Minister—Conservative, Labour or, who knows, Scottish National party in the future, perhaps as part of a coalition—should be accountable to the people of this country for the decisions that they make. When the European Court of Justice can rule in such a way that there is no recourse or appeal, our democracy is undermined. Our democracy is precious, and the European Court of Justice is no friend of it.

**Robert Neill** (Bromley and Chislehurst) (Con): Next week the Parliamentary Assembly of the Council of Europe will appoint a new British judge to replace Judge Paul Mahoney upon his retirement. Does the Lord Chancellor agree that that makes this an appropriate moment for us to recognise Judge Mahoney and thank him for his work, and to recognise the contribution that British judges and lawyers have made to the jurisprudence of the European Court of Human Rights throughout its existence?

**Michael Gove:** My hon. Friend makes a very important point. Of course, the European convention on human rights was authored in large part by a British lawyer—a former Conservative Lord Chancellor, in fact. Whatever one thinks of the operations of the Court at different times, the rights contained in that convention are precious. I thank Judge Mahoney for his outstanding work, and I know that there are some brilliant lawyers who stand ready to replace him. I am sure that the Council of Europe will give careful thought, as ever, to ensuring that we have the right candidate in place to emulate Judge Mahoney’s outstanding work.

**Greg Mulholland** (Leeds North West) (LD): Constituents including the families of Jamie Still and of David and Dorothy Metcalf were dismayed after the report in the

*Telegraph* that there would be an announcement on criminal driving in the Queen’s Speech turned out not to be correct. Will the Secretary of State give a clear assurance that the review will happen quickly and that we will finally get changes to give victims of criminal driving and their families better justice?

**Mr Raab:** I know that the hon. Gentleman takes a close interest in this issue. Everything that we do on sentencing is informed by the need to protect the public and drive down reoffending. We will look at a range of proposals in due course with those twin objectives in mind, including the potential for prisoners to earn their release from custody. We are also looking at driving offences and, as with stalking, we will welcome any further ideas along the way.

**Dawn Butler** (Brent Central) (Lab): The former Justice Secretary was warned that cuts in legal aid to domestic violence victims were “grossly unfair” and “harsh”. That is why the Court of Appeal shot them down. In response, the Government decided to do a survey, which had a very limited timeframe for being filled in. Do the Government think that that was a reasonable way to show that they take the situation seriously? Would it not be better to have a full, open, public and transparent consultation?

**Mr Vara:** I say very gently to the hon. Lady that she is completely misinformed and wrong. Following that court judgment, the Government increased the time period for the production of evidence from two years to five years, and have allowed financial abuse to be taken into account. What is more, having made those immediate changes to the system, we are now engaging with the relevant stakeholders to bring in a better system that will be satisfactory to all concerned.

**Margaret Ferrier** (Rutherglen and Hamilton West) (SNP): The Home Office has reportedly refused to disclose data on sexual violence towards detainees at Yarl’s Wood immigration removal centre because the information could damage the commercial interests of the company that runs the facility. Is the Minister able to assure the House that Ministry of Justice policy will not put profit before people in prisons?

**Michael Gove:** The hon. Lady is understandably concerned about the fate of detainees. I stress that the Ministry of Justice and the Home Office work closely to ensure that detainees are well looked after. My understanding from the Home Secretary is that press reporting may have inadvertently led the hon. Lady to raise something that is not strictly the case. I will work with the Home Office in order to properly address her concerns.

## Football Fan Violence: Euro 2016

12.36 pm

**Andy Burnham** (Leigh) (Lab) (*Urgent Question*): To ask the Home Secretary to make a statement on the incidents of violence in Marseille over the weekend involving England fans at the Euro 2016 football tournament.

**The Secretary of State for the Home Department (Mrs Theresa May)**: As I told the House yesterday, the trouble that occurred in Marseille involving England supporters was deeply disturbing. Yesterday I also made it clear that co-ordinated groups of Russian supporters were responsible for instigating a good deal of the worst violence. I note that within the past hour UEFA has announced that Russia is subject to a suspended disqualification from the tournament. This Government's priority now is to work with the French authorities to ensure that the events of the weekend are not repeated.

This morning I updated Cabinet colleagues on the full range of measures we are taking ahead of the match between England and Wales in Lens on Thursday. It had already been agreed with the French that an additional contingent of UK police spotters would be deployed to help identify troublemakers. The Foreign Office is advising supporters without tickets to avoid travelling to Lens and nearby Lille; it has drawn fans' attention to the fact that Russia is playing Slovakia in Lille tomorrow afternoon and has said that English and Welsh supporters should be on their guard.

Stadium security is a significant concern following the breakdown of segregation in the Vélodrome stadium. We are all acutely conscious of the dangers when crowd management inside a stadium goes wrong. Discussions are going on with the French police about reinforcing the stewarding operation in Lens on Thursday night.

The House will already be aware of the robust operation in place in this country to prevent known troublemakers subject to football banning orders from travelling to France before the start of the tournament, as a result of which almost 1,400 passports have been surrendered. Following the violence in Marseille, nine British nationals were arrested, six of whom have now been given custodial sentences for their involvement in that violence. We expect all to be subject to additional court proceedings on their return to the UK, to examine whether banning orders should be imposed.

I am deeply concerned at the very serious injuries suffered by some England supporters in Marseille. The Foreign Office has additional staff in France and is providing consular assistance to those who have been hurt and to their families.

I am confident that all the measures that we and the French are taking will help, but I conclude by echoing the England captain and manager, who have urged fans to stay out of trouble. As UEFA's decision relating to the Russian team shows, the penalties for individuals and for the teams they support could be severe if there is more violence in the days ahead.

**Andy Burnham**: As the dust settles on a terrible weekend in Marseille, attention is turning to security around England's next game. While England fans were certainly not blameless at the weekend, it is clear that

they were the subject of extreme violence meted out by Russian supporters. Whatever the rights and wrongs, we cannot afford to see any repeat of that. I am sure we are all agreed on that, but there are real fears that there could be a repeat.

The chairman of the Football Association has raised serious concerns in a letter to UEFA. He identifies a number of major security lapses in the stadium on Saturday. He says that stewarding was poor and segregation insufficient, and that fireworks and flares were taken in and then let off. That is extraordinary, given the heightened security around the tournament. Greg Dyke also points to a situation where England and Russian fans may come face to face again tomorrow in Lille. The thousands of people from the three home nations who are out there to enjoy the football will now be worried about their safety. That is why we have brought this urgent question today.

With respect to the Home Secretary, she did not provide a full statement on these matters yesterday. Can she confirm today exactly how many police are being sent to France and what precisely they will be asked to do? She mentions football banning orders. In 2010, 3,174 football banning orders were in place. Now, that number is 2,181. Why has it dropped so significantly? She says that 1,400 passports were seized in advance of the tournament, but there are over 2,000 banning orders. What happened to the other 600 people whose passports have not been taken?

On stadium safety, will the Government today contact UEFA to reinforce the FA's concerns at a very senior level? Will the Home Secretary ask UEFA to investigate claims that Russian ultras have links to the official Russian delegation?

On policing, it would appear that some tactics were heavy-handed and the indiscriminate use of tear gas added to the general sense of chaos. We accept the sensitivity of policing, but will there be any discussion with the French authorities on policing going forward? Will there be any discussions about managing particular flashpoints in Lille tomorrow and keeping supporters separate?

What is needed now more than anything is honesty and cool heads on all sides. Many England fans were clearly the victims of violent extremists and poor security, but it is not acceptable to march into someone else's town singing provocative songs about the second world war and launching bottles at police. Ahead of Thursday and the rest of the tournament, all sides now need to take a look at themselves and resolve, from hereon in, to make this the festival of football we all want it to be.

**Mrs May**: The right hon. Gentleman raises a number of issues. I can assure him that we are in touch with a number of people. This morning I spoke to Assistant Chief Constable Roberts, the police lead on these matters. ACC Roberts was in fact in the middle of a meeting with French police and others, so I am not able to give the right hon. Gentleman the full results of that meeting. However, I will be able to speak on some of the measures being taken. The Secretary of State for Culture, Media and Sport spoke to the Russian Sports Minister after the events that took place in Marseille at the weekend. As I said yesterday, I have spoken with my French opposite number, Bernard Cazeneuve.

As I said, the police were meeting—I think they are still meeting as we speak—to consider what extra action will be taken around Lille and Lens. My understanding is that there is an expectation that there will be a greater police presence around the stadium, for security both outside and inside the stadium. The right hon. Gentleman asks how many police we have sent to France. We do not talk about numbers for operational reasons, but we are involved in a number of things: police spotters are trained to spot potential troublemakers; we are providing support on post-incident analysis of, for example, CCTV footage; and we are providing some investigative support. Whatever the French have asked for, we have been willing to provide. As I said, that goes for both police and British transport police.

The right hon. Gentleman asked about the change in number of the approximately 2,000 people subject to a football banning order here and the nearly 1,400 who have had passports taken away. The answer to his question is that we have taken passports away from those who are passport holders; the others do not hold passports.

**Bob Blackman** (Harrow East) (Con): Clearly, the disgraceful scenes in France, in particular by Russian thugs, are to be condemned. What has my right hon. Friend done about assessing the position of Russia hosting the next World cup in 2018? The implications for the safety of England supporters, and of supporters from around the world, have to be considered. We all want to see the beautiful game played on the field, not thugs on the terraces ruining it.

**Mrs May:** My hon. Friend makes an important point. Our current focus must be on the immediacy of Euro 2016, but he is absolutely right that, following this event, we will need to look carefully at the next championship event, which, as he says, is due to be held in Russia. There will be concerns about that in view of what we have seen with the Russian supporters. As my hon. Friend says, and as I reiterated yesterday, any fans, whoever they support, who get involved in violence during these games are letting down not only themselves, but all the law-abiding fans who want to go and enjoy a good football tournament.

**Joanna Cherry** (Edinburgh South West) (SNP): Of course we must take steps to protect fans from all the home nations from violence at the hands of others while they are abroad, but does the Home Secretary agree that we must also address the appalling behaviour of some of the English fans? In the 1970s, we had a serious problem with football hooliganism in Scotland. We managed to address it, and now the tartan army win awards for their good behaviour and their charitable work. Scotland may not have a world-class—*[Interruption.]*

**Mr Speaker:** Order. Listen to the hon. and learned Lady.

**Joanna Cherry:** Scotland may not have a world-class football team—yet—but we have world-class fans who know how to behave themselves, as it appears do the Welsh and the Northern Irish fans. My point is that the problem of recurring football hooliganism is not insoluble.

What is most worrying, however, is the undertow of racism to this football hooliganism, and if it is allowed to continue unchecked, English fans will not be welcome abroad. What is being done to address that? Finally, a senior politician in Marseille has demanded that the United Kingdom pay towards the cost of the clean-up operation after the trouble on the city's streets. What steps will the Home Secretary take to ensure that these costs fall on the fans responsible and not on the British taxpayer?

**Mrs May:** I think that tone of the hon. and learned Lady's remarks was somewhat unfortunate. Yes, as I indicated yesterday at Home Office questions—the hon. and learned Lady was in her place at the time—some England supporters were involved in the violence; and as I indicated just now in response to the urgent question, nine England supporters have been arrested and action is being taken against them by the French criminal justice system. Those people will be considered for banning orders when they return to the United Kingdom. Football hooliganism can erupt anywhere with any group of fans. We have experience here in the UK of dealing with football hooliganism in the past. Arrangements, including banning orders, are in place, and they do work well, but we are, of course, ever-vigilant and will take whatever steps are necessary to ensure that the law-abiding fans who wish to enjoy football are able to do so.

**Mr Philip Hollobone** (Kettering) (Con): English football hooligans who take part in such violence bring shame on our country. It would appear in this case that the bulk of the responsibility lies with some really nasty Russian football hooligans. Anyone who takes part in violence needs to take responsibility for it. Frankly, the French have enough to worry about with the terrorist threat to this football tournament, and this is the very worst time to have to get involved in other issues. Will my right hon. Friend redouble her efforts to make sure that the French have all the intelligence they need to weed out the few troublemakers who are catching the headlines?

**Mrs May:** My hon. Friend makes an important point. We are working with the French authorities to ensure that they have as much information as possible about the individuals who might be troublemakers. Given our expertise with police spotters, greater numbers of them will be in France for the match on Thursday, so that they can provide exactly that support to the French authorities.

**Several hon. Members rose—**

**Mr Speaker:** I see in his place the record-setting, long-serving Chairman of the Home Affairs Committee. I call Mr Keith Vaz.

**Keith Vaz** (Leicester East) (Lab): Thank you, Mr Speaker. It is ludicrous to believe that politicians, Ministers or shadow Ministers can control what supporters do at a football match. However, it is a worry, given that more matches are to be played, that flares and other weapons were being taken into stadiums at a time when France is on such a high state of alert. Interpol is 200 miles away from Marseille. What action is being taken to flag up

[Keith Vaz]

the names and the photographs of those involved with Interpol so that we can ensure that these people cannot travel across borders in the future?

**Mrs May:** The right hon. Gentleman mentions stadium security and flares being taken in, and we are discussing with the French police what further steps they can take on security both at and inside the stadium on Thursday. The UK police are working with the French, and with the Russian and Slovakian police—the match on Wednesday will be Russia versus Slovakia in Lille—to ensure that every action is taken to identify and act against troublemakers. Action has been taken against England fans, and there are also some reports about the French authorities taking action against some Russian fans.

**Jason McCartney** (Colne Valley) (Con): The French authorities, police and armed forces have had to face the horrors of the Charlie Hebdo and Paris attacks in recent months, so does the Home Secretary agree that no matter what the provocation from Russian thugs, it is beholden on English football fans to show restraint and respect to the French authorities?

**Mrs May:** Yes, and we should give that clear message to the England fans. As I said, the England captain and manager have urged and encouraged fans to go and enjoy the football, to show respect for the authorities, and not to get involved in violence or hooliganism.

**Toby Perkins** (Chesterfield) (Lab): I was at the match on Saturday in Marseille, and the scenes that we saw in the stadium were of a sort that we thought we had left behind 30 years ago. It was an appalling, co-ordinated and violent assault on England fans by the Russian fans, and it was very worrying. It is clear that the French police were entirely focused on preventing terrorism, and they had no real strategy for preventing hooliganism. By taking responsibility for running the tournament at this time, the police have a responsibility to keep fans safe. How will the Home Secretary ensure that the French police—who were non-existent three minutes after the attacks had started—police all aspects of the tournament, including hooliganism and violence, and are not just looking at terrorism?

**Mrs May:** UEFA's rules about police presence in the stadium are different from the rules that we tend to operate in the United Kingdom, where we do have a police presence in the stadium, but those sorts of discussions are currently taking place at an operational level. I have spoken to Assistant Chief Constable Roberts, who is leading UK policing involvement. The police are sitting down and discussing with the various authorities how much policing can be put into the stadium, and what action can be taken for security outside the stadium for those who are entering it, as well as those inside.

**Mr David Jones** (Clwyd West) (Con): I am sure that my right hon. Friend will join me in commending the Wales fans whose conduct at Bordeaux was widely praised in the French press. She has mentioned the measures that she is putting in place, together with her French colleagues, in anticipation of the match at Lens. Given that that will be the first encounter between two

British teams, does she share my concern that it may prove to be a possible target for an external terrorist threat, and are the security services bearing that in mind?

**Mrs May:** My right hon. Friend will be reassured to know that the Secretary of State for Wales spoke to the Football Association of Wales yesterday about those matters, and we are working with authorities from all the home nations involved in this tournament. The security and terrorist threat for France remains critical, as it has been for some time, but I assure my right hon. Friend and the House that law enforcement and security services in the UK are working closely with their French counterparts on the terrorist threat that we all face.

**Thangam Debbonaire** (Bristol West) (Lab): Does the Home Secretary share the conviction that football—the beautiful game—can often be a force for good, and that most football fans, both here and abroad, are there to enjoy the game? What will she do in the coming days and months to spread that message, and what conversations will she have with the FA, and others, to ensure that those who come in peace outnumber and out-voice those who come to do violence?

**Mrs May:** I share the hon. Lady's comments about football, and as president of the Wargrave Girls football club I see the effect of football on young people, and the excitement, interest and benefits that it can give. On a more serious note, the Secretary of State for Culture, Media and Sport will be in touch with football authorities in the United Kingdom, and we must make it clear that people should be enjoying this sport. People should not feel fear when they go to a game; they should know that they are going to enjoy it, and come away having done so and feeling better for it.

**Gareth Johnson** (Dartford) (Con): Banning orders have been effective in the past, but they have tended to be imposed for domestic incidents, rather than those that have taken place abroad. Will the Home Secretary assure the House that every effort will be made to identify troublemakers abroad so that whether or not they have been arrested, banning orders can be imposed and we will not have problems from those people in the future?

**Mrs May:** I can give my hon. Friend that assurance. When people are identified, consideration will be given to taking action through banning orders. It is possible to give banning orders for violence that has occurred outside the UK.

**Mr Nigel Dodds** (Belfast North) (DUP): The appalling violence must be condemned, whoever perpetrates it and wherever it comes from. I am sure that the Home Secretary will agree that fans from England, Wales, Northern Ireland and indeed the Irish Republic who have behaved in an exemplary way deserve praise, and that they are the vast bulk of fans. Our thoughts are with the family of a fan from Northern Ireland, Darren Rodgers, who was killed in an accident in Nice, and I am sure that the good wishes of the whole House go to his family at this sad time. Will the Home Secretary impress on the French authorities and UEFA the lessons that they need to learn about the events of last week?

**Mrs May:** I echo the right hon. Gentleman's comments, and the House sends its condolences to the family of Darren Rodgers. That was a terrible accident to happen in any circumstances, but for someone who was going there to enjoy watching the football, it is an appalling tragedy for his family.

We are talking to the French authorities about how matches can be policed, but the right hon. Gentleman is right to say that the vast majority of fans are law-abiding and go to enjoy the game and have a good time. We should praise them when they do so, and I encourage all fans from England, Wales and Northern Ireland to carry on doing that and to ensure that we have a tournament of which everybody is proud.

**Mr Christopher Chope** (Christchurch) (Con): Following the great success of last year's rugby world cup, will my right hon. Friend commission a study into what is causing the distinction in behaviour between some who support association football and those who support rugby football?

**Mrs May:** A lot of work has been done on football hooliganism over the years, and our UK police are very good at managing football matches so that people of all ages are able to go and enjoy them.

**Jo Stevens** (Cardiff Central) (Lab): On Thursday we will see the historic fixture between England and Wales at Euro 2016, featuring the best player in the tournament, Cardiff's own Gareth Bale. Does the Home Secretary agree that the best antidote to what happened last weekend would be a brilliant game on Thursday, and a peaceful crowd throughout the game?

**Mrs May:** I will not comment on individual players, but I entirely echo what the hon. Lady says about the best antidote to what happened last Saturday being a peaceful and excellent game that everybody can enjoy.

**Alison Thewliss** (Glasgow Central) (SNP): I understand that the sanctions that UEFA is levelling against the Russians—a suspended disqualification and a fine—apply only to incidents that happened within the ground, because that is the extent of its jurisdiction. Does the Home Secretary agree that we need to examine the rules so that the football associations of the home nations are responsible for their fans regardless of where they are and that the rules should not be limited just to actions within a stadium?

**Mrs May:** I think that the hon. Lady's understanding of the situation is correct. These are, of course, UEFA rules, and it not a matter for the Government to set those rules, but my right hon. Friend the Secretary of State for Culture, Media and Sport has heard her question.

**Mr Clive Betts** (Sheffield South East) (Lab): The hon. Member for Harrow East (Bob Blackman) asked a very relevant question about the next World cup, which will take place in Russia. Will the Home Secretary ask UEFA and FIFA to investigate the alleged links between the Russian football authorities and extreme groups? Will she also ask FIFA to investigate the ability and willingness of the football and political authorities in Russia to offer a safe and secure environment to law-abiding

fans who want to travel to the World cup, especially in view of the amount of racism and homophobia that exists in sections of that country?

**Mrs May:** The hon. Gentleman raises a number of concerns relating to the tournament in Russia. As I said earlier, the Secretary of State for Culture, Media and Sport has been in touch with the sport Ministers in Russia. I think that our immediate focus must be on the tournament in France, but I am sure that when that tournament is over, people looking ahead to the tournament in Russia will want to raise many issues, some of which will be for Governments and others for the football authorities.

**Mr David Anderson** (Blaydon) (Lab): Before our friends from Scotland get too carried away, may I gently remind them that there was a riot at the end of the Scottish football final on 21 May?

I want to make a serious point about how we can prevent racism and do the necessary work on the ground. For the past two decades, groups such as Show Racism the Red Card have played a tremendous part in that anti-racist work, going into schools and encouraging young people to get involved in it. Sadly, however, as a result of Government decisions, funding for such groups has been cut both by local authorities and the Department for Communities and Local Government. May I encourage the Home Secretary and other Ministers who are here today to consider restoring that support? Getting to our children first is what will end this curse.

**Mrs May:** The hon. Gentleman makes an important point about the significant work that has been done over the years to stop racism in football. Sadly, the job is not complete; the work must continue, and the Government and football authorities take that seriously. However, the issue is wider than racism. Before the Olympics I was involved in discussions with a number of sports authorities, including the Football Association, about homophobia at sporting events. We should all take those issues seriously and work at every level to try to cut all that out.

**Greg Mulholland** (Leeds North West) (LD): Any football fan who goes to a match intending to commit or initiate violence is clearly criminal and must be subject to the full force of the law. However, what we witnessed in the stadium were innocent people suffering unprovoked assaults, having to flee for their lives and risking serious injury. Will the Home Secretary ensure that the fact that those fans were wearing football shirts will not prevent them from receiving the Government's full support so that they can seek justice against their perpetrators like people in any other walk of life?

**Mrs May:** Obviously the investigation of any incidents that have taken place will be primarily a matter for the French authorities. However, I can assure the hon. Gentleman that consular support from the Foreign and Commonwealth Office is available to all those people.

**Kevin Brennan** (Cardiff West) (Lab): I was lucky enough to be part of the 25,000-strong sea of red in Bordeaux at the weekend who witnessed Wales's victory over Slovakia, which leaves us top of the group—*[Interruption]*—ahead of England. However, there is

[Kevin Brennan]

genuine concern about what those Welsh fans may face during the two group games before the next stage: the games against England and Russia. The Home Secretary is, after all, Home Secretary for both England and Wales, so what assurances can she give about what she is doing, in conjunction with other authorities, to ensure that those Welsh fans—who, it must be said, behaved impeccably in Bordeaux—are protected during the next two games?

**Mrs May:** You will have noticed, Mr Speaker, that I am trying to avoid commenting on any results of matches that have taken place.

I can tell the hon. Gentleman that we are paying attention to the policing of all the matches that involve home nations. Police from Wales, England and Northern Ireland are in France, and Assistant Chief Constable Roberts is working with all the police and the French authorities on behalf of every home nation.

**Mike Gapes** (Ilford South) (Lab/Co-op): Following the Home Secretary's answer to my hon. Friend the Member for Sheffield South East (Mr Betts), may I ask her whether she has read the remarks of Mr Igor Lebedev, a Member of the Russian Parliament who is also a member of the executive of the Football Union of Russia? He has actually said, "Well done, lads—keep it up," to those thugs and hooligans. Given that he is a member of the so-called—apologies—Liberal Democratic party, which is a fascist party in Russia, does that not indicate that there is a wider political problem that calls into question whether Russia should host the World cup?

**Mrs May:** I have seen a newspaper report of those remarks, which were utterly irresponsible and not remarks that we would expect to hear from anyone. I would not expect anyone to support the violence that was perpetrated by Russian fans against England fans, or to express any belief that that was in any respect the right way to behave. I think that it was an utterly appalling statement. I have indicated that there are issues to be addressed in the future in relation to football in Russia, given everything that has been seen.

**Mr Speaker:** He sounds a very bigoted fellow indeed.

**Jim Shannon** (Strangford) (DUP): Russian fans were high on body-building medication, covered in tattoos and spoiling for a fight, encouraged—as we heard from the hon. Member for Ilford South (Mike Gapes)—by some Russian Members of Parliament. What will be done to protect British fans—indeed, all fans—from these Russian thugs?

**Mrs May:** Every effort is being made to work with the French authorities to ensure that if any extra action is necessary to protect fans from any of the home nations against the thugs who have been perpetrating this violence, that action is taken.

**Jonathan Edwards** (Carmarthen East and Dinefwr) (PC): I was in Bordeaux over the weekend. I hope that the Home Secretary will join me in congratulating the Welsh fans on their fantastic behaviour, which she did

not do earlier. However, as a seasoned supporter, I am, like the hon. Member for Cardiff West (Kevin Brennan), genuinely concerned about what will happen in the next 48 hours, when Welsh fans find themselves in a toxic cocktail consisting of a small minority of Russian and English football hooligans. The Welsh FA has advised fans not to travel to Lens without a ticket and not to stay in Lille, as have the UK Government. Will the Home Secretary call on the English FA to make a similar statement and to start taking responsibility for the actions of a small minority of its supporters?

**Mrs May:** I am happy to join the hon. Gentleman, my right hon. Friend the Member for Clwyd West (Mr Jones) and others in praising those Welsh fans who behaved perfectly properly at the opening match in which Wales was involved. I am also happy to praise the English and Northern Irish fans who behaved perfectly properly at their matches. Unfortunately, as we know, a number of Russian supporters instigated and were involved in violence, along with—sadly—a small number of English supporters. I think that we should send the clear message that has already been sent by the England captain and manager: we want fans—all fans—to behave properly, and not to become involved in any violence whatsoever.

**Mike Kane** (Wythenshawe and Sale East) (Lab): Like hundreds of thousands of other people, my family and I have just renewed our season tickets for our hometown clubs, but none of us fancy the prospect of sitting next to anyone who was tried and convicted of violence in France during the next season. Does the Home Secretary agree that clubs themselves should revoke, without recompense, the season tickets of any fans who are found to have been tried and convicted?

**Mrs May:** The hon. Gentleman tempts me down a route for which neither I nor any other Minister has responsibility. It is up to football clubs themselves to choose what action to take. What is important is that where we, as a Government, can take action in relation to the banning orders, that action is taken, as it has been and will continue to be.

**Gavin Robinson** (Belfast East) (DUP): It has not been lost on us that, as the police deal with the mammoth task of securing the Euros, there was an IS-claimed terror attack yesterday in Paris, resulting in the loss of two lives. As we send our police from the Police Service of Northern Ireland, from England and from Wales, we reduce the burden on the French authorities and, indeed, keep our fans safe. Can the Home Secretary tell us whether the Russian authorities have been as positive, proactive and productive in continuing to check on their fans as we have?

**Mrs May:** The hon. Gentleman is right: an attack did take place, which has been claimed as Daesh-related, and I understand the French Interior Minister and indeed President have described it as such. Obviously, the full details of that attack are yet to emerge, but it is important that we allow the French authorities to undertake the work that they need to do to keep fans safe, and I can assure the hon. Gentleman that from the conversation I have had with ACC Roberts, it is clear the Russian police who are present in France are also working with the French authorities and the UK police on this matter.

**Andrew Gwynne** (Denton and Reddish) (Lab): But it is not just Russian Members of Parliament who are acting irresponsibly; so, too, are sections of the Russian media. Is the Home Secretary aware that the *Komsomolskaya Pravda* tabloid says that Russia is now the clear favourite to win the “alternative Euros” and has published a glossary of hooligan terms for the uninitiated? Is that not reprehensible? What discussions is she having with the Russian authorities to condemn those actions, and what conversations are the Government having with FIFA in respect of Russia hosting the next World cup?

**Mrs May:** I made it a rule fairly early on in my life never to read *Pravda*.

**Tom Elliott** (Fermanagh and South Tyrone) (UUP): I would like to add my condolences to the family of Darren Rodgers, the Northern Ireland supporter who died, tragically, in France. I also pay tribute to those fans who have gone from the United Kingdom, whether England, Wales or Northern Ireland—and, indeed, fans from the Republic of Ireland—and have behaved well.

Have the Home Secretary, or the forces and authorities, identified any short-term measures that could be put in place over this next week and 10 days to try to address and reduce the violence taking place in France?

**Mrs May:** Work is being done with the French authorities to look at the policing of future matches, with a particular focus, obviously, on the match in Lille and, from our point of view, the England-Wales game in Lens on Thursday. The authorities and police here will also be taking every action necessary. If there are fans who return to the UK who have been involved in violence and could be subject to banning orders, the police will take action against them.

## Wales Bill

[*Relevant documents: The First Report from the Welsh Affairs Committee, Session 2015-16, on Pre-legislative scrutiny of the draft Wales Bill, HC 449, and the Government response, HC 280.*]

### Second Reading

1.12 pm

**The Secretary of State for Wales (Alun Cairns):** I beg to move, That the Bill be now read a Second time.

We are here today to debate the Wales Bill—legislation of fundamental importance to the future governance of Wales and its role within the United Kingdom. It will empower the National Assembly for Wales and the Welsh Government to deliver the things that really matter: the economy, the environment and essential public services. I want to thank stakeholders, including the Select Committee on Welsh Affairs and my hon. Friend the Member for Monmouth (David T. C. Davies), and the Assembly’s Constitutional and Legislative Affairs Committee, for their work on the draft Bill, and those, including the Welsh Government, for the way they have responded to the publication of the Bill. I am committed to continue working with all those stakeholders and others as the Bill progresses through Parliament.

I would first like to pay tribute to my right hon. Friends the Members for Chesham and Amersham (Mrs Gillan), for Clwyd West (Mr Jones) and for Preseli Pembrokeshire (Stephen Crabb) who each worked tirelessly to put Welsh devolution on a stable footing for the long term, and who have all played a major part in the development of this Bill. Following the resounding yes vote in the March 2011 referendum on full lawmaking powers for the National Assembly, my right hon. Friend the Member for Chesham and Amersham sought to simplify Welsh devolution by removing the widely disparaged legislative competence order, or LCO, system—a system and process I think we would all sooner forget. My right hon. Friend established a commission to review the financial and constitutional arrangements in Wales. The Silk commission, chaired by Sir Paul Silk—I pay tribute to him and to those who joined him on the commission for their work—included representatives from all four political parties represented in the Assembly. It published its first report in November 2012, which was on devolving financial powers to the Assembly.

My right hon. Friend the Member for Clwyd West then took forward the Wales Act 2014 to implement recommendations in that report, devolving tax-varying powers to the Assembly for the first time, and establishing an important principle.

The Silk commission published its second report, on the Assembly’s legislative powers, in March 2014, from which my right hon. Friend the Member for Preseli Pembrokeshire established the St David’s day process seeking political consensus on what could be taken forward. This culminated in the St David’s day agreement published in February 2015, which forms the blueprint for the Bill before us today.

I have also considered the Smith commission’s proposals, and in turn the Scotland Act 2016, to include the elements that work for Wales.

In preparing this Bill I have been guided by two underpinning principles: clarity and accountability.

**Kevin Brennan** (Cardiff West) (Lab): On a point of clarity, will the Secretary of State make it absolutely clear to the House whether the Bill as it now stands would permit the Assembly to introduce compulsory voting in Welsh Assembly elections?

**Alun Cairns:** I am happy to give that clarification. Matters of elections, which I will come to in further detail, will be devolved, subject to a two-thirds majority. That includes the franchise for the Assembly elections and the constituencies and a whole range of other areas. *[Interruption.]* I will happily respond to those points when I get to that part in my speech a little later.

I was guided by the principle of clarity because the new reserved powers model of devolution draws a well-defined boundary between what is reserved and what is devolved, clarifying who is responsible for what. It is also a major step in extending powers. It will end the squabbles over powers between Cardiff Bay and Westminster, enabling the Welsh Government to get on with the job of improving the economy, securing jobs and improving devolved public services.

The second principle is accountability. The Bill paves the way to introduce Welsh rates of income tax. It will make the Welsh Government accountable to people in Wales for raising more of the money they spend. This, again, is a major step in the Assembly's maturity.

**Hywel Williams** (Arfon) (PC): Will the Secretary of State concede that a third possible point of principle would be proper subsidiarity, and if so, does he believe this Bill meets that requirement?

**Alun Cairns:** I am grateful to the hon. Gentleman for his question, and I hope we can cover some of those points later in the debate, but, Madam Deputy Speaker, much will depend on what you determine and interpret as subsidiarity.

**Mr David Hanson** (Delyn) (Lab): The Secretary of State just mentioned Welsh income tax rates. What guarantees is he going to give the House with regard to the Welsh block grant to the National Assembly for Wales over the duration of this Parliament, which is all he can speak for? My worry is that he will cut the block grant and expect the people of Wales to make up the difference from higher income tax rates.

**Alun Cairns:** The right hon. Gentleman will recognise the funding floor introduced by my right hon. Friend the Chancellor of the Exchequer, which was a clear commitment and promise delivered by the Government. Of course, the Barnett adjustments need to be considered, and discussions between the Welsh Government and the Treasury and my officials are ongoing. We would like to see progress on those matters as the Bill is scrutinised throughout the parliamentary process. Both Administrations are determined to find a transparent way that will rightly serve the people of Wales and the Welsh and UK taxpayer.

**Jonathan Edwards** (Carmarthen East and Dinefwr) (PC): I wish to draw the Secretary of State's attention to the comments of his colleague the Secretary of State for Scotland on the Scotland Act:

"This is a truly significant day for Scotland. If this Bill completes its parliamentary progress, it will add to the already extensive responsibilities of the Scottish Parliament a range of important new powers. It provides even greater opportunities for the Scottish Government to tailor and deliver Scottish solutions to Scottish issues."—*[Official Report, 23 March 2016; Vol. 607, c. 1683.]*

Was the Secretary of State for Scotland right, and if so, why has the Secretary of State for Wales brought forward a Bill that pales into insignificance when compared with the Bill given to the people of Scotland?

**Alun Cairns:** I am somewhat disappointed by the tone the hon. Gentleman is taking. We have developed the Bill through consensus. We have responded to the comments that were made following the publication of the draft Bill, and before that we had the St David's day agreement, in which his party was an active participant. We have sought to develop political consensus, but ultimately we do not have a uniform approach to devolution. What is right for Scotland is not necessarily right for Northern Ireland or for Wales. Clearly we have different circumstances and needs, and we should respond to those needs by developing appropriate Bills. I hope that the hon. Gentleman will actively participate and seek to improve the Bill through the parliamentary process; I am determined to achieve a Bill that all Members of the House will be at best satisfied with.

**Carolyn Harris** (Swansea East) (Lab): In February, the Secretary of State's predecessor said:

"A lot of the criticism of the draft Bill has been ill-informed or just plain wrong."

Given that the Government have accepted most of the criticism and amended the Bill, does the Secretary of State agree that his predecessor was wrong?

**Alun Cairns:** It is right to say that part of the criticism was certainly ill informed and will have been wrong, but that does not necessarily mean that all the other elements of the scrutiny were wrong. One of the purposes of publishing a draft Bill was to encourage active scrutiny by the Welsh Affairs Committee, of which the hon. Lady is an active member. We are grateful for her input and that of the Committee.

We have made a commitment to put in place a clearer, stronger and fairer devolution settlement for Wales, and that is exactly what the Bill does. The St David's day process established "Powers for a Purpose"—that is, powers that can make a real, practical difference to the lives of the people in Wales. Among the many powers devolved in the Bill are those that will enable the Assembly to decide the speed limits on Welsh roads; how taxis and buses in Wales should be regulated; whether fracking should take place and, if so, how it should be regulated; and how planning consent is given for all but the most strategic energy projects.

**Paul Flynn** (Newport West) (Lab): The Bill contains welcome new powers for the Assembly on energy projects, but they are limited to projects that are smaller than 350 MW, and there are very few of those. Why can the powers not be extended to much larger projects?

**Alun Cairns:** I am grateful to the hon. Gentleman for his long-standing interest in these matters. I would point out that 350 MW is quite a significant capacity. I would also remind him that the basis for this proposal was a recommendation from the Silk commission.

**Mr David Jones** (Clwyd West) (Con): Further to that point, though, does my right hon. Friend agree that in respect of wind generation, the Assembly's powers will now be unlimited?

**Alun Cairns:** The powers in the Bill will be limited to a capacity of 350 MW, as I have stated.

There can be no doubt as to the extent to which the Assembly has matured over the 17 years since it was established. That maturity is reflected in the development of the institution into a confident law-making legislature. In recognition of this, the Bill enshrines the Assembly and the Welsh Government as permanent parts of the United Kingdom's constitutional fabric for the first time. It also makes a commitment that Parliament will not normally legislate on devolved matters without the Assembly's consent.

**Hywel Williams:** The Secretary of State referred a moment ago to some of the new powers, but of course some powers are not going to be devolved. Could he explain the principle behind choosing which powers to devolve and which to retain? For example, why is water to be retained here while sewerage goes down to Cardiff?

**Alun Cairns:** I will talk about the devolution of powers relating to water a bit later on. The hon. Gentleman will be aware that an intergovernmental working group has been established and that it is considering the implications of the in-principle decision that has been taken on devolved water. I will happily comment in further detail when I reach that part of my speech.

**Mr Jones:** My right hon. Friend mentioned what will effectively be the incorporation of the Sewel convention in statute, for the first time so far as Wales is concerned. Clause 2 of the Bill states:

"it is recognised that the Parliament of the United Kingdom will not normally legislate with regard to devolved matters without the consent of the Assembly."

If the United Kingdom Parliament were to legislate for such matters and there were to be a challenge from the Welsh Government as to whether that was "normal", how would that matter be adjudicated?

**Alun Cairns:** The basis of this clause has been drawn from the Scotland Act. It would be a matter for the courts to judge in such a situation, but this underlines the principle that Parliament is sovereign in these matters, although we will absolutely respect the rights of the Assembly. That is why we have included a clause stating that we will not "normally" legislate on devolved areas.

The debate on the draft Bill, which was published for pre-legislative scrutiny last autumn, was dominated by justice issues. In particular, it focused on something that was labelled the necessity test, and the inclusion of the test led to calls for a separate jurisdiction. I have listened to those concerns, and this Bill has moved a long way from the draft version and is by general consensus more suitable. The necessity test was believed to set too high a bar, and calls were made for a lower threshold. I have gone further, however, and removed the test entirely when the Assembly modifies the civil and criminal law for devolved purposes. As a consequence, many of the arguments for a separate legal jurisdiction for Wales should have fallen away.

However, I recognise the validity of some of the points raised during pre-legislative scrutiny about the existence of Welsh law. The Bill formally recognises for the first time that a body of Welsh law made by the Assembly and Welsh Ministers forms part of the

law of England and Wales within the England and Wales jurisdiction. The recognition of Welsh law needs distinct arrangements. As a result, I have been working with my right hon. Friend the Justice Secretary to establish an officials-led working group to look at how those administrative arrangements should be improved. The group includes representatives from the Judicial Office and the Welsh Government, and it will take forward its work in parallel with the progress of the Bill through this House and the other place.

The single jurisdiction can readily accommodate a growing body of Welsh law without the need for separation. There are many reasons why a separate jurisdiction would be to the detriment of Wales. As well as the unnecessary upheaval and cost of such a change, the economic and commercial interdependence of the legal profession on both sides of the border means that separation would undermine the success of one of Wales's fastest growing sectors—the legal profession.

**Jonathan Edwards:** Will the working group be looking at the justice impact assessments mentioned in the Bill, and will it present its report before we have our final vote on the Bill on Third Reading?

**Alun Cairns:** The terms of reference for the working group have been published, and I would expect it to report in the autumn. The justice impact assessment is a matter for the Assembly and for scrutiny by Assembly Members. The principle of having a justice impact assessment is fundamental to proper scrutiny of any mature legislature. With your permission, Madam Deputy Speaker, we might be able to debate that when I get to that element—as I am about to do now.

Some Members, such as the hon. Member for Carmarthen East and Dinefwr (Jonathan Edwards), have asked me about the requirement in the Bill for justice impact assessments to accompany Assembly Bills, and I would like to take this opportunity to clarify its purpose a little further. It is only natural for a mature legislature to consider the consequences of its own legislation. The impacts of Assembly Bills are assessed against a range of matters, including, quite rightly, the Welsh language and equalities, but no formal assessment is made of their potential impacts on the justice system, which is vital for its laws to be enforced properly. It is simply common sense that any such matters are considered and such an assessment is made, to help with the efficient delivery of justice services.

The Government committed in the St David's day agreement to implementing—

**Jonathan Edwards:** This is the key point in relation to these new impacts. Who is going to be making the assessments? I take it that the Minister's view is that that is a matter for the Welsh Government, but would those assessments at any point lead to a trigger whereby the Ministry of Justice could object to Welsh legislation?

**Alun Cairns:** It is a matter for Assembly Members, and the requirement is that the Standing Orders include a request for a justice impact assessment. No, there will be no veto arising out of the justice impact assessment. Let me give the hon. Gentleman a practical example.

The Renting Homes (Wales) Act 2016 has supporting documents in excess of 30 pages, with 15 lines talking about the justice implications or the consequence thereafter.

[*Alun Cairns*]

The principle we are requesting is that full, proper consideration be given to the justice consequences that arise thereafter. That is mature scrutiny, and I pay tribute to the way in which the First Minister responded to the question on the Floor of the Assembly some weeks ago. Rather than a general accommodation with the Standing Orders, we are talking about a specific request for a justice impact assessment.

The Government committed in the St David's day agreement to implement a clear devolution boundary for Wales. The reserved powers model at the heart of the Bill will make the Welsh devolution settlement clearer by drawing a well-defined boundary between what is reserved and what is devolved. Anything not specifically reserved is devolved to the Assembly and the Welsh Ministers—it does not get clearer than that! The Bill's pre-legislative scrutiny prompted a wide-ranging discussion on what the future shape and structure of Welsh devolution should be. The list of reservations included in the draft Bill was criticised as being too long. We have listened, and the list in the Bill now contains fewer reservations and I have made the descriptions more accurate. More importantly, there is a clear rationale for reservations that are included. The list of reservations will never be as short as some would like, but clarity requires specificity. The list included in the Bill will be subject to further fine tuning, but I believe that, broadly, we have struck the right balance.

The Bill also clarifies the devolution boundary by defining which public authorities are Wales public authorities—devolved bodies—with all other public authorities being reserved authorities. To add further clarity, the Bill lists those bodies that are currently Wales public authorities, a list we have compiled in consultation with the Welsh Government and the Assembly Commission. Naturally, the consent of the UK Government will be needed if an Assembly Bill seeks to impose or modify the functions of a reserved body. That follows the well-established principle that the Assembly approves through legislative consent motions UK Government legislation that touches devolved areas.

The final key element of a clear settlement is the change we are making to the functions of Welsh Ministers. It is hard to believe that Welsh Ministers have not been able to exercise common-law powers up to now, unlike Ministers of the Crown and Scottish Ministers; the Bill puts the misjudgment of the Government of Wales Act 2006 right. Similarly, the Bill also removes the current restriction on the Assembly being able to modify Minister of the Crown functions in devolved areas. It lists those functions that Ministers of the Crown and Welsh Ministers exercise concurrently or jointly, and the small number of Minister of the Crown functions in devolved areas the Assembly could modify, with the consent of UK Ministers. All remaining Minister of the Crown functions in devolved areas will be transferred by order to the Welsh Ministers.

Taken together, these provisions deliver a settlement that will make it clear whom people in Wales should hold to account—the UK Government or the Welsh Government—for the decisions that affect their daily lives. I would like to inform the House that some minor clarifications have been made to the explanatory notes relating to some of these clauses, and revised copies of the notes are available for Members.

**Mark Tami** (Alyn and Deeside) (Lab): The Minister is talking about extra powers and what is transferring across. What is he doing to help to get that information across to the people of Wales? Even under the current settlement, there is still a lot of misunderstanding as to who is responsible for what.

**Alun Cairns:** The hon. Gentleman raises an extremely important point. The intention of this Bill is to provide that clarity, from which there will be the opportunity for greater communication. All Members in this House and stakeholders have the responsibility to help to communicate this, but one key function of the Bill is to provide a clear line between what the UK Government are responsible for and what the Welsh Government are responsible for, so that anyone living or working in Wales clearly knows not only who to give credit to when policies are going right, but who to hold responsible where policies or the impacts of policies are not as effective as the policymakers might have thought at the outset.

**Nick Thomas-Symonds** (Torfaen) (Lab): Does the Secretary of State agree that one of the other reasons why clarity is so important is so that we have far fewer examples of the Welsh Government and UK Government ending up arguing about things in the Supreme Court? Would clarity not assist in reducing that?

**Alun Cairns:** The hon. Gentleman is absolutely right about that, and this is the function of many of the clauses and much of the motivation behind them.

The Bill also strengthens Welsh devolution by devolving further powers to the Assembly and the Welsh Ministers. To complement the Assembly's existing powers over economic development, the Bill devolves responsibility for ports in Wales. That will enable the Welsh Government to consider the development of ports in Wales as part of their wider strategies for economic development, transport and tourism. Major trust ports will remain reserved, given their national, UK-wide significance. That means Milford Haven, given its importance to the energy security of the whole of the UK, will remain reserved. We are also devolving consenting responsibility for all energy projects in Wales up to 350 MW, aside from onshore wind projects which are being devolved through the Energy Act 2016.

The Bill also streamlines the consenting regime for energy projects, providing a one-stop shop for developers by aligning associated consents with the consents for the main project. When the Welsh Government make a decision on a new energy project, they will also be responsible for consenting to the new substations, access roads and overhead power lines relating to that project.

**Albert Owen** (Ynys Môn) (Lab): Will the grid connections be devolved as well? For the larger projects, many of the planning consents are local, but I am unsure as to the actual connection to the grid.

**Alun Cairns:** I am grateful to the hon. Gentleman for his question. The purpose of the Bill is to give that one-stop shop in terms of consents for energy projects and all the consequences that follow thereafter, from access roads to overhead power lines and the connections thereafter. Those will of course be conducted in discussions with National Grid plc.

**Glyn Davies** (Montgomeryshire) (Con): What is the position where an overhead power line goes through England and Wales? I am talking not just about the connection point but about a significant part of the power line. Is the position on that clear in the Bill?

**Alun Cairns:** That relates to the discussions with the National Grid, which, quite obviously, has an interest in the matter. I will happily provide further detail to my hon. Friend if he has specific examples that he would like to pursue.

**Mr David Jones:** Further to the point raised by the hon. Member for Ynys Môn (Albert Owen), is it the case that the Assembly's powers will be limited to 132 kV transmission lines, and not to the major grid connections to which my right hon. Friend is referring?

**Alun Cairns:** My right hon. Friend has expert knowledge. Obviously, he has some detailed understanding of this Bill and a range of other Acts that relate to such decision making. As this Bill progresses through the House, particularly through Committee, we will be able to examine, line by line, the consequences of each individual clause. I will happily write to him should he need further information.

**Several hon. Members** *rose*—

**Alun Cairns:** I wish to make a little more progress, then I will happily give way to a number of colleagues.

The Bill devolves a range of further transport powers, enabling the Assembly to legislate on all aspects of Welsh roads. It will be able to decide what the speed limits should be on Welsh roads; the regime for traffic signs and pedestrian crossings on those roads; the regulation of taxi services; and the registration of bus services in Wales.

There will be further powers on the environment. The Assembly can decide whether and how fracking takes place in Wales, and Welsh Ministers will have a say on whether licences are granted for new coal mining operations. It is difficult to believe that, with all of the Wales Acts that have passed since 1997, the Welsh Assembly does not have the power to sanction a new coal mine; it needs approval from the UK Government.

**Hywel Williams:** I have intervened on the Secretary of State twice, and this will be the last time. On transport matters, what will the implications be for the transport commissioner for Wales, who, as I understand it, is currently located in Birmingham?

**Alun Cairns:** Discussions are ongoing between the Department for Transport, the Wales Office and the Welsh Government about the functions and role of the transport commissioner, who serves the west midlands as well as Wales.

Welsh Ministers' powers over marine licensing and marine conservation in the inshore area are being extended to the Welsh offshore zone.

The Bill devolves powers over sewerage and, as we committed to in the St David's day agreement, we will consider the views of the joint Government review on aligning the devolution boundary for water with the national boundary when it reports its findings in due course. That was a point raised by the hon. Member for Carmarthen East and Dinefwr.

The Bill devolves a significant number of further powers, and I shall not go into detail on each this afternoon. The purpose of Second Reading is to consider the broad principles of the Bill before we move forward to the Committee stage. As I mentioned at the outset, the Bill devolves further powers that stem from the Smith commission. These include powers over equalities, the design of renewable incentives and the scrutiny of the Office of Gas and Electricity Markets. We are also giving the Assembly and Welsh Ministers a greater say in how the interests of Wales are represented within Ofcom. This is a strong package of further powers that moves Welsh devolution forward substantially and can be used to improve the lives of people in Wales if exercised thoughtfully by the Assembly and the Welsh Government.

I spoke about the Assembly coming of age, and the package of further powers for the Assembly truly gives form to that vision. Through this Bill, the Assembly will take control of its own affairs, including deciding arrangements for its own elections. It will be able to determine how its Members are elected, the number of Members, the constituencies and regions used in those elections and who is eligible to vote. As we promised in the St David's day agreement, the Bill gives the Assembly full responsibility for deciding how it conducts its own affairs and regulates its own proceedings.

**Kevin Brennan:** The Secretary of State said that he would get to this point, but he has not answered my question, which is not about who will be able to vote, but whether the Bill will give powers to enable the Assembly to introduce compulsory voting if it chooses to do so. For clarity's sake, it is very important that we know whether the answer to that question is yes or no.

**Alun Cairns:** I am happy to clarify that matter. The Bill gives provision for who votes rather than for compulsory voting.

The Assembly is a fully fledged legislature, trusted with passing laws that affect the lives of millions of people in Wales. It is right that the legislative framework in which it operates reflects that, and enables the Assembly to decide how it conducts its business.

The Bill also repeals the unnecessary and outdated right of the Secretary of State for Wales to participate in Assembly proceedings. Subject to the Bill's progress, I hope that my attendance at the Assembly in a few weeks' time will be the last by a Secretary of State for Wales. I am sure that Members of all parties, both here and in Cardiff Bay, will welcome that—probably for many different reasons. I am sure that it will go down well in all parts of the House. A key feature of a mature legislature is that it raises, through taxation, at least some of the money it spends. With power comes responsibility. The Assembly must become more accountable to those who elect it. It must take responsibility for raising more of the money that it spends. The devolution of stamp duty, land tax and landfill tax, and the full devolution of business rates in April last year, are the first steps towards that, and it is only right that a portion of income tax is devolved too.

In the autumn statement, my right hon. Friend the Chancellor announced that we will legislate to remove the need for a referendum to introduce Welsh rates of

[*Alun Cairns*]

income tax, which means that the Welsh Government can take on more responsibility for how they raise money, and the Welsh Government want that to happen.

There are practical issues—the right hon. Member for Delyn (Mr Hanson) raised some of these—to agree with the Welsh Government, particularly how the Welsh block grant is adjusted to take account of tax devolution. Those discussions are already taking place, and I expect them to progress as the Bill passes through both Houses.

**Mr Hanson:** Will the Secretary of State clarify—I should possibly know the answer to this—on what the tax is based? Is it on residence in Wales or work in Wales?

**Alun Cairns:** It is residence in Wales. There will be further technical issues that we will want to clarify in discussions between the Treasury, the Welsh Government and the Wales Office. Those elements will be considered in further detail as the Bill progresses, and as the adjustments are agreed between all parties involved. The base is focused on residency rather than on where people work.

**Chris Davies (Brecon and Radnorshire) (Con):** Personally, I am very disappointed that, in this clause, we have broken a manifesto commitment. Is the Minister, who stood on the same manifesto, equally disappointed about that?

**Alun Cairns:** I have two points to make in response. First, it was the Wales Act 2014 that devolved tax-varying powers to the Assembly. This Bill will go one step further by removing the requirement for a referendum. Secondly, devolution has moved forward since that time. We can either seek to have the hollow argument about rowing back, or we can make the Welsh Government more accountable and more responsible for the money that they raise. Under current legislation and current arrangements, the Welsh Government already have responsibility for raising £2.5 billion of their own income, through council tax, business rates and other taxes such as stamp duty, land tax, aggregate tax and landfill tax. According to the forecast of the Office for Budget Responsibility, the devolution of income tax will transfer something in the region of £2 billion to the Welsh Government, which is a smaller sum than the one for which they already have responsibility.

**Mr David Jones:** To develop the point made by my hon. Friend the Member for Brecon and Radnorshire (Chris Davies), is it not the case that just over 12 months ago the Conservative party fought on a manifesto that pledged that there would be a referendum before any tax-varying competence was devolved to the Assembly?

**Alun Cairns:** My right hon. Friend played a significant part in the development of legislation relating to Wales when he was Secretary of State. He will recognise how quickly the devolution make-up of the UK has developed and matured in that time. This is the next logical step in making the Assembly more mature and responsible, and ultimately more accountable to the people of Wales, because it will have to consider how money is raised as well as how it is spent.

**Paul Flynn:** I am greatly enjoying the right hon. Gentleman's speech, but has his enthusiasm for referendums been diluted by recent experience, particularly the alternative vote referendum and the current referendum, which is a choice between whose lies people believe? Finally, was his faith in public opinion shaken by the large number of people who voted to name a boat Boaty McBoatface?

**Alun Cairns:** The hon. Gentleman makes an interesting point. It is fair to say that many of us might have referendum—or referendums—fatigue. The principle of devolving taxes was granted and supported in the Wales Act 2014, which transferred responsibilities in those areas without a referendum. The principle has been established, and we are taking it further through the devolution of income tax, removing the requirement for a referendum in the Bill.

I am conscious of time and the fact that many Members want to make a contribution, so I will conclude. The Bill delivers clarity to the Welsh devolution settlement and accountability to devolved government in Wales. It draws a clear line between what is devolved and what is reserved, so that people in Wales know whether to hold the UK Parliament or the Assembly accountable for the services on which they rely. It includes an historic transfer of powers to the Assembly and Welsh Government. It will strengthen Wales and it will strengthen the United Kingdom. It further enables the Welsh Government to deliver the things that matter to people living and working in Wales, and to be held to account for their decisions and policies. I commend the Bill to the House.

1.52 pm

**Nia Griffith (Llanelli) (Lab):** It is said that devolution is a process, not an event, a journey rather than a destination, and that is certainly true when it comes to the Bill. The journey has taken longer than it should have done, because in the draft Wales Bill the immediate predecessor of the Secretary of State seemed determined to drive us along a tortuous and convoluted path, going back the way we had come. That was in spite of an extraordinarily united chorus of navigators—everyone from Cymdeithas yr Iaith to the Conservative group in the Assembly—telling him to turn round the other way. It was quite an achievement to unite everyone against that Bill. Mind you, the Bill was so bad that it would have made the Assembly's job impossible, and it would definitely have taken Welsh devolution backwards, not forwards. I am glad, however, that the right hon. Member for Preseli Pembrokeshire (Stephen Crabb) eventually listened, put the brakes on, and prepared to change direction. We now have a piece of legislation that, while not perfect, is definitely a marked improvement.

I suppose like any lost driver, the right hon. Gentleman could be forgiven for hurling some irrational abuse at those of us trying to offer navigational advice. In February, he told us in no uncertain terms that we were launching some kind of separatist plot, that we had “given up on the union” and that all our criticism was actually a bid for Welsh independence. I hope that we can have a more sensible and measured debate today.

**Nick Thomas-Symonds:** My hon. Friend will remember from the Welsh Grand Committee debate on 3 February that the right hon. Member for Preseli Pembrokeshire (Stephen Crabb) said:

“There is nothing in the draft Bill that makes the Welsh Assembly consider whether legislating in a devolved area is necessary.”—[*Official Report, Welsh Grand Committee*, 3 February 2016; c. 61.]

Is my hon. Friend as pleased as me that finally the then Secretary of State realised what was in his own Bill?

**Nia Griffith:** Indeed, it was laughable at times when the former Secretary of State noticed things to which we assumed he had already given his approval.

I want to make it clear at the outset that we welcome the reserved powers model, for which we have been calling for some time, as we feel that it has the potential to clarify the devolution settlement, and we welcome each of the new powers contained in the Bill. As the party that established the Welsh Assembly, we want to see our devolution settlement strengthened, with more powers devolved from Westminster to Wales. We are glad that the Assembly will have new powers over transport, energy and elections. As with the areas it already controls, the Assembly will be able to use those new powers to make different choices that reflect the will of people in Wales.

The powers over shale gas extraction will allow the Assembly to take into account the very real fears that people in Wales have about fracking. Labour has made it clear that, as the necessary safeguards cannot yet be met, we should not push ahead with fracking. We welcome the powers over energy planning consents for projects generating up to 350 MW, but we would certainly like full powers over grid connections devolved to Welsh Government. I hope that that is what we will hear from the Secretary of State.

That would not solve the delays with the Swansea bay tidal lagoon, which are due to the failure by Conservative Ministers to agree a viable financial framework for investors to proceed. I very much hope that the Secretary of State does everything he can to speed up the review, so that we can have a world first in Wales, with all the positive spin-offs for our manufacturing industry, rather than letting other countries steal a march on us.

The power to change the name of the Assembly means that we could call it a Welsh Parliament. Responsibility for the voting age in Welsh elections means that the Assembly could introduce votes at 16 for elections to the Assembly and to local councils. Whatever the Assembly decides, what matters is that those decisions will be taken in Wales by elected Assembly Members.

**Chris Elmore (Ogmore) (Lab/Co-op):** What concerns me about the devolution of powers to the Assembly on elections is that 16-year-olds could vote in local government and Assembly elections, but not in elections for MPs to the House. Does my hon. Friend share that concern?

**Nia Griffith:** Indeed. As a long-time supporter of votes at 16, which is now Labour policy, I share my hon. Friend's disappointment that that could be the case.

**Simon Hart (Carmarthen West and South Pembrokeshire) (Con):** Does the shadow Secretary of State accept that the new electoral legislation might enable a Welsh Parliament or Welsh Government to impose compulsory voting on our country? Would she support that or oppose it?

**Nia Griffith:** The Secretary of State has told us that he will clarify that, so we will know whether that will be possible. I understand from what he has said today that it is very unlikely, because he said it was about people who can vote, not the system itself, but we await clarification from him to know where we are going.

The Bill is designed to strengthen and streamline the current devolution settlement. For example, clause 18 allows the Assembly to implement European Union legislation directly where it relates to devolved matters. That is a sensible development, and one that I sincerely hope does not become redundant by the time the Bill goes into Committee after the referendum recess.

The biggest structural change in the Bill is the move to a reserved powers model, as recommended by the Silk commission. As Silk said, that should allow the Assembly to legislate

“with greater confidence and with greater regard to the purpose of the legislation, rather than being constrained by uncertainty”.

That change will bring greater clarity to our devolution settlement and, if the Government get the Bill right, it should result in fewer cases being taken to the Supreme Court. Too much public money has been spent on such manoeuvres.

I welcome the important statement on the permanence of the Assembly and of Welsh government in clause 1, and the inclusion of the Sewel convention that the UK Parliament will seek consent from the Assembly before legislating on devolved subjects. This recognises that just 17 years since the process of devolution began, the Assembly has become a fundamental part of our constitutional landscape. In 2011 the Welsh people voted for the Assembly to have full law-making powers, an important sign of confidence in the institution. Together with this Parliament, the Assembly should now be recognised as one of two significant legislatures that represent the people of Wales.

It was the Assembly's ability to pass laws in devolved areas that the draft Bill put at risk in the most unnecessary and short-sighted way. It is a simple fact that as a law-making body, the Assembly must have the ability to change the law, but the draft Bill would have required it to pass a number of necessity tests before being able to amend the civil or criminal law. In the words of David Melding, the Conservative Chair of the Assembly's Constitution Committee, these tests would have created “an atmosphere of profound uncertainty”.

He went on to say:

“Taken to extremes, the very exercise of the legislative function could be compromised.”

I am pleased that the Government have seen sense and removed these tests so that the Assembly can amend the law when it needs to, but there are other tests that I will return to later.

The removal of the necessity tests means that a distinct body of Welsh law will continue to grow over time, a fact that poses a challenge to the single legal jurisdiction of England and Wales. We understand that the justice impact assessments outlined in clause 10 are intended to address this point, but a more long-term solution may need to be found at some point in the future. We trust that the working group consisting of the Ministry of Justice, the Lord Chief Justice and the Welsh Government will keep this issue under review.

[*Nia Griffith*]

On the areas of the Bill that require more work, I want to deal with the reservations, the necessity tests, and the devolution of income tax. It was a common theme in the response to the draft Bill that the list of reservations was far too long. Even the Secretary of State's predecessor expressed surprise at the number of reservations—an unusual admission, given that it was his Bill. This rather suggested that there was a lack of a clear rationale for the compilation of that list. I note that the list of reservations in this Bill is very slightly shorter but it still runs to 34 pages, and the justification for reserving some subjects is far from clear.

The root of the problem with the reservations in the draft Bill was that the Wales Office allowed Whitehall to have free rein in deciding which areas it was willing to devolve, rather than adopting the principled process that the Silk commission recommended. In its report on the draft Bill, the Welsh Affairs Committee said that Whitehall Departments should be given

“clear guidance about the questions they should ask themselves before deciding whether or not to reserve a power”,

and that this guidance

“must be published prior to the publication of the Bill, so that the final list of reservations can be assessed against the criteria given.”

It is regrettable that no such fresh guidance has been published, which would allow us to decide whether the list of reservations has been drafted with clear criteria in mind.

In response to the Select Committee's report, the Secretary of State said:

“The explanatory notes that accompany the Bill provide a clear rationale for each reservation included in the list.”

I am afraid that this is not the case. The justifications offered in the explanatory notes are patchy at best. Most just state what is reserved, without explaining why. We will consider the list in more detail as the Bill proceeds, but the Secretary of State must be ready to justify each of the reservations and to present a rational basis for the final list.

It is already clear that some of the reservations are unjustified. The decision to create a special category of reserved trust ports is one example. This means in practice that control of every Welsh port except Milford Haven will be devolved to the Assembly. The Government have presented no sensible justification for this, or for the turnover requirement in clause 31, based on the Ports Act 1991. As the Bill stands, ports that meet an annual turnover requirement of £14.3 million or more remain under the control of the UK Government, while powers over those with a smaller turnover would be transferred to Welsh Ministers. This seems to create a perverse incentive, because if the Welsh Government foster economic development in smaller ports, which significantly increase their turnover as a consequence, the Welsh Government could find that they lose control over those ports.

In the absence of an explanation, we can only assume that the Government want to keep control of the most profitable ports, with a view possibly to privatising them in future, as indeed the Government considered doing in 2011. Strange, is it not, that this annual turnover is the same threshold above which ports can be privatised

under the 1991 Act? Previous privatisation proposals have raised serious concerns about asset-stripping by speculators and the fragmentation of ports, and these dangers would be just as real in the case of Milford Haven.

On the necessity tests, I am pleased that the most problematic of these, relating to civil and criminal law, have been removed from the Bill. This has made the Bill markedly clearer and more workable than its predecessor. However, two necessity tests remain in clause 3 and in paragraph 1 of new schedule 7B. As many witnesses noted during the Welsh Affairs Committee's inquiry into the draft Bill, the problem with these tests is the uncertainty surrounding the word “necessity”. A representative from the Law Society described it as certainly not a term that is as well understood by lawyers as a concept, which raises the potential of legislation being challenged not just in the Supreme Court, but in the course of other civil and criminal proceedings. Given these very real concerns, would it not be preferable to ditch the necessity tests entirely and retain the wording in the Government of Wales Act 2006, which avoids invoking this legally difficult concept?

On the ministerial consents, we welcome the simplified system proposed in the Bill, but the Government could go further. The Welsh Affairs Committee has recommended introducing a 60-day time limit for consent to be given or refused. A change to this effect would give greater confidence and I urge the Government to consider adopting it in law.

Finally, on income tax, the current situation is that the Welsh people would have to support the devolution of income tax in a referendum before the powers could be transferred to the Assembly. This Bill removes that requirement, meaning that the Secretary of State could devolve income tax powers via an Order in Council, without the Assembly even having to agree to it. That cannot be right. Allowing the Assembly to levy taxes is a very significant constitutional development, and one which should not take place without a clear democratic decision, so we are asking the Secretary of State to consider amending the Bill to require the Assembly to agree to the devolution of tax powers before they are devolved.

**Jonathan Edwards:** The shadow Secretary of State for Wales will be aware of the comments of the shadow Secretary of State for Scotland, who said on the BBC on 9 November 2015, on the Scotland Bill, which gave full income tax powers to Scotland:

“When this Bill becomes law, it will present the Scottish Parliament with the opportunity to make Scotland the fairest nation on earth.”

I assume that that would be an objective for the hon. Lady and her party. Why, therefore, is she dithering about giving her colleagues in the Assembly the same powers as Scotland to achieve that objective?

**Nia Griffith:** It comes as no surprise that an intervention from the hon. Gentleman focuses on his party's determination to see Wales become an independent state, regardless of the economic consequences. As I have just explained, it is crucial to give the Assembly the opportunity to negotiate a proper, fair fiscal framework

with a “no detriment” principle before it accepts responsibility for income tax. That opportunity is extremely important.

**Mr David Jones:** The hon. Lady mentions what she sees as the need for the Assembly to consent to the devolution of tax powers, but what about the people of Wales? Given that the people of Scotland were consulted in a referendum prior to tax-raising powers being given, does she not think that the people of Wales deserve the same respect?

**Nia Griffith:** We have moved on since the last Wales Bill, but it is vital that there is a mechanism to establish a clear financial framework with a “no detriment” principle so that the Welsh Assembly can have the confidence to decide whether to accept the devolution of tax-raising powers.

As I said at the outset, this Bill is not perfect and it will require amendments, but I hope that the UK Government will commit to working constructively with the Welsh Government and with Opposition parties to ensure that we deliver the strong, stable, workable settlement that the people of Wales deserve.

2.9 pm

**David T. C. Davies (Monmouth) (Con):** I begin by thanking all the members of the Welsh Affairs Committee who took part in the pre-legislative scrutiny. When the Select Committee was formed after the last Parliament, I wooed Members in all parts of the House to encourage them to join the Select Committee, telling them tales of all the pertinent and interesting things that we had done in the previous Parliament: considering broadband, the Severn bridge, S4C and the Welsh language, and even visiting the Welsh speakers of Patagonia in Argentina. I think some of them may have been a bit taken aback when we spent the first year or so just doing pre-legislative scrutiny of the government of Wales Bill, with an endless series of academics and legal experts coming in and out to talk to us about legislative consent orders and the like, but everyone persevered, and I am grateful to them for that. I would like to think that we worked in a completely non-partisan fashion, and we offered a number of recommendations, which the Government have taken forward, and I will come to those in a moment.

I am a former Member of the Welsh Assembly, but I actually opposed it in the first instance. I was very much involved in the 1998 referendum campaign, when I often heard the argument that laws that affect our nation should be passed by people who are based in our nation and elected by the people of our nation. I thought that that was quite a powerful argument at the time, and it is one that Government Front Benchers and Opposition Members might want to think about at the moment, because that principle that was certainly accepted then.

I and others had genuine concerns about the Welsh Assembly. One of my concerns was that, having got the Assembly, we would have a constant drive to give it extra powers, and that does seem to be what has played out over the past 17 or 18 years. My concern was that that could undermine the Union of the United Kingdom, and I therefore supported English votes for English laws because there has to be some answer to the English question. Opposition Members may not agree, but if

they do not, it is for them to come up with another answer to the English question. Asymmetric devolution, where we give more and more powers—not always even the same powers—to different legislative bodies around the United Kingdom while ignoring the largest constituent part, will surely not create stability. That was one answer to the question, and the other was to come up, finally, with a lasting solution that will keep us on an even track for years, which is what the Government have attempted to do.

When I have been into primary schools and I have been asked about the issue, I have tried to explain it thus—this is a fairly simple analogy, perhaps, but I like such analogies. At the moment, the Assembly is a bit like a legislative park: it has a slide and swings, and it is quite well maintained in its own way, but there is no fence around it. What has happened is that Members of the Welsh Assembly have wandered out of the park into slightly dangerous areas—areas inhabited by other people—while other people have perhaps even trespassed on their park. Ministers have therefore come forward with what is almost a legislative version of Alton Towers: an enormous theme park with all sorts of exciting things for Members of the Welsh Assembly to deal with, such as taxis, buses and sewage, but with a great big fence to prevent them from getting out and perhaps encroaching on other areas, while preventing other people from encroaching on their area. I therefore welcome the Bill as a move towards stability.

Let me quickly go through a couple of the Committee’s recommendations. Obviously it is important to work with the Welsh Assembly to come up with a deal that everyone can live with. Constitutionally speaking, if there were a majority in the House of Commons, we could do practically anything we wanted, but I think all of us accept that, with a Government from one party here and a Government from a different party in the Welsh Assembly, it would be foolish to push something on the Assembly that it clearly did not want—that might be possible constitutionally, but it would be a non-starter politically. I am glad that my colleagues accept that and that talks are ongoing.

I am glad the Government have removed the necessity test. I got a strong feeling from talking to legal experts that it just would not work in its proposed form. At the same time, however, it is important that the Welsh Assembly is unable to change criminal or private law in a way that would affect non-devolved areas or people living outside Wales, in England, so we must be mindful of that in all cases. For example, the Welsh Affairs Committee held a public meeting in Chepstow yesterday to discuss the Severn bridge, which is one of the areas that is being retained—not least, perhaps, because three of the four ends are in England. A resident of Gloucester made the point that if it were handed over to the Welsh Assembly, how would people living on the English side of the border who use it every day be able to raise concerns about delays, tolling or pre-payment systems? They would have no MP who could take up those issues for them, despite the fact that they would affect almost as many people in England as in Wales. Those principles are important.

**Ian C. Lucas (Wrexham) (Lab):** I am listening to the hon. Gentleman’s speech carefully. I commend to him the work of the all-party group on Mersey Dee North

[*Ian C. Lucas*]

Wales, which is addressing precisely the issue that he raises. It works with Members on both sides of the border to deal with practical issues that affect all our constituents every day. We have the capability to do these things if we work together.

**David T. C. Davies:** I had to think hard about this, but I think it was the hon. Gentleman himself who, during the discussion of English votes for English laws, raised the concern that giving England the power to decide over NHS matters would affect his constituents who use the NHS in England. He felt that it was therefore wrong that English MPs should have the last word on that matter, and I would reflect that back to him. Whenever we hand things over to devolved systems, people living on the other side of the border who use whatever has been devolved can lose out, and that was the point I was making about the Severn bridge. However, I commend the all-party group of which he is a member, and I am sure it is doing everything it can to resolve these issues.

Let me turn to some of the other recommendations. The tax issue is obviously tricky. I am in favour in principle of having a referendum before tax-varying powers are devolved to the Welsh Assembly or, rather, tax-raising powers—let us be honest: Governments rarely vary taxes downwards. The issue merits further exploration throughout the Bill's passage. Obviously, I will not vote against Second Reading, but I might discuss this issue further with Ministers. I am conflicted, and I understand the point made by the hon. Member for Newport West (Paul Flynn) because I suspect that the last thing anyone will want at the moment is another referendum on anything. I would not like to go back to my wife, Mrs Davies, and tell her that, having finished this referendum, we are about to start another one and I am going to throw myself headlong into it. I appreciate that that is rather a personal point of view, but I suspect that many people across Wales feel exactly the same way and really would not welcome a referendum. Surely, however, a way must be found to make sure that the Welsh Assembly is unable to go ahead with such powers unless full account is taken of what the public think.

**Chris Davies:** As someone whom my hon. Friend cajoled into becoming a member of the Welsh Affairs Committee under his chairmanship, and as someone who spent nearly 12 months scrutinising the draft Wales Bill, may I ask him whether he is as disappointed as I am that we could not scrutinise the withdrawal of the referendum during those many hours and months of our consideration?

**David T. C. Davies:** This certainly came through rather late in the day, and I think we made it clear in our report that we were disappointed that we did not have enough time to scrutinise the issue, but I suppose that it is now done with. I am here not to defend the Government but to scrutinise them, and I am very happy to do so.

**Paul Flynn:** Does the hon. Gentleman think that the evidence of the momentum of Welsh opinion is enough for us to forgo the joys of another referendum? Only 11% were in favour of Welsh devolution in 1979, but 64% were in 2011. Is that not evidence enough that the public will certainly favour the development and growth of the Welsh Assembly's powers?

**David T. C. Davies:** I have to admit that it is certainly evidence that the public have accepted the Welsh Assembly and, therefore, that it is pointless for even arch-devotees such as me to try to resurrect that particular battle—I have no intention of doing so. There will be people taking part in the next election who were born under the Welsh Assembly. While the hon. Gentleman and I can remember a time before the Welsh Assembly, that does not exist for some people, although he can go back a bit further than I can. I canvassed against the hon. Gentleman in 1983. He used to come into my school to try to brainwash me, but he never succeeded. We have moved on a long way. If he was trying to put me on the spot, yes, of course we have to accept that the Welsh Assembly is here for good, and that brings me back to the point about stability and trying to make this work.

I am pleased that one of the points that has been accepted was about ministerial consent, such that when the Welsh Assembly intends to legislate in a way that may affect England or have some impact on non-devolved areas, it will have to get permission from the Government, which I fully accept. As we have heard, there have been delays while this has been going on, with the Welsh Office blaming the Welsh Assembly for that and the Welsh Assembly blaming the Welsh Office—I have no idea who actually was to blame. Nevertheless, we recommended that if the Assembly applied to the Welsh Office for a consent and nothing was given within 60 days, the application should be nodded through on the basis that nobody had come up with an objection. Although that is not going into the Bill, it will, I believe, become part of the guidance—a convention, no less—so may I make a pitch for something? I have been here for a long time now and I have never had a convention named after me, but I think I am right in saying that this was my idea, so perhaps it could become the “Top Cat” convention.

I am glad that the Welsh Assembly will have powers to run its own elections. It would, if it wanted, be able to move out of the Senedd and to relocate anywhere in Wales—from Llanfihangel Tor-y-Mynydd, right down in the south-east of my own constituency, to Llanfair-pwllgwyngyllgogerychwyrndrobwlilllantysiliogogoch in the north-east. Is not that wonderful? Assembly Members will have more powers than MEPs in Strasbourg, who cannot even decide whether to move to Brussels full-time. Ministers are giving them a really good deal—a really good legislative theme park to operate in.

While I do have concerns about the Bill, I will, in the words of the right hon. Member for Islington North (Jeremy Corbyn), give it 7.5 out of 10 and go along with it for the time being.

2.21 pm

**Albert Owen (Ynys Môn) (Lab):** I congratulate the hon. Member for Monmouth (David T. C. Davies) on his speech. I agree with him on one thing: the need for an English Parliament to balance things out. I am sure that that debate will come forward and that he and I will be on the same side for once.

I congratulate the Government on pausing the Bill, which was the right thing to do because they got it wrong the first time round. The St David's day agreement was not a major declaration in Welsh history—it will not be remembered as that—but it did move us in the

right direction, and the Government did listen. I pay tribute to the Welsh Affairs Committee for its pre-legislative scrutiny because that highlighted some of the draft Bill's weaknesses. I am sorry that the process took 12 months and it could not get on to other things, but it is important that before we bring forward major legislation in the House of Commons, we have the pre-legislative scrutiny for which Members—two of them, my hon. Friends the Members for Wrexham (Ian C. Lucas) and for Cardiff West (Kevin Brennan), are sitting here to my left—fought very hard. Before, Bills were rushed through without the necessary scrutiny.

I very much welcome the fact that the Bill has now been changed, with major parts of it dropped, not least, as my hon. Friend the Member for Llanelli (Nia Griffith) said, the necessity test, which I felt was a step too far. Rather than a measure for moving forward with devolution, it looked a bit like the old secretary-general giving powers and the nod to what the Welsh Government could do, which did not sit very comfortably. I look forward to improving the Bill and, by doing so, we should act more as visionaries than victims. We have had devolution for a number of years and it has done a lot of good things. The additional powers will empower the Welsh Assembly to do more good things for the people of Wales, moving forward and taking the people with it. That is the idea of devolution.

I am a long-standing pro-devolutionist and I have fought three referendums—in 1979, 1997, and 2011. The score in those referendums was exactly the same as that for Wales on Sunday—a 2-1 victory. I am not so confident about the outcome of the referendum later this month, but I hope to be on the winning remain side. To me, devolution is about decentralisation and greater democracy, or it is about nothing.

The UK state has changed considerably since 1997. It is more open, democratic and decentralised. I congratulate all parties on playing their part in making the United Kingdom a more decentralised and democratic state. I also welcome the support from many Conservatives. The hon. Member for Monmouth, a former Member of the Welsh Assembly, has changed his stance on devolution, and the right hon. Member for Clwyd West (Mr Jones) also used to be against it. It is important that we bring people with us as we move forward positively.

**Kevin Brennan:** Does my hon. Friend agree that at the conclusion of the passage of the Bill and after the EU referendum, the time will genuinely have arrived for a constitutional convention to consider the future of the United Kingdom and its constitution, particularly with regard to how the nations of the United Kingdom and their devolved institutions relate to each other?

**Albert Owen:** I am grateful to my hon. Friend, who makes a very important point. There has to be a time limit if we are going to have a constitutional convention, because we do not just want academics producing papers and having long arguments. We should draw on the experiences of the British state as it is today, with the degree of decentralisation that has already taken place, and look at the English question. I genuinely agree with the hon. Member for Monmouth that that needs to be looked at in a positive way. I welcome the extension of powers to the regions and cities in England.

I talked about the many people who have moved from being against devolution to now being very active pro-devolutionists. Many in this House, including those in the two nationalist parties, do not think we are going far enough or quick enough. I understand and respect that, but as a pro-devolutionist I want the devolution settlements to work for Wales and for the UK. I want us to move forward in a positive way, bringing the people of Wales with us. Rather than just having ideologies, we must have practical devolution that works. We are moving forward, and this Bill helps in many ways in doing that. It is no good having devolution that just devolves powers from London to Belfast, Edinburgh or Cardiff—I want it to be spread within the nations and within the rest of the United Kingdom. I have seen some bad examples in this regard. When I served on the Welsh Affairs Committee and we went up to Scotland, we saw a lot of centralising of services. I worry about that. As a real devolutionist, I think we need better devolution within the devolved countries, as well as England, to get the balance right. I want to see this Bill improved, but I say that as someone who is an advocate of practical devolution. I welcome the devolving of more powers.

I am not going to deal with the detail of the constitutional issues, but I do want to talk about the practical implications of devolving powers in the context of ports, transport, and energy. I have a specific interest in ports, as the Member for Ynys Môn, which has a principal port that has grown. I have seen how the flaws in the devolution settlement have hampered some of the development of ports. I recall a new berth being built in the early 2000s—I think it was 2003-04—when we had to get special consent from the Department for Transport, the Welsh Office and the Welsh Government, with one saying that it was not possible to build within the port. The new provisions clarify that. When the Welsh Government take over responsibility for ports, they will be able to develop them in a practical way, with the local authority doing the planning as well. I welcome that.

As a former member of the Energy and Climate Committee, I welcome the move towards devolving powers on fracking and on petroleum extraction on land, and, I think, if I am reading the Bill correctly, at sea in territorial waters. Perhaps the Minister could clarify that when he winds up. It is important for the Welsh Government to have those consents in the same way as they have consents for offshore wind and other things. Wales could be really radical in low-carbon energy and the low-carbon economy if it has the tools to do so. I disagree with my hon. Friend the Member for Newport West (Paul Flynn) on nuclear power. I think that we need to have baseload low carbon alongside renewable energies. We need to have the proper mix, and Wales can be a leader in low-carbon energy. I welcome the consent for power stations up to 350 MW. That is a very good step forward.

I am concerned, however, about the grid connections. The Bill gives consent to the Welsh Government in planning and various other areas, but it does so only for the distribution grid, not the national grid. The measures relate to developments under 132 kV. I would like some clarification on that, because in my area and many other areas of Wales, National Grid projects are going ahead that will have a great impact on local communities. The Welsh Government and local government are best

[*Albert Owen*]

placed to look at those, rather than National Grid, which is an organisation that looks to its own private interests.

**Hywel Williams:** I congratulate the hon. Gentleman on the work that he has been doing on this matter in Ynys Môn, which is similar to that which I have been doing in Arfon. I share his concern that National Grid is not accountable to the people of Wales. It has supposedly carried out extensive consultations, but there has been no real consultation in our area.

**Albert Owen:** In the past couple of years we have highlighted the importance of giving the energy regulator more teeth to deal with that issue. We need the regulator on one side and the consenting authorities—which will be the Welsh Government, I hope, and the local authorities—on the other, so that we can put pressure on National Grid to take into account the impact that energy generation has on the environment and local communities, as well as on the national interest. I accept that there is progress in the Bill, but I would like clarification on that.

Clause 46 places a greater duty on the Secretary of State to consult Welsh Ministers before amending or establishing renewable energy incentives, such as feed-in tariffs and contracts for difference. That is important, because when Welsh Ministers then give consent, they will understand what it means for local developers and the total project. I would like to hear greater detail in Committee on what that means. A one-stop shop for energy developers sounds very good, but the involvement of multinationals and other developers will make it difficult.

I welcome the consent for fracking and extraction. As with other minerals, it is important that the Welsh Government have that. It is a tidying-up exercise.

I have already touched on port consent. The road transport powers are welcome, but they do not go far enough. Wales needs a more integrated transport system that takes into account sea, road and rail, rather than an approach that breaks them up. I want greater powers over rail. The franchise is coming up for renewal both of the Virgin Trains service on the west coast and of the Arriva Trains service on the Welsh borders. The Welsh Government will have an input, but the approach could have been tidied up a little bit better.

The Bill addresses predominantly constitutional issues, but it has important practical implications for Wales. I welcome the scrapping of the necessity tests and the fact that consents have been simplified. That is very good. I also welcome the reserved powers model, which a lot of Members from across the parties have worked together to establish.

I am concerned about income tax, an issue I argue about with some of my colleagues at the National Assembly. I have been involved in a number of referendums. If we think that the European referendum is going to be close, let us not forget how close the result was in 1997. I remember the differential between Scotland and Wales. I believe that if income tax powers for Wales had been on the ballot paper, the result would have been different. I say that as someone who argued the positive case for devolution, and that is what I am now doing for remain.

We have to be delicate in the way we talk about devolving income tax and what it really means to the people of Wales. If the Government are saying that the Bill will introduce it without further consultation with the people of Wales and without a proper financial settlement, we will be in trouble. I do not want a huge gap appearing as a result of the block grant being reduced and it having to be made up out of general income tax.

I am not against the principle of devolving tax-raising powers to the Assembly—we have already done that in other measures in the Wales Act 2014—but I have also consistently supported the principle of holding a referendum when a major constitutional change is proposed, and I think that the devolution of income tax is one such change. That is the principle that I held in 1997, and I still hold it now. We need a further debate on the issue, because it would be wrong for the UK Government to make that decision after saying in 2014 that they were not going to make it. Indeed, the Conservatives, who are now in the majority here, told the country that they did not want to devolve income tax powers. I am cautiously concerned about the way in which the change is being made.

**Paul Flynn:** Does my hon. Friend agree that the result of a referendum that asked the question, “Do you want to pay more or less tax?”, would be so predictable that it would not be worth having the referendum?

**Albert Owen:** I understand what my hon. Friend is saying, but he is a democrat, like me.

**Paul Flynn:** Up to a point.

**Albert Owen:** Well, I am a total democrat by comparison with my hon. Friend. The tax-varying powers that the Scottish Government enjoy were given in a referendum. That is my point. There has to be consistency on these matters.

**Hywel Williams:** Will the hon. Gentleman concede, however, that framing a proper and understandable question that allows for a clear response is not easy? Does he have a suggested wording for such a referendum question?

**Albert Owen:** I have not thought of the wording, but I agree with the hon. Gentleman that democracy is difficult. We have to make a positive case for things and do so honourably. I did not understand, and was not able to explain in great detail, the question on extending powers in 2011, but I argued, along with members of Plaid Cymru, that the Welsh Government deserved to have lawmaking powers. Tax-varying and lawmaking powers are simple questions. As my hon. Friend the Member for Newport West has said, it may be difficult to win an argument, but we have to stick to principles. I have been consistent on this matter since 1997, and I do not think we can just jump into it after all the different elections we have had. However, given the current referendum, I understand the climate of fear that people find themselves in at present. I want to be radical and forward looking, and I want the Welsh Government to be so, too.

When the Minister winds up, I want him to clarify the issue of election powers. On the issue of lowering the voting age from 18 to 16, am I right in thinking that

the Welsh Government will have the power to do so and that it will apply to Welsh Assembly and local government elections only? If there were a Welsh-only referendum, such as one on tax-varying powers or another Wales-specific issue, would the Welsh Government have the power to lower the voting age from 18 to 16? I am an advocate of that and have argued the case for it in this House for some time. This is an opportunity for us to give those responsibilities to the Welsh Government.

My hon. Friends the Members for Cardiff West and for Wrexham have been campaigning hard on compulsory voting. This is a great opportunity for the Welsh Government to be radical. Let us give them the tools to do the job. If the Welsh Government decide that they want compulsory voting in Wales, that would be a good step forward.

**Alun Cairns** *rose*—

**Albert Owen:** I give way to the Secretary of State. I realise that I have taken up more time than I wanted to.

**Alun Cairns:** The hon. Gentleman is making a considered speech. I have had further information since the earlier questions about compulsory voting. I am happy to clarify that compulsory voting is permitted under the Bill as drafted.

**Albert Owen:** That is excellent news, and it is on the record. It is a victory for the three of us on the Labour Back Benches that we will now have the opportunity for compulsory voting in Wales, which I think is a radical step. *Hansard* will make that known, but I hope the media in Wales are watching the progress of the Bill. After all, it is not dry as dust, but is about the real issues affecting people, including compulsory voting.

**Alun Cairns** *rose*—

**Albert Owen:** I am sure the Secretary of State is going to reconsider his considered view.

**Alun Cairns:** I just want to underline the fact that it perhaps provides even more justification for the justice impact assessment that may well be brought forward in relation to the legislation.

**Albert Owen:** It is the Secretary of State's job, with his extra responsibilities and wages, to decide on the details. As a Back Bencher, I am saying that I am very proud that the Welsh Government have the opportunity to have compulsory voting.

As I have said, I want devolution to work. I want the Bill to work, but I want it to be considerably improved. I think the name of the National Assembly for Wales is a matter for the Assembly itself, but I do not see anything wrong with the current name. I am not a revolutionary, but I remember from reading about the French revolution when I was studying history that the French people wanted a national assembly. They did not fight for a parliament, and I do not think there is much in that word. I am very proud, as I know the French people are, of having a National Assembly. The National Assembly is a good term: it is a good name

and it has a good meaning. It is a sovereign body, and I think the name should be kept, but that is my personal view.

I want a strong Wales, a strong United Kingdom and, yes, I want the United Kingdom to remain within the European Union. I agree that the Bill will provide some extra tools for the Welsh Government to do their job. I think there has been progress, and I congratulate Carwyn Jones on being re-elected as First Minister of Wales. I hope that he will get a good Bill once it has gone through its parliamentary stages, so that he can continue to do his job and serve the people of Wales with a Labour programme that will have been enhanced by the Bill.

2.41 pm

**Mr David Jones** (Clwyd West) (Con): I congratulate the Secretary of State on introducing the Bill. I have to say, however, that that should not be interpreted as meaning that I greet it with unalloyed enthusiasm. This is the fourth major piece of constitutional legislation aimed at conferring devolved powers on Wales in less than 20 years. The very fact that we are in the Chamber to debate this yet again shows just how flawed the original devolution settlement was and how important it is that, on this occasion, we try to get it right at the fourth time of asking.

The Secretary of State has very kindly presented a briefing note on the Wales Bill, in which he acknowledges that

“there is more work to do”,

and that there are “unresolved issues” and “unfinished business”. He goes on to say that he is looking to “amend the Bill if necessary during its parliamentary passage.”

I must say that he is probably not likely to be disappointed in that regard.

The opening clauses of the Bill follow the current fashion for declaratory legislation. We are solemnly told that the

“Assembly and the Welsh Government are a permanent part of the United Kingdom's constitutional arrangements.”

We are also told that they are

“not to be abolished except on the basis of a decision of the people of Wales voting in”—

yet another—

“referendum.”

We are told that there is a “body of Welsh law”, which should not of course be in any way confused with a Welsh jurisdiction. There is a declaration that in effect incorporates the Sewel convention into statute, in that the Bill declares that this Parliament

“will not normally legislate with regard to devolved matters without the consent of the Assembly.”

Such declarations are all well and good, but they are in danger of overlooking the constitutional fact that this Parliament is supreme, which makes one wonder about their worth and whether they are in reality mere window dressing.

It is somewhat ironic that, having quite rightly abandoned the necessity test, the Government are now apparently introducing a normality test. As my right hon. Friend acknowledged, that means that the courts might intrude on parliamentary sovereignty by deciding or being asked to decide whether a piece of legislation passed by this Parliament is, so to speak, normal.

[Mr David Jones]

The Bill does of course change the devolution settlement from a conferred powers model to a reserved powers model, which is deemed to make matters clearer. I have to say that I do not believe that a reserved powers model is, as many contend, a panacea. The reserved powers model is in reality simply a mirror image of the conferred powers model. The nature of the model is less important than the clarity of language, as other Members have pointed out.

That is particularly important in relation to whether the reservations are comprehensive. The danger is that if the reservations are not comprehensive, there will be problems. I am glad, for example, that my right hon. Friend has not emulated a former Secretary of State for Scotland, who made sure that Antarctica was a reserved matter, and that we will not therefore see an attempt to create a new Patagonia on that continent.

The necessity test has been abandoned to the extent that it is no longer the case that the Assembly can modify criminal and private law only where modification “has no greater effect otherwise than...is necessary to give effect to the...provision.”

That was a positive invitation to go to the Supreme Court. However, there is still a necessity test in relation to the law on reserved matters. Proposed new section 108A(3) of the Government of Wales Act 2006 will provide that Assembly Acts cannot modify the law on reserved matters unless ancillary to a provision that is not reserved, but modification cannot go further than is necessary to achieve the devolved objective. Words such as “necessary” and “normally” lack objectivity, and are therefore subject to interpretation, including, in difficult cases, by the Supreme Court. I do not believe, therefore, that simply changing the model of devolution will necessarily achieve the clarity that everyone wants. In Committee, I believe it will be necessary to test whether the reservations are truly comprehensive to avoid any further difficulties of the sort we have already experienced. To be fair, however, the Secretary of State has acknowledged that the Bill is a work in progress, and he will no doubt be expecting such tests and, if necessary, significant amendments in Committee.

I do not want to dwell too lengthily on individual provisions, but some matters are worth mentioning. First, as the Secretary of State will have anticipated from my interventions, I have a huge concern about the proposal that income tax varying powers in the 2014 Act should now be triggered without a referendum. As a Conservative, I have a particular concern, because at the last general election—despite the apparently rapid passage of time, I remind him that it was only just over a year ago—I and Conservative colleagues campaigned on the basis that the powers would not be triggered without a referendum. Indeed, when I was specifically asked on the doorstep whether the powers would be imposed on the Assembly without consent, I made it absolutely clear that a referendum was contemplated. I must say that it is positively disrespectful of the people of Wales for this Parliament to seek to impose new tax-raising competences without consulting them first.

That was done in the case of Scotland, and despite the interventions already made by Opposition Members, it is perfectly possible to formulate such a question and, in the case of Scotland, one that could be answered in

the affirmative. If the Scots are entitled to that, surely the people of Wales should be entitled to the same level of respect. I invite the Secretary of State to think about that, and to consider whether, in the circumstances, the Bill should be amended by the deletion of clause 16.

Secondly, although this may appear to be a minor point, I find it difficult to understand the rationale for devolving to the Assembly the setting of speed limits. Wales and England have a continuous, porous border, and every day there are many thousands of journeys back and forth across the border. It does not bear scrutiny that there should potentially be different speed limits on either side of that border—it makes no sense. I cannot understand what possible reason there could be for devolving the setting of speed limits. What mischief is it aimed at? Who asked for it? Why is it necessary?

Thirdly, there is the issue of electricity generating consents, set out in clause 36. I intervened on the Secretary of State about that. The 350 MW limit provided for in the Bill seems to have little practical significance, because wind generating stations are expressly excluded. The granting of energy generation consents for capacities of more than 350 MW will remain with the Secretary of State, and there are few conventional power stations with an output of less than 350 MW.

The worrying fact is that although the Bill is silent on the subject, it devolves competence to the Assembly for all onshore wind farms, with no upper limit at all. I refer the Secretary of State to the excellent Library note, which points out that the Energy Act 2016 has transferred competence for wind farm consents to local planning authorities. A piece of Welsh legislation with which I have no doubt we are all familiar, the Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) (Amendment) Regulations 2016, provides that all wind farm developments in Wales are designated as developments of national significance. According to the Library note, which I have no reason to doubt, that means that all such developments, whether of up to 50 MW or more than 50 MW, will be determined by procedures set by the Assembly.

Given the thrust of policy at the Department of Energy and Climate Change, I suggest that the consequence of that will be a rush to develop wind farms in Wales. Indeed, I suggest that there may be a free-for-all. Areas such as my constituency, Montgomeryshire and Brecon and Radnor, which already have a lot of wind farms, are likely to be under further pressure for wind farm developments.

**Jonathan Edwards:** I hesitate to accuse the right hon. Gentleman of scaremongering, but the pace of development of renewable technologies relies on the subsidy that is available, which is determined by the Department of Energy and Climate Change.

**Mr Jones:** That is not the point that I am addressing, which is about competence. Given that the upper limit for wind farm consents in Wales is currently only 50 MW, it is alarming that it is now likely to be unlimited.

**Jonathan Edwards:** The right hon. Gentleman is being generous with his time. I have two TAN 8—technical advice note 8—areas in my constituency, and in one of them the only developments that have occurred have

been determined by Westminster. The local planning authority, which is responsible for developments of below 50 MW, has turned them down.

**Mr Jones:** That may be the case, but I say with huge respect that I think the hon. Gentleman is missing the point, which is about competence. It seemed clear from the Secretary of State's response to my intervention that what I said was news to him. It was based on the Library note, which I believe is accurate. I therefore ask the Secretary of State to reconsider the matter, and he may well wish to table amendments himself in Committee.

The Bill is a further step in the process of devolution, and I believe that it is a brave attempt to rectify the errors of the past. However, I strongly question whether, in its current form, it will do the job that it is intended to. As I said, the Secretary of State anticipated amendments in his briefing note, and I have no doubt that he will look forward to them with great anticipation.

2.54 pm

**Paul Flynn** (Newport West) (Lab): Congratulations to the Government on the improvements to what was an ugly draft Bill. We have before us a Bill that will be a genuine step forward in devolution.

I was taken by the speech made by my hon. Friend the Member for Ynys Môn (Albert Owen), who talked about Welsh people seeing themselves not as victims but as visionaries. Absolutely right—we can go forward on a confident note, but not by having referendums. The whole system of our democracy is in peril at the moment, partly because of the debasement of political discourse, which is the worst it has been for a couple of centuries. The worst example was in the referendum on the alternative vote. Here was an opportunity for an advance in the quality of our democracy, but it was not argued in that way. As I came in every morning at Vauxhall Cross, anti-AV campaigners were telling people that those who voted for AV were the sort of people who believed in seeing babies die in hospitals and our brave soldiers die in Afghanistan. That seemed a rather extraordinary argument, but it was the one put forward by those opposed to AV. It was based on the idea that AV would cost money—a tiny amount of money, really, because democracy is expensive—and that the first thing the Government would do would be to cut the protection of our soldiers in Afghanistan and the money provided to baby units in hospitals. It was an outrageous lie, but that is currently the quality of parliamentary debate.

**David T. C. Davies:** Would the hon. Gentleman therefore like to dissociate himself from suggestions that voting for independence from the European Union would lead to world war three and the collapse of western civilisation?

**Paul Flynn:** If the hon. Gentleman reads his local paper, he will find that I did precisely that the other day—it was next to a column by him, so I thought he might have had the grace to read my column, even if he did not read his. I thought it was rather better written, although I am slightly biased. I made the point in that article that I am embarrassed by the lies of people on my side, just as I treat with contempt the lies of people on the other side. That is the choice facing the public—whose lies they will vote for next week.

**Madam Deputy Speaker (Mrs Eleanor Laing):** Order. While I am certainly enjoying the hon. Gentleman's speech, the House would appreciate it if he addressed the matter in hand, which is the Second Reading of the Wales Bill. I understand that he is giving some illustrative examples in order to come to his point, but I am sure he will do so quite soon.

**Paul Flynn:** The point is, of course, that the Bill covers how we deal with income tax. I challenge anyone to imagine some future time when there will be somebody for tax and somebody against it. The argument is unwinnable—it is impractical to suggest that there will be people marching down the streets with banners, saying, "What do we want? More tax! When do we want it? Yesterday!" It is so unlikely that it is not worth wasting money on.

The public are in a strange, deep and profound anti-politics mood. They are more interested in jokes and trivial points than in the leadership that we offer as politicians, which is damaging to us. I gave the example earlier of Boaty McBoatface—the public showed their contempt in that way, and they are continuing to do it.

I have supported the idea of proportional representation for all my parliamentary life. I remember that in two of the general elections that we have had in my time here, the Conservative party secured 20% of the Welsh vote but did not have a single representative among the 40 Welsh MPs. That was a distortion of democracy that we put up with—we all believe in our own forms of democracy.

Here we have something remarkable in Welsh devolution. In 1886, Cymru Fydd was founded in this city by a couple of Welsh MPs and some others, seeking a form of devolution for Wales. It has been a long, slow process. In 1888, the Welsh Parliamentary Party was formed, from all Welsh MPs. It has a spectral and occasional existence now, but it still goes on, and has met in the past five years.

One of the joys of my political life, and one of many things I feel fortunate about, is that I am in this generation of MPs. Those who, from the 1880s onwards, fought to achieve devolution made no progress whatever; in our generation, we have got there. The process has been very slow, mainly because of the power-retentive features of this House. It does not want to part with anything; it sees these offspring and is rather jealous. Now is the time to make progress and give the Welsh Assembly the dignity of making more of its own decisions and having a title that befits it.

It is interesting that, for the first time in history, the two Ministers for Wales and the two shadow Ministers are all Welsh speakers. That has never happened before. Yet the status of the Welsh language in this House is the same as that of spitting on the carpet—it is out of order. Speaking Welsh is disorderly behaviour. If I were to turn to Welsh now, you would quite rightly have me ordered out of the Chamber, Madam Deputy Speaker. That is a novel way to treat one of the beautiful languages of these islands. It should get the same dignity. I am sure that that will come about.

Generally, I accept the Bill, but we should not follow the very limited restriction on the Welsh Assembly's adjudication on electrical generation schemes.

**Mr Angus Brendan MacNeil** (Na h-Eileanan an Iar) (SNP): The hon. Gentleman is making a great speech,

[*Mr Angus Brendan MacNeil*]

as ever. It strikes me that, as with Scottish issues, the Bill ultimately boils down to the question of where Welsh powers will reside: in Wales, the most democratically elected forum of Welsh opinion, or in Westminster. Surely anyone with a modicum of trust in the Welsh people will understand that they can make better decisions for themselves than can Scottish MPs or English MPs.

**Paul Flynn:** I entirely agree with the hon. Gentleman. In 1953 I took part in a march in Cardiff in which I carried a Labour party banner that said “Senedd i Gymru”. It did not say that we wanted a half Parliament in Wales, but that we wanted a Parliament. That has been part of my political life. One thing that enthuses me is that that was a tiny minority movement in 1953. In 1979, my hon. Friend the Member for Ynys Môn and I took part in a very painful referendum—well, it was a painful result, anyway, as we scored less than 12% of the vote in Wales. That was a very emphatic rejection. The 1997 referendum was absolutely knife-edge, with about a 0.5% majority. But in the last measure of public opinion in Wales, in 2011, the vote in favour of giving considerable powers to Wales was 64%. The momentum is there, so we can go ahead and give Wales the tax-raising powers that any dignified self-governing Assembly should have, without going to the people for a referendum that will be in the hand of the Crosbys, the lobbyists and those who are not telling the truth.

**Mr MacNeil:** The point the hon. Gentleman has just made illustrates the fact that when people are free from media scare stories and have the experience of making decisions for themselves, that only grows in popularity. When we contrast Cardiff with Westminster, it seems to me that Cardiff comes out on top each and every time.

**Paul Flynn:** The hon. Gentleman is absolutely right. As my hon. Friend the Member for Ynys Môn said, let us not think of ourselves as victims—an obsession with a sense of victimhood is debilitating—but as people going forward as victors. That is how we should be going.

**David T. C. Davies:** Just to take the hon. Gentleman back a little and pick up one point, the Welsh language is being treated with a good measure of respect here. It is used regularly at the Welsh Affairs Committee. I would have liked it to be used in the last Welsh Grand Committee, and I am sure we will get there in the end, with cross-party support.

**Paul Flynn:** At business questions last week that was emphatically turned down by the Leader of the House. I hope that we can have a sensible discussion on that. It has been a huge success in the Welsh Assembly itself, where the language is used quite freely and in a very relaxed way. That is greatly to the benefit of Wales.

My main point about the Bill is about the level set in clause 36, which will act as a great restriction on Wales’s progress in using the greatest source of power that we have. It has long been neglected, yet it is like our North sea oil—it is that great cliff of water that comes up the Bristol channel twice a day. It is a source of immense power. It is entirely predictable, unlike wind or solar power—we know when it is going to happen—and it can be tapped in so many ways.

To our credit, we have already used that source in hydropower. But under the scheme in the Bill, even the hydropower station at Ffestiniog would be too big for the Welsh Assembly to authorise, at 360 MW. The one at Rheidol would have been fine, but Dinorwig would be too big at 1,800 MW. Those stations are a wonderful way of using that power. They are entirely demand responsive. The excess electricity can be used in off-peak hours to pump the water up to certain levels and then bring it back down again.

The greatest chance Wales has to produce power that is entirely non-carbon is through using the tides. Where would we be under the restriction in the Bill? The Swansea bay lagoon would be just within the 350 MW limit. But the Newport lagoons—both start at the River Usk, then one runs in the direction of Cardiff and one the other way—are both 1,800 MW. They have enormous potential. The resource is there, and the topography is perfect.

**Jonathan Edwards:** The hon. Gentleman is making some very valid points. Does he agree that the huge investment by energy companies in storage technology means that renewables could seriously take off, making them something that would be hugely beneficial to our economy in Wales?

**Paul Flynn:** Absolutely. It is the untapped resource. I know that there are objections to various other forms of power. Another question that comes in here is about nuclear power. The scheme in the Bill will not allow Wales any control over Hinkley Point, which is very close to us in Wales; although it is almost certainly doomed now. The future scheme at Wylfa would be outside the limit. Small modular schemes mostly start at about 300 MW, but go up to about 700 MW, so if people wanted to go down the road of nuclear power, they would be outside the scope set in the Bill. We should allow the visionaries of the Welsh Assembly to go ahead and develop power. We have an enormous resource. We could be a vast power station for ourselves and for the whole United Kingdom.

**Hywel Williams:** The hon. Gentleman is making a very good point. Does he find it telling that in my constituency there was a plan to develop a hydroelectric scheme at 49 MW to avoid the bureaucracy of having to come to London for permission? Now that the changes in the Bill are afoot, the people in charge of the scheme are talking about going up to 350 MW. Why should they be constrained by what seems an entirely arbitrary limit?

**Paul Flynn:** It is a great shame. The Rheidol station is of that order, at 45 MW. The stations exist. They enhance the beauty of the scene—they do not detract in any way. Wind turbines do and so are very unpopular, but no one knows that Tanygrisiau is there. The three great pump storage schemes in Wales are entirely acceptable and fit in with the beauty of the hills, or improve things, because of the lakes. There is no pollution of any kind. It is the way forward—it has been successful. The two main ones were built in 1963, which is a long time to have been manufacturing electricity from a wholly benign source without appreciating its value. We go on from there to tidal power.

I believe the people in the Welsh Assembly should be in charge of decisions on power. We can be a great source of power generation in a way that is wholly British and free. It will last eternally, and, as I say, it is entirely predictable. I hope that point will be considered.

If the Bill goes forward with goodwill from all parts of the House, we should remember the story of devolution in Wales and how it has grown up and can stand tall among the nations of the world. It is a matter of pride to see the development of the Welsh Assembly in that beautiful building in Cardiff.

We have just opened a centre in Newport. A marvellous poem by Gillian Clarke about the story of Wales and the struggle for our rights over the years is embossed on the side of Friars Walk. She writes about the Chartists who came down to Newport in 1839, with the cold rain stinging their faces and

“heads bowed against the storm like mountain ponies”

marching for something they believed in. Twenty were shot and killed outside the Westgate hotel. That is commemorated today, with the six points of the People's Charter, on Friars Walk. She writes about that and the rise of devolution:

“...they stormed the doors to set their comrades free,  
and shots were fired, and freedom's dream was broken.  
A score dead. Fifty wounded. Their leaders tried,  
condemned, transported. The movement, in disarray,  
lost fifty years. Then came, at last, that shift  
of power, one spoonful of thin gruel at a time,  
from strong to weak, from rich to poor,  
from men to women, like a grudged gift.”

The grudged gift keeps on giving and now we have another example of it. The gruel is a little thicker and the spoon is a bit bigger.

3.11 pm

**Byron Davies** (Gower) (Con): It is a pleasure to follow the hon. Member for Newport West (Paul Flynn). I begin by thanking my right hon. Friend the Secretary of State for Wales and his predecessor, my right hon. Friend the Member for Preseli Pembrokeshire (Stephen Crabb), for the constructive way in which they have engaged across party divides to try to ensure that the new Bill will be a positive step in the devolution process and a positive move for the people of Wales.

I might not have started out being one of the great advocates of devolution, but I have, through my years as a Member of the National Assembly, come to realise that the devolutionary process is something that is important not just to Welsh political life, but to Welsh cultural and national life on many levels. I am sure that the Bill will continue to improve and add to the devolution process, and I look forward to scrutinising it during its passage through the House.

I will talk briefly about a topic that has been well-exercised today: taxation powers for the Welsh Government. There is a famous American slogan that there should be no taxation without representation. I am concerned that the new tax powers for Wales will receive no seal of approval from the people of Wales and no democratic process, and will involve no representation for the people of Wales. At the key stages of the devolutionary process, the people of Wales have been able to debate and have informed discussions about their future and what they

want their democracy to look like. Of course, that process led to the creation of the National Assembly and law-making powers for Wales. Taxation powers represent a major step in devolution, so they deserve the same level of debate and discussion.

As an Assembly Member, I am worried about the level of scrutiny not just in the Assembly, but in Welsh political life, where there is limited media and political analysis. That is part and parcel of the Assembly being a young institution in the process of finding its distinct place in Welsh life, and its own methods of scrutinising Government and debating major issues.

The huge sea change in the level of scrutiny is something that has really struck me since I have become a Member of this House. One cannot fail to be impressed by the House's extremely long and detailed process of scrutinising Bills. The Investigatory Powers Bill that has just been through the House is a key example of that. We had Committee reports, a Public Bill Committee and, perhaps more importantly, a constructive debate about not just the Bill, but society, technology and the crucial issues of privacy and security in a world that is becoming ever more dangerous. The process highlighted the crucial role of a constructive Opposition in the passage of legislation. It highlighted the significant role of the Back-Bench MP and reflected positively on a Government who wanted to engage in a process with all parties to achieve the very best piece of legislation.

This is the process that is missing in Wales. There has, until now—I am sure some of the new Assembly Members will change this—been very little in the way of Back-Bench scrutiny of proposed Welsh legislation. I have witnessed Bills being essentially nodded through, with serious and sensible amendments refused simply because they have come from an opposing party. It has simply been a case of, “This is the legislation. It is what we as a Government want and that's the way it is going to be.”

That is not the way an institution that now has major powers over everyday life in Wales should be run. We need a wider debate in Welsh society and political life about our democratic processes, and our scrutiny over the Welsh Government and their processes. This is a genuine cross-party point. I am sure that Members on both sides of the House agree about the need to discuss these issues without fear or favour to ensure that the devolution process is the very best it can be.

**Albert Owen:** I hear what the hon. Gentleman says about scrutiny in both this House and the Assembly. I chaired the Investigatory Powers Public Bill Committee, so I know the length of that process. Does he agree that one reason why scrutiny is lighter in the Assembly is because it has fewer Members? The number of Members who are not on the Front Bench and in the Executive is an issue. Does he think we should look at the number of Assembly Members as this Bill progresses?

**Byron Davies:** That is a difficult question to answer. Should we increase the number of Assembly Members, particularly in the current climate in which the amount we spend in the world of politics is scrutinised? I had great difficulty coming to terms with that when I was an Assembly Member, but the honest truth is that if we are going to have proper scrutiny, we will have to consider increasing the numbers. I accept that many AMs are in government and unable to scrutinise.

**Craig Williams** (Cardiff North) (Con): Is it not right that we should be debating this? The whole point about devolving electoral arrangements is that the Assembly should make these important decisions, not this Chamber?

**Byron Davies:** I agree with my hon. Friend, who makes a very good point.

This is what concerns me regarding taxation powers: the Welsh people have not had their voices heard. They have not had the chance to hear the arguments, to debate with their neighbours and friends, or to discuss with their local politicians what the new powers will mean for their lives. The powers are significant not just to family lives, but to the economic future of Wales. I have felt that the Welsh public deserve a major discussion about this most crucial of issues, which will affect their day-to-day lives.

I have made my points about how we view the Assembly and how it scrutinises the Welsh Government, but I hope that I will be forgiven for going into my concerns regarding the Welsh Government. The previous Welsh Government were, I am afraid, completely adverse to any scrutiny or constructive criticism, as I saw at first hand. I was an Assembly Member until May last year, and I saw a complete lack of will and want in that Government to hear an opposing view or to discuss a different solution. That led to the appalling running of certain services in Wales. For example, there is a complete lack of an integrated transport system that would be fit for a modern and outward-looking nation. Legislation was not to the standard it should have been and there were scandals such as the regeneration investment fund for Wales. The Welsh Government scandalously sold land massively under value—we are talking about millions of pounds—and deprived Welsh taxpayers of key revenues, which highlighted the very inadequate processes for and governance of major public assets. That leaves me deeply sceptical about that Government's ability to control billions of pounds of revenue that they raise themselves. I do not make that point to be party political, but it would be remiss of me and remiss of the House if we did not consider such issues, which are absolutely crucial to our constituents.

As it stands, I am completely unconvinced of the Welsh Government's ability to run a Treasury. That Government have chronic and long-standing problems regarding their ability to run projects, so I feel uneasy about giving them such powers. I therefore hope that the Secretary of State will assure us that the Treasury and the Wales Office will ensure that there is a clear process so that the Welsh Government are prepared and equipped to use these powers in a way that befits the Welsh people.

I look forward to scrutinising the Bill. I know that it could not be in better hands than those of my right hon. Friend the Secretary of State and the Under-Secretary of State for Wales, my hon. Friend the Member for Aberconwy (Guto Bebb). I know that they will listen and speak to Members to ensure that the Bill benefits the people of Gower and the rest of Wales and, above all, to give the people of Wales greater confidence in further devolved powers.

3.20 pm

**Chris Evans** (Islwyn) (Lab/Co-op): It is a pleasure to have the opportunity to speak, Madam Deputy Speaker.

The Bill is the latest in a long line of Wales Bills to be presented to the House since the establishment of the Welsh Assembly. Part 1 of the Silk commission resulted in the Wales Act 2014, while part 2 has resulted in the Bill before us today, aside from its elements that were covered by the famous, great St David's day agreement, which I am sure schoolchildren will discuss for the next 50 years.

The Bill represents the latest part of a long saga of political tinkering around the edges of devolution in Wales that has been a constant theme in political circles since the establishment of the National Assembly. Devolution has brought with it the possibility that Wales can make its own choices and go its own way, with its own Government elected by the people of Wales. The Welsh Government are entrusted by the people of Wales to act in their interest, and I am confident they have done so, in so far as they can under the current constitutional settlement. However, I believe that vast swathes of Wales have been turned off by the constant political debate over the constitutional arrangements. It almost seems as though the argument is, "Once we have the powers to Wales, all the problems in Wales will be solved." That is a simplistic view of a complicated situation. What we need is certainty in a Welsh constitutional settlement that will last for longer than a few short years, or until we have the next commission funded by the Government.

This Bill is much better than the draft Bill. Like many Members, I had problems with the necessity test. To me, that was a simple case of a lack of understanding of devolution. It treated Wales as a Commonwealth outpost, with the Secretary of State doubling up as the governor-general. I am delighted, as many others will be, that the Bill removes provisions for a further referendum on income tax powers. I for one am looking forward to 23 June and the end of another referendum.

Until we settle this matter of constitutional certainty once and for all, considerable time—and, yes, political opportunity—will be spent arguing the merits of further constitutional change. As someone who came into politics to change the world, I do not want to waste the next five years, as we have the past 15, debating the dry subject of constitutional reform. That subject not only turns off the political commentariat, but costs money.

When the Silk commission was set up, the then Secretary of State for Wales gave it a budget of "around £1 million". Overall, the Wales Office spent £1.3 million on the Silk commission between 2011-12 and 2014-15. If we do not show ambition with this Bill and leave more to be argued and debated for years to come, what will be the cost? How many more commissions will we need to create? A freedom of information request to the Wales Office found that the 2011 referendum on powers to the National Assembly was expected to cost upwards of £8.2 million. How many more referendums will we need to go through, and at what expense, before we reach a final constitutional settlement?

The real question and the real test of any Wales Bill, or any Bill that comes before us, is this: what in this Bill will speak to the people of Wales and address their day-to-day concerns? Although support for further powers for Wales is strong, with 43% of respondents to the BBC/ICM St David's day poll this year saying that the National Assembly should have more powers, and only one in three people saying things should stay as they

are, the issue does not really enter the daily lives of my constituents. I cannot recall a single instance in the past few years when a constituent has written to me about the Welsh constitutional settlement. Indeed, when I was knocking doors just a month ago, not a single person spoke to me about the Wales Bill, the Silk commission or the Williams and Smith commissions. All these people have entered the lexicon of the commentariat who go absolutely mad for constitutional reform, but to the people on the streets, they mean absolutely nothing.

Having read the Bill, I think it is little wonder that people are switched off when the issues discussed are of so little relevance to their lives. The dry subject of constitutional reform might float the boat of commentators and politicians in this place and in Cardiff Bay, but it is simply not something that people talk to me about on the doorstep. The prospect of Wales switching from a conferred to a reserved powers model might have excited some, and the necessity test might have caused a row here and in Cardiff Bay, but I have to say that people on Blackwood high street in my constituency who are trying to feed a family on a shoestring budget, who are signing on in the jobcentre as they have still not been able to find a job, or who are desperately trying to find ways of making do after their disability payments have been slashed care very little about the Wales Bill.

The one element of the Bill that will have a direct impact on my constituents is the devolution of some—not all—income tax powers to the Assembly. I have long been an advocate of regional taxation. I genuinely believe that the challenges we face in Wales are different from the ones faced here in London, which is an economic powerhouse, and from those in the north, in Scotland and in other regions. However, as we pull ourselves to pieces over whether we can devolve income tax or have a referendum, we should reflect that this means nothing if we look at the Scottish model. The Scottish Parliament has never raised income tax or used the powers given to it in 1999. It seems an absolute moot point.

The fact of the matter is that we are an economy that is heavily based on the public sector, rather like in Northern Ireland and the north-east. If we are allowed to start reducing income tax rates, we may start attracting ever greater numbers of entrepreneurs and wealth creators to the Welsh economy. It is a contradiction in terms that Northern Ireland, which has high public sector unemployment and fewer businesses and entrepreneurs than it should—very much like Wales—should be allowed to slash its own corporation tax in the hope of attracting more businesses, as its neighbour in the south has done, while Wales cannot.

Why is it good for Northern Ireland to have the power to alter corporation tax when Wales does not? Although it is true that Northern Ireland has a land border with the Republic of Ireland, which has notoriously low corporation tax rates, Ireland is still only a short distance from Wales, so we are competing with it. We are a small island race. We can get to Ireland and back in one day, yet we are not allowed to compete. Northern Ireland is allowed to reduce its corporation tax, attracting massive business to come in and create jobs, while we are to be fed with the scraps. Yet again, it seems that Wales is being forced into the role of the poor cousin. Do we want a powerhouse economy, moving forward and attracting high-tech, high-skilled jobs, or we do we want to continue to be reliant on the public sector and

grants from the European Union? Regardless of how the referendum goes in a couple of weeks' time, that is no future for the people of Wales.

Wales is a country with access to cutting-edge technologies and a skilled work force. General Dynamics in Oakdale in my constituency, and BAE Systems in Glascoed, in the constituency of my hon. Friend the Member for Torfaen (Nick Thomas-Symonds), underline this fact. They attract some of the finest minds from our universities, but how can we attract more good people unless the Government are given the lever of corporation tax to encourage more large businesses to come to Wales, bringing jobs with them, and the lever of income tax so that people can have more money in their pockets to spend in our local economies, such as on the high streets that I mentioned earlier? I believe that that is the way forward.

As for the rest of the Bill, it seems that, again, there is a working group of officials from the Wales Office, the Ministry of Justice, the Welsh Government and the office of the Lord Chief Justice to monitor the prospect of a Welsh jurisdiction. That, surely, is legislating for legislation's sake. The joint legal jurisdiction in England and Wales has been maintained for just under 500 years, and I believe that tinkering around the edges of that could cause more problems than it would solve. We must either commit ourselves to a wholesale split and devolution of policing and justice, or retain the union of the England and Wales legal jurisdiction.

Those are the questions that we should be asking in the Bill, but we are not asking them. Again, we are just tinkering around the edges. We shall be back here again in two or three years' time with another Wales Bill, which will cause more constitutional uncertainty and more arguments in which people are simply not interested. The message, in my view, should be that the Bill could have been so much more. It could have settled, once and for all, the constitutional argument in Wales. It could have allowed constitutional arguments to be put aside, with a line drawn under them, so that we could get on with the things that really concern people: health, education and transport. Those are the bread-and-butter issues that affect families and constituencies across Wales.

The Bill represents yet more tinkering and yet more argument. It must be realised at some point that what we discuss in this place when we talk about the constitutional settlement is far removed from what concerns people in Wales. I support the Bill, but I am extremely disappointed, because it could have been so much more—it could have brought about the ambition that we need in Wales.

3.30 pm

**Craig Williams** (Cardiff North) (Con): The Chair of the Welsh Affairs Committee is no longer in the Chamber, but I should like to thank him for a fascinating insight into both the previous Wales Bill and the Bill that my right hon. Friend the Secretary of State has brought to the House today to start a new journey. The pre-legislative process certainly gave us an insight into how legislation is put together, but, perhaps more broadly, it also gave us an insight into the devolution journey on which we embarked with the creation of the National Assembly for Wales.

[Craig Williams]

I am extremely grateful to the Secretary of State and his team for the amendments that have brought us from the pre-legislative Bill to what is before us today. The dropping of the necessity test is very welcome, as are the inclusion of the Severn tolls in the reservations and the removal of various elements. I look forward to working with my colleagues on the cross-party Welsh Affairs Committee to establish how we can improve the Bill further as it proceeds through its various stages.

Let me begin by tackling the elephant in the room. I support the income tax provisions, but I think that the horse has bolted to some extent. If we look at business rates and council tax receipts, we see that more than £2 billion of income is being raised, and is already devolved to the Welsh Government. That is more than income tax, and it gives the Welsh Government a bit of accountability, which is welcome. The more accountability we can give that institution, the better. My hon. Friend the Member for Gower (Byron Davies) touched on some of the more worrying aspects of the competence of the Welsh Government to date. It has taken many forms, but it has, I am afraid, been Labour-led since the creation of the Assembly.

I understand the passion expressed by some of my colleagues, and I find it difficult to separate my heart from my head. My heart says “Do not give the Welsh Labour Government any more power. They must prove that, to date, they have been competent in regard to education, health, local government and economic development.” At the same time, my head says that this is a very principled debate about the devolution journey and the powers that the House needs to give the Welsh Assembly as an institution. A journey is taking place in my own head, or a fight between poor performance and more principled considerations about the localism agenda.

I was very taken with the pragmatic approach of the hon. Member for Ynys Môn (Albert Owen) to some of the battles over devolution, but I wanted to focus for a moment on the fact that the income tax provision constitutes a very welcome step. It will improve transparency and accountability, although we are already there with more than £2 billion of revenue from council tax and business rates, which the Welsh Government and Welsh Assembly completely control.

**Mr David Jones:** How comfortable is my hon. Friend about being asked to break a manifesto commitment?

**Craig Williams:** Well, the world moves on. I cannot say that I am ever terribly comfortable about breaking a manifesto commitment, but when it comes to income tax, I have said consistently to my electorate—throughout the general election period and before—that we need accountability in the Welsh Assembly and, more important, in the Welsh Government. I believe that passionately. My constituency, more than most, has seen at first hand some of the real scandals caused by complacency, such as the scandal of the regeneration investment fund for Wales, which was mentioned by my hon. Friend the Member for Gower. Some of the most expensive residential land on the main site, in Lisvane, was sold at agricultural prices. There is a complacency, and until the place has real accountability and is shaken up, I believe we are going to continue in the same vein. I have made that

very public statement, throughout my time as a candidate and in this House. I stand here comfortably, although I accept the wider point about the manifesto. However, the people of Cardiff North and of Wales put us here to make unpopular and difficult decisions, as well as the popular and easy decisions, and I think this is one of the former.

**Chris Davies:** My hon. Friend stated that his constituents are unhappy with what has already gone on under the Welsh Assembly, so does he not agree that the timing of this Bill is not right? Let the Welsh Assembly get its house in order before we pass to it even more commitments.

**Craig Williams:** I thank my hon. Friend for making one of his classic interventions. I touched on this when I spoke about the heart and head. I disagree fundamentally with a lot of what the Welsh Labour Government do, but I support the institution of the Welsh Assembly, and I want to strengthen it and one day return a Welsh Conservative Government who have the levers and powers to get on and do the job.

I will touch on bus regulations a little later. I refer Members to my declaration of interests: I served on the board of a major bus company for many years, and I welcome the bus regulations we are giving to the Assembly, because of the importance of issues such as integrated transport.

I do not want to jump around the issues too much, but the hon. Member for Islwyn (Chris Evans) mentioned corporation tax, and there is always something else to get. Now business rates are with the Assembly. In terms of the Cardiff city deal and getting high-value companies from London to Cardiff, we have discretion over business rates, and we can do exciting things with them. Rather than talk about more powers again, we should encourage the hon. Gentleman’s colleagues in the Assembly to put a visionary bid together with the powers they already have, if we manage to get this Bill through with income tax included.

**Chris Evans:** I was talking about the fact that we need certainty now in the constitutional settlement. I would be happy to see corporation tax devolved in the Bill, in the hope we will not be revisiting this, as we have done over the last couple of years. The reason I mentioned corporation tax is the example of the Republic of Ireland, which has been very successful in getting some large companies to headquarter there.

**Craig Williams:** I accept that point, but I hope the hon. Gentleman sees where I am coming from. Complacency sinks in when we give the Assembly more powers. It thinks, “Right, we’ve got them, and rather than think about what to do with them, we’ll think about what we want to ask for next.” What could be done with corporation tax and what can already be done with business rates is a good example of that.

I want to talk a little about the capital side of this. The more revenue streams and accountability we are able to give the Welsh Government, the more capital they can borrow, so the more capital they can put into infrastructure projects off their own bat, and we can judge them on the success of that. The Commonwealth games bid will require some capital. More revenue streams, and more accountability and transparency in

being able to raise money, would mean that we could make a Commonwealth games bid in Wales. We could put more into the south Wales metro, too, and top up the Cardiff city deal. At the moment, the Welsh Government come to Westminster to access borrowing powers—the old Welsh Development Agency powers, for example—but this Bill tidies things up: it enables the Welsh Government to get on and hopefully deliver for the people of Wales. If they do not, we can more appropriately judge their failure or success.

I have touched on the worrying parts of the RIFW scandal and how I see that as an example of a lazy approach and attitude within the Welsh Government and Welsh Assembly more broadly, but I want to move on to the single legal jurisdiction question for Wales. I believe that a single legal jurisdiction of England and Wales has served us well and should be maintained. Although we acknowledge that the Assembly is now going to make a greater body of law, and I commend this Bill for tackling what has been a very thorny issue, I agree that the disruption and cost of establishing a separate legal jurisdiction is not justified at this time. A separate jurisdiction would create upheaval and huge cost for no good reason.

Another issue that has been modified owing to the scrutiny of the draft Bill is the formal recognition in this Bill of a body of Welsh law made by the Welsh Assembly and Welsh Ministers—or Welsh Secretaries, as I should now call them. This change reflects the importance placed on this matter during the revision process in the past few months. Most of the debate on a distinct or separate jurisdiction revolved around the necessity test, and I am hoping that the Bill in its present form will have lanced that boil. I am sure that we will hear more about that from Plaid Cymru Members later. The Welsh Affairs Committee, on which I am proud to serve, concluded that the necessity test was wrong and recommended that it be replaced. I therefore welcome the Secretary of State's approach to this issue.

The body of Welsh law continues to grow. I have made the point in the Welsh Grand Committee and the Select Committee that the Assembly is making Welsh laws and a body of Welsh laws exists, and that the Assembly should have the security and confidence to stand up and say that, rather than constantly looking for reassurance from Westminster that it can have its own body of laws. We can now build our legal infrastructure around the body of Welsh laws, but we would risk economic and commercial damage if a separate jurisdiction were pursued. We would risk a flight of talent, given that Cardiff has strong professional legal services. We would also face problems with our universities. The University of Aberystwyth is in the constituency of the hon. Member for Ceredigion (Mr Williams), and I would not want to put it or any other Welsh university in a position of having to debate whether to teach English or Welsh law to international students. That might be a difficult one for the dean of law at Aberystwyth. For all those reasons, I support the Government's belief in maintaining a shared legal jurisdiction, and I welcome the work being undertaken by representatives of the Lord Chief Justice's office.

**Mr Mark Williams (Ceredigion) (LD):** The short answer is that I am sure the head of the law department at Aberystwyth would enjoy teaching both English and

Welsh law. Does the hon. Gentleman agree that one of the positives that has come from the Government in recent days is the at least partial acknowledgement of the need not for a separate legal jurisdiction but for a distinct legal jurisdiction? The difference seems to have been lost on some Conservative Members. People are talking about a separate jurisdiction, but many of us here are calling for a distinct one.

**Craig Williams:** I thank the hon. Gentleman for that intervention. We debated this matter in the Select Committee and in the Welsh Grand, and I constantly said that I thought we already had distinct arrangements and could not understand what was being asked for. He was right, however, and the Secretary of State has made it clear in the Bill that those distinct arrangements will be put in place.

**Mr Williams:** But surely the hon. Gentleman would acknowledge that the creation of the working group that the Government have announced is a step in the direction of a distinct jurisdiction. Otherwise, we shall be revisiting this matter in the years to come, as the hon. Member for Islwyn (Chris Evans) has suggested.

**Craig Williams:** I am going to touch on something that the hon. Member for Ynys Môn (Albert Owen) said. I agree that this is a pragmatic solution to a thorny issue, and I cannot see why the distinct arrangements would not stand the test of time as the body of Welsh law emerges. This is a significant change.

**Liz Saville Roberts (Dwyfor Meirionnydd) (PC):** In that case, does the hon. Gentleman agree that the findings of the working group will be extremely important to our discussions on the Bill? Given that it is going to report back in the autumn, should we not ensure that its findings are incorporated in the Bill?

**Craig Williams:** Being a new Member of Parliament, I am guessing that that will fit into the timetable of the Bill's passage through the House, given that we do not exactly rush things here. I think the Secretary of State alluded to the fact that that work would be carried out coterminously. I look forward to the findings; they will be important and they will perhaps bring Members together to deal with the thorny issue of jurisdiction. I am looking forward to the findings of the working group and I hope that they will be produced in a timely fashion so that we can consider them in Committee. These proposals represent a significant change from those in the draft Bill.

I support the proposals on the judicial impact assessments. I do not follow the rationale behind the objections to them. Any sensible institution or Government would have them, but I look forward to sitting down and discussing that rationale with anyone who opposes them. Adopting those assessments would be a sensible approach. Similarly, the electoral arrangements have been a long time coming. As I have said, it is not right that we in this place should debate how many Assembly Members there should be or at what age people in Wales should have the vote. The new arrangements are quite right, and if the Assembly chose to call itself the Welsh Parliament, I would be entirely relaxed about that—a rose by any other name—given that it is making laws, generating revenue and borrowing against capital.

[Craig Williams]

In drawing my contribution to a close, I wish to talk about two practical things. The shadow Secretary of State mentioned ports and the protections on trust ports, particularly Milford Haven. Some 62% of all UK natural gas is coming through that port, so I judge it to be a port of national infrastructure on a UK level, and it is entirely warranted that there is protection there. I have alluded to a welcome, practical measure on bus regulation, which I see as an excellent step forward for what the Welsh Government have been trying to do on integrating transport. It is also an excellent step forward for local authorities. I served on the board of Cardiff Bus, the largest south Wales bus company, and I think this measure will enable the integrated approach between buses, city regions and the train services.

I hope that the Bill has a speedy and successful passage through the House, and I very much look forward to seeing what the Welsh Government do with these powers and, as I said to the hon. Member for Islwyn, the business rates and the huge powers and levers the Welsh Government currently have to better the lives of my constituents and the people of Wales. I commend this Bill, I thank the Secretary of State and his team, and I look forward to the remainder of the debate.

3.46 pm

**Hywel Williams** (Arfon) (PC): After the Scottish independence referendum in 2014, the Prime Minister promised the people of Wales that just as the rights of Scottish voters will be “respected, reserved and enhanced”, so, too, would the rights of the Welsh voters. He promised that Wales would be “at the heart” of the devolution debate. Since then, the Wales Office has published a draft Wales Bill and now we have the Wales Bill proper, billed as the UK Government’s response to the cross-party Silk commission. The draft Bill failed to deliver on the recommendations of the Silk commission—a commission established by the Tories themselves. Its recommendations were supported by all four of Wales’s biggest political parties, including the Secretary of State’s own Welsh Tories. Plaid Cymru, civil society groups, and people in all parts of Wales had hoped that the re-drafted Wales Bill would return to the consensus of the Silk commission and would offer the people of Wales the devolution settlement that is ours as of right, one that is sustainable, ambitious and fair. Today, we are very far away from that wholly reasonable goal.

I freely acknowledge that, compared with the draft published last autumn, some progress has been made in making the Bill fit for purpose, but we still have a long way to go before this Bill will become fit for enactment. I welcome the fact that the Secretary of State has acted on some of the criticisms of the previous draft, for example on the reservation of criminal law and the necessity tests. The recognition of the fact of Welsh law is very much to be welcomed, but it is just a recognition of the reality of the situation in Wales. There remain serious concerns regarding the complexity, uncertainty and indeed lack of coherence in some parts of the Bill.

Throughout Wales’s long devolution journey, Plaid Cymru has always tried to get the best possible deal for everyone and anyone who chooses to make their home in Wales. Those people who call Wales their home best

understand the needs of our country. I believe it was Gwynfor Evans who once said that anyone can be Welsh, as long as they are prepared to take the consequences. One of those consequences is that those who live in Wales face up to deciding for Wales, but we recognise that not all parties share this view, which is why we signed up to the Silk commission. It was a cross-party commission, with nominees from each of the four biggest parties in Wales, along with academic experts, who talked, formally and informally, with people all over Wales. It was a truly representative commission and the two reports it produced represented a true consensus.

That consensus was not easy to achieve. We in Plaid Cymru gave way on some points, ones that were important to us but not to others, as did other parties on their issues. The Silk process involved all parties making compromises, including my own, so it was deeply disappointing and frustrating to see the Wales Office dump that true consensus in order to find a lowest common denominator and then call it an “agreement”. Far from being an agreement, the St David’s day White Paper and this eventual Wales Bill fall well short of the consensus that Silk worked so hard to achieve. The profound criticism of this Bill, after just one week, is in the same vein as that of the discredited draft Bill all those weeks ago. The criticism is really striking when we contrast it with the consensus and welcome that surrounded the Silk recommendations in Wales.

What happened to the consensus on the idea that Wales’s natural resources should be in the hands of those living in Wales? What happened to the consensus on the idea that it is the people of Wales who are best placed to determine our policing policies? What happened to the consensus on the idea that it is the people of Wales who best understand our country’s transport needs? Under this Bill, Wales can set its own speed limits, but drink-drive limits are just too complicated for little old us. One of the historical political controversies in Wales relates to water. Water is much too valuable a resource to be left to the Government of Wales, but, yes, we are allowed to have sewerage.

I have many concerns regarding the current list of reserved policy fields, and I shall return to them later. I wish to start by focusing on the foundations of the draft Bill. I should stress that Plaid Cymru warmly welcomes the move to a reserved powers model—that is, to move away from the current devolution model in which the settlement lists areas on which the Assembly can legislate to a model in which the settlement lists areas where they cannot.

There was an unusual and welcome consensus across all of Wales’s six biggest parties on the need to move to a reserved powers model. That consensus stems from the lack of clarity on where the responsibility lies, especially as compared with the Scottish dispensation; the challenges to Welsh legislation in the Supreme Court under the current dispensation; and the danger of further and increased challenges in the Supreme Court if we do not get this sorted out.

It was thought that moving to a reserved powers model would provide clarity both legally and for the public as to what is and what is not within the legislative competence of the Assembly. This is a problem for MPs as well, and it is no small matter. When considering legislation, I do not know how many times I have had to ask: “Is this Wales only? Is it England only? Is it

England and Wales only? Is it Great Britain, or is it even Great Britain and Northern Ireland?" Whatever people's opinion on devolution—whether pro or anti—we can all agree that such ambiguity is bad for democracy.

Moving to a reserved powers model should also be about changing the ruling attitudes towards devolution. It would be for the UK Government to justify whether something should be reserved, rather than justifying why something should be devolved. This is devolution based on subsidiarity—real subsidiarity, as I said to the Secretary of State earlier—rather than retention. It is enabling rather than hobbling, and trusting and respecting rather than suspecting and resenting. That is the case, however much some Whitehall Departments might snarl—and I think we know who they are.

I fear that these principles—the foundations of the arguments in favour of the reserved powers model—have been lost, and the result is a Bill that is unclear, somewhat unstable and possibly unsustainable. We have gone from a position as recently as last May where all six of Wales's biggest parties agreed on a way forward, to a position now where the UK Government are alone in thinking that this Bill delivers a lasting settlement. The Wales Office has admitted that, rather than using the Scotland Act 1998 as a starting point—a devolution dispensation that has avoided the constant legal challenges and political tinkering that have bedevilled Welsh devolution—it has used the Government of Wales Act 2006, the failed devolution settlement that we are trying to replace. In fact, it is a model based on the administrative devolution in the 1960s, from the creation of the Welsh Office, as it was then known, onwards. It is a deeply outdated model and not fit for today, let alone tomorrow. The Bill claws back the powers for which the people of Wales voted overwhelmingly in 2011, and returns to a long list of reservations. The *Western Mail*, which, I concede, is not always 100% correct, lists 267 powers that

"Westminster doesn't want Wales to have", ranging

"from axes to outer space".

Almost every measure in the draft Bill was roundly criticised, but there was particular ire for the lengthy list of reserved powers. The Wales Office admitted that the list was too long, and promised to shorten it. It may well have taken out a few reservations, but the fact that the list has increased from 42 pages to 44 suggests that the ones that remain are even more long-winded than before.

**Alun Cairns** *rose*—

**Hywel Williams:** There might be a reason for that, and I am sure that the Secretary of State will enlighten us.

**Alun Cairns:** On the list of reservations, simply measuring something according to the number of pages is not necessarily the most sensible thing to do. In the Scotland Act 1998, reservations are listed according to subject matter with a broad headline. A requirement in the Wales Bill is to make the list far more specific, so exceptions to the reservations are included, which naturally lengthens it. I hope that the hon. Gentleman accepts the spirit in which those reservations are defined: to prevent our ending up in court challenging each other.

**Hywel Williams:** I am grateful for that point, which we have discussed before, and I have said that the number of pages might not be the best indication of the number of reservations or their complexity.

There are new reservations in this Bill that were not in the draft Bill, for example, on matters as important as the Severn bridges—that nagging toothache for our economy in the south.

**Jonathan Edwards:** Going back to the intervention by the Secretary of State, does not the fact that the number of pages has increased indicate that this is not the bonfire of the reservations that we were promised?

**Hywel Williams:** No doubt that is something that we will debate. I relish the opportunity to discuss the reservations and hear the Secretary of State or his colleagues justify them. The explanatory notes include a description or explanation of the reservations but, as far as I can see, there is very little justification for them. I therefore look forward to hearing about that in subsequent debates.

The report by the Wales Governance Centre and University College London on the draft Bill described the list of reservations and said:

"Complexity is piled on complexity...the potential for legal challenge casts a long shadow."

I see little evidence that the revised list is much clearer. It remains, alas, a lawyer's playground. As I have said, the shift to a reserved powers model was supposed to be made in tandem with a shift in mentality—that is extremely important—to determine what needed to be reserved, rather than what should be devolved. It is clear that the Secretary of State has instead facilitated a Whitehall trawl of the powers—a pick and mix of what the Sir Humphreys fancy bagging for themselves—sometimes based on principles no deeper than the chance to shout "Mine!"

If the Secretary of State is serious about creating a lasting devolution settlement, he cannot simply flip the current settlement from the conferred powers model to the reserved powers model, then allow Whitehall to pick and choose which tasty bits of power they want to hang on to. The process must be built on principles. I agree with the principles that he identified—clarity and coherence—but I would add proper subsidiarity.

Some time ago I had an entertaining lunch with the Irish Minister responsible for a new Irish language Act. He was quite candid, loquacious and hilarious. He had been to Canada and Quebec and had thieved—his words—a little bit of their language law. He had been to Wales and has snaffled bits of ours. He had been here and there in the rest of Europe, and hey presto, here was their language bill. We do not need to roam two vast continents, stitching together a bit of this and a bit of that. A model is already there for the borrowing and—perhaps Plaid people will forgive me for saying this—it is a home-grown British model called the Scotland Act.

The Silk commission hoped that moving to a reserved powers model would be a chance to rewrite the settlement to remove some of the defects of haste and inconsistency that have so far marred legislative devolution in Wales. The list of reservations does not reflect that hope. The director of the Wales Governance Centre has described

[Hywel Williams]

the Bill as being underpinned by a “patronising attitude” and as continuing to regard Wales as “enjoying a lower status” than the other devolved nations. In practical terms it will undoubtedly lead to more blame shifting between Cardiff and London. That is the last thing that people in Wales want and the last thing that the governance of the people of Wales requires.

Both the Welsh Affairs Committee, which has a Tory majority, and the National Assembly’s Constitutional and Legislative Affairs Committee, which was also chaired by a Tory, recommended that each reservation should be individually justified. That recommendation has been ignored and, as I said, I look forward to hearing the Secretary of State or his colleagues making up for that as we go into Committee.

The Wales Governance Centre has offered a list of considerations for identifying functions that should be devolved: is it necessary to retain function X for the functioning of the UK as a state? Does retention of Y make the governance of the UK less clear or comprehensible? Does retention of Z undermine the workability, stability or durability of the devolution settlement? These are the questions that the Secretary of State should be asking himself for each and every one of the reservations in the Bill and I hope we will have time to hear him go through those steps. Simply making hundreds of reservations for no given reason is not acceptable, particularly when the real rationale seems to be a deeply suspect power grab by Departments of Government that have failed Wales so spectacularly over the past few years.

**Mr David Jones:** The hon. Gentleman is making a very good speech. He talks about the need to analyse each and every one of the proposed reservations. Does he think that two days in Committee will be sufficient to achieve that?

**Hywel Williams:** I am not sure. I am in two minds about that. If we have full days of debate, that might indeed be the case. I have been here too long, so I remember days of Welsh debates which have been interrupted by statements, urgent questions and all kinds of shenanigans that have led to Welsh debates being curtailed. If we have protected time, we shall see. I think my hon. Friend the Member for Carmarthen East and Dinefwr (Jonathan Edwards) will be looking into this point further in his remarks and I hope the right hon. Gentleman will be here to hear him.

I challenge the Secretary of State to respond today and offer justifications for why he believes the people of Wales do not deserve the same responsible government as the people of Scotland. As has been said, the Secretary of State voted for the Scotland Act. He voted to give the people of Scotland a Government with full control of Scottish natural resources, policing and criminal justice. He voted to make the Scottish Government responsible for raising a significant proportion of the money that they spend. He has also voted to devolve policing to Manchester, yet he refuses to do so for Wales. What practical reasons are there to insist that Welsh police forces follow the agenda of English forces? Those who were fortunate enough to be in the House last night would have heard my hon. Friend the Member for

Dwyfor Meirionnydd (Liz Saville Roberts) making just those arguments. What reason is there for focusing largely on problems prevalent in urban England, such as knife crime, rather than on meeting the needs of Wales, and in my case, particularly of rural Wales? What practical reason is there for setting, for example, a 350 MW limit on the Welsh Government’s power over energy—a point that I made to the hon. Member for Newport West (Paul Flynn), who is no longer in his place—when there is no such limit on the Scottish Government? I raised the wholly practical question about that in my point to that hon. Gentleman. I will expand a little on it now, with the permission of the House.

A local hydroelectric scheme in Snowdonia was going to limit itself to 49 MW—that is the old limit. Those involved told me quite plainly that that was to avoid the entanglements of London bureaucracy. Now they are aiming for 350 MW, and they could produce more, but why should we skew reasonable economic development on the basis of a number that has, as far as I can see, been plucked out of the air? I would like to know why the figure is 350, and not 351 or 349.

**Alun Cairns:** The hon. Gentleman referred to the Silk commission. Does he not accept that 350 MW was a recommendation from Silk and that it was arrived at based on a proposition from members of all political parties?

**Hywel Williams:** We have moved on from the Silk commission, and we are now looking at this issue—[*Interruption.*] If the Secretary of State and the Under-Secretary can contain themselves, I will explain the position in a moment.

I would still like to hear the justification—not from the Silk commission, but from the Secretary of State—as to why the figure is not 351 or 349. What practical reasons are there for devolving the tidal lagoon in Swansea bay but not the lagoons proposed in the Cardiff area or in Colwyn bay, in the area of the right hon. Member for Clwyd West (Mr Jones)? What is the justification? I am interested, and we might even get an answer. However, there is no sensible argument for this limit—for me at least—and there is no limit in Scotland. Unless such decisions are based on reason and principle, the devolution settlement will never be long-lasting, and we will perpetually be debating the constitution.

It is not Plaid Cymru who is the constitutional obsessive here, despite frequent challenges that it is; it is successive Westminster Governments who have chosen Sir Humphrey’s fudge, mudge and fix over empowering the Welsh Government to settle down and get on with the job of bettering the lives of the people of Wales—and, boy, do they have a job on their hands!

The Bill is, among other things, an attempt to keep as much power as possible in Whitehall by devolving as little as possible to Cardiff. As far as I can see, it is not likely to build a stable, sustainable and fair devolution settlement for our country. However, the Wales Office has an opportunity to give us the devolution settlement we need: one that leads not to court cases and blame shifting, but to economic growth, a healthier NHS and a better educated workforce—one that will actually work and stand the test of time.

Plaid Cymru will be tabling amendments to the Bill to ensure that the people of Wales are treated with respect. We will demand a devolution settlement that facilitates progress, rather than puts up blocks. I still hope that the official Opposition will support those amendments. The opportunity to shape Wales's constitution does not come around that often.

The Bill is crucial to all of us who care about the future of our country so I do not want to be forced to vote against it, and neither do my hon. Friends. There are many things in it that we welcome, including powers over fracking and the devolution of electoral arrangements, for example. For the party of Wales—a party whose very reason for existing is to empower the nation and the people of Wales to run their own affairs—it would be a painful decision to vote against those powers, and I sincerely hope the Secretary of State will not force us to do that. I therefore urge him to take our criticisms in the constructive spirit in which they are intended and to bring forward his own amendments to rescue the Bill.

I urge the Secretary of State to reflect on the significance of what he is building. He is reshaping the constitution of Wales, and he has an opportunity to create a significant shift in Wales's future—to build a new Wales for a future history of Wales. This is an opportunity to construct the foundation on which his country's economy will be built; his country's NHS will be healed and his country's schools will be transformed. He should not waste it.

The Bill falls well short of the Silk commission's recommendations. However, the reality is that the commission, despite its good work, has now been superseded by the Scotland Act. Wales must not be forced to lag behind. The Secretary of State can be stubborn and push the Bill if he wishes to, but he will be in danger of pushing yet another failed Bill and of becoming a failed Secretary of State for Wales, and I would not wish that on him. He would be one in the line of a great many others who, as Secretary of State for Wales, have failed to serve Wales all that well. He should heed the arguments of my hon. Friend the Member for Dwyfor Meirionnydd, who last night made a compelling case on, for example, devolving policing. We heard not a peep from Welsh Tory Back Benches or Welsh Labour Members on this matter, let alone ascertained their opinions in the Lobbies, with the honourable exception of the Secretary of State himself, who I think I spotted trooping through the No Lobby. He should also take the advice of my hon. Friend the Member for Carmarthen East and Dinefwr, who called for him to follow in the footsteps of the great Conservative reformers of the past—politicians who foresaw the future and legislated with foresight rather than submitting to the constraints of the present.

Disraeli wrote novels, now largely unread, as well as getting in a bit of prime ministering while he was at it. When asked if he had read "Daniel Deronda"—a very good novel—he replied:

"When I want to read a novel, I write one."

The Secretary of State might likewise wish to see a good Wales Bill, so he should write one. I am sure he is capable of doing that, but this one is not quite it. He and his Under-Secretary now have a rare opportunity to prove that they are politicians of vision. My hon. Friends and I envy them. As to the Bill, I say with our national poet, Waldo Williams,

"Beth yw trefnu teyrnas? Crefft

Sydd eto'n cropian",

or, "What is ordering a kingdom? A craft that's barely crawling." I say to them: do not waste this opportunity to build your nation into the country that it could be—the country that, by rights, it should be.

4.11 pm

**Chris Davies** (Brecon and Radnorshire) (Con): It is always a pleasure to follow the hon. Member for Arfon (Hywel Williams). Even though I did not agree with a great deal of his speech, I congratulate him on the passion for and commitment to Wales that we are accustomed to hearing from him.

I both congratulate and sympathise with the Secretary of State and his Minister. It is never easy taking over a Bill that was started by a previous Secretary of State, but he has brought this forward, and I congratulate him on doing so. I sympathise with him because, as many will now know, many Members within his ranks are very unhappy with the Bill as it stands. In fact, with 11 Members from Wales, and taking the two Ministers out of the scenario, the majority of Welsh Conservative MPs are unhappy with the Bill.

This is an important Bill, but so far today we have seen most of these green Benches empty. Members who have spoken have done so with great passion and great commitment to Wales, but we have had a lot of green shown to us today and not many Members from throughout Great Britain and across the House joining us. That is very disappointing.

The Bill comes at a crucial time for our home nation. The Welsh economy is now chugging back into life after a protracted stall since 2008. Businesses are hiring again, the unemployment rate is falling, and our GDP is beginning to rise. The historic Cardiff city deal introduced by this Government that my hon. Friend the Member for Cardiff North (Craig Williams) does so much to champion is bringing great infrastructure and further job prospects to south Wales. That will have a knock-on effect on many hon. Members' constituencies, including my own, boosting our local economies.

This is also a crucial time for Wales because it is so soon after the Welsh Assembly elections that returned no overall majority. On its own, perhaps that result does not have a great knock-on effect on uncertainty in the Welsh economy, but coupling it with the EU referendum, whichever way the vote goes, makes for an uncertain time for Wales. It is imperative that we do all we can to make Wales strong and resilient for the future. A chain is only as strong as its weakest link, and I do not want Wales to be the weak link in the United Kingdom chain. I think that we can all agree on that, as we all want Wales to be a strong, successful player in the United Kingdom.

Some Members might be surprised to hear that I am not opposed to the overall concept of further devolution in trying to achieve that goal. I agree with the Government that power should be held as close to the people as possible, which is why I believe that some parts of previous Wales Acts need to be tidied up. I also agree that the Welsh Assembly needs to be more accountable to the people of Wales. We should stick to our manifesto pledge to deliver the Wales Bill that I and other Conservative Members were elected to deliver by the people of Wales.

[Chris Davies]

That, however, is where my agreement with this Bill wanes. I cannot stand idly by my principles and accept the Bill in its current form. I am disappointed about the timing of the Bill, its application and much of its substance. I want a Wales that can decide its own destiny and has control over its future, but most of all I want a Wales that plays a key part in, and remains a strong part of, a United Kingdom. The only way we can achieve those goals is through a devolved settlement that the people of Wales actually want and accept—a settlement that will hold long into the future.

**Jonathan Edwards:** The hon. Gentleman is making some powerful points based on his principles as a politician. Does that mean that he will vote against the Bill?

**Chris Davies:** I thank my parliamentary neighbour for his intervention. As far as I am aware, there will be no vote this evening, but I shall scrutinise the Bill exceptionally closely over the next two or three days and I will table amendments.

We as politicians should never assume that we know exactly what the people of Wales want. On matters as important as this settlement and the Bill, which will affect me, my children and my children's children long into the future, we cannot afford to get it wrong. That is why the devolution settlement should, above all, have accountability and democracy at its very core and as its foundations. Without such strong pillars on which to build our settlement, we cannot expect our structure to hold. As we have seen recently in Scotland, we could come dangerously close to a total collapse if it is not right.

Does the Bill uphold what I suggest, with little dispute, to be the settlement that Wales wants and needs? First, I want to consider the timing of the Bill. Government Front Benchers will no doubt be aware that the Welsh Affairs Committee looked long and hard at the draft Wales Bill. Many hours over many months were dedicated to studying its detail, and I was very pleased to be part of that Committee and grateful for the time we were allocated.

Although it appears that we were given plenty of time to look at the particulars of the draft Bill, the Bill in front of us today includes important clauses that the Committee was not asked to consider. We spent hours scrutinising the draft Bill, not this Bill. I am grateful to the Secretary of State for Work and Pensions, who used to work at the Wales Office, and to the current Secretary of State for Wales for the evidence and assistance they gave our Committee during our inquiry. However, we have had an about-turn on the need for a referendum on the devolution of tax-raising powers and the new commitment to allowing for the abolition of the Welsh Assembly through a referendum squeezing their way into the Bill, so it was disappointing that the Committee was not given the chance to look in depth at those issues, which underline the whole Bill and will have enormous consequences for the people of Wales. Many members of the Committee would, I am sure, have welcomed more time to look into those important changes to the constitution of Welsh devolution, but we have been denied that chance by the apparent rushed introduction of the Bill.

On the substance of the devolution settlement, it was while looking over the draft Bill that I felt the most sympathy for one of the Welsh Affairs Committee's witnesses—I do not usually feel sympathy for him—namely Professor Richard Wyn Jones, who told us that

“to read this Bill, you have to have a copy of the 2006 Act, and a towel doused in cold water wrapped around your head, and you have to compare the two pieces of legislation. As a constitution for Wales, this isn't user friendly.”

Nevertheless I, like many in this Chamber, persevered, and I have found many surprises. First, I was struck by proposed new section 92A(3) of the Government of Wales Act 2006, on the very first page of the Bill before us—I do not propose to go through each clause—which says:

“the Welsh Government are not to be abolished except on the basis of a decision of the people of Wales voting in a referendum.”

I was heartened because I believed that there would be true democracy in the Bill, with the people being given the chance to abolish the Assembly if they so wish. I was therefore very encouraged, only to find, when I turned the page, that there was no instruction in the Bill about how that referendum would be triggered—I found only the next clause. I had hoped that the foundations of accountability and democracy were to be upheld, but that seems to be missing. Why not state in the Bill that the referendum could be triggered by a petition of the people?

When I looked at the will of the people, as expressed in the recent Assembly elections, I found that the Abolish the Welsh Assembly party had achieved a decent share of the vote—4.5%, in fact—from a standing start. I have been approached by people saying they would have lent that party their vote if they had believed that it would have made those of us in Westminster sit up and listen. While I neither support nor dispute the aims of that party, it shows that there is an appetite for political engagement in Wales, so the Government should do what they can to support that. I was sorry not to see that reflected in the Bill, and I believe that the provision falls disappointingly short of providing the key democratic pillar on which the settlement should be built.

Secondly, I want to touch on the application of the devolved settlement. Last night, I sat up in bed with the Wales Bill by my side and a copy of our manifesto open at pages 70 and 71. I am sure that everybody in the Chamber will know what was on those pages, but I remind them that it was the section on Wales's devolution settlement. With my highlighter, I was ready to mark out each commitment that my right hon. and hon. Friends and I stood on to gain election to the House. I went through each point: introducing a Wales Bill—check; implementing much of the Silk report—check; devolving control over the Assembly's name—check; reserving police and justice matters—check; introducing a funding floor for the Welsh Government once it has called a referendum on tax-raising powers—ah! I was ready and waiting with my highlighter, my eyes scanning swiftly across the Bill and my hands turning the pages, eagerly waiting to find the commitment that I had mentioned so many times on the doorstep. Clause 13 went by, as did clauses 14 and 15, and then it hit me—clause 16. I checked our manifesto and checked the Bill again, and there it was in black and white: a commitment to give the Welsh Assembly tax-raising powers without a referendum. It was a further

disappointment to find that the pillar of democracy on which I believe our settlement should be built was missing from this Bill.

In his op-ed on the Bill on the day of its First Reading, the Secretary of State himself said:

“Welsh men and women want sensible legislation that reflects their priorities and allows them to live under laws of their own choosing.”

Why will the Welsh people not get to choose the legislation under which they want to live? Why is the Welsh people's voice being silenced on this issue? Why are the Welsh people being denied a say? Might referendums really be going out of fashion? Surely the whole idea of devolution was to move power out of Whitehall and closer to the people when they wanted it. I fully agree with that. Many political pundits have said that Cardiff Bay is the most centralising Government in Europe, and my constituents quite often feel that Cardiff Bay is far more remote than Westminster. Why have powers been moved from one Government to another when our constituents are either missing out altogether or being doubly burdened?

Finally—I am sure you are glad that I am coming to a close, Madam Deputy Speaker—I must stress that I am not in principle against the devolution of further powers to any Assembly, mayor, local authority or Government, and I want to put that clearly on record. I have absolutely no problem with the devolution of powers. In fact, I often think of devolution as a good thing, where it works. My concern in this case is about the Welsh Assembly's ability to take on the extra powers outlined in the Bill and to utilise them in a competent and constructive way, particularly at this time of no overall majority.

My right hon. Friend the Member for Clwyd West (Mr Jones) spoke eloquently about the devolution of wind energy provision, and my neighbour, the hon. Member for Carmarthen East and Dinefwr (Jonathan Edwards), said that he was scaremongering. I can assure the hon. Gentleman that the prospect of having more pylons in Brecon and Radnorshire is scaring my constituents and is a serious worry, but I believe the Welsh Assembly will take it lightly.

Let us take some further examples. The first is health. The Labour-run Welsh Assembly Government have so far presided over a fall in real-terms spending on the NHS in Wales. Waiting times are through the roof, and some people are reregistering in England just so that they can be seen by a doctor within a reasonable timeframe. Ambulance and A&E targets are constantly missed, and there has been no implementation of a cancer drugs fund to save lives.

The second example is education. Standards in our Welsh schools are slipping under the Welsh Assembly Government while those in England rise. Schools in my area are closing due to cuts in local government settlements by the Welsh Assembly and its outright rejection of the excellent academies programme that is being rolled out across England. That makes no sense at all to me.

**Jonathan Edwards:** The points that the hon. Gentleman raises are about Government decisions, as opposed to decisions on devolution.

The hon. Gentleman accused me of accusing the right hon. Member for Clwyd West (Mr Jones) of

scaremongering. I did not say that, but perhaps he might be willing to inform us of how many projects in Powys have been above the 50 MW level.

**Chris Davies:** I think the question to ask is how many will be above that level if we have Welsh devolution on the matter.

My third and final example is agriculture. The Welsh Assembly is just not hearing the voices of those of us in rural areas. It has substantially cut the agricultural budget and taken the maximum support payment away from our farmers. Until a month ago, it did not even allow agriculture, the environment and rural affairs a full place around the Cabinet table. This is the same Assembly that spent nearly £50,000 on a wind turbine that generated £5-worth of energy before being switched off.

**Hywel Williams:** I am afraid I must insist that the hon. Gentleman says that it is the Government doing that, rather than the Assembly. It is the Labour Government who are taking those decisions, not the Assembly itself. It might be ruled by a Labour Government, but those decisions are not the fault of the Assembly as such.

**Chris Davies:** The hon. Gentleman is quite right, and I stated that earlier in my speech. However, there is collective responsibility down there, and it is the Assembly Government who are making those decisions.

This is the same Assembly that, when given the independent living fund by the Department for Work and Pensions, passed it on to local councils, but not before taking a so-called administration fee. That cost the adult social care budget for people in my local authority area of Powys £49,000.

Devolving further powers before the Welsh Assembly proves that it can utilise the powers that it already has is like hiring the same cowboy builder who has built a structurally unsafe house to come back and build the extension. It is unsound to make the assumption that piling more bricks on top of a wobbly Jenga tower will make it sturdier. It just does not make sense. Surely this is not the pillar of accountability.

**Albert Owen:** I congratulate the hon. Gentleman on reading his party's manifesto, which was a brave step. But seriously, we have just had an Assembly election, and his party went down from second to third. He says that he wants to bring power closer to the people, so is he arguing for more powers for local authorities? That would in some way devolve powers within Wales.

**Chris Davies:** As much as it saddens me, I actually quite agree with the hon. Gentleman. The record so far suggests that it would be better to have devolution to local authorities than to a centralised Government in Cardiff Bay.

**Glyn Davies:** To follow on from the point that the hon. Member for Ynys Môn (Albert Owen) made, devolution to local government is fine. The British Government have devolved planning to local authorities, but the first thing the Welsh Government did was to take that power away from local authorities and centralise it to themselves. Planning powers are devolved to local authorities in England but centralised to Cardiff in Wales.

**Chris Davies:** My hon. Friend makes an absolutely valid point. My theme is the centralisation of government in Cardiff Bay. That is not devolution to the people of Wales. Sadly, devolving further powers at this time, when that Government are not capable of handling the powers they have, is a bad way forward.

**Nick Thomas-Symonds:** I will just say in relation to the intervention by the hon. Member for Montgomeryshire (Glyn Davies) that the last time I went along to Torfaen's planning committee it seemed to have some planning powers. To return to the point, the hon. Member for Brecon and Radnorshire (Chris Davies) is attacking the Welsh Labour Government. Will he show some respect to the people of Wales, who on five occasions have elected Labour as the largest party in the Assembly?

**Chris Davies:** The hon. Gentleman said the important thing, which was not said by the hon. Member for Ynys Môn (Albert Owen): the people of Wales have elected the largest party, not a majority party. That party has achieved government by a coalition—is it a coalition; is it a merger? I am not quite sure what it is down there at the moment. They do not seem to know down there either, so is now the time to pass on more powers?

There we have it. I have asked only for a devolution settlement that allows Wales to decide its own destiny and future and to play its part in the United Kingdom, and that is built on the firmest foundations of accountability and democracy. Let us give Wales desired devolution, not disappointment, and a settlement, not a setback. Most of all, let us give real democracy to Wales.

4.31 pm

**Mr Mark Williams (Ceredigion) (LD):** I am grateful for the opportunity to say a few words, not least after that tour de force by my neighbour the hon. Member for Brecon and Radnorshire (Chris Davies). I assure him that there has been no merger; the Liberal voice might be somewhat muted these days, but it is still there.

If there was ever a case for a clear and understandable devolution settlement, some of what the hon. Gentleman said would be a basis for it—the need to distinguish between Government and Government decisions, and decisions made by the Assembly. That is what the debate is all about. So many of the issues he raised were of the domain of the political debate that was no doubt held in the villages and halls of Brecon and Radnorshire; I say to him with great respect that the people of Brecon and Radnorshire made a very clear statement a few weeks ago of what they wanted, and endorsed a party that has always been and remains committed to extending the case for home rule within a federal Britain.

I very much endorse what the hon. Member for Ynys Môn (Albert Owen) said about the history and journey of devolution being a tribute to many people and many political parties. It will come as no surprise to the House to hear that I think there were Liberal Democrat fingerprints—perhaps a little faded and jaded now—on the earliest stages of the current process, with the creation of the Silk commission. It produced two reports, one on fiscal responsibility and one endorsing the reserved powers model. I welcome that work, as well as the earlier work done by the previous Labour Government. It has begun to bear some fruit in this Bill.

Perhaps things went a little out of kilter, thereafter—this wave of nostalgia for the coalition had better end now. The St David's day agreement followed, and we saw the introduction of the draft Wales Bill, which was subjected to extensive scrutiny by the Welsh Affairs Committee under the great stewardship of the hon. Member for Monmouth (David T. C. Davies). I will not dwell on the inadequacies of the draft Bill other than to say that our scrutiny was thorough and detailed. The overwhelming response—from civil society, from people of most political parties and from the Welsh Government—was that the draft Bill was at best inadequate and at worst had a stifling effect on the quest of many of us for meaningful, clear and transparent devolution. I repeat that my party has always believed in the idealism I think the hon. Member for Ynys Môn alluded to: home rule for Wales within an aspirant federal Britain.

**Ian C. Lucas:** It always amazes me that the Liberal Democrats—I have the greatest respect for the hon. Gentleman, as he knows—use the phrase “home rule” in this context, because home rule failed and led to Ireland leaving the United Kingdom. Does he not think it would be better to use a phrase that conjures up a vision of success within the United Kingdom, rather than failure?

**Mr Williams:** The hon. Gentleman makes a historical interpretation. I use the phrase “home rule” in the context of the historic battles for, and crusade towards, self-government in Wales, evoking the memories of the hon. Member for Newport West (Paul Flynn) about marching with his banner, the *Cymru Fydd* and his references to the Welsh Parliamentary Party. I think the term resonates with people, if not the hon. Member for Wrexham (Ian C. Lucas). I do not think we are arguing against each other; I think we probably aspire to the same objective. We are dancing on the head of the proverbial pin.

I do have one big concern. In the past few months, the previous Bill was kicked into the proverbial long grass or cul-de-sac. I commend the Secretary of State and his officials for their alacrity and speed—it took us all by surprise that we would be here today—in ensuring that the Bill is now before us, and I thank him and his officials for the opportunity to informally raise concerns and ask questions directly in the past few days. Notwithstanding that, there are aspects of the Bill that should not be rushed. There has been some concern expressed about that speed. It is fundamentally important that the new Bill is given sufficient opportunity to be properly scrutinised. I hope officials will be thorough in their consultation and discussions with civil society, political parties and the Welsh Government to ensure that we have a workable Bill which retains and builds on widespread support.

I was privileged to take part in the St David's Day discussions. Looking around the House, I think I am the only other person here who was in the room having those discussions with the other representatives: the former Plaid Cymru leader, the right hon. Elfyn Llwyd, the former Secretary of State and the hon. Member for Pontypridd (Owen Smith). I well remember the first meeting. I reminded the Secretary of State that I would be discussing our meetings with my colleagues in Cardiff Bay, and that our discussions—the four of us sitting in isolation around that familiar big table in the big office

in Gwydyr House—should not be seen in isolation. I have to say that I do not believe those discussions were as inclusive as they should have been. Cross-party and cross-parliamentary collaboration will be the key to the Bill succeeding as discussions proceed if the durable, permanent settlement we wish to see is to be secured.

Were the St David's day talks an attempt to move the agenda on? Yes they were, and indeed they have moved the agenda on. Inevitably, however, allowing a veto from any one of the four participants risked stopping discussions in their tracks. That was how it was. We went through every one of the Silk commission's recommendations, item by item: hands up boys if you agree, hands down if you do not. If one person objected, the issue was not pursued. When people talk about the advancement of the debate by the lowest common denominator, they are correct: it was very, very easy to stop aspects of the Silk recommendations. I say that as someone whose party was one of the first—my friends in Plaid Cymru might have been there just before us—to endorse all that Silk said in his second report.

**Jonathan Edwards:** Will the hon. Gentleman spill the beans today and tell us who the biggest culprits were in raising their hands?

**Mr Williams:** The hon. Gentleman, who is my parliamentary neighbour, will not expect me to answer that question. I suspect his sources in Plaid Cymru have given him the answer to that question already. Despite the best intentions, the structure was going to fail from the outset.

Now, to the Bill. To start at the beginning, it is welcome although not surprising that clause 1 recognises the permanence of the National Assembly. The hon. Member for Brecon and Radnorshire has told us that the detail of a referendum to abolish the Assembly is not there, and I am pleased about that, but it does establish the principle that the only way we could ever abolish the National Assembly would be through the consent of the Welsh people as expressed in a referendum.

The recent National Assembly elections were not—this will come as no surprise—a stunning success for my party, but they were even less stunning for the Abolish the Welsh Assembly party. Whatever our concerns, and perhaps with just one or two exceptions, there is a recognition that our Assembly is here to stay. Importantly, clause 1 provides for a new and specific recognition of Welsh law:

“There is a body of Welsh law made by the Assembly and the Welsh Ministers.”

It is the first time that such recognition has existed, and it is of course welcome, but it must not end there. If the hon. Member for Brecon and Radnorshire were tempted to divide the House later and vote against the Government, the Government Front-Bench team can have some assurance that I would be likely to go through the Lobby with them—but with significant caveats and provisos. I do not know how much power solitary Liberal Democrats have these days—perhaps more than the hon. Gentleman thinks in an Assembly context. I will support the Bill at this point, but with the proviso that certain things must change.

**Chris Davies:** I am sure that the Secretary of the State and the Minister will be overjoyed to hear that the Liberal Democrats will join the Conservatives once

again—just like in the previous five years. It was remiss of me not to congratulate my parliamentary neighbour on becoming the new leader of the Welsh Liberals and the last man standing—or last person standing, I should say—in the Welsh Liberal party. Was I hearing Liberal-speak when the hon. Gentleman said he was glad to have a provision for abolishing the Welsh Assembly, but not to have a mechanism included? Surely the Liberals would nowadays want to give people the democratic rights that they should have.

**Mr Williams:** I thank the hon. Gentleman for that intervention. Reference is made to it in the Bill, which should satisfy the hon. Gentleman. We look forward, as I am sure the people of Brecon and Radnorshire do, to seeing the detail in the lengthy schedule that the hon. Gentleman will table to allow the abolition. He might be helping the 4.5% of people who voted for the Abolish the Welsh Assembly party in their cause, although I am not sure it will help his cause if he proceeds along that route. There we are; we will see.

I was talking about the issue of distinct jurisdictions. There is, I think, a concern—the Secretary of State might have gone partly down the road to addressing it—about the Bill's reference to a distinct Welsh legal jurisdiction. It seems pointless to refer to a body of law without addressing the issue of jurisdiction. With the growing body of Welsh-specific law that will emerge, this seems necessary if the Bill is to provide a proper and long-term settlement.

In common with the hon. Member for Islwyn (Chris Evans) and others, I do not want to be back here, if I am lucky enough still to be here in five, 10 or however many years, to encounter what would be the fifth Wales Bill. I predict that this issue will not go away, and the Secretary of State should be mindful of it. He is partly mindful of it through the creation of the working group, for which I am grateful. Even if Conservative Back Benchers will be grinding their teeth at the thought of any changes to the judicial system, I think there needs to be greater acknowledgement of the fact that this issue will not go away.

Let me move on to clause 10 and the necessity test, which was an issue of real concern, as many Members on the Opposition side have confirmed. The Welsh Affairs Committee was concerned about it, and I believe the concerns were legitimate that this could be used to curb the powers of the National Assembly. Whether it be true or false, that was the perception. I am glad to see movement on that issue, and although the necessity test remains in part—it will be justified for cross-border and reserved matters—I am glad about the extent to which it has gone. That test seems to have been replaced—I use that word cautiously—by the justice impact assessment undertaken by the Welsh Government. In the spirit of devolution, the Bill says that that is done in the “way they see fit”, and presented with accompanying legislation. I note, however, that the Welsh Government have stated that the Assembly already has the potential to deal with that issue through their Standing Orders.

Quite where that assessment goes, I am unsure; and quite what the response from Westminster Ministers and officials from the Ministry of Justice to it will be, I am also unsure. What would it take for the intervention powers of a Secretary of State to be enacted? I am not

[Mr Mark Williams]

sure. What would set in train the mechanism to go to the Supreme Court—something we want to avoid? I am not sure. I wrote this speech before I heard the opening remarks from the Secretary of State, who reassured us that this measure will not go anywhere, but that prompts the question as to why we need it, if the National Assembly can pursue that device through its Standing Orders. I seek reassurance from the Minister that there is nothing sinister that devolutionists like me and others on the Opposition Benches—and, to be fair, on the Government Benches—should be concerned about.

Is there any need for this provision, given that according to the First Minister the Assembly has the capacity to introduce its own impact assessment? I welcome the fact that there will be a joint Justice in Wales working group to consider that and other judicial matters, and to establish the protocol on judicial arrangements. The group's objective is:

“To provide clear and efficient administrative arrangements for justice in Wales that fully reflect the distinctiveness of Wales—I am surprised that the Wales Office allowed that word in the group's remit, because we are all against distinctiveness or separation, but it is an encouraging sign—

“and the distinct body of Welsh law within the England and Wales justice system.”

I look forward to that report. I do not know what form it will be in, or whether there will be opportunities as work proceeds for people to come to the House or report to the Secretary of State, who will answer our questions. However, it is worrying that this Chamber will not consider the outcome of that work before the Bill goes to the other place. People may say that I cannot have it both ways—I cannot have the working group as well as the Bill coming speedily before the House—but I am reflecting on the quality of debate that we will have on such matters, if the body of expertise and officials are meeting and reaching conclusions, and we do not have the opportunity to respond to them as we proceed.

Recommendation 28 of Paul Silk's report states that he believes we should hold a review within 10 years of devolving legislative responsibility for the Courts Service, sentencing, legal aid, the Crown Prosecution Service and the judiciary to the National Assembly. Let the remit of the working group be as broad as possible, and perhaps I will be reassured that it will consider those matters. If that is the case, the Secretary of State will have trumped—dare I use that word?—Paul Silk on timescales, which is to be welcomed.

The bulk of the Bill relates to schedule 2 and the detail of reserved matters. The *Western Mail* says one thing, and David Melding in the Welsh Assembly tells us that we are down from 250 to 200 reservations, which is a move in the right direction. We may have had the bonfire of the quangos, but that is not quite the bonfire of reservations that some of us had hoped for. A reserved powers model will inevitably involve a list, and we are told that 15 to 20 reservations have been taken out of the Bill—I do not know where those numbers are coming from—and that three more have been added. My elementary maths tells me that that is a positive of up to 17 reservations in our direction, but interestingly, the three added reservations concern the second Severn

crossing, prostitution, and heating and cooling systems. Perhaps the Minister will enlighten us as to the rationale behind those three things.

I would also be interested to hear more about how the process was undertaken by the Wales Office, and the extent of the consultation when deciding on those reservations. The Select Committee made clear recommendations. It said that the Wales Office should go back and start the list again. Did that happen? I rather doubt it, given the time that elapsed between the publication of our report and the inception of the Bill.

We are where we are, and the Bill does represent a significant move forward. I would not be so churlish as to suggest that the last year has wasted the opportunities provided by the work of Paul Silk and the limitations of the St David's Day agreement, because much has been learned on the back of the unfortunate draft legislation that followed. At the very least, it has taught the Government, and many in the House, that devolution is an important issue that will not go away, and that if we are to achieve a lasting settlement, the Government must do better: they must consult widely, and they must respond. They have done that to a degree, and I am therefore prepared to give the Bill cautious support at this stage. However, I do so on the understanding that the work of the working group is not peripheral but important, and that it will enhance our democratic processes rather than inhibiting them.

According to a press release issued by the Wales Office last week:

“The Wales Bill is in the finest traditions of Welsh radical reformers like Lloyd George.”

Neither I nor, I suspect, anyone in the Wales Office has had the benefit of Lloyd George's wisdom on the Bill, literally or spiritually. The nearest that I got to Lloyd George was having tea with one of his daughters, a prominent lady in the constituency of the hon. Member for Arfon (Hywel Williams). However, notwithstanding what the Minister has said about the need for cross-party consensus—and I wish him well in that regard—I suspect that my party's agenda is rather more in tune with the thinking of David Lloyd George than the Government's.

4.51 pm

**Glyn Davies** (Montgomeryshire) (Con): It is a pleasure to follow my friend and neighbour the hon. Member for Ceredigion (Mr Williams), who, as always—but he is not even listening to me as I congratulate him on the quality of his speech! It is also a pleasure to have been in the Chamber for most of the debate, and to have heard some fairly strong opinions delivered in such a reasonable way. It has been a constructive debate, and it has been pretty enjoyable.

I was pleased to see a Wales Bill in the Gracious Speech, although I believe that every Queen's Speech since I have been a Member of Parliament has contained a Wales Bill. I think it was the hon. Member for Arfon (Hywel Williams) who said that we did not have many opportunities to look at the constitution of Wales and change it, but it seems to me that we have such an opportunity pretty well every year. I do not know whether we shall have one next year; that will depend on the success of the Secretary of State.

There has been a fair degree of agreement across the House today. I have sensed that everyone wants to support the Bill, although many Members will clearly

want to see some changes to it. I, too, was surprised by the speed at which Second Reading arrived. It is fairly obvious to me that the Secretary of State is a man of action and a man in a hurry, given that it was only a few days ago that we first knew that there was to be a Wales Bill.

The Secretary of State told us at the beginning of the debate that his two objectives were clarity and accountability, and those objectives will form the two most significant parts of the speech that I intend to make. The Secretary of State also said that he hoped that we would be able to end the squabbling between the Welsh and United Kingdom Governments for good, and that we would have a permanent settlement. I wish him the best of luck with that, because I should be surprised if we Welsh managed to stop squabbling.

Clarity is a key aim of the Bill. Like the Chairman of the Select Committee, my hon. Friend the Member for Monmouth (David T. C. Davies), who spoke earlier, I was opposed to devolution in 1997. Indeed, I campaigned against it, and voted against it on 18 September. However, I was on the losing side. The National Assembly for Wales was set up, and I became a Member of it for eight years.

One reason why I opposed it was the obvious lack of certainty and clarity on how the devolution process would develop. It did not seem to me as if it was stable or could last. The leader of the Conservative party in Wales at that time, who was opposed to devolution, did not think that there was any certainty to the process, and a leading Labour party member described the process as being a magical mystery tour with no obvious end. My hon. Friend suggested that the end might be like Alton Towers. The truth is that we do not know, and I am still not convinced, even with this Bill, that we can ever actually reach the end, because in terms of constitutional settlements, there will always be debate and change. One day sometime in the future there may be a Wales Bill that reduces the amount of power that goes to the Assembly. Who knows?

I became Chair of the legislation Committee in the National Assembly quite early on, and partly through my experience of that I became convinced that we needed to have a reserved powers model, rather than the conferred powers model: that all power should be devolved unless there was a very good reason why it should not be. That has informed my attitude to devolution ever since. If something can reasonably and sensibly be devolved, I think it should be, and I think the move to a devolved model delivers that. It is a much more permanent settlement and is much less likely to lead to visits to the Supreme Court for arguments to be heard. I greatly support that, therefore. It is one of the two fundamental drivers behind the Bill, and one of the two issues that make me very keen to see it go through.

The second one, however, is more controversial: accountability, and in particular financial accountability. I know that there is some disagreement, certainly on the Conservative Benches, on this issue, but I became convinced many years ago that responsibility for a significant level of income tax was crucial if the Welsh Assembly was to become an accountable body that engaged with the people of Wales at election time. People could look at both sides of the ledger—how money was raised as well as how it was spent. When I first took that view and espoused it publicly, there were not many people in my

party who agreed with me, but it has been consistently and solidly my opinion ever since, and it is as strong today as it has ever been.

On a number of occasions at the last election I was asked about my position on this. I said very clearly that my view was that we should devolve a significant proportion of income tax—probably the ability to levy up to 50% of income tax—and until that power was devolved, I could not see how the Welsh Assembly could be seen as a Parliament.

Part of this Bill is about giving the Welsh Assembly the name “Parliament”, but how can we have a Parliament that does not have the ability to levy the most important tax that people understand? Without that, it cannot properly be described as a Parliament; there have to be powers over income tax.

Members have referred to the £2.5 billion that is already devolved to the National Assembly, but it is income tax that engages people. When voters in an Assembly election are looking at what parties to support, income tax is what engages them. They consider not just the parties’ spending promises, but how they are going to raise that money. It is crucial that we go down that road.

Apologies to Labour Members, but it is a weakness to assume that the Welsh Government will always be a Labour Government. There will not always be a Labour Government in Cardiff. It is not the Welsh Assembly that passes the laws; it is the Labour Government who do so. If we can properly engage with people at election time—financial accountability is a key part of this—we might be able to have something other than a Labour Government. We might be able to have a genuine view among the Welsh people and the possibility of a Conservative Government in Wales.

There will be debates on many other parts of the Bill as well, and we have already talked about a separate legal jurisdiction for Wales. There is no doubt that a body of Welsh law is developing. It is a small body at the moment, but it will grow. It will be a long time, however, before it becomes a significant body of law and I do not feel that it is justifiable to have a separate legal jurisdiction to deal with the limited amount of Welsh laws that we have. I cannot justify having a separate jurisdiction from the current England and Wales jurisdiction.

There has also been quite a lot of debate about the justice impact assessments. We removed the necessity test, which was pretty important. Almost everybody thought that that was the right thing to do. However, it seems unreasonable that there should be no mechanism within an institution to assess the impact of the laws it passes on any other institution. All this means is that when the Welsh Government pass legislation, they will have to assess the impact of that legislation on other legislation. That seems entirely reasonable, and I suspect that every other legislative body in the world does it, so I really cannot see why this should be an issue.

Policing has also been an issue. Perhaps this is just my view, but I have never been opposed in principle to the devolution of policing. However, we cannot support the devolution of policing to Wales until a very strong case can be made that it would improve policing there. We need to know how it would be improved and whether the new arrangement would work well for England and Wales.

**Jonathan Edwards:** Had the hon. Gentleman been here during last night's debate, he would know that I support the devolution of policing because of what has happened to the police helicopter service in Dyfed-Powys. It has been lost because policing is a reserved power. The helicopter services were not lost in Scotland or Northern Ireland, but the service has been lost in Dyfed-Powys because policing is reserved, and we now have a pooled service that is letting my communities down and letting his communities down.

**Simon Hart:** Will my hon. Friend give way?

**Glyn Davies:** Are you intervening on me or on the hon. Gentleman? Go on!

**Simon Hart:** I thought it might be helpful, before my hon. Friend replied to the Plaid Cymru intervention, to take careful note of the fact that the Dyfed-Powys police helicopter has not been lost, and that it would be a gross misrepresentation of the truth to claim that it has been.

**Glyn Davies:** I thank my hon. Friend; that is exactly what I was going to say.

I also want to touch on the question of devolution in regard to energy. We all pay a price when we support a Bill that is as comprehensive as this one, because there are often parts of the Bill with which we are very uncomfortable, and I have to say that devolving power over wind farms up to 350 MW to the Welsh Government really sticks in my craw. For me, that is a high price to pay to support the Bill. Perhaps I did not make what I meant absolutely clear in an earlier intervention, but we know that the Welsh Labour Government—perhaps supported by some of the other parties—are hugely enthusiastic about covering mid-Wales with wind turbines, wind farms and pylons. There has been a huge battle to try to stop them, but the Welsh Government are very keen to do it.

On 1 March this year—St David's day—the United Kingdom Government passed powers over onshore wind to local government across England and Wales. In England, local government now has the power to make decisions on wind farms of any size, and that power has also been devolved to Wales. On that same day, the Welsh Government took that power unto themselves. In Wales, everything over 25 MW is therefore now decided by the Welsh Government in Cardiff, but in England local authorities decide this. That is one reason why I find this part of the Bill to be extremely difficult to support.

I am looking forward to the Committee stage, where we will debate a series of aspects of the Bill, as we are not able to touch on everything today. The Bill is really worth while. We can perhaps change one or two parts of it, but it is a good Bill that will bring more stability, more security and more democracy, in the sense that through financial accountability people will be more engaged with the democratic process than has ever been the case in Wales before. That is why I very much hope that the Bill makes its way through the House.

5.5 pm

**Liz Saville Roberts** (Dwyfor Meirionnydd) (PC): Diolch yn fawr iawn, Madam Dirprwy Lefarydd. Am fod yn bowld, fe gymeraf y cyfle i ddweud rhyw frawddeg arall

yn Gymraeg. If I was braver, I would probably carry on, but it did seem appropriate to get more than the usual introduction and salutation in Welsh in today on the Floor of the House.

As a relatively new MP, one of the 2015 generation, it seems to me that successive Secretaries of State for Wales are fond of bigging up Wales Bills as “generational milestones”. These landmarks of legislation are intended to stand as rocks of ages, directing the flow of governance with their permanence. I am a new MP, yet already I have seen Wales Bills come and Wales Bills go. Although I am impassioned with the will to empower Wales, I fear that the House must be concerned that this Bill, yet again, is a cypher for the ongoing tussle between Westminster Departments desperate to protect their little empires and the National Assembly for Wales—not the Welsh Government—seeking the tools to do its job.

For a second time, the laudable concept of reserved powers, which was so well explained by my neighbour the hon. Member for Montgomeryshire (Glyn Davies)—the hon. Member for Trefaldwyn—is in a reality little more than a series of glosses scribbled over the Government of Wales Act 2006: a cross-referencing exercise for lawyers and academics, shuffling backwards and forwards among documents. The people of Wales deserve clarity and permanence, whereas this remains an exercise in safeguarding the status quo and legislative sacred cows. The Government make much of lessons learnt from the draft Bill: the necessity tests have almost disappeared; ministerial consents no longer apply to so-called “Wales public bodies”, but they remain none the less; and the previous 267 reservations have been whittled down to 250. This is hardly evidence of a change of heart, although I particularly welcome the devolution of powers of heritage railways, having six in my constituency—very lovely they are, too, and I recommend a visit to any of them.

The Government have still got us jumping through hoops to maintain the fiction of a unified legal jurisdiction of England and Wales, when the very existence of the legislature at the Senedd, the growing body of Welsh legislation and the vast majority voice of civil and professional opinion together, in consensus, prove otherwise. Perhaps talk of distinct legal jurisdiction is the domain of political obsessives—we have heard this already this afternoon—but it is the very fabric of the infrastructure of government. It is boring, in the same way that the infrastructure of a country is boring, and roads and railways are boring—unless we have to travel to get somewhere and be there on time.

Wales is on a journey. Each new piece of constitutional legislation promises to deliver us at our destination, but the road ahead is not yet clear. We have had 17 years of learning to walk, but why are we still to be hobbled when we want to run? The present England and Wales single legal jurisdiction is past its sell-by date; it yokes together two diverging legal landscapes. Acknowledging this reality will remove the problem. Attempting to tie them together with legal shackles only underlines how much this is really about asserting London's sovereignty over Wales—the last of the home colonies—and how little it is about mutual respect and support among equals.

What we have allegedly gained in the vaunted listening exercise between this Bill and the draft Bill runs the risk of being little more than a sleight of hand and a change

of name. Out go necessity tests and in come justice impact assessments and a diktat to Assembly Standing Orders, which impose—as compulsory—something that Westminster treats as optional in its own affairs.

We are told that the protocol for dealing with disputes as a result of these assessments will be determined by the Justice in Wales working group—I am glad to learn of that working group, as it reflects the concern that some of us on the Welsh Affairs Committee had with the draft Wales Bill and that we raised in our report. None the less, it does concern me that there is no mention of these justice impact assessments in the working group's remit. Indeed, there are concerns all round.

**Alun Cairns:** Does the hon. Lady accept that a justice impact assessment is a sensible thing for any mature legislature to have in relation to the scrutiny of legislation? If she does, what is her objection or question when I say that it is merely a statement of fact that helps with the scrutiny of a Bill, as we have not had justice impact assessments up until now?

**Liz Saville Roberts:** I note first of all that the impact assessments are compulsory in that they would be compulsory in their effect. However, for this Bill, they are not compulsory, but optional. We do not know for sure what results they could trigger. It interests me that they are not in the working group remit, but that they appear in the Bill. We should explore more fully what their impact is likely to be. Yes, at face value, they are to be welcomed, but we need to know more about them. We need to know the mechanism by which we will know more about them, and we need to be sure that that will feed into the process of this Bill.

Indeed, there are concerns all round about the pace of the Bill's introduction, the need for scrutiny on its workability and how it synchronises with the timetable of the justice working group, which reports in the autumn. I anticipate that the Secretary of State will outline how these material issues co-ordinate, but I am disappointed that we are being asked to vote today on matters about which so many questions remain unanswered.

In passing, I also note further concerns about the working group. I seek a guarantee that the interests of Westminster departmental workings will be secondary to the best interests of Wales with regard to membership, remit and stakeholder evidence. To reiterate, I ask the Secretary of State to assure me that this Bill will not reach its Committee stage until the working group has reported. It would be unacceptable to move ahead in the present state of uncertainty.

I recall that, in discussions on the draft Bill, the sheer unworkability of the foundation principles meant that the reservations themselves did not receive proper attention. That must not happen again. We have had many speeches about the potential of Wales—I applaud the speech of the hon. Member for Newport West (Paul Flynn) who is no longer in his place—and how the Wales Bill should be looking to realise the fantastic future for Wales. We should be optimistic in our anticipations.

In fact, rather than giving the people of Wales more control over their own resources, some aspects of the Bill give the UK Government a greater hold. Clause 44 amends section 114 of the Government of Wales Act 2006—a section that gives the UK Government a veto on any Welsh legislation or measure that has an

adverse impact on water quality or supply in England. Incidentally, that section is exclusive to the Welsh devolution settlement. It appears in neither the Scottish nor the Northern Ireland settlements. Rather than removing this section, bringing Wales into line with Scotland and Northern Ireland, clause 44 extends the veto to cover anything that has an adverse impact on sewerage systems in England, too—so we have water and now we have sewerage.

In last October's debate on the flooding of Capel Celyn, I recall the Secretary of State referring to the joint Government review programme and how it was considering the Silk commission's recommendation on water. I understand that this group is to report shortly. Perhaps the Secretary of State will be minded to amend the Bill to include a reciprocal power for the Welsh Government to veto UK Government measures that impact on Wales, or perhaps he will see sense and remove clause 44 from the Bill. That will, at long last, right the wrong of Capel Celyn and give Wales full powers over our own water.

5.14pm

**Nick Thomas-Symonds** (Torfaen) (Lab): It is a pleasure to follow the hon. Member for Dwyfor Meirionnydd (Liz Saville Roberts) as another member of the 2015 generation.

I welcome the Wales Bill in its new form, which is a significant improvement on its first incarnation last October. There is still work to do, but I am reassured that the Secretary of State has made it clear that he will continue to have constructive discussions on the Bill with the Welsh Government, and there is still scope to amend the Bill during its passage through the House. I welcome the additional powers on elections, energy, transport and marine licensing. The Bill represents a further stage on the devolution journey that began under a Labour Government in 1999.

In the Welsh Grand Committee on 3 February, I highlighted three concerns about the Bill regarding ministerial consents, reservations and the necessity tests. As I said in an intervention on my hon. Friend the shadow Secretary of State, the then Secretary of State said:

“There is nothing in the draft Bill that makes the Welsh Assembly consider whether legislating in a devolved area is necessary.”—[*Official Report, Welsh Grand Committee*, 3 February 2016; c. 61.]

I am pleased that there has been a rapid move from denial to acceptance, and that changes have been made in that regard.

The necessity tests have not been scrapped completely, and they remain in the Bill, admittedly in a watered-down form, in clause 3 and new schedule 7B. They apply, first, if Welsh legislation touches on reserved matters and, secondly, if there is an effect beyond Wales. My hon. Friend the shadow Secretary of State made it clear that there may be scope to remove that altogether, and that may be something that the Secretary of State will consider during the passage of the Bill. Simpler ministerial consents are welcome. It is entirely right that the Welsh Government have the power to remove or modify UK ministerial powers in devolved areas without consent, and the shortened list of reservations is welcome too.

I spent some time teaching politics before entering the House and I remember many debates 10 to 12 years

[Nick Thomas-Symonds]

ago about pre-legislative scrutiny. Such scrutiny has been helpful for the Bill, and I pay tribute to the work of the Select Committee on Welsh Affairs and the Constitutional and Legislative Affairs Committee in the Assembly, as well as to my hon. Friend the shadow Secretary of State, particularly for the speech that she made in the Welsh Grand Committee in February.

I want to deal with the issue of jurisdiction. I should refer to my entry in the Register of Members' Financial Interests, and declare that I am a non-practising barrister, following my door tenancy at Civitas Law in Cardiff. There is an emerging body of Welsh law, which is a reality, and it will grow in years to come as a consequence of the primary powers devolved in the 2011 referendum. I am pleased that that has been explicitly recognised in the Bill, and I welcome the working group to which the Secretary of State has referred. As I understand it, the group can take in representatives from the Wales Office, the Ministry of Justice, the Welsh Government and, indeed, the Lord Chief Justice, all of whom should be able to contribute.

The power to modify criminal and private law on matters in the competence of the Assembly is welcome too, along with clause 10 and judicial impact assessments. However, a steer on a distinct jurisdiction would be extremely useful, and was proposed by the Welsh Government in supplementary pre-legislative scrutiny evidence. That would assist in the longer term—we all want a lasting settlement, not one that is revisited. I do not, however, think that a separate legal jurisdiction is the answer to the problem. I approach this from the perspective of access to justice. I have been critical of the Government in other contexts and their record on access to justice, but that issue has to be borne in mind in the Bill.

At present, if someone wishes to take a legal action on something outside the jurisdiction, within the civil procedure rules—sadly, I can remember these things; this is covered in part 6—a number of requirements have to be met in order to do so. I do not want a constituent from Torfaen, who goes, for example, to Bristol, falls over or has an accident, and then wants justice in that matter to find that there are barriers in the way of securing that. As the working group goes forward, it must look at the access to justice issue and ensure that we have a pragmatic way forward—the kind of vision of devolution set out by my hon. Friend the Member for Ynys Môn (Albert Owen)—so that individual access to justice is at the heart of the matter. It would also be useful to have far fewer clashes in the Supreme Court. I hope that as we proceed, the Bill will be able to achieve that.

On the devolution of income tax, I echo the comments of my hon. Friend the Member for Llanelli (Nia Griffith), the shadow Secretary of State: it must be on the basis of no detriment to the current funding settlement for the Welsh Government.

My vision of the Bill is the vision of one of my hon. Friend's predecessors as Member of Parliament for Llanelli, James Griffiths, whom I regard as one of the most underrated politicians of the previous century, particularly for his work as Minister for National Insurance after the second world war. He was the very first Secretary of State for Wales, appointed by a Labour Prime Minister,

Harold Wilson, in 1964, and his vision was of strong devolution for Wales within a strong United Kingdom. That is precisely the vision that I have today, and I sincerely hope that we can achieve that by building on the Bill and passing it.

5.21 pm

**Jonathan Edwards** (Carmarthen East and Dinefwr) (PC): It is a pleasure to follow the hon. Member for Torfaen (Nick Thomas-Symonds). I do not always agree with everything he says, but what he says, he says with substance, and is well thought out. I enjoyed his reference to James Griffiths, who is a proud son of Ammanford, which is my home town as well, so I will make sure that the *South Wales Guardian* reports his comments.

At the start of my contribution, I would like to raise an issue relating to the programme motion, which will be taken after these proceedings. There will be no debate on the programme motion, but when the Under-Secretary makes his winding-up speech, will he clarify the time allocated for the Bill's Committee stage? In our view, two days will not be enough—the Scotland Bill had four days' deliberation—but if the Under-Secretary is able to give guarantees that that time will be protected, we will be willing to concede on that. Will he also give an outline of the likely timetable for the Bill as it proceeds through its various stages?

We have heard some fantastic contributions to the debate from Members on both sides of the House. I particularly enjoyed the speech of the hon. Member for Islwyn (Chris Evans), in which he made a passionate case for the full devolution of corporation tax. I fear that my comments will be tame in comparison. I made similar comments in the *Western Mail* on Saturday while I was out in Bordeaux, only to be accused by the shadow Secretary of State for Wales of nationalist dogma. The hon. Member for Islwyn, who is not in the Chamber, might be in trouble with the hon. Member for Llanelli (Nia Griffith) after this debate.

After less than two decades of devolution in Wales, we have had to change the settlement four times—this Bill will be the fifth time. Every one of those changes was meant to settle the constitutional question for a generation, yet here we are, debating another Bill that, it is claimed, will settle the constitution for our lifetime. I fear that we yet again have another tinkering Bill which will be past its sell-by date before the ink dries. During the course of the previous Bill, Plaid Cymru, the party of Wales, endeavoured to strengthen it, as we will do during the course of this Bill. I am glad to see that some of our amendments, which were ruthlessly voted down last time, are reflected in provisions in this Bill, specifically the parts that allow the National Assembly to determine its own electoral system and give the National Assembly the right to change its name if it chooses. Surely since the last Assembly election, when one party had 50% of the seats on 30% of the vote, every true democrat must realise that we have to do something about the electoral system for the National Assembly.

On the question of the name, as far as I am concerned, now that the National Assembly can pass laws, it is a Parliament in its own right. However, I accept the arguments of some of my colleagues back home in the motherland that law-making bodies in Europe are known as assemblies, such as the *Assemblée nationale* in France.

I particularly welcome the Chancellor's decision in the autumn statement to remove the need for a further referendum before the proposed income tax-setting arrangement is implemented. Referendums should be held only on a fundamental point of principle, as with next week's vote on the UK's membership of the European Union. Conversely, the 2011 Welsh referendum on a very opaque matter indicates the problems associated with holding a public vote on technical issues.

The principle of fiscal devolution from Westminster to Wales has already been conceded in the 2014 Act, with the devolution of minor taxes, stamp duty land tax, the aggregates levy and landfill tax. Devolution of power is the settled will of the people of Wales, as is highlighted by a long list of opinion polls. Political parties just need to get on with it now and react to the growing demand for more powers for Wales, as opposed to hiding behind referendums. The only future referendum that should be held on the constitutional question in Wales is the referendum on Welsh independence, when the time comes.

The Bill is a step forward from the draft Bill, which was published last year by the then Secretary of State for Wales, the right hon. Member for Preseli Pembrokeshire (Stephen Crabb). That Bill included roll-back powers, which would have been completely unacceptable to Plaid Cymru, because they undermined the settlement overwhelmingly endorsed in the 2011 referendum.

Three new reservations have been added, including the Severn crossings. We will be pushing an amendment to repatriate the bridges during the Bill's later stages and look forward to the support of Labour and Conservative Members. It is allegedly Labour Government policy in Wales that the bridges should come under the control of the Welsh Government. It is also the policy of the Conservatives in the National Assembly. In 2013, their transport spokesman said:

"Devolution of the crossings—and future use of the tolls—has the real potential to help hard-pressed motorists, provide significant investment in Welsh infrastructure and encourage economic growth".

The hon. Member for Gower (Byron Davies), who uttered those words while in the Assembly, was singing from my hymn sheet, and I am disappointed that he is not in the Chamber.

**The Parliamentary Under-Secretary of State for Wales (Guto Bebb):** Which of the three ends of the Severn bridges that are in England does the hon. Gentleman feel are subject to a right to be repatriated to Wales? After all, there is a geographical reality that should be recognised.

**Jonathan Edwards:** I am grateful for that point, which is always used by the hon. Member for Monmouth (David T. C. Davies)—I am glad to see him in the Chamber, as we have debated this issue many times. However, the reality is that the Severn bridges are the two main supply links into the south Wales economy, so it is clearly in the interests of the Welsh Government to have control over them.

I always endeavour to be helpful in my politics, and when I look at the rate of constitutional change in the UK, it appears that the only way the British state can possibly survive is as a confederal arrangement between its constituent parts. The only reserved matters in that scenario should be those relating to currency, the Head

of State, defence, welfare and foreign affairs, although the boat on welfare may have started sailing with the Scotland Act.

The necessity tests have been replaced by so-called justice impact assessments. In response to the Bill, my former academic master, Richard Wyn Jones, from the Welsh Governance Centre, said in the *Western Mail*:

"I'm afraid this unexpected addition to the Bill suggests the mindset that devised the necessity test is still alive and kicking in Whitehall."

He went on to say:

"It clearly undermines the UK Government's claim to respect the National Assembly as a mature democratic institution able to make its own laws without interference."

He concluded by saying:

"Ultimately the Secretary of State would be able to override a piece of legislation passed by the democratically elected Assembly. It is a mindset which sees the Assembly as a second-class legislature. There is no similar provision at the Northern Ireland Assembly or the Scottish Parliament."

**Alun Cairns:** Will the hon. Gentleman give way?

**Jonathan Edwards:** I will refer to the Secretary of State's earlier points and let him intervene following that.

Professor Jones makes the further valid point that these impact assessments are not reciprocal, citing the example of the super-prison in Wrexham, where the UK Government took no account of the impact on devolved Welsh public services such as health, social services, education, lifelong learning and skills.

I welcome the Secretary of State's comments during the debate and the guarantee that the justice impact assessments cannot trigger a UK veto—I accept him at his word. However, we will have to take our own legal advice to ensure that these assessments are not a Trojan horse to stymie the ability of the National Assembly to function fully as a legislative body.

**Alun Cairns:** Let me politely reassure the hon. Gentleman that the justice impact assessments are in absolutely no way considered to be a veto. He referred to the prison in Wrexham—HMP Berwyn. When two mature institutions come to agreements, and one is seeking to encroach on devolved areas or another to encroach on an area that is non-devolved within the UK, the UK Government need a legislative consent motion to take action in Wales. There is a mature arrangement. We need to come to a position where we understand each other, and these mature discussions should take place, rather than one having a right over the other. That is not the area that I want to get to.

**Jonathan Edwards:** I am extremely grateful for that intervention by the Secretary of State. His point about the Wrexham super-prison makes our argument for us. That facility has not been created to deal with the custodial needs and requirements of our country. That is partly why we will aim to remove the reservation on policing and prison services during the passage of the Bill.

My other major concern, as my party's Treasury spokesperson, is the second-class settlement we are being offered in relation to fiscal powers. The Scotland Act 2016, which all Labour and Tory MPs based in

[Jonathan Edwards]

Wales voted for, fully devolved air passenger duty and income tax—including, crucially, the tax bands and half of VAT receipts—to Scotland. The Scottish Government will now be responsible for raising over the half the money they use in all devolved expenditure. Yet, as the recent Cardiff University assessment, “Government Expenditure and Revenue Wales 2016”, notes, following the fiscal plans in this Bill, the Welsh Government will be responsible for raising only about 20% of the devolved expenditure for which they are responsible.

If the twin arguments for fiscal devolution are accountability and incentivisation, surely we need more ambition for Wales than what is currently on offer. After all, in essence, we are talking about keeping more tax revenues raised in Wales directly in Wales, as opposed to collecting them in London and sending them back. The Welsh Government should be responsible for raising the money that they spend. That is a very valuable principle in politics. We will seek to amend this Bill and the forthcoming Finance Bill to secure parity for Wales with Scotland, and challenge Labour and Conservative Members who supported these powers for Scotland on why they oppose them for Wales.

The other issue in relation to tax powers that must be addressed if the measure is to receive our support is the fiscal framework to accompany tax devolution. As we have seen with the debate surrounding the Barnett formula, words such as “fairness” and “non-detriment” are extremely opaque and open to interpretation. The Bill will put in place a Barnett floor to stop further funding convergence, but let us be clear that that is not the same as “fair”. A fair settlement would surely, at the very least, peg Welsh funding at the Scottish level, especially since that is what Labour and Tory Members of Parliament from Wales voted for for Scotland. I will let them explain to the people of Wales why they think that Wales deserves less support through public funding per head than Scotland.

Returning to the fiscal framework, I am glad that there seems to be genuine good will around a non-detriment principle, but that will need to be clearly outlined before we finally vote on the Bill. I would expect the Treasury, at the very least, to publish its recommendations in an official statement to the House during our proceedings on the Bill because Members of Parliament will otherwise be voting blind on the consequences of the tax proposals. I say this as a strong supporter of devolving job-creating levers to Wales, as I outlined earlier. However, neither I nor my colleagues will support the Bill if the UK Government intend to push a straightforward indexed deduction method. I note the significant concessions gained by the SNP Scottish Government on this issue, so I would hope that the Labour Government in Wales and the Wales Office here will be pushing hard for a suitable deduction method for Wales.

This vital issue is even more complicated than my favourite topic of Barnett consequentials, so we must get it right. We need a formula that will reflect the fact that the population of Wales, and hence our tax base, will grow more slowly than the UK average. We cannot be left in a position whereby a successful fiscal policy in Wales leaves us standing still in terms of Welsh revenues. Incentivisation can work only if the Welsh Exchequer is not at a loss before the process starts. Scotland has once

again achieved a fair settlement, and so must Wales. It would be far easier to come up with a fair framework if we were debating full income tax powers similar to those awarded to Scotland—that is, full devolution of the bands and thresholds.

If the other main aim of fiscal devolution is to increase the political accountability of the Welsh Government, the sharing arrangement envisaged for income tax would continue to allow them to pass the buck. The shadow Secretary of State for Scotland, the hon. Member for Edinburgh South (Ian Murray), said that full devolution of income tax powers under the Scotland Act would stop the Scottish Government playing the politics of grievance. If Wales has a sharing arrangement, the politics of grievance will continue. In the interests of accountability, incentivisation and, critically, transparency, the UK Government need to revise their plans and fully devolve income tax powers to Wales.

This March, in an act of blatant electioneering, the previous Welsh Labour Government published an alternative Wales Bill that called for a separate legal system for Wales and the devolution of policing. I look forward to the Labour Opposition here tabling such amendments to the Bill. If they do, I will support them with vigour, but if they do not, Plaid Cymru will do so and the people of Wales will be able to judge for themselves whether the First Minister has any influence over his bosses here in Westminster.

In conclusion, I would like to highlight the policy areas devolved to Scotland that are not included in this Bill, which include legal jurisdiction, policing, prisons, probation, criminal justice, full income tax, VAT sharing arrangements, air passenger duty, welfare and employment, consumer advocacy and advice, gaming mechanisms, full energy powers and rail franchising of passenger services, to name but a few. As I have said before, it will be up to our political opponents to explain why they voted for those powers for Scotland, but are opposed to them for Wales.

That brings me to the forthcoming parliamentary boundary review, which has not been mentioned at all during the debate, but will reduce Welsh representation in this place to 29 Members. That means a loss of more than a quarter of Welsh seats in the House of Commons.

**Simon Hart:** The hon. Gentleman has drawn up a long wish list of things that he wants to be properly devolved. What is the difference between that list and independence?

**Jonathan Edwards:** I am extremely surprised by that intervention, because the hon. Gentleman voted for those powers for Scotland. Is he now saying that he voted for Scottish independence? That is incredible.

**Simon Hart:** The hon. Gentleman and I are good friends. He is a fine cricketer, but he is also a naughty boy. Will he just answer the question?

**Jonathan Edwards:** I will take that intervention in the spirit in which it was intended. Those powers now reside in the Scottish Parliament, so is the hon. Gentleman saying that Scotland is independent? That is ridiculous. I am sure that the good people of Carmarthen West and South Pembrokeshire will be delighted to hear that he is in favour of full Scottish and Welsh independence.

**Albert Owen:** Earlier the hon. Gentleman referred to something similar to what I believe in, which is a confederal system in the UK. Is he now advocating that and not independence? Is that his party's line?

**Jonathan Edwards:** As I said when I made those remarks, I always try to be helpful in my politics. My party's position is independence for my country—

**Albert Owen:** Say it.

**Jonathan Edwards:** I have made that clear in my contribution. However, if I was a Unionist such as the hon. Gentleman, I would make exactly the same argument as him, and I commend him for it.

Before I was rudely interrupted by my constituency neighbour, the hon. Member for Carmarthen West and South Pembrokeshire (Simon Hart), I was talking about the boundary review. Wales is about to lose more than a quarter of our political representation. To put that in context, Wales will experience the largest proportional cut in representation here while simultaneously being denied powers and responsibility for our devolved Government. If the boundary changes go through without our significantly equalising the Welsh settlement with that of Scotland and Northern Ireland, there will be a further democratic deficit. With that in mind, I will vote against the boundary changes unless we have the same powers as Scotland.

The constitution of the UK is rapidly changing. This is a time for bold and visionary acts in the finest traditions of this House. I am afraid that the Bill does not reflect the realities we face, nor does it respond to the practical problems that arise from tinkering with the settlement. We will endeavour to strengthen it during its passage so that our country is not treated like a second-class nation.

5.40 pm

**Christina Rees (Neath) (Lab):** It is a pleasure to follow my constituency neighbour, the hon. Member for Carmarthen East and Dinefwr (Jonathan Edwards), although I am not brave enough to call him a naughty boy.

When the Welsh Assembly was constituted in 1999, there were 20 conferred subject areas in which matters were to be determined by the Welsh people through their democratically elected representatives. One famous Welsh politician once said that

“devolution is a process, not an event”.

In the 17 years since the Assembly came into existence, there have been three constitutional settlements, which reflects the need to expand the powers of the Welsh Assembly because of the evolution of the legislative procedure in Wales. However, Members who served on the Welsh Affairs Committee during its inquiry into the draft Wales Bill sometimes wished that it was an event, not a process.

The fourth constitutional settlement—the draft Wales Bill introduced by the then Secretary of State for Wales, the right hon. Member for Preseli Pembrokeshire (Stephen Crabb), in October 2015—promised

“a stronger, clearer and fairer devolution settlement for Wales that will stand the test of time.”

It lasted for four months. On 29 February 2016, he announced that significant and substantial changes would be made to his baby. It may just have been serendipity,

but on the day that the Queen officially opened the fifth National Assembly for Wales, the current Secretary of State introduced the revised draft Wales Bill as the fifth constitutional settlement—or, rather, the second fourth attempt—to this House. He said:

“Welsh men and women want sensible legislation that reflects their priorities and allows them to live under laws of their own choosing. I have heard that instruction loud and clear, and I will deliver on it.”

Those were brave words, indeed.

I will not speak about the modification of the necessity test, ministerial consents or even the list of reserved matters, which has been reduced by some 15%. I will concentrate on the devolution of justice, which has been a major area of disagreement between the UK Government and the Welsh Government. There was no mention of devolution of jurisdiction in the draft Wales Bill. First Minister Carwyn Jones has made it known that he is in favour of the devolution of justice, and in 2015, in response to the draft Wales Bill, the Welsh Government argued for

“a Welsh legal jurisdiction that is distinct, but not separate from that of England.”

The new Bill does not propose the devolution of the justice system or of policing, but explicitly recognises that there is a “body of Welsh law”. It allows the Assembly to continue to modify the civil and criminal law to give effect to its legislation, but does not extend to legislating on substantial areas of criminal law, such as offences against the person. The new Bill creates a working group of officials from the Wales Office, the Ministry of Justice, the Welsh Government and the Lord Chief Justice's office to monitor the situation. I welcome that because in Wales many areas of justice need clarification.

What matters to the people of Wales is whether they can get access to justice. I must admit that in the many campaigns during which I have knocked on doors, I have not found that devolution of the justice system has been a burning issue for constituents. Many of my constituents contact me because they cannot get access to legal advice, or have problems that they do not necessarily identify as legal issues. I am sure that many other Members find that their advice surgeries are inundated by constituents who are being denied access to justice.

It is fundamentally important that the justice system of England and Wales and the ever growing body of law in Wales are clear and accountable, and work for the benefit of my constituents in Neath and those of other Welsh constituencies. It is not straightforward to understand the administrative justice landscape, which is made complex by the intertwining of devolved and non-devolved systems. Administrative justice is not only about citizens' rights and redress but about learning from what has gone wrong and producing a vision of good public administration. It covers issues including disputes between the citizen and the state, and it is the cornerstone of social justice in Wales—a means by which citizens can have a voice other than through the ballot box, and by which public services can be held to account. It will lead to better results for citizens, less work for the appeals system, lower costs and, most importantly, social justice.

In areas such as housing, education, health and planning, Wales has its own administrative law, and the Welsh Government have responsibility for relevant justice policy

[Christina Rees]

and daily administration. Clause 10 introduces justice impact assessments, meaning that the person in charge of an Assembly Bill must make a written statement about its potential impact on the justice system of England and Wales. Every regulatory Bill and statutory instrument introduced to this House and the other place that affects private, civil society or public services has—or should have—an impact assessment, which Opposition Members rightly often use to attack the proposed legislation and suggest amendments.

Most tribunals still operate on an England and Wales basis, but some are devolved—for example, the Agricultural Land Tribunal for Wales, the Adjudication Panel for Wales, the Mental Health Tribunal for Wales and the Residential Property Tribunal Wales. These devolved tribunals are supported by a single Welsh tribunal unit, and there are issues to consider concerning the status of the judiciary in devolved tribunals. They are not a fully integral part of the judiciary for England and Wales, and there is a lack of clarity concerning arrangements for their appointment, training, conduct and discipline. Statutory responsibility is not clear in all cases, and formal agreements are needed so that there is no room for doubt about roles and responsibilities.

The working group may wish to consider the following suggestions: that all devolved Welsh judicial appointments have a standard procedure agreed by the Welsh Government and the Judicial Appointments Commission, and that training, appraisal and disciplinary arrangements be of a standard as demanding as that elsewhere in the UK; that the Welsh Government work with the Ministry of Justice, Her Majesty's Courts and Tribunals Service, the Department for Work and Pensions, Her Majesty's Revenue and Customs and other UK Government Departments to ensure that data concerning redress systems can be separately identified and made available to elected representatives; and that the Lord Chief Justice appoint an existing Welsh judge to lead on devolved Welsh tribunals.

As the Bill passes through Parliament, efforts must be made to articulate how the body of Welsh law that it recognises forms part of the law of the legal jurisdiction of England and Wales, with the primary purpose of making it accessible to practitioners and citizens alike.

The working group should also consider youth justice. When Charlie Taylor began his review of youth justice, the first place he visited was Hillside secure unit in my constituency. It is the only institution in the UK that offers placements for children who have suffered through multiple social service placements and/or who have got into trouble with the law. Children from all over the UK are placed at Hillside, but placements last only three months, which is not long enough to make a positive difference to a child's life. The judiciary and social services departments often see Hillside as a place of last resort, but if children came there earlier in their troubled lives, they would not suffer the trauma of multiple placements and/or many visits to youth courts.

The work at Hillside is aimed at helping children turn their lives around and involves health assessments, psychological assessments, behaviour modification, academic and vocational education, the improvement of communication skills and children becoming self-sufficient before leaving to resume living in the community. It is an excellent example of partnership working, with

Neath Port Talbot Council, the police, police and crime commissioners, the Youth Justice Board, the Welsh Government and the UK Government working together for the benefit of troubled children.

Hillside wants to build a step-down unit on its site, so that children can make a smooth transition from living in a secure unit to living in independent accommodation such as flats and dormitories before they have to fend for themselves in the community. Hillside needs funding to build that unit, but it is not clear who is responsible for paying for it. Is it Neath Port Talbot Council, which is responsible for social services and whose funding has been cut by £50 million because of the austerity policies of the UK Tory Government? Is it the Welsh Government, who are responsible for education, health and housing, and whose funding has been cut by the UK Tory Government? Or is it the UK Government, who are responsible for police and youth justice? We need clarity.

Youth justice and access to comprehensive and coherent legal advice are two areas where the involvement of the Welsh Assembly and devolution to the Welsh Government have significantly contributed to rationalising the offer to citizens. The UK Government should look to those models of delivery for examples of how they can support the Welsh Government to create Welsh law within the parameters of current jurisdiction. I look forward to the passage of the Bill.

5.51 pm

**Susan Elan Jones** (Clwyd South) (Lab): It is a pleasure to speak in this important debate on the next stage of Welsh devolution. We have heard a range of insightful contributions from Members from across the Chamber, including from those valiant souls who have served on the Welsh Affairs Committee and did much of the pre-legislative scrutiny. We are deeply grateful to them all. Their inquiry into the Bill was quite an undertaking, and it is important to thank them properly for it.

Our debate has been very positive. I will speak about some contributions, and apologise that I will not be able to go into greater depth, but it would not be on for me to speak for 80 minutes—we do not believe in letting Ministers off the hook that way.

The hon. Member for Monmouth (David T. C. Davies), the Chair of the Welsh Affairs Committee, was once an arch devo-sceptic, but I think he is thawing a bit—on 24 June he might even decide he likes the European Union. He discussed a range of constitutional issues, complete with theme park analogies.

My hon. Friend the Member for Ynys Môn (Albert Owen) gave a wide-ranging speech. He talked about visionaries, and about how devolution is about practical measures that improve people's lives, stating that we always need to take the people of Wales with us. That is very important. He mentioned many other things, including the important debate about votes at 16. We will hear more on that on another day, I think.

The right hon. Member for Clwyd West (Mr Jones)—a former Secretary of State, of course—raised a number of concerns about the reserved powers model and various aspects of income tax varying powers, along with the fact that no referendum has been promised.

My hon. Friend the Member for Newport West (Paul Flynn) gave a characteristically wide-ranging speech. I am amazed that he was around with that placard in

nineteen-fifty-whatever-it-was, but I believe him. As he discussed the current democratic discourse, and spoke of the Chartists and of Cymru Fydd, he reminded me—I will come on to this again later—that there has been a very proud Welsh Labour tradition of support for devolution, even if it has taken us a little time to bring everyone else on board.

The hon. Member for Gower (Byron Davies) expressed concerns about the introduction of income tax powers without a referendum, as well as concerns about levels of scrutiny. My hon. Friend the Member for Islwyn (Chris Evans) raised the practical point of the importance of measuring our work by its impact on the lives of ordinary people, and how we can empower ordinary people in Wales.

The hon. Member for Cardiff North (Craig Williams) discussed numerous aspects of strengthening the Welsh Assembly. The hon. Member for Arfon (Hywel Williams) raised many issues, including the welcoming of the reserved powers model. He spoke of his fears of being taken to the Supreme Court if we do not get the Bill exactly right. Lord knows we need to get the Bill exactly right, because life is too short to keep coming back here every year.

The hon. Member for Brecon and Radnorshire (Chris Davies) expressed what I think Sir Humphrey might have called “a few concerns”. He said that he felt the Welsh Assembly Government were “not capable of handling the powers they have”. That is his comment, not mine.

The hon. Member for Ceredigion (Mr Williams) spoke of his party’s long-standing support for devolution. He also raised a number of issues, including some very thoughtful reflections on justice impact assessments. I suspect we might hear a bit more about them, too.

The hon. Member for Montgomeryshire (Glyn Davies), in a wide-ranging speech, was broadly supportive of the Bill. He expressed his support for a reserved powers model and for income tax-levying powers. The hon. Member for Dwyfor Meirionnydd (Liz Saville Roberts) raised several issues, some of them quite technical, including those relating to the justice impact assessment.

My hon. Friend the Member for Torfaen (Nick Thomas-Symonds) gave a very thoughtful speech, raising a number of legal matters and the very important issue of access to justice. He paid tribute to the pre-legislative scrutiny of the Welsh Affairs Committee and to the Welsh Assembly’s Constitutional and Legislative Affairs Committee. He spoke about Jim Griffiths—we do not talk about Jim Griffiths often enough in this place—who was pro-devolution and pro-UK. I am sure that if he were around now, he would have been pro-EU as well.

The hon. Member for Carmarthen East and Dinefwr (Jonathan Edwards) spoke about a fiscal framework. He said that he hoped the next referendum in Wales would be on independence “when the time comes”. How wonderfully vague! I think Plaid Cymru AMs were probably a little more direct when they were having their conversations with Neil Hamilton. The one thing I would say is that we can always rely on the hon. Member for Carmarthen East and Dinefwr to be a bit partisan, so he should expect a bit of that from me, too.

Finally, my hon. Friend the Member for Neath (Christina Rees) gave a very powerful and moving speech about access to justice and legal advice, and how that is reflected in the Bill.

The process that has led to the Bill has been long, and, I think we could say, rather fraught. When we last met to discuss the draft Bill at the Welsh Grand Committee, I think we can say that it did not exactly command consensus. Lawyers, academics, members of civic society—all those people in Wales who write at length, speak at length and normally disagree at length—all agreed: they felt it was time we sent the Bill back. The previous Welsh Assembly, of course, was unanimous in its criticism.

We have come a long way since then. While not perfect, this Bill is a big improvement. There is, however, still work to be done to deliver the clear, well-founded devolution settlement recommended by the Silk commission. I hope the Secretary of State will proceed in the spirit of consensus to make sure we get the Bill right, because none of us, absolutely none of us, wants to be here again in a few years’ time. We owe it to the Welsh electorate to deliver a coherent settlement that will allow the Welsh Assembly and the Welsh Government to do their jobs and deliver for the people of Wales.

Welsh devolution has moved on at a rapid pace since Labour established the Assembly just 17 years ago. My late, departed constituent, one Owain Glyndwr of Corwen, would probably make the point that, as we have been waiting 600 years for our Welsh Parliament to reconvene, it is fair enough that we have been making up for lost time. But since then the Assembly has gained full law-making powers and what a delight that is.

**Glyn Davies:** I think Owain Glyndwr lived a significant part of his life in my constituency of Montgomeryshire—in Sycharth in Llansilin.

**Mr Deputy Speaker (Mr Lindsay Hoyle):** Boundary changes are upon us, so who knows what might happen.

**Susan Elan Jones:** Yes, I am sure he did.

Since the establishment of devolution, the Assembly has gained full law-making powers. I know that the hon. Member for Brecon and Radnorshire (Chris Davies) discussed having the power to abolish the Welsh Assembly. Let us remind him and others that we had a referendum to establish full law-making powers. What a delight it was to look at parts of north-east Wales, which had voted against the establishment of the Welsh Assembly, and see them backing full law-making powers.

The powers have gone along, and critically, Wales has led the way, introducing the landmark Human Transplantation (Wales) Act 2013 and the landmark Violence against Women, Domestic Abuse & Sexual Violence (Wales) Act 2015, the first of its kind in Europe. This Bill will now further enhance the Assembly’s powers by devolving a range of important new responsibilities.

My hon. Friend the Member for Newport West provided some great examples from history, and my hon. Friend the Member for Torfaen mentioned Jim Griffiths. I wish to be allowed to be a little partisan for a few moments as a north Walian. I am thinking of people who have fought for this devolution over the years, some of them household names, some not. I mention some north Wales Labour MPs: Cledwyn Hughes who represented Anglesey; Goronwy Roberts of Caernarfon; Eirene White from Flintshire; Robert Richards, James Idwal Jones and Tom Ellis of Wrexham; Thomas William Jones and Will Edwards of Meirionnydd. These were

[Susan Elan Jones]

some of the people who carried the flame of devolution through very difficult times. Anyone who suggests that Welsh Labour is not behind this development is wrong. We look at our history, and we see that we are proud to death of the creation of the National Assembly and what it has achieved.

Finally, while I hope we will not need another Welsh Grand Committee—I do not say ever—to get this Bill sorted out, I trust that when we next meet in that Committee, we will be able to use both the official languages of Wales. I was pleased to see that the Chairman of the Welsh Affairs Committee today supported that, as Members on the Opposition side have already done. As the Bill reminds us, English and Welsh have equal status in Wales, and there are Members of different parties who speak both languages. I hope that when the Minister gets to his feet, he can, as a Welsh speaker, throw his support behind our campaign to get the rules changed.

We look forward to the next stages of the Bill. I dare say there may well be a few amendments coming along, but we want the House and the Welsh Assembly to work as closely as we can together. At the end of the day, devolution for Wales means what it has always meant—how to get the best for our people in Wales.

6.2 pm

**The Parliamentary Under-Secretary of State for Wales (Guto Bebb):** It is a pleasure to close today's debate and to follow the hon. Member for Clwyd South (Susan Elan Jones), who made a passionate speech, highlighting and reminding us of the Labour Members who fought for devolution over the years. I am quite certain that most of those Labour Members would have been very supportive of this Wales Bill. I can offer my sympathetic support to the argument that the Welsh Grand Committee should be able to use the Welsh language, but as a Back Bencher I was not a very keen attendee of that Committee, so it might not be a power that I would use.

This has been an important and constructive debate. Although Members on both sides of the House have criticised what is in the Bill, it would be fair to say that there is a general feeling of support for it. I sometimes deplore the fact that the BBC argues that if it is attacked by people on both sides of an argument, it must be doing something right. However, having heard the speeches by the hon. Members for Dwyfor Meirionnydd (Liz Saville Roberts) and for Arfon (Hywel Williams) on the one hand and my hon. Friend the Member for Brecon and Radnorshire (Chris Davies) on the other, I somehow feel as though I am a member of the BBC in saying that if those two sides of the argument are both unhappy, we must clearly be doing something right.

It is important to touch on some of the main issues identified as changes to the draft Wales Bill, and it is important to note that when we published the draft Bill back in the autumn of 2015, the Wales Office was more than willing to allow for a period of pre-legislative scrutiny. That should not be seen as a weakness; it is a strength, reflecting how this place works. Many of the criticisms have been taken on board. Some were perhaps too strong or ill-conceived, but the Bill is stronger as a result of that pre-legislative scrutiny. I pay tribute to members of the Welsh Affairs Committee who did the

hard work of carefully considering the Bill clause by clause, and to the Committee Chair, who has done a fantastic job. His speech today was incredibly constructive, and he highlighted some people's concerns, while also ensuring that they understand the genuine feeling that the aim of the Bill across the House is to make the devolution settlement work.

The change to a reserved powers model is important and fundamental, but I take issue with comments made by some Members, not least the hon. Members for Carmarthen East and Dinefwr (Jonathan Edwards) and for Arfon, who highlighted time and again the important fact that the Bill does not propose a settlement that is identical to that in Scotland. When I was growing up, the "Encyclopaedia Britannica" in our house—I think it was owned by my grandmother—stated clearly, "For Wales, see England". It appears that some criticism of the Bill from Plaid Cymru Members basically states, "For Wales, see Scotland", which ignores the fundamental differences between the Scottish situation and the historical settlement there, and what we are trying to create in Wales. A settlement identical to the one in Scotland is not necessarily the right way to go, and it would not necessarily create a settlement that is fair to Wales and right in that context.

**Hywel Williams:** The Minister referred to the first edition of the "Encyclopaedia Britannica", which said, "For Wales, see England", but the real scandal is that when someone looked under England, there was virtually nothing about Wales. Our point is that a great deal in Scotland is pertinent to Wales.

**Guto Bebb:** As some Members have said, successive Secretaries of State have highlighted the fact that the latest change to the Welsh devolution settlement will end the issue once and for all, but I genuinely think that this Bill will create a long-standing settlement. I remind the hon. Gentleman that when the Welsh devolution settlement was voted for by the people of Wales back in 1999, it was welcomed by the then leader of Plaid Cymru as a significant change to the Welsh situation. We must recognise how far the devolution settlement in Wales has travelled since that point.

The hon. Members for Arfon, for Torfaen (Nick Thomas-Symonds), for Ceredigion (Mr Williams) and for Llanelli (Nia Griffith) highlighted the reserved powers model and the number of reservations, but those reservations have been put in place to move from a conferred powers model to a reserved powers model. The number of reservations has been reduced, although there is an argument about whether they should have been reduced by a larger amount, and I am certain that there will be an opportunity in Committee to reconsider some of the elements that have been reserved. I say to the hon. Member for Carmarthen East and Dinefwr that I am pleased to offer a full two days of Committee with protected hours, which I hope will be sufficient to ensure his support for the time allocated for the Bill.

**Karin Smyth (Bristol South) (Lab):** On air passenger duty, Bristol airport lies just outside my constituency of Bristol South, in which it started its life. We had a good debate in Westminster Hall on regional airports, led by my hon. Friend the Member for Newcastle upon Tyne North (Catherine McKinnell). Bristol airport employs

11,000 people and has 7 million passengers, many of whom are from Wales. Our relationship with Wales is obviously important for trade and commerce, notwithstanding the issue of bridge tolls, and I am grateful that we have been able to consider that. This issue is about the equalisation of air passenger duty across the United Kingdom. Does the Minister agree?

**Guto Bebb:** Air passenger duty has been raised during the debate, and the fact that we are not proposing to devolve it has been criticised, although I think that that is right and proper. Silk made it clear that there is a need to devolve provisions for long-haul passengers, but there has been no consensus on that issue. I also ask what benefits such a measure would bring to north Wales in terms of the impact on the Welsh devolution financial settlement. At this time I think it is the right decision not to devolve air passenger duty, and I am happy to stand by that.

Many Members called for the list of reservations to be shorter, although it is important to point out that the list in the Scotland Act 1998 is not short either. It would, in my view, be impossible for the model of devolution that we are trying to create to have a two or three-page list; a long list will always be necessary. My right hon. Friend the Secretary of State said that the aim was to secure a positive working relationship between this place and the Assembly, and I think it important to emphasise that. I believe that those reservations can be dealt with positively, and that we can work in a way that will benefit the people of Wales.

The hon. Members for Dwyfor Meirionnydd and for Torfaen, my hon. Friend the Member for Montgomeryshire (Glyn Davies) and the hon. Member for Ceredigion highlighted the issue of the single legal jurisdiction. They made some positive comments about the Bill's acknowledgement that there would be a body of Welsh law, but I think it imperative for us to understand the context of our decision.

We have consulted far and wide. We have consulted the legal profession in Wales, law colleges in Wales, legal departments in Wales and universities in Wales, and their clear response has been that it would be premature to move towards a separate legal jurisdiction. However, a working group is looking into the administrative processes involved in the development of a body of Welsh law, and I think it important that the Bill acknowledges the existence of Welsh legislation. We must try to develop a distinctive way of operating the administrative side of the legal system in Wales, rather than concentrating on the issue of a separate legal jurisdiction.

Some Members raised concerns about the justice impact assessments. I think my right hon. Friend the Secretary of State made clear that the aim was not to prevent the Assembly from legislating, but to ensure that the impact of legislation was understood. The Welsh Assembly is already committed to looking at the impact of its legislation on the Welsh language and on equality issues, and I see nothing wrong with requiring it to look at the justice impact assessments as well. That, I think, is a proportionate request. It is a request that is acceded to by Westminster Departments when they legislate, and I think that it treats the Assembly as a mature body which is not only able to create law, but to understand the consequences of the development of that law.

I believe that when the aim of the Bill is clarified in Committee—if there is a need for such clarification—Members on both sides of the House will be assured that the justice impact assessment is not a necessity test. I should add that the article by Professor Richard Wyn Jones, which was quoted by numerous Members, showed a lack of understanding of the aims of the assessment, and, indeed, of who would be responsible for delivering and creating it. The responsibility will be passed on to the Assembly. It will be for the Assembly to develop justice impact assessments; there will be no dictation from Westminster.

Income tax is clearly a real issue for Conservative Members. In a powerful speech, my hon. Friend the Member for Brecon and Radnorshire expressed his concern about the changes, and the issue was also touched on by my right hon. Friend the Member for Clwyd West (Mr Jones). It has been suggested that the decision to omit the need for a referendum was in some way a betrayal of a manifesto commitment, but I take issue with that. There appear to be two versions of the Conservative manifesto, the Welsh version and the national version. Page 58 of the Welsh version, which I read, made clear that the promise could be questioned, because once a funding floor had been established, and we have delivered that funding floor, there would be an expectation—an expectation—that the Welsh Government would hold a referendum.

In my view, it is clear that the Welsh Government are prevaricating on whether they want income tax powers. I think it is absolutely clear to Conservative Members that provision for a tax settlement is essential, because the Bill is about clarity, accountability and responsibility for the Welsh Government. Yes, more powers are being devolved, but it is nevertheless essential for a degree of accountability to be passed on to the Welsh Government. I would argue that that accountability, which is understood by local councils and parish councils and by police and crime commissioners, is essential for good governance in Wales and for the Welsh Assembly. I would question whether this is indeed a breach of a manifesto commitment, but more importantly I would say the decision is justified in order to have a settlement which ensures that the people of Wales know that the Welsh Government and Assembly are responsible not just for spending in Wales but also for raising tax in Wales.

**Jonathan Edwards:** Does the Minister not therefore agree that it would be far easier to achieve those aims of accountability, incentivisation and clarity if 100% of income tax powers were devolved, as well as achieving the non-detrimental fiscal framework which is key to underpinning the devolution of that tax?

**Guto Bebb:** Once again the hon. Gentleman is putting ideology ahead of practicality. There is a significant difference between the population that lies along the Welsh border with England and the population on the border with Scotland. We have to move very carefully. This is a proportionate settlement that ensures there is a degree of tax accountability. He is possibly pushing his luck on this, because that ideology is not supported by the people of Wales.

We are moving in the right direction. This Government have achieved a funding floor, whereby we guarantee that spending in Wales will never be less than 115% of

[Guto Bebb]

spending in England. That guarantee was not forthcoming for 13 years of a Labour Government here in Westminster, and it has now been offered by this Government.

**Nia Griffith:** Does the Minister accept that it was in our 2010 manifesto? It was actually our Secretary of State who put it in our manifesto, so it came from us originally.

**Guto Bebb:** Well—[*Interruption*—as the Under-Secretary of State for Communities and Local Government, my hon. Friend the Member for Nuneaton (Mr Jones) just said from the Treasury Bench, it took 13 years for it to become a Labour manifesto commitment, yet we have delivered it within a few months of having a majority Conservative Government. I think we should be very proud of the fact that we have delivered that funding floor.

Significant questions have been asked about the retention of the two necessity tests. Those two tests are justified. We are saying clearly that there is a necessity test where the Assembly is legislating on matters that affect England. That is the right thing to do because there is an issue of accountability and democracy, and I do not think the Assembly should be legislating on issues that relate to England without having the necessity test. In the same way, where the Assembly seeks to legislate on matters that relate to reserved powers, it is important to have that necessity test. It should be noted that that second test is also in the Scottish Bill.

The hon. Member for Llanelli asked whether there will be a disincentive for devolved ports to grow. I am pleased to confirm that the Bill is clear that the sum in question is a fixed sum at the point at which this Bill is passed. For example, if a port has a turnover of £14 million, it will be devolved; if it then grows, it will remain devolved. There is no prospect of a clawback. In relation to a trust port, the argument for retaining responsibility for Milford Haven in Westminster is clearly made by the fact that it is responsible for 62% of all our gas imports. But this is again a step in the right direction and if, for example, as a result of the Welsh Government or the Welsh Assembly's activity there is growth in the ports of Holyhead or Newport, they will remain part of the responsibility of the Welsh Government. That is a step in the right direction.

The hon. Member for Arfon mentioned that there is a difference between the way we treat water services and sewerage. The reason why one is mentioned in the Bill and the other is not is because we are now equalising the situation. As the hon. Gentleman knows, we are also looking carefully at the situation in relation to water, and more information will be forthcoming at a future point.

Several hon. Members, including the hon. Member for Ynys Môn (Albert Owen) and my right hon. Friend the Member for Clwyd West, highlighted issues in relation to energy. It is fair to say that this House has legislated to pass responsibility for wind farm developments to local authorities in Wales, and I think there should be a challenge to the Welsh Government as to why they do not trust local authorities with that responsibility. The Energy Act 2016 made that commitment to a local level

of control on wind farms. I think we should all challenge the Welsh Government as to why they are unwilling to trust the local people on an issue of that nature.

The capacity of power lines was also touched on. Again, clarity is required here. It is correct to say that there will be a limitation in that power lines going across the border at a higher level than 132 kV will remain the responsibility of Westminster whereas other such matters will be devolved. This, too, is a significant step in the right direction that will make a real difference for economic development in Wales.

The hon. Member for Ceredigion highlighted three matters on the reservation list and asked why they had been reserved. One was the Severn crossing, which I touched on in an intervention. We believe that it is inappropriate to devolve powers over the Severn bridges when three of the four landing points are in England. That would be taking devolution to an extent that would bring it into disrepute. He also asked about prostitution, which does not fall into the category of legislating for criminal behaviour. It falls under schedule 2, because the aim is to ensure that there is no possibility of changing the legislation. We had to place it separately within the legislation in order to respond to legal constraints. He also asked about heating and cooling systems, and the aim there is to ensure that everything to do with electricity and gas appliances is regulated in the same manner across England and Wales. Again, this is an effort to ensure clarity.

My right hon. Friend the Member for Clwyd West asked about speed limits being devolved. It is important to point out that that was a recommendation by the Silk commission. The proposal was also part of the St David's day process and there was agreement on it at that stage. Also, changes to speed limits in Wales are already being implemented at local authority level, so we believe that this is an appropriate change.

It is fair to say that this is a complex and difficult Bill. It has had a long gestation period, and it is been subject to significant scrutiny here in the House and in the Welsh Assembly, as well as by civic society in Wales.

**Liz Saville Roberts:** A number of Members have asked about the timing in relation to the Justice in Wales working group. I would appreciate a response on whether we will get the report back from the working group before the Bill goes into Committee, because it will be relevant to our work there.

**Guto Bebb:** In my view, it is unlikely that the report will be produced before the Committee stage, but it is possible that it will be with us before Report and Third Reading. Obviously, decisions relating to Report and Third Reading will be made by the Leader of the House. I hope that that gives the hon. Lady some certainty.

As I was saying, this is an important Bill. It clarifies the devolution settlement and puts into place the St David's day agreement. It makes devolution clearer by putting in place a reserved powers model of devolution for Wales, with a clearer line between what is devolved and what is reserved, and I think that most people in Wales—especially the politicians—will welcome that clarity. It strengthens devolution through a further historic transfer of powers, and those powers will make a real difference to the lives of people in Wales. It will make devolution

fairer, and it removes the requirement for a referendum before the devolution of income tax in order to ensure that that accountability exists. It is fair to say that we have listened to the concerns raised during the pre-legislative scrutiny of the draft Bill and made significant changes to try to address those concerns. As a result, we have in front of us a much improved Bill that deserves to go before a Committee of this House. I commend the Bill to the House.

*Question put and agreed to.*

*Bill accordingly read a Second time.*

### WALES BILL (PROGRAMME)

*Motion made, and Question put forthwith (Standing Order No. 83A(7)),*

That the following provisions shall apply to the Wales Bill:

#### *Committal*

1. The Bill shall be committed to a Committee of the whole House.

#### *Proceedings in Committee*

2. Proceedings in the Committee of the whole House shall be completed in two days.

3. The proceedings shall be taken on the days shown in the first column of the following Table and in the order so shown.

4. The proceedings shall (so far as not previously concluded) be brought to a conclusion at the times specified in the second column of the Table.

*Table*

<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
First day	
Clauses 1 and 2, Clause 4, Schedule 4, Clauses 5 to 19, Schedule 3, Clauses 20 and 21, new Clauses relating to those Clauses and Schedules, new Schedules relating to those Clauses and Schedules.	Six hours after the commencement of proceedings on the first day.
Second day	
Clause 3, Schedules 1 and 2, new clauses relating to Clause 3 and Schedules 1 and 2, new Schedules relating to Clause 3 and Schedules 1 and 2.	Three hours after the commencement of proceedings on the second day.

*Table*

<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
Clauses 22 to 50, new Clauses relating to those Clauses, new Schedules relating to those Clauses, Clause 51, Schedule 5, Clause 52, Schedule 6, Clauses 53 and 54, remaining new Clauses, remaining new Schedules, remaining proceedings on the Bill.	Six hours after the commencement of proceedings on the second day.

*Proceedings on Consideration and up to and including Third Reading*

5. Any proceedings on Consideration and any proceedings in Legislative Grand Committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.

6. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

#### *Programming committee*

7. Standing Order No. 83B (Programming committees) shall not apply to proceedings in Committee of the whole House, to any proceedings on Consideration or to other proceedings up to and including Third Reading.

#### *Other proceedings*

8. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further messages from the Lords) may be programmed.—(*Stephen Barclay.*)

*Question agreed to.*

## Business without Debate

### DELEGATED LEGISLATION

**Mr Deputy Speaker (Mr Lindsay Hoyle):** With the leave of the House, we will take motions 3 and 4 together.

*Motion made, and Question put forthwith (Standing Order No. 118(6)),*

#### COMPANIES

That the draft Statutory Auditors and Third Country Auditors Regulations 2016, which were laid before this House on 23 May, be approved.

#### ELECTORAL COMMISSION

That an Humble Address be presented to Her Majesty, praying that Her Majesty will reappoint Alasdair Morgan as an Electoral Commissioner with effect from 1 October 2016 for the period ending on 30 September 2020.—(*Stephen Barclay.*)

*Question agreed to.*

## Air Passengers With Dementia

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

6.24 pm

**Oliver Colvile** (Plymouth, Sutton and Devonport) (Con): Thank you, Mr Deputy Speaker, for giving me the opportunity to discuss the important provisions for air passengers with dementia. The last time I was fortunate enough to have an Adjournment debate in this House was last November, when I launched my campaign to save the humble hedgehog. Members may be interested to know that 37,000 people have now signed that petition and we have until August to get the figure up to 100,000. I am hopeful, and I would be grateful if anyone who thinks that a debate on that issue would be useful would sign the petition. I hope that this evening we will be able to make the same amount of excellent progress on dealing with dementia as we have on saving Mrs. Tiggy-Winkle.

Let me give hon. Members the background on dementia. The word “dementia” is scary to many people, conjuring up all sorts of frightening thoughts and visions. Everyone knows someone who has been affected by dementia. Indeed, the hon. Member for Bolsover (Mr Skinner) recently said that one of his greatest fears was to end up suffering from it. The Alzheimer’s Society states that the term “dementia”

“describes a set of symptoms that may include memory loss and difficulties with thinking, problem-solving or language”.

A person with dementia will have severe cognitive symptoms, including: day-to-day memory loss; difficulties concentrating, planning or organising; difficulties conversing; problems judging distances; losing track of their orientation; and changes in their mood. It is a progressive illness, and gradually those symptoms will become more severe. It was predicted in 2015 that about 850,000 people in the UK were suffering from dementia. One in 14 people over the age of 65 suffers from the illness, but it is not just over-65s who suffer from it; people can also get it when they are in their 40s.

While scientists around the world, and especially in the UK, investigate how to combat this condition, excellent work has been taking place to help those with the illness to live lives that are as unrestricted as possible. That is where this evening’s Adjournment debate topic comes in. Inspirational work has been taking place to help people with dementia who travel by air. I wish to pay a special tribute to Ian Sherriff from Plymouth University for all his hard work, and not only on this angle of the dementia debate—I am also thinking of his wider work on helping those suffering with this illness. Ian is the chairman of the air transport group, which was set up by the Prime Minister with a remit to gain a better understanding about people who have dementia and travel by air. As one can imagine, this situation can be quite difficult. If one has an elderly parent or an elderly relative who needs to take an aircraft somewhere, they need to be looked after, and we need to make sure that that happens. The air transport group comprises experts, representatives from airlines, cabin crew members, airports, the Alzheimer’s Society, Plymouth, Exeter and Bournemouth Universities and security experts. It is a truly diverse, cross-section of people who have first-hand experience of dealing with those who suffer from dementia.

The group will send an interim report to the Prime Minister’s dementia-friendly communities challenge group before the end of this year. I know that the Minister of State, Department for Transport, my hon. Friend the Member for Scarborough and Whitby (Mr Goodwill) is well aware of the excellent work that the air transport group has been doing, having met its members and myself in his Department towards the end of last year, and indeed on several other occasions. We are all incredibly grateful for the time that he has put into this and the interest he has taken.

Airports play an important role in helping people with dementia when they travel. Gatwick airport has been revolutionary in the way that it helps passengers with this condition. People who suffer from hidden disabilities, such as dementia, mental health conditions or autism, should be able to live a full life without fear of losing their dignity. That is why I am so pleased with Gatwick airport and the work that it has undertaken to help those living with hidden disabilities. I urge other airports around the country—and indeed internationally—to take a keen interest in this and to deliver some kind of action as well.

**Jim Shannon** (Strangford) (DUP): I had to rush to get to this debate, so I thank the hon. Gentleman for giving way. My brother was very seriously injured in a motorbike accident and has brain injuries. Last week, my mother went with him to ensure that he got special attention on the plane and at the airport. By the way, there is a legal obligation on airports to look after anyone who is mentally or physically disabled. There are many people out there who do not know that. In bringing this very important debate to the Chamber for consideration, the hon. Gentleman has raised awareness of this whole issue. When the Minister responds, perhaps he will confirm that there is a legal obligation on airports. Legally, the airports have to help these people get their luggage checked in, and we need to ensure that they do that.

**Oliver Colvile:** The hon. Gentleman makes a very strong case. As he knows, I sit on the Northern Ireland Affairs Committee, and this is a discussion that we should have at some stage.

I am told that 80% of workers at Gatwick airport are dementia-friendly. Indeed, I am very keen to become a dementia friend myself, but I have a bit of work to do before that will happen. Ian Sherriff has said that he will help me with that.

Gatwick airport has come up with an option for people travelling with hidden disabilities to have a discreet sign, which demonstrates that they may need additional support as they travel through the airport.

**Henry Smith** (Crawley) (Con): I apologise for missing the first part of my hon. Friend’s speech. I was caught out by the early end of the Second Reading debate on the Wales Bill. I pay tribute to Gatwick airport in my constituency for its lanyard scheme, which means that those with hidden disabilities and dementia can be better assisted on their travels through the airport. Does he agree that the airport leads the way in these enhancements for passengers?

**Oliver Colville:** Absolutely. My hon. Friend has got that 100% right. Gatwick has been leading the way, but it will be very interesting to see how many emails and letters I get from other airports around the country and in Northern Ireland after this debate. As he says, the lanyard initiative is incredibly helpful, as it identifies those who are in need of help.

Help could also include: giving passengers more time to prepare at check-ins and security; allowing passengers to remain with their family at all times; giving passengers a more comprehensive briefing on what to expect from their travelling experience; and helping passengers to read a departure board or sign. Those are all about patience, and we must try to ensure that we can deliver that sort of help. These passengers may be low on confidence because of their conditions so these subtle yet highly helpful improvements will help passengers to get through what can be the difficult process of travelling through an airport.

As the House will know, national dementia awareness week was last month and the Alzheimer's Society was on hand at the airport to discuss dementia with travellers and carers. That kind of education should be rolled out across the country. Today, I am calling on other airports across the UK to implement such a strategy of engagement with travellers.

I hope that my hon. Friend the Minister does not mind me speaking about this, but it is my sincere hope that should Plymouth City airport be reopened—I know that his Department is currently studying the viability of such a project—it will become the first regional dementia-friendly airport. I hope that he does not mind me taking this opportunity to press him on that.

I am delighted to report that there are airlines that are taking the issue of flying with dementia very seriously. Indeed the provision for passengers suffering with dementia are covered by both long and short-haul airlines, such as Virgin Atlantic and easyJet. I am acutely aware that easyJet is based in Crawley, in the constituency of my hon. Friend.

**Henry Smith:** I should like to pay tribute to easyJet, whose largest hub is at Gatwick airport, and to Virgin Atlantic, which is headquartered in my constituency. I am fortunate to have such responsible airline companies operating from my constituency.

**Oliver Colville:** Flying can be an extremely stressful and uncomfortable experience, both for passengers who suffer from hidden disabilities and for their carers. I pay tribute to carers, as they have an awful lot of work to do to try to make sure that their patients—if that is the right word—are looked after and do not become flustered and so on.

As I mentioned, the lanyard initiative began about a month ago, so I have not seen any data showing the impact of the scheme, but I believe that it will be highly beneficial for travellers. Airports and airlines that show some understanding of the problem will do very much better, and they may want to put a sticker on their products saying that they operate a dementia-friendly service.

Moving forward, my hon. Friend the Minister may want to work with his international counterparts to formulate a globally recognised card or symbol that

could be carried around in a passport to subtly tell airport staff and cabin crew that the traveller may need extra assistance. That is something that could be done whether we stay in or leave the European Union next month.

I was delighted to see research and a proposal by Dr Alexis Kirke of Plymouth University, which is based in my constituency, on the in-flight experience for accompanied travellers with dementia. Passenger announcements, in-flight entertainment and other ways to help travellers with hidden disabilities can go a long way towards easing the burden of travel. Proposals include making sure that announcements made during the flight are not distorted—for example, people can wait to make them until the plane has levelled off. Cabin crew are highly trained, but it is helpful to go that extra mile for someone who may be particularly distressed as a result of their condition. Music is also an effective way of helping a passenger with dementia to manage their mood. Perhaps we could have dementia-friendly entertainment systems on flights.

Ian Sherriff has informed me that the air transport group has even deployed its own version of a secret shopper, whereby a passenger suffering from dementia travelled on a flight with their carer. From what I have been told, the passenger and the carer were treated like royalty, and that is something that everyone across the industry should aspire to work towards. However, around the world, there is still much to do to ensure that hidden disabilities are treated with the same urgency and caution as physical disabilities. I pay tribute to my right hon. Friend the Prime Minister for taking a very keen interest in this, and doing a great deal of work on it.

I look forward to the Minister's response. I have certainly been sent an awful lot of information, and I have been lobbied very hard in the past few days since the announcement on the scheduling of this debate, and I am sure that he has been lobbied too. Will he spell out the kind of help that his Department can give to the air transport group? I should be delighted if he updated the House on his Department's progress on helping air travellers with dementia. Perhaps he could subsequently tell us how we can try to encourage the train companies to do the same thing. As I have suggested, I should be grateful if he looked further into an internationally recognised card for travellers with hidden disabilities. Will he make a commitment to mandate that all airports in the UK become at the very least hidden disability aware?

I have been involved in the fight against dementia since I was first elected to Parliament in 2010. I am delighted to be a member of the all-party parliamentary group on dementia, and I have sought to become heavily involved in the issues surrounding hidden disabilities such as dementia, mental health and autism.

This is a very personal issue for me. I had a stepmother who was taken into a home because she was suffering from dementia. Sadly, she died within the past five years. She was incredibly bright, had served at Bletchley Park and got a degree at Oxford University in the 1930s. One of the things that was very interesting about her was that while she was working at Bletchley Park, she followed a man called General Kesselring, who was in charge of the north African campaign for the Germans during the war. He was put on trial at Nuremberg and sentenced to death. The court then got hold of her

[*Oliver Colvile*]

translations and worked out that he probably did not know too much of what he was doing under his own command, and his sentence was therefore commuted to life imprisonment. Before my stepmother died, the Prime Minister sent her a plaque commemorating her activities at Bletchley Park.

My city, Plymouth, has been at the forefront of dementia research and Plymouth University has just employed a PhD student on the very topic of air travel for people with dementia. I understand that she will be producing a dissertation of 80,000 words. Do I want to read 80,000 words? Nevertheless, I am sure it will be incredibly good. The House will be delighted to know that my contribution will be much less than that this evening.

I hope that over time the UK will ensure that all people with hidden disabilities are treated with the dignity and respect they deserve. After all, we all grow older and we do not know whether we may suffer from dementia in the future. We must come to terms with the fact that long-term care for the elderly will probably affect all of us. I shall be interested to hear how the Government intend to move forward. The Secretary of State for Health has done an extremely good job on that. I look forward to hearing the response of my hon. Friend the Minister.

6.42 pm

**Sir David Amess** (Southend West) (Con): Thank you for calling me, Mr Speaker. I am grateful to my hon. Friend the Minister and my hon. Friend the Member for Plymouth, Sutton and Devonport (*Oliver Colvile*) for allowing me to intervene briefly.

My wife was assaulted by a dementia patient on a British Airways flight exactly a year ago. She will not be pleased that I am raising the matter. I will not go into the precise details, but it seems so relevant after what my hon. Friend has said. This time last year we were all gathering here after the general election. One of our daughters who lives in America was graduating the day after the election, so it was a bit stressful to get out to Charleston, where she is. My wife had to go ahead and I followed, and it was all wonderful. My wife was recovering from breast cancer which, thank goodness, is all right, so she was in a pretty emotional state.

Because we had been told that there would be a hung Parliament, I thought we might be returning slowly together, but because there was a Conservative majority, I had to get back more quickly than my wife. Then the nightmare started. She took a night flight with British Airways. She was at the back of the plane with two empty seats next to her. The plane was delayed and eventually, after a kerfuffle, an elderly gentleman was brought on to the plane somehow and was seated next to my wife. I will put it like that. All I will say is that when everyone nodded off, she woke up and was assaulted. I am not going to enlarge on exactly what went on.

If Lord King were alive today, he would be horrified at the way that British Airways has dealt with this complaint. My wife is not someone to make a fuss, but I am. I will not let this matter drop; I shall deal with it through the small claims court. I made the complaint in June and did not get a decent reply from the executive chairman until 7 October. That is disgraceful.

The police, whom I eventually dealt with, said:

“You will be aware from our previous correspondence, that having liaised with British Airways, we were able to identify the passenger who is alleged to have assaulted”

my wife. They continued:

“We established that this male passenger is ninety years old and suffers from dementia. As part of our investigation we needed to ascertain if the suspect was fit to be dealt with by police, and further to that, to establish whether he would have an understanding of the allegation made against him.

We have since been provided with medical evidence that indicates the suspect’s dementia impacts on his ability to complete even basic mental tasks and that his dementia is likely to have impacted on his behaviour on the day of the assault.

In addition to the medical evidence, we were also able to refer to knowledge held about the suspect through previous police contact with him. The suspect has previously been reported as a missing person, and on that occasion, was located after members of the public reported him lost, disorientated and confused, wandering residential areas.”

The chairman of British Airways wrote:

“I hope you will appreciate that British Airways can only know details of a passenger’s medical condition if the passenger, or some other person acting on the passenger’s behalf, discloses this information to us. Having checked the booking record in relation to this passenger, no disclosure of any medical condition was made.

In the reports from the ground staff at Los Angeles and the cabin crew operating this flight, there was nothing in the passenger’s behaviour or bearing, other than he was obviously very elderly, to give any reason to believe that he suffered from any mental health issues. As such he was treated in the same way as any other passenger”.

It is absolute rubbish.

Then there is the final insult:

“Even had British Airways been aware of any medical condition affecting this passenger, it would have been inappropriate, and possibly in breach of data protection legislation, to disclose details to any other passenger. Additionally, we do not ordinarily consult with passengers as to who may be sat next to them during a flight.”

So there we are: my wife, at the back of the plane, is the mug. This is our national carrier—the best airline in the world, as far as I am concerned—and that is the quality of the response to someone who has been democratically elected. I therefore congratulate my hon. Friend the Member for Plymouth, Sutton and Devonport on introducing the debate, and I am totally with him on his campaign.

6.47 pm

**The Minister of State, Department for Transport (Mr Robert Goodwill)**: I start by congratulating my hon. Friend the Member for Plymouth, Sutton and Devonport (*Oliver Colvile*) on securing this debate about provision for air passengers with dementia. This important issue touches many of us gathered here this evening through our friends and family, and certainly through our constituents. I must admit to encouraging my hon. Friend to apply for the debate because it is important that we get the subject raised on the Floor of the House. The debate gives me an opportunity to say why the Government take this issue so seriously.

Before I do, however, let me briefly address the disturbing case raised by my hon. Friend the Member for Southend West (*Sir David Amess*). I will not comment on the case in detail, but it does underline why it is so important that patients with this type of problem who are travelling,

particularly on long-distance journeys, have a carer with them. In almost every case when I have met someone in relation to our role of helping people with dementia, that person is accompanied by a spouse, family member or friend who can help them. From what I have heard, it verges on the irresponsible to expect somebody with such a condition to fend for themselves on these flights.

**Jim Shannon:** I am aware of the case of a lady with a baby who was travelling with her mother who had dementia. This was not long after she had given birth and she was quite traumatised by being on the plane. When she was not able to cope, the airline staff had to come to help the mother and the child, so there is an onus on airline staff to be able to assist the carer as well.

**Mr Goodwill:** Yes, absolutely. Many airlines and airports are taking the training of staff very seriously indeed.

I will start by briefly going through the statistics, some of which we have heard already. We live in an ageing world, and we Europeans are living ever longer. A Eurostat survey forecasts that in 2040, if current trends continue, 25.5% of Europe's population will be 65 or over. In 2015, that figure was only 16%. With an ageing population, we will face new challenges. It has been estimated that more than 850,000 people in the United Kingdom suffer from dementia, and that figure is expected to rise to over 1 million by 2025. While dementia is usually linked to old age, it is not, as we have heard, solely an age-related condition. Indeed, today in our country, over 40,000 people under 65 years of age live with dementia.

Those are big numbers, but how do they relate to air travel? As we have heard, the word "dementia" is used to describe a set of symptoms that affect the brain. These symptoms may include memory loss or difficulties with thinking, problem solving or language, all of which will lead to everyday life becoming more and more challenging. However, suffering from dementia does not, and should not, mean that one should automatically cease to enjoy the activities we are all used to. Generation after generation, we are travelling more, exploring the world and gathering new experiences. For some, it is a lifestyle, but if one gets diagnosed with dementia, there could be a daunting decision to be made, either personally or by one's family, to stop travelling altogether or to face a travel experience in all its complexity. For dementia sufferers, air travel, in particular, can be confusing, unnerving and even frightening. Crowded terminals, loud noises, queues, security checks, and armed policemen and women are enough to confuse a healthy person from time to time, never mind a person with a hidden disability. The term "hidden disability" is used to cover a wide variety of conditions that are not evident, such as dementia, autism, learning difficulties and hearing loss. According to Civil Aviation Authority research, as many as 7% of all British people are potentially avoiding air travel because of a hidden disability; we would like to get that number down to 0%.

On helping us to reach this goal, there is a piece of European legislation called regulation EC 1107/2008, which concerns the rights of disabled persons and persons with reduced mobility—PRMs—when travelling by air. The aim of this regulation is to ensure that such people have the same opportunities for accessing air travel as

non-disabled people, and that they have the same rights to free movement, freedom of choice, and non-discrimination. To ensure that that happens, airports and airlines are required to provide assistance that is appropriate to the needs of the passenger and that enables them to move through the airport while they travel. A person with reduced mobility is defined in the regulation as

"any person whose mobility when using air transport is reduced due to any physical disability (sensory or locomotor, permanent or temporary), intellectual disability or impairment, or any other cause of disability, or age".

The regulation does not differentiate between physical and non-physical conditions, so assistance should take into account the needs of the person who has requested it.

For passengers with a physical disability, assistance needs are quite often visible and straightforward to provide—for example, a person who uses a wheelchair will require a wheelchair and a person to push it. However, with hidden disabilities, the needs of passengers vary widely, and the provision of the service could require adaptability from the provider. Some passengers may need only information and reassurance, while others may require a one-to-one escort through the airport. This can make planning challenging for service providers. In 2015, the CAA engaged with airports on the provision of assistance to passengers with hidden disabilities and found a wide variation in practices and standards. While it was acknowledged by all that there was no "one size fits all" solution, it was concluded that airports would benefit from sharing best practice among themselves, which will help airports to standardise some practices and plan their service effectively.

Furthermore, it was concluded that it would be beneficial for the CAA to clarify what it views as the obligations under the PRM regulation. I am glad to say that the authority has been working hard on that issue and has engaged with a broad set of charities during the past year to develop guidance on the minimum expected standards and practices that all airports should adopt to comply with the regulation. The CAA has published that guidance for consultation, which is due to end in July.

**Jim Shannon:** I made some investigations before coming to the Chamber and understand that airline companies and airports have a legal obligation to ensure that every person with a hidden disability is looked after totally and absolutely. Is that the Minister's understanding as well?

**Mr Goodwill:** Transport is an international pastime and occupation, so there is a European regulation. As I have said, it applies not only to the physical disabilities of wheelchair users, the blind and people with sight disability, but to people with hidden disabilities. That is the whole point of the clarification that has been laid down, and the CAA is keen to ensure that airlines and airports discharge their obligations under the legislation.

The CAA guidance will ensure that a level of standardisation is adopted by all airports, which will bring huge benefits to this group of passengers. It sets standards not only for the actual assistance that is delivered, but for the information given to passengers before travelling and the level of training that staff are expected to be given.

[Mr Goodwill]

The CAA has reported that the guidance has been welcomed by the airports and some of the obligations in it have already been implemented. For example, many airports—including Belfast City, Heathrow, Gatwick and Birmingham—have introduced guidance, in the form of videos, leaflets and pictures, that is specifically aimed at passengers with hidden disabilities. With that guidance, passengers and their carers can familiarise themselves with the processes beforehand, which has the potential to relieve the anxiety that some feel when facing an unknown environment. When I spoke at the Airport Operators Association dinner on 1 March, I made the issue the major theme of my comments and made a call for action from the airports.

Many airports already allow passengers with hidden disabilities to use fast-track security or are prepared to open separate security screening for those passengers upon request. Security screening has been identified in the past as one of the most stressful parts of the journey, which has the possibility of causing immense distress and anxiety.

There are other great examples of individual airports going above and beyond minimum obligations. For example, as we have heard, Gatwick airport has introduced discreet lanyards for passengers with hidden disabilities. The lanyards are a means for a person with hidden disability, such as dementia, to communicate their condition to the airport staff. That, combined with Gatwick's commitment to provide appropriate training to all front-of-house staff, shows that there is willingness in the industry to encourage this group to travel more. More than 80% of Gatwick's front-line staff have received dementia friends and dementia champions training, and that training is being delivered at one of this country's biggest airports.

Gatwick is by no means the only example. Manchester airport already has special wristbands for autistic children. Norwich airport has signed an autism charter to become an autism-friendly airport. Virgin Atlantic is committed to considering the effects that long-haul flights might have on passengers with dementia, and easyJet has provided outstanding customer service to dementia sufferers, thanks to its commitment to staff receiving dementia awareness training as part of its special assistance training package.

The industry has truly embraced the challenge, and we want to see the good work spread across the sector. The UK can be proud to say that it leads in this area. We have recognised how the airport experience can feel intimidating for people with hidden disabilities. The UK and specifically the CAA, together with a few proactive UK airports, have been first to grasp that and to take action. Other European Union countries will surely follow our lead in due course.

Many of our country's airports have reached out to the disabled charities to learn more about how they can make the experience better for people with hidden disabilities, and I strongly encourage the continuation and strengthening of this relationship. For example, the Alzheimer's Society does a magnificent job in promoting

awareness of dementia and could be an invaluable aid to the airports when they plan services.

Another group that I must mention for its substantial effort in tackling this issue is the air transport group, chaired by Ian Sherriff of Plymouth University, which is part of the Prime Minister's rural dementia taskforce. The group, which was founded last year, has already shown remarkable commitment and speed in its task of promoting awareness in this field and encouraging travel.

7 pm

*Motion lapsed (Standing Order No. 9(3)).*

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

**Mr Goodwill:** The air transport group has engaged with the CAA, the airports and the airlines, and is now looking at the wider tourism field. As my hon. Friend the Member for Plymouth, Sutton and Devonport said, Plymouth University is funding a PhD student to research dementia and travel over a three-year period. A substantial amount of evidence is expected as a result of her work, and I would be delighted to meet her as part of the process. In addition to Plymouth, Exeter and Bournemouth Universities are also involved in the work of the group.

There truly is momentum behind this work and I am glad to see such progress being made. As I said, we are a leading nation in Europe in this field, but we need to keep the momentum going. The CAA's guidance helps in setting the standards for airports and similar guidance is planned for the airlines in the near future. I encourage every operator in the industry to engage with dementia passengers and organisations, and to strive not for the base minimum, but for excellence beyond.

My hon. Friend mentioned the provision of a globally recognised card, which is a good idea. A pin badge might be even more discreet, while still being able to be seen. Indeed, people with dementia could be recognised in such a way and given special help not only in airports, but in the retail sector and in other aspects of our everyday life where it would be helpful to know, discreetly, if a person has dementia and may need a little more help if they appear confused. We certainly need to raise that idea through the European Union or the International Civil Aviation Organisation, which has an even wider reach.

As I stated at the beginning of my speech, there are hundreds of thousands of people with dementia in this country. Getting the assistance standards right, and raising awareness of what is available and what to expect when travelling, will unlock the huge potential that this group could bring to the industry. Encouraging dementia sufferers to travel in this way will make their lives and those of their carers, for whom a break from the routine can be a lifeline, that much richer, and that is worth fighting for. Once again, I thank my hon. Friend for securing this debate and providing an opportunity to discuss this important and, to many, very personal issue.

*Question put and agreed to.*

7.2 pm

*House adjourned.*

# Westminster Hall

*Tuesday 14 June 2016*

[SIR DAVID AMESS *in the Chair*]

## Affordable Housing: London

9.30 am

**Ruth Cadbury** (Brentford and Isleworth) (Lab): I beg to move,

That this House has considered affordable housing in London.

It is an honour to serve under your chairmanship, Sir David.

First, I should draw attention to my entry in the Register of Members' Financial Interests as the owner of a rental property and a member of the Residential Landlords Association.

To say there is a housing crisis in London has become a cliché, but it is more than that for our constituents who want to be able to stay in London and to afford a roof over their heads. Affordability is defined by what is affordable to people who live in London, or want to live in London. Living in London should not be seen as some sort of privilege. Not only should our constituents have the right to live in London among their community and family support networks, but London needs people to keep our great city's economy and public services going. I will show just how difficult that can be when teachers, nurses, daycare assistants, chefs, cleaners, baggage handlers and so on cannot afford to live in London.

**Mark Field** (Cities of London and Westminster) (Con): First of all, I apologise, as I will not be able to be here for the whole of this timely debate. There is a particular problem in the housing market in the centre of London that has a knock-on effect in suburban areas. The hon. Lady refers to various jobs and how people feel squeezed out of the London market, but that also applies—dare I say it—even to those who would be regarded as incredibly well-paid City professionals. I hear from senior partners in law firms who say that junior lawyers on almost £100,000 a year simply cannot get on to the housing ladder without having a hell of a long commute, and often they work very long and untimely hours as well. As she rightly says, the problem affects all of us here in London. All of us MPs, of whatever political colour, feel strongly that we hopefully can make a contribution to ensure that the Government are aware of the particular problems we have in the capital city.

**Ruth Cadbury:** I thank the right hon. Gentleman for his intervention. Of course, in his constituency he has many people working at very high salaries. We know there is a crisis when people on almost £100,000 a year cannot afford a home in London.

The problem goes to the heart of London's ability to function and to serve the rest of the UK. Let us look at the problem from the perspective of a few people who want to live and work in London and see what their choices are. In the teaching and social work professions, there is a chronic shortage and a recruitment and retention crisis, as all of us who have recently met headteachers or

directors of social services know. Inner London salaries range between £27,000 and £37,000. If we take a mid-point of £32,000, someone could get a 25-year mortgage with a 5% interest rate and they would be able to afford between £87,000 and £131,000, but in my constituency a teacher could not get anything. The cheapest home for sale in my constituency, apart from a boat, is £190,000, and that is for a one-bedroom flat in a house that is in a shocking condition.

**Dr Rupa Huq** (Ealing Central and Acton) (Lab): Is my hon. Friend aware that in the W4 postcode, which is in her constituency and mine, just to have a chance at having a one-bedroom flat—a so-called starter home under the new scheme designed to alleviate the crisis—someone would need a salary of £90,500? Starter homes have been misnamed. They are not starting anything, but ending dreams for a generation.

**Ruth Cadbury:** My hon. Friend is absolutely right; I will move on to that subject shortly. Certainly a salary of more than £90,000 is not the average mid-point for a teacher or social worker.

Time and again when I talk to employers, housing is the issue. For some nurses there has been some key worker housing, which was introduced to deal with market failure and to provide cheap housing, but that is all but disappearing. Those entering nursing will also face a mountain of student debt now that the Government have announced the scrapping of the NHS bursaries. The Royal College of Nursing survey recently showed that many nurses will leave London if they cannot afford anywhere to live, which will add to the problems in the NHS.

At the lower end of the pay scales are people who are essential for London to work. A daycare assistant is paid £6.70 an hour to work in a nursery here in London; that is about £1,000 a month. No one with a family can do such work when the average rent is around £1,500 a month. Even renting a room takes well over half the daycare assistant's take-home pay. I have a specific example of a hard-working man and his family in my constituency. Since coming to London he has worked full time in two jobs. He has rented privately for years, taking multiple loans to cover deposits and rent up front, and is now in considerable debt as a result. His landlord has now raised the rent as it is the end of the tenancy, so he now cannot stay there with his family. Letting agents and private landlords will not accept claimants of housing benefit, which he needs to top up his rent, and he cannot borrow any more money for a deposit. Despite never missing a rent payment and despite two previous letting agents confirming that with good references, he cannot rent privately. He has had to apply to the council as homeless in order to get housing.

But my constituent will not get a council home. The current series of "How to Get a Council House" is filmed in my borough of Hounslow. None of the families in that series has ended up getting a council home. If they have been lucky and got through the hoops, and if they have been accepted under the council's duty to house, they are placed in temporary accommodation, as my constituent and his family will be. Temporary accommodation is private rented housing where housing benefit may contribute to housing costs, but even then my constituent is not out of the cycle of escalating

[Ruth Cadbury]

rents. He may dream of owning a home—a Government objective—but what he needs is a home at a rent he can afford on his low wages.

He is not alone. The ending of a private tenancy now accounts for 39% of homelessness acceptances in London. According to the Department for Communities and Local Government statistics, 32,000 people in London made an application to their council as homeless in 2014-15, which represents an increase of 38% over five years. DCLG statistics reveal that right-to-buy sales between October and December 2015 accounted for 26% of sales. Right to buy is for people who are already fortunate to be council tenants, but, with a Government discount of up to £100,000, it is taking valuable stock away from local authorities, hence their dependence on temporary accommodation.

In the council housing sector, like-for-like replacement is not happening for the council homes bought under right to buy. The new replacement homes that the Government announced could be shared ownership or low cost sale rather than rent. At least 36% of all homes sold by councils across London are now let by private landlords, many of them subsidised by housing benefit because the rents are so high. The sale of high value vacant council homes will have the overall effect of restricting the number of affordable houses for rent. London Councils is concerned that the objective to replace two homes for every one sold may not be sufficient to cover construction costs and land purchases in the right mix of housing. So already we have examples of the failure of the housing market in London that is causing the affordability crisis.

I have not yet mentioned employees in the private sector on middle incomes. Fuller's Brewery in my constituency is a thriving business with an international reputation. Having spoken to the directors, it has become evident that the housing crisis is affecting their business and their ability to recruit and retain staff. So who can truly afford to buy a home in the area they want to live in, grew up in or want to work in?

**John Cryer** (Leyton and Wanstead) (Lab): Leyton, which forms the bulk of my constituency, has traditionally been a relatively cheap place to buy, compared with the rest of London, but in recent years all the surveys—for example, by the *Evening Standard* and other newspapers—point to Leyton as one of the city's property hotspots, which has meant that property prices and rents have gone through the roof. Does not that point to the fundamental problem: a lack of supply? The imbalance between demand and supply has reached the point where so many people, such as those whom my hon. Friend is discussing, can no longer afford to rent or buy in London.

**Ruth Cadbury:** My hon. Friend is absolutely right. So many people are moving away. Many are moving abroad to countries where their skills are valued and they have a much higher standard of living. Even a childcare assistant can earn £40,000 in the United Arab Emirates. It is, though, investors from middle east countries who are propping up London's housing crisis. Many people are moving elsewhere in the UK as well, thus adding to London's brain drain and skills drain.

Yesterday's *Evening Standard* reported that young Londoners spend almost 60% of their salaries on rent. The first year group to leave university with more than £50,000 of debt, because they were the first group of students to have to pay £9,000 a year in tuition fees—my son among them—are now hitting the jobs market. How can someone save, pay off their student debt and afford to eat and keep warm with rents at current levels?

**Mark Field:** The hon. Lady is highlighting the personal misery of housing in London; would she also reflect on the fact that the housing shortage—there is no doubt that we have a major problem here in the capital—is beginning to put London's international competitiveness as a business centre at risk? This side of a further referendum in Scotland even the Scottish National party would recognise that as a problem, because if London's competitiveness suffers the whole United Kingdom will suffer. A recent London First survey said that some 73% of the London businesses surveyed said that housing supply and costs were a significant risk to the capital's economy.

**Ruth Cadbury:** The right hon. Gentleman is absolutely right. Many business organisations are raising housing as an issue. Two years ago, the London Chamber of Commerce and Industry wrote a significant, ground-breaking report on housing costs and the housing shortage. That does not appear to have been taken into account when the Housing and Planning Bill was drafted. I understand that the LCCI will be launching another report in a couple of weeks to highlight the problems again.

A shortage of the total number of homes in all sectors—council, social rented, intermediate and market rented—has driven up open market sale and rental values. Several organisations, particularly the London Housing Commission, have estimated that London needs at least 50,000 new homes a year just to begin to deal with the shortage, and stated that a significant proportion must be affordable, particularly when wages have not kept up with prices. The average Londoner's salary is £33,000, but the average home now costs 16 times that. As more people are priced out of home ownership, they are putting more pressure on the rental market, in which rents are continuing to rise. In my borough, Hounslow, the rent-to-salary ratio is 58%, and rent levels are out of reach for average earners, let alone those on low wages.

Until around five years ago, councils relied on Government support to add to the stock of council and housing association homes so that they could provide decent-quality, affordable homes to those in acknowledged housing need who were unable to rent or buy in the private sector. In 2011-12, some 12,000 new social rent homes were delivered, thanks to the Labour Government policies that supported housing associations, and later councils, to build, but that figure has been declining, and only around 2,000 new social rent homes will be built this year. That shows how the pipeline supply is declining. The number of council homes and housing association social rented homes built this year will be lower than the number of council homes lost through the right to buy. The total stock of homes for social rent is going ever downwards.

There was always the intermediate market of shared ownership—part rent, part buy—but less of that stock is now coming on stream as the Government focus on

starter homes and Help to Buy. Relying on the private sector to deliver affordable homes has meant that in new developments across London, only 13% of homes given planning consent last year were considered “affordable” under the official definition. We are losing social rented homes faster through council house sales than section 106 agreements with developers are delivering new homes.

What are the Government doing about affordable housing? Let us look at their flagship policy: starter homes. When the policy comes on stream, it will apply only to brand-new properties, which, at current prices, are unaffordable to most working Londoners, as the right hon. Member for Cities of London and Westminster (Mark Field) said. Someone needs to be earning £97,000 to buy an average-priced starter home. Starter homes will also cut the delivery of all other homes. A third of councils that responded to an *Inside Housing* survey revealed that their entire affordable housing requirement could be consumed by starter homes if the threshold is set at 20%.

Charities such as Crisis are concerned that the policy will require councils to prioritise starter homes for higher earners and so reduce councils’ scope to meet the full range of housing requirements identified through their local planning processes. London Councils agrees that starter homes should be in addition to other forms of housing, so that councils can still secure the necessary tenure and price mix in accordance with the needs in their area, and can discharge their homelessness responsibilities by providing truly affordable housing.

**Dr Huq:** My hon. Friend is being very generous in taking interventions. She mentioned her own experience as a parent; has she seen the Aviva research that shows that 1 million more people aged between 20 and 30 are going to be living at home with their parents in the next 10 years? We have all heard of the bank of mum and dad, but does she agree that the Government have not only messed up the housing market but seem to be stunting young people’s growth?

**Ruth Cadbury:** Young people whose parents live in a house in London big enough for them to have their own room, or even to share a room, at least have the advantage that they can ask us to carry on housing them—for I do not know how long—but what about mobility? How can young people from other parts of the UK or other parts of the world come to London? They do not have the landlord of mum and dad to turn to.

Let me return to the implications of Government policy and the Housing and Planning Act 2016. Many London councils, particularly those in inner London, believe that in future there could be areas where there are no affordable rented homes, because the Government expect 20% of all new developments to include starter homes on sale at 80% of market value. Couple that with the right to buy, the decline of housing association stock and the forced sale of vacant council homes, and there will be yet more of a crisis.

**Mark Field:** I counsel that we should not despair entirely. One of my local authorities, the City of London, owns property not only in the square mile but in places such as Southwark, Lewisham, Lambeth and Camden, and is looking to start its biggest house building programme for four decades, since the building of the Barbican

centre. That will require being pragmatic about the mix—with some social housing and some at an intermediary level—but it is looking to build 3,700 properties over the next 10 years, which is quite a lot for such a small local authority. If we can work with local authorities to recognise not only the problems but that, because of the cost of land, we have to be a little more relaxed about density than we might have been in the past, there is potentially a route forward, with all local authorities working with the London Mayor and, of course, the Department.

**Ruth Cadbury:** I will move on to the London Mayor at the end of my speech. The City of London is in a slightly unusual situation: it has capital and other sources of income, and it can use its wealth to deliver affordable housing across London, as it used to do historically.

My council still has several hundred of the last council homes in the pipeline. Labour authorities generally, as well as the City of London, had a much higher propensity to deliver council housing until now, but the current Government policies make that more difficult. There is no specific Government-led initiative aimed at key workers, and the right to buy for housing association tenants is paid for by the sale of vacant council homes, which causes the social rented housing stock to decline further. Other Government policies, such as reducing the benefit cap, extending the right to buy with discounts of £100,000 and freezing local housing allowance rates, exacerbate London’s affordability challenge.

At the end of May, the Chancellor, who was standing in at Prime Minister’s Question Time, acknowledged to me that there is a problem. That is a start, but it is a shame the Government did not acknowledge the scale of the problem before drafting the Housing and Planning Bill. The Chancellor told me that he has met the new Mayor of London—our former colleague, Sadiq Khan—and that housing was top of the agenda. The new Mayor is committed to ensuring that 50% of all new housing in London is genuinely affordable. He has announced that he will introduce a new London living rent, which will be based on one third of average local wages, to tackle the skyrocketing private rental prices, but to do that he needs the Government’s active support.

The Government must acknowledge that there is a problem in London that the current initiatives will not address, and that merely increasing the supply of housing will not in itself provide the housing we need to attract teachers, nurses, social workers, cleaners and childcare workers. The London Mayor, local authorities and the Government will have to work together on new solutions. The Mayor is offering the use of non-operational Transport for London land, but we also need the land of other public bodies, such as the NHS, for key worker housing. We need to return to providing proper support for social rented housing that is truly affordable to working people at all stages of the salary range.

By acknowledging the scale of the problem and accepting their role in addressing it, the Government will make a start. They must accept that their policies are depleting the supply of affordable housing and that they are subsidising market distortions in flats to buy. They must allow local authorities to have the power to invest in new social rented housing, cut the discount on right to buy and release funding for key worker housing. That would be a start.

9.52 am

**Meg Hillier** (Hackney South and Shoreditch) (Lab/Co-op): It is a pleasure to serve under your chairmanship, Sir David. I congratulate my hon. Friend the Member for Brentford and Isleworth (Ruth Cadbury) on highlighting this hugely important issue. As she said, now is really the time. The Government, having passed legislation in this area, have recognised that it does not work for London. We have a huge opportunity now that we have a new London Mayor. Although I railed against the Housing and Planning Bill, we have to work with what we have and come up with a solution for London within the current framework; the Mayor should be given some latitude in how it is interpreted.

I want to talk about issues in my constituency that highlight the crisis, and I will touch on the work of the Public Accounts Committee in this area. I have often talked on the record about this issue, but every time I speak, the price of a house in Hackney has gone up. The average property price in Hackney is now £691,969, which is an 85% increase on 2010 prices, when properties cost only £373,000 and a bit. Average wage growth in London over the same period was 1%, so property prices in my borough are out of kilter with reality for every group. We are living in a real crisis.

Hackney is the 11th most deprived authority in the country. Interestingly, we have gone down from being top or second, where we were for many years, because the house prices mean that only the very richest can move in. That has increased the average salary in the borough to £33,000 a year. The variation is great. People often tell me that my constituency is achingly cool, but I remind them that it is also achingly poor—many people are on very low incomes and are struggling to get regular work. That is reflected in the fact that there are 11,000 people on the council's housing register, which is frankly a bit of a joke. People think it is a waiting list, but given that 1,338 homes were allocated in 2014-15, the demand is certainly not being met through the available supply. In addition, Hackney Council could lose 700 homes through the forced sale of council homes to fund right to buy for housing association tenants. I really worry about where people on low incomes will be able to live in the future. In the private sector—I will speak more about this in a moment—the rent for a typical two-bedroom property is about £400 a week, which equates to just over £20,000 a year. To afford that, someone would need an annual gross household salary of approximately £59,000.

The stark reality for my constituents is that home ownership, renting and social housing are but dreams. Many of them are stuck living with their parents at home as adults. In my surgeries, I increasingly meet families that have people living in the living room, or parents and children living on the sofa—not even a sofa bed, because very often there is not space even for that. I say seriously to the Minister that I fear we are creating modern slums. I acknowledge that Governments over many years have not built enough homes, but now we have this wretched housing Act.

This is not new. Back in 2001, when I was a member of the London Assembly working with the then Mayor, Ken Livingstone—perhaps not so much working with him, as he was not in my party at the time—I produced a report and chaired a group on housing for key workers. We looked at nurses, bus drivers, teachers and police

officers as a sub-section of that group, and concluded that there was a real crisis looming for middle management. As my hon. Friend the Member for Brentford and Isleworth highlighted clearly, that is sadly coming home to roost. I do not like to say that we were right then, but we were, and too little has been done since. As my hon. Friend said, that goes to the heart of London's ability to function. We predicted that problem. We also had the concern that, as she highlighted, people on low incomes in the private sector are key workers, too: we need people to work in banks, to be chefs and to drive taxicabs. They need to be considered, too.

The solutions that the Government have come up with are key worker housing, shared ownership, starter homes, Help to Buy and, of course, the private sector, but they do not work for Hackney and the expensive parts of London and the south-east. Key worker housing is usually defined by profession, and it is typically for the public sector. That is fine if people can access it, but there are issues with it. For a start, there are not many key worker housing schemes around, and there is also an issue about rent levels.

Together with the right hon. Member for Cities of London and Westminster (Mark Field) and other colleagues, I fought hard to preserve some former Crown Estate properties as key worker housing. They are now owned by the Peabody Trust. I met Peabody last week, because many tenants in those properties have raised concerns about the unaffordability of rents, which have been set at 60% of market rent; that is Peabody's definition of a rent that is achievable by key workers, but given the market rents in Hackney that I have set out, that is beyond the reach of nurses, social workers and teachers.

Even if that model is made to work, there is not enough of it. It is a very ill-defined part of the housing market. Peabody has, to a degree, acknowledged that there is a problem, and it is looking again at what the right rent should be. I am pleased to say that it will meet tenants and residents in July to start the debate about what the best model is for providing sustainable, solid and secure housing for the key people we need to keep London operating. I wish it well in its endeavours, and I hope to be involved. I am also seeking a meeting with the Mayor of London to see whether we can shape this debate at a London level.

Shared ownership is one of the other so-called solutions. In Hackney, we have seen the ludicrous situation of shared-ownership properties on the market for well over £1 million. The defence of the housing association concerned is that four sharers on £70,000 a year could buy a share of the property. That is not what I thought shared ownership was for. The rent levels on the remaining equity can be a real problem—it is sometimes as high as 4%—and there are issues of move-on for families who grow and need a larger property, but cannot afford to staircase up. One of the challenges is the narrow market, and the lack of mortgages available to people who are shared owners. That model is fast heading for bust; we need a rethink, and perhaps to use the money put into shared ownership for more sustainable forms of rented housing, or for better subsidies so that the right people can move into long-term affordable home ownership.

At Prime Minister's questions, the Prime Minister told me that the solution to the problem in Hackney was starter homes. As my hon. Friends have highlighted,

at about £400,000 for a starter home, who in my constituency can afford that? Hackney Council has estimated that a person would need an income of about £71,000 to buy a starter home in the borough, although my hon. Friend the Member for Brentford and Isleworth highlighted a figure of £97,000. There are different figures, so perhaps the Minister will clarify that point. What is the rate for a starter home in London? My constituents want to know that, because anyone who might be interested in a starter home wants to know whether it is possible to get one.

As for Help to Buy, I need say little about it, except that in my borough it has been fuelling house prices. Miraculously, newly built properties coming on to the market hit only a smidgen below the Help to Buy threshold. That initiative is not helping in areas such as mine. The private sector, too, is a real problem. In my constituency, more people now rent privately than own their own home. Private sector tenants who have been suddenly cast out and have nowhere to go are coming to my surgery at an unprecedented level.

Let me give an example. Only this Monday, a 68-year-old woman saw me at my surgery. She has lived at a property for 52 years, first with her grandmother and her uncle, who are now dead. The property, to use an old-fashioned description, was benevolent housing for the working poor when it was built towards the beginning of the previous century. It was, however, sold on, and the rent is now £382 a week. It is a three-bedroom property, so she has been told that her housing benefit entitlement is only £200 a week, because she is under-occupying, but bear in mind that it has been her home for 52 years. The woman's income—she has a private pension and a bit of state pension—is £800 a month. She is a proud woman who has never claimed a penny until she had to claim housing benefit, and she is embarrassed about doing that. She is in a desperate state and is in rent arrears. I am working with the council to see if we can find a solution for her, but she is only one of many.

Another tenant, a younger woman of 46 years, works in one of our national museums, but she has been ill and unable to work. The rent was affordable, but the landlord decided to up sticks and move abroad; he contacted an agent, who said, "Hey, you're not charging enough here, put the rent up," which the landlord did. That put the tenant notionally into rent arrears, although her rent was enough for the landlord previously. Her ill health and her need for housing benefit mean that no agent is interested in looking at her. She managed to find one landlord who was willing to take her on, but that landlord would only accept her with some sort of rent guarantee, which the council, however, cannot offer on housing benefit before someone moves in, so the whole system is bust. She has looked not only in Hackney, but in the neighbouring five or six boroughs, and she can find nowhere affordable to live, even in the constituency of my hon. Friend the Member for Leyton and Wanstead (John Cryer). She is 46 years old, single and not working—temporarily—and she is unable to find anywhere to live. What is the solution for her? The Government are offering nothing at all, and they are even about to rip away from my constituency any social housing—if she could qualify for that, which, frankly, would be a miracle, even in her circumstances.

What are the solutions? The Public Accounts Committee has been looking into the matter intensely, on a cross-party basis. In September, we published a report on the

Government's land disposals programme. The programme was announced at the beginning of the previous Parliament by the Housing Minister at the time, the right hon. Member for Welwyn Hatfield (Grant Shapps), and was intended to dispose of enough land to build more than 100,000 homes—so far, so good. What we discovered, unbelievably, is that the Government cannot tell us how much the land was sold for, how many homes have been built on the land, and whether it was value for money for the taxpayer. The figures even included some land released in the early stages of the previous Labour Government, so the numbers were criticised by auditors.

Perhaps the Minister will respond to one of the Public Accounts Committee's recommendations:

"In taking forward its new target",

which the Government had announced,

"to release land for up to 150,000 homes between 2015 and 2020, the Department must only count the number of homes built, or commenced, on land disposed of during the programme. This should also include the number of affordable homes."

We have been told by civil servants that Ministers expressly said that they did not want the homes built on land disposed of by the Government counted. Let me repeat that, because it sounds unbelievable and people might think that I have misspoken: Ministers have expressly said that they do not want to count the number of homes built on public land disposed of for house building. It is more Sir Humphrey than Sir Humphrey, and it is time that the Minister gave us an answer.

We also now have the right to buy for housing associations. I have no problem with people wanting to become homeowners. I am a homeowner myself; indeed—forgive me, Sir David, I forgot to mention my declaration in the Register of Members' Financial Interests—I am a landlord in London, so I have no problem with people buying their own home, but not in a way that is taking homes away from other Londoners. That is the thing. The back-fill is coming from councils having to sell their important social housing. The Public Accounts Committee concluded that not only was there no maths done on the right to buy, but it was not sustainable in its current form, with so little detail about how it will work. This is an opportunity for the Minister to work with the Mayor of London to make the policy work better for London.

There is also pay to stay. I have highlighted the multiple households in my constituency in which there are adult children who cannot move anywhere. They are stuck at home with their parents, and are often overcrowded; even if they are not, they are pushing the rent levels up, because as a household, their marginal taxation rate can be immense. I spoke to Peabody the other day, and it has had examples of people who have been reluctant to take on promotions, because households that go over a certain level of income—a £40,000 household income sounds like a lot outside London, but it is not a great deal in London—are suddenly having to pay a high marginal rate of both income tax, potentially, and extra rent.

I must also rail against the loss of secure tenancies. A stable home is a fundamental political principle for me. It is a building block for life, because with a stable home people can think about a job, getting their family sorted, making progress and contributing to the community and society in which they live. Without that, people are

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living in anxiety. In my constituency surgeries, I am seeing some of the worst housing cases that I have ever seen, and I have been elected for 22 years now. For the record, as we are in the middle of debate about the referendum, I have never once, in my 11 years as an MP, had an eastern European come to me about council housing—they all seem to live in the private rented sector, and certainly they have never come to me asking for council housing.

The Government are seriously damaging our city, but they have an opportunity. I ask the Minister to tell us, seriously, how much he will work with the Mayor. I also have a couple of suggestions, including giving back to the Mayor the land that NHS Property Services took away from London, such as St Leonard's hospital in Shoreditch. The Mayor should be allowed to turn that land into homes, and to count how many homes he can build in total, and how many are affordable or for key workers. That will do more for our city. There might be a deal struck, so that some of the money goes back to the NHS—goodness knows, the NHS budget is under great stress—but those homes would be vital for our health workers, teachers and so many others.

The Mayor should be allowed to develop a solution for London. I hope that constructive discussions with the Mayor of London are ongoing, both behind the scenes and, soon, more openly, because if the situation continues, our city will be hollowed out and people will not be able to afford to live and work here, which will change the nature of our great London.

10.7 am

**Andy Slaughter** (Hammersmith) (Lab): It is a pleasure to serve under your chairmanship, Sir David. I apologise to you and to the Front Benchers, because I have to leave before the end of the debate. Notwithstanding that, I wanted to take part, because the issue is important to my constituents; that, indeed, is why we have debates on affordable housing in London regularly.

I thank my neighbour and hon. Friend the Member for Brentford and Isleworth (Ruth Cadbury) for introducing the debate and for setting out the problems so clearly. I also thank the right hon. Member for Cities of London and Westminster (Mark Field), although he has gone now, for turning up. He always turns up for these debates, and he is usually the only Tory London MP who does. Perhaps it is not surprising that five of the MPs who turned up represent central-west London constituencies, because although the problem is London-wide, it is particularly intense in those areas of high property values.

To illustrate that, in Hammersmith and Fulham, 58% of average monthly salary is now taken up by private sector rent, and the multiple of annual income represented by house prices—now pushing up towards £1 million, on average—is 20.5, the fourth highest in London. That shows how stark the problems are. That means that, for many people, social housing—council and housing association housing—is the only affordable type of housing. We obviously need a comprehensive solution that includes other forms of subsidised housing, whether those are traditional methods such as shared ownership or newer methods such as controlled rents and discounted sale.

There are a variety of schemes; it is simply that in recent years they have not been implemented. As my hon. Friend the Member for Brentford and Isleworth mentioned, the previous Mayor's record was appalling, to the extent that the last year of his reign for which figures are available was the worst for affordable home delivery since records began 25 years ago, with fewer than 5,000 homes built. As she said, his record was about 13%, which simply makes a bad situation worse.

To give an example of what is going wrong and the opportunity cost—I mean that literally—there are more than 30 opportunity areas in London, and three of the biggest are in my geographically rather small constituency. We are told that, over a number of years, those three together will probably provide 40,000 homes. The failure in each of those areas is stark. On the one hand, we have the White City area, where the target for affordable housing was reduced by the previous Conservative council from 40% to 15%—and it is barely hitting that—which is encouraging high-value developers such as St James into the area. Many small penthouse and two-bedroom flats on the BBC television centre site, for example, are going for millions of pounds in what is the poorest part of my constituency and the area with the greatest housing need.

Worse still is what is happening in west Kensington and Earl's Court, where permission was granted for 8,000 homes, which include not one additional social rented home and only 10% of any type of affordability. Effectively, those 23 acres of prime land owned by Hammersmith Council were given away. Notionally the cost was £90 million, but in practice once the council had the responsibility of buying out freeholders and leaseholders on that site, it was little if anything—it may even be a negative sum. That is beyond negligence. The whole of that site—some 80 acres—is public land owned either by the council or by Transport for London. The new Mayor will obviously take a strong interest in that, because although half of that land has already been disposed of, half of it—the Lillie Bridge depot—remains to be dealt with. Perhaps we can hope for something better, but again that shows the missed opportunity.

Most significant of all is the area that is now the Old Oak and Park Royal Development Corporation, which is zoned to provide more than 25,000 new homes. Again, that has been earmarked as one of the key areas for starter homes—in other words, homes that will go for up to £450,000 each, which are not affordable by anyone's definition of the term. I fear for what will happen in that development because of the combined mismanagement of the previous Mayor and the Transport Secretary, who at the end of 2014 discovered that the construction of HS2, Crossrail and other rail projects in that area was being done in such a way that, as Sir Terry Farrell pointed out, it has prevented the decking of that site so that homes could be built above that work. Therefore, unless the new Mayor can work miracles, the prospect of building thousands of homes on that site has been lost for at least a generation, and perhaps permanently. What appallingly short-sighted planning, and that lies firmly at the door of the previous Mayor of London and the Government combined.

That is not good news. What is good news is that we now have a Mayor who has pledged to do his best to build not the 25,000 homes in London that we have

seen, but the 50,000-plus that we need, and half of those will be genuinely affordable. I wish him luck. I will do everything I can, as will my local authority, to ensure that that happens, but it must be said that that is against a background of a Government doing everything through legislation to prevent people from having a secure, affordable home.

The vindictiveness of policies that enforce the sale of housing association properties by means of the subsidy from the sale of high-value council properties beggars belief. Boroughs like mine will be most affected, with up to 50% of council properties having to be sold over time. Why do we want to create insecurity for people in housing? That has all sorts of detrimental effects on people's lives, and not just on their housing conditions, but on their health, the education of their children and so on. We have pay to stay; we have benefit cuts that are forcing people out of London; we have short-term tenancies, so people can no longer feel secure in their family homes; and, as Crisis said in its briefing for the debate, we have had a doubling of street homelessness since the coalition Government came in. It is now commonplace to use the term "social cleansing" to describe what is happening in my constituency. That is not an exaggeration, and it is no longer an emotive term but practical Government policy.

Yesterday I went to the funeral of a woman called Kathy Dolan whom I have known for many years. For many years beyond that, as tenants' leader, she effectively ran the small, very nice Wood Lane estate, just next to the BBC television centre and opposite White City station. She made sure that people on that estate lived comfortable lives—she sorted out their problems and she dealt with the council—but in recent years she also had to fight developers. At mass yesterday, the priest was able to talk about the threat to established communities from developers. What an indictment.

We have strong communities in Hammersmith, as I am sure colleagues do around London, and we have many people who, like Kathy, work incredibly hard for no money and little recognition to sort out problems. They do not need the additional burden of vulture-like developers who have their eyes on their homes and want to make profit out of them, assisted by politicians who should know better.

Yes, there is a crisis in London housing. It can be resolved, but it requires us all to work together in the same direction to ensure that the people who work and live in London and have done for many generations can continue to do so. I am afraid that the policies the Government are pursuing are doing exactly the opposite.

10.17 am

**Ms Karen Buck** (Westminster North) (Lab): It is a pleasure to contribute to the debate under your chairmanship, Sir David. It has the whiff of groundhog day about it as we regularly meet to discuss aspects of London's housing crisis, but it is important to do so, and I very much congratulate my hon. Friend the Member for Brentford and Isleworth (Ruth Cadbury) on securing the debate. The truth of the matter is that this is not a static situation. Things are getting worse, so it is important that we review the changing and worsening impact of London's housing crisis and continue both to support the new Mayor of London—as everyone from

the Labour side who has contributed to the debate has done—and to press the Government for a review of the policies that are likely to exacerbate an already critical situation and try to get some support for measures to respond.

Why are things getting worse? As we have already heard, the truth is that the escalation of London house prices, driven in large part by the failure of supply, is worsening housing inequality and therefore general inequality in the city to a catastrophic degree. My hon. Friend the Member for Hackney South and Shoreditch (Meg Hillier) quoted a figure for rising house prices since the economic crash, but I think her figures may be slightly out of date as those I have seen today show that London house prices have risen by 91.6% since 2008-09. I do not have immediately to hand information on what London wages have done since then, but I can say that certainly at the lower end of the spectrum they have had a tendency to fall rather than rise. Therefore, despite the fact that the party in government has always traded as the party of home ownership, home ownership has actually been priced out of the reach of hundreds of thousands, if not millions, of people, particularly in London.

There has also been continuing pressure on support for people who need assistance to rent their homes; in the private sector alone 250,000 London children are growing up in families who need assistance to pay their rent. That squeeze on housing support is continuing and deepening, and there are further reductions to come in the local housing allowance, which will also exacerbate the situation. Of course, as my hon. Friends have said, the Housing and Planning Act 2016 will have an impact.

**Mr David Burrowes** (Enfield, Southgate) (Con): On the point about the LHA, I welcome the Government's review. I hope it goes the right way and we realise the impact of the cap on supported housing. Does the hon. Lady recognise, not least in relation to Westminster, the impact on places such as Enfield of the pressure on temporary accommodation, and placements of vulnerable children with many needs? There is a need for a better, strategic way of handling such relocations. Property prices are cheaper in Enfield than they are, perhaps, in inner London. Placements of needy, vulnerable children are having an impact on outer London boroughs and there needs to be a better way of handling that across London.

**Ms Buck:** I absolutely agree with the hon. Gentleman, although I am slightly baffled by the implications of his critiquing the policy of his party's Government. I hope that the Minister is listening, because the hon. Gentleman is right.

The Housing and Planning Act 2016 will make the situation worse through reducing the stock of housing to rent; the extension of the right to buy to housing associations; the forced sale of so-called higher value properties in the social rented stock; the replacement, through planning changes, of the scope for negotiation of homes for rent in new developments with the starter homes policies; and the implications of pay to stay and fixed-term tenancies. We had many opportunities to discuss the measures and our concerns fell on deaf ears, but they are a poisonous cocktail and will only intensify London's housing crisis.

**Barry Gardiner** (Brent North) (Lab): Is my hon. Friend aware that in Brent the rent for an average two-bedroom property is £21,500 a year? If the rent for affordable homes was 80% of that, that would be £17,222 a year, when the national minimum wage brings in £13,852. The maths simply do not stack up for people living at the bottom of the scale in London.

**Ms Buck:** My hon. Friend is absolutely correct. The result of all the different pressures together, with worse to come, has an impact beyond housing, strictly defined; it is changing the face of London, intensifying housing inequality, and changing the face of poverty and low incomes in London. The typical family in poverty is now, for the first time in modern times, a working family living in the private rented sector in outer London—that takes me back to the point that the hon. Member for Enfield, Southgate (Mr Burrowes) raised. Poverty is being suburbanised and intensified by what is happening in the private rented sector.

All that is bad for London's economy. There is ample testimony from London First, the CBI and many other organisations that the housing crisis is making it hard to recruit, and is undermining the effectiveness of London's economy. It is making it hard to recruit and retain staff in the services on which we all depend. However, it is also undermining London's civic life—the health and wellbeing of the city—as people struggle to cope with the consequences of the housing crisis. Above all, it is bad for individuals—for struggling families and for young people seeking to find a stable home of their own in which to build a life and family.

Inner London is on the front line, because it has the steepest house prices, broadly speaking. How are inner London boroughs such as Westminster coping with that? Very badly indeed, I am sorry to say. Westminster produced just 46 new affordable homes last year. Over the past three years a mere 12% of all the development in Westminster has been affordable. That is less than half of the already appalling 28% London-wide average. That is the pattern across London. Areas with the greatest housing pressures have the worst supply of new affordable homes.

In the weeks before the London mayoralty election—it is no accident or coincidence—a number of new developments were pushed ahead for approval by Westminster City Council. The Whiteleys scheme in Bayswater has 103 luxury flats, just 2% of which are affordable. Paddington Green has 690 flats, 19% of which are affordable. There are other schemes in the pipeline. Westminster City Council is closing and demolishing the Jubilee sports centre—the Prime Place development—and the developer is marketing its properties in the far east before a single one has been built. In fact, it was marketing in the far east before the closure of the sports centre. Figures out this week show that there has been a 9% rise in the number of London properties owned by offshore companies. It is not simply that we are failing to build—although we are—but we are building the wrong properties, in a way that is part of a process of purchasing from overseas by the super-rich.

Developers are private companies and will behave as the Government permit them to do, and as they are driven to do by commercial logic, unless they are encouraged

to do something different. They have been going into the luxury housing market. I was struck yesterday by the marketing brochure of the Galliard company:

“In order to keep up with the trend of trophy apartments and to give buyers what they want, developers are creating properties that offer nothing but luxury and indulgence. In fact, Kay & Co have released statistics that show that ‘35% of units under construction or completed in 2014 are in 5\* developments.’”

It adds that according to

“Knight Frank's Global Development Report from 2015, the amount of prime luxury properties...in London”

is up threefold since 2009. So we are building luxury properties, in some of which—such as the Vauxhall Tower—hardly anyone lives. We are building luxury properties that are a sponge for global money and the super-rich; and a not insignificant proportion of that money is dirty money.

**John Cryer:** Is my hon. Friend aware that in many new developments in central London, the flats—because overwhelmingly they are flats—are not even being advertised in Britain? I do not mean that in a nationalistic sense, but they are being advertised only in areas of the world where there are large concentrations of wealth and power. Does she think we are storing up an awful lot of social and economic problems for future years, if the trend continues?

**Ms Buck:** I do. That is correct and I have nothing to add to it. It is completely in line with my thesis.

**Meg Hillier:** I am sure my hon. Friend has found in her constituency as I have in my borough that often properties are built and whole blocks are sold over a weekend in Dubai, Hong Kong or such places. Those are not homes for local people. Does she have a comment on that?

**Ms Buck:** That is absolutely right. It is the well-documented phenomenon of lights-out London. It happens particularly in the wealthiest parts of London, but also with some of those blocks my hon. Friend has mentioned, which are marketed as if they are in the heart of Knightsbridge but are not; properties are being bought up overseas and at the very best used for short-term lets or high-value student accommodation. They certainly do not provide homes. Of course, the consequence, to go back to the intervention by the hon. Member for Enfield, Southgate, is that London boroughs, and particularly those in inner and west London, cannot meet the demand from the people in the greatest need; so homelessness and housing pressures spill over from those boroughs. As it is, it costs Westminster taxpayers £4 million a year to meet the costs of homelessness that are not covered by other Government costs.

We are placing homeless households from Westminster in Enfield, Barking and Dagenham and Newham. Westminster City Council says that it would like to build permanent homes in outer London. I do not know what outer London thinks of that, because in outer London boroughs such as Hounslow and Sutton, homelessness is rising very sharply. I do not see why inner London boroughs should be allowed to get away with that. As the hon. Member for Enfield, Southgate said, those households are being placed far from their support networks, which puts additional pressure on services in the host boroughs.

A shortage of school places is just one example of such pressure. The latest figures show that Westminster has 1,200 unfilled school places, and yet we are exporting our homeless households all over. Meanwhile, in an outer London borough such as Redbridge, which is a receiving borough but also an exporting borough, there is a phenomenal situation, with pressures being dropped there and people having to be placed elsewhere. Only two weeks ago, Redbridge Council revealed that it was going to purchase an ex-barracks in Canterbury in order to place its homeless there, much to the chagrin of Canterbury City Council, which had been negotiating to get the property for itself. This is lunacy, and it is all consequential upon wider problems.

Meanwhile, some get lucky, and some will get luckier as a result of the Government's Housing and Planning Act. The starter homes policy will be a windfall for households who have the bank of mum and dad and are on joint or single incomes of £80,000 or £90,000. Those people will be able to enjoy the benefits of the discount on a starter home, carry that forward and cash it in. Even Westminster City Council, which is not known for its caution on such things, warned the Government that the potential windfall of tax-free capital gain is "very considerable" and

"wholly to the benefit of a first-time buyer".

Good luck to them, if that is what the Government want to do, but bad luck to everyone else who either cannot afford that or finds they are at the sharp end of the housing crisis.

Some of the people who have been in my surgery in the past few weeks will not be the beneficiaries or be able to afford a starter home, even though they would love to have one. They include the pensioner I met last week, who has been in his privately rented home for 27 years and whose rent has gone up from £750 a month in 2014 to £2,500 now. Many other individuals are in that kind of crisis.

The Minister needs to address that. He needs to make it absolutely clear that he understands the impact of the crisis and will get behind the Mayor in the measures he intends to take to provide a range of affordable homes across all tenures. The Minister needs to work with other Departments to ensure that the pressures that brought about this crisis in London are resolved, for the sake of our city's health and for the many people who depend upon a decent affordable home.

10.32 am

**Dr Eilidh Whiteford** (Banff and Buchan) (SNP): It is a pleasure to follow such a comprehensive commentary on London housing policy. The critique from the hon. Member for Westminster North (Ms Buck) was well put together.

The long-term failure of successive Governments to address the underlying problems in the housing market is undoubtedly more evident in London than elsewhere in the UK. I agree with Members that certain aspects are unique to London, but for the most part this city is just the epicentre of problems affecting the whole UK to a greater or lesser extent. The crisis here in London reverberates to the other nations and regions of the UK.

I warmly congratulate the hon. Member for Brentford and Isleworth (Ruth Cadbury) on securing this debate on a set of issues that have an acute impact on her

constituents. I assure her that there is a shared interest in addressing the problems in London, because they affect all of us. Every time the Library updates its briefings on London's housing crisis, the statistics get more and more shocking. It is clear from today's debate that the key structural issues are not new. There is a chronic under-supply of new homes, an absolute shortage of property in London and—just as problematic—an ever widening gulf between earnings and house prices, which is the affordability problem that has been the focus this morning. Add to the mix a private rental sector that is out of control and we have a recipe for the housing crisis currently faced by the people who live and work in this city.

Like other MPs whose constituencies are many miles from here, I am not a disinterested observer. I have to live in London for more than half the week during parliamentary Sessions, so I have first-hand experience of London's housing and rental market, although I am aware that MPs have a much easier time than most prospective tenants. I have repeatedly seen the problems faced by staff members and others who live here permanently, and I recognise the issues that colleagues have highlighted today that affect their constituents. Those issues all relate to affordability. They include short-term and insecure lets, but also landlords who do not fix things, deposits that do not get returned for months after a tenancy ends, if at all—in spite of the deposit protection scheme that is supposed to stop that—people having to sleep on their friends' sofas and floors and, above all, soaring rents. Every year, or every time a rent has to be renegotiated, the rent goes up.

Of course wages—certainly those in the public sector—have stayed static for some years now, and in many cases they have fallen in real terms. There is an ever greater squeeze on the incomes of tenants, who are left in a difficult position, having to work out whether the costs and hassles of moving and the extra commuting costs outweigh the disadvantages of staying put. That causes people enormous stress, upheaval and insecurity and it destabilises communities. As other Members have mentioned, it puts untold pressures on families with children. We have not got anywhere near measuring the cost of uprooting children in terms of their future prospects.

It goes without saying that many private sector tenants have no medium-term prospect of their owning a home anywhere near where they work, and even having a stable home is challenging for them. Even people in London with well-paid jobs—those with well above average wages and, as we have heard today, some of the City's highest-paid professionals—find themselves in the invidious position of spending so much of their take-home pay on exorbitant private sector rents that saving for a deposit at the level now required is all but impossible. People have to eat, too. The cost of living is already high in this city, regardless of housing costs.

If the average home in London now costs more than half a million pounds—16 times the average London salary—what hope is there for young people trying to get on the housing ladder, many of whom are already carrying a mortgage in student debt? In what universe is that achievable or even desirable? Who wants to be saddled with a debt of that level in the current climate of economic uncertainty? Every time the Chancellor stands up in the Chamber, he talks about bringing down the debt. I am not the first to observe that

[Dr Eilidh Whiteford]

meeting his own debt reduction targets is something that he has conspicuously failed to do. The levels of personal debt that individuals now need to carry in order to own a home or even buy a starter home, not only in London but in other hotspot areas too, are frankly crippling and completely unsustainable.

The Government's obsession with home ownership is undermining the affordable rented sector, where, in my view, there is tremendous progress to be made in London for anyone willing to make the tough policy decisions. Points were well made earlier by the hon. Members for Hackney South and Shoreditch (Meg Hillier) and for Hammersmith (Andy Slaughter) about the use of public land and the need to measure the outcomes of house building programmes.

In the 2015 Queen's Speech, the Government confirmed that they plan to force councils to sell off their low-rent homes in high-value areas, mostly as a means of financing the extension of the right to buy to housing association tenants, and—in theory at least—to incentivise councils to build more homes. However, doing that will not achieve either of those things. Its main outcome will simply be to reduce the number of homes for social rent in areas where low-cost housing is most needed and to force those on lower and average incomes to move further away from the communities where they live and work.

We have seen in the past that selling off social housing stock cheaply has long-term adverse consequences. The big sell-off in the '80s and '90s meant that councils all but stopped building new homes. It made no sense whatsoever to use public money to build new homes and then practically give them away. It has meant that now, right across the UK, there is a chronic shortage of homes for social rent for those on low incomes—those in low-paid jobs, those on zero-hours contracts and those whose ability to work is impaired by health problems. Some of those people will never be eligible for mortgages and will always need affordable homes to rent.

One of the great ironies is that, 20 to 30 years on, many of the same properties that were bought by tenants are once again properties for rent, but this time in the private sector, being let for market-level rents, often to people who would be eligible for social housing, if any was available. As a consequence, we have seen soaring costs for local housing allowance and its predecessor benefit over the last two decades, disproportionately concentrated in London and the south-east, driven by a private rental market that is simply out of control.

As numerous Members have pointed out, the people who have been most badly let down by all this are the younger generation. Even those with good jobs, who have worked hard for qualifications, have no realistic prospect of buying a home in which they can raise a family. We see adults living with their parents, not just through their 20s but well into their mid-30s, desperately trying to save. We see young couples moving so far out of London in order to put a roof over their children's heads that they severely compromise their family life by enduring hours of commuting each day.

**Barry Gardiner:** I am delighted that the hon. Lady has talked about the plight of young people in London, but does she realise that this is not just about young

people? A constituent who had been living in the same property for 14 years came to me recently, having received a section 21 notice. At the age of 72, he and his disabled wife have not been accepted by the council and are sofa-surfing with friends who live in my constituency. It is not just young people but the elderly who are suffering because they are not accepted as priority-need homeless.

**Dr Whiteford:** The hon. Gentleman makes a very important point. Frankly, what people are being put through in this day and age is quite disgusting.

The situation we have created is not good for people, for families, for people's employers or for communities. It is not good for anyone and is completely unsustainable. The UK Government's current direction of travel risks compounding the mistakes of the past, fuelling house price and rent increases, and failing to deal with the underlying lack of supply on anything like the scale required. All the fancy help-to-buy schemes in the world will only fuel personal debt, drive house prices higher and continue to inflate rents unless we actually build more homes to meet demand and take action to ensure that we have an affordable housing stock for people on normal salaries.

10.41 am

**Teresa Pearce** (Erith and Thamesmead) (Lab): It is a pleasure to serve under your chairmanship, Sir David. I thank my hon. Friend the Member for Brentford and Isleworth (Ruth Cadbury) for securing this debate and for her vivid description of the challenges facing London. Those descriptions were mirrored by what was said by Members from all across London—by my hon. Friends the Members for Hammersmith (Andy Slaughter), for Westminster North (Ms Buck), for Leyton and Wanstead (John Cryer), for Hackney South and Shoreditch (Meg Hillier) and for Brent North (Barry Gardiner)—and by what was said about outer-London areas such as Enfield, which the hon. Member for Enfield, Southgate (Mr Burrowes) mentioned.

I am an outer-London MP and I am contacted by constituents day in, day out about the housing crisis in our city—whether that is by parents with children in their 30s who are still living at home or by young families in their third private rented flat in three years. Just recently I was contacted by an older man who had worked all his life but, because of a marriage break-up, is now living in one room in a shared house without even a kitchen to call his own. Rents are skyrocketing, with demand outstripping supply in every section of the housing market. Some local authorities have started doing ambitious, innovative work, but most councils are stretched. One council in my area, Bexley, is often in the position of trying to rent or buy accommodation for homeless families but being it is being outbid by buy-to-let landlords—sometimes the very same ones who caused the homelessness in the first place.

Alongside that, many Londoners' dream of owning their own home is fading fast. We have heard about house prices increasing enormously across London. Crossrail is about to come to Abbey Wood in my constituency. It will regenerate the whole area, but that also means that people from Abbey Wood can no longer afford to live in the place where they and their parents have lived all their lives. Many Londoners therefore

find themselves in the private rented sector, where the average rent is twice the national average for all property sizes, and the gap continues to widen.

People are stuck in the private rented sector on insecure short-term tenancies, unable to save for a deposit of their own because of skyrocketing rents and letting agent fees. Many living in London are turning away from this wonderful city to pursue work and a home elsewhere, as my hon. Friend the Member for Brentford and Isleworth set out. As a result of the affordability crisis, many live in poor, overcrowded conditions. The last accurate figures we had were from the last census and they indicated that over 11% of households in the capital were overcrowded. I am sure that most of us will know from our postbags that the number is now far bigger—I think it would be at least double that, if not triple.

Unaffordable, overcrowded and insecure—that is the housing crisis we face, and it is one we must all challenge, because it affects every part of our society. Unaffordable and insecure housing causes problems right across society, from the people living in a Victorian terraced street that now has 25% of the properties as homes of multiple occupancy to the constant churn of pupils in and out of schools. In a primary school in my constituency, 30 pupils moved in and out in one term—that is a whole class in one term. We can only guess what effect that has, not only on trying to teach a class but on each child's education. In my constituency there is a doctor's surgery with 12,000 registered patients, a third of whom churn in and out every year. That makes it difficult for any public health awareness campaigns. There is rising TB, and on important issues such as diabetes, obesity and smoking, GPs have very little chance of building any sort of relationship with their patients.

Across our economy, unaffordable housing has far-reaching effects. Beyond the obvious impact on the amount of disposable income that each individual and family has, the impact on our local and regional economies needs to be looked at. There has been widespread concern about the affordability of housing in London from a variety of industries. The London Chamber of Commerce and Industry reports that almost half of London business leaders believe that the insufficient availability of homes is one of the top three barriers to London's competitiveness. The situation is so bad that some big employers have begun to look at ways of solving the problems and have begun to take matters into their own hands. KPMG now offers employees a leg up on the housing ladder with discounted mortgages and Deloitte has taken up flats in the Olympic village in Stratford to rent to employees in order to provide more secure, affordable housing. However, the majority of Londoners do not have that help and are facing the affordability crisis alone.

The Royal College of Nursing has polled its members and reports that four in 10 respondents say that they are likely to leave London in the next five years because the cost of housing is so high—a figure that no doubt reflects the experience shared by many Londoners across the economy. As my hon. Friend the Member for Hackney South and Shoreditch set out, at one time it was care assistants who could not afford to live in London, but it is now junior doctors, GPs and surgeons.

The recent mayoral election was, I believe, a referendum on housing. Londoners resoundingly endorsed Sadiq Khan in that referendum. For eight years, the previous

Mayor of London—currently the hon. Member for Uxbridge and South Ruislip (Boris Johnson)—had the chance to tackle the affordability crisis in London and he failed. We now have a Mayor who is committed to building housing to ensure that all Londoners have the opportunity to rent or buy a decent home at a price they can afford. However, the scale of the challenge we face in London, combined with the lack of land and the soaring cost of rental properties and properties to buy, means that things will not change overnight. This is not just about a lack of supply, but about what happens even when things come on stream and the supply is there. In my constituency, 700 new homes are being built on my street but there is not a single affordable property, so this is not just about supply.

The Mayor of London recently revealed that the previous Mayor delivered just 4,880 affordable homes in London in his last year—the fewest in decades. The Government's new definition of affordable housing includes so-called “affordable rent” homes, for which tenants pay up to 80% of market rent, but 80% of very expensive is still very expensive. The new Mayor's manifesto for Londoners pledges to set up Homes for Londoners, which will build the genuinely affordable homes that we need, including homes for social rent, homes for London living rent and homes for first-time buyers, while giving Londoners first dibs on homes to buy that are built on brownfield public land. The new Mayor will need the support of all of us in this debate to achieve that, and he will need support from Government for a devolution deal that gives London more power to invest in new homes and open up Government-owned surplus land for development.

This is not just about housing, but about life chances and stable communities. Just last night we saw what is great about our city with the coming together of Londoners for the vigil in Soho, in response to the Orlando atrocity. What makes London great is the Londoners within it, and they deserve a decent roof over their heads.

I will end by posing some questions, which I hope the Minister will respond to; if he is unable to, I hope he will commit to responding in writing. What representations from across the public and private sectors have the Department received regarding employees facing insecure and unaffordable housing? What analysis has the Department and the Treasury made of the impact on the local, regional and national economy of the lack of disposable income due to unaffordable housing? Can the Minister let us know about the work that the Department of Health is doing on the cost to the NHS of poor housing and when it will report its findings? Lastly, will he commit today to working with the Mayor of London to ensure that he is able to deliver the policies that were overwhelmingly endorsed by the majority of Londoners last month?

10.49 am

**The Parliamentary Under-Secretary of State for Communities and Local Government (Mr Marcus Jones):** It is, as always, a pleasure to serve under your chairmanship, Sir David. I congratulate the hon. Member for Brentford and Isleworth (Ruth Cadbury) on securing this debate on the important issue of affordable housing in London. I can assure her that this is a top priority for this Department and this Government. In the short time that I have today, I will endeavour to respond to the points made by hon. Members.

[*Mr Marcus Jones*]

The demand for affordable housing in London is without doubt challenging. It is clear that the new Mayor has a significant task ahead of him to meet the needs of the growing population in such an important world city. A number of hon. Members asked whether we would work with him, and we certainly look forward to doing so. We all share the same ambitions—to build more homes in London and to help more people to own their own home.

We have a good track record. Since 2010, we have delivered more than 710,000 homes, including 277,000 affordable homes—67,000 in London. Our affordable homes programme delivered 193,000 affordable homes between 2011 and 2015. Last year was a record year for London. We delivered 27,000 homes, including 18,000 affordable homes—the most since records began in 1991. We were the first Government since the 1980s to finish with more affordable homes than when we started. Since 2010, we have helped 290,000 households to become homeowners, thanks to schemes such as Help to Buy and right to buy. However, even though we have delivered a record number of homes in London, there is without doubt more work to be done.

**Meg Hillier:** Will the Minister give way?

**Mr Jones:** I will make some progress before giving way, because I am short of time.

Only one third of new homes in London were delivered through the open market. With London's housing challenges, the market needs to do more, and the Government are certainly doing more. We are focusing on three things—streamlining the planning system, helping Londoners into home ownership and ensuring that housing stock is managed fairly and effectively.

We are introducing further reforms. The Housing and Planning Act 2016 gives house builders and decision makers the tools and confidence to deliver more homes and streamline the planning system to accelerate delivery. Planning permission in principle will provide greater certainty, and registers of brownfield land will make it easier to identify suitable sites, which are at a premium in London.

However, the reforms need to be implemented effectively in every area. We need to see more homes that are planned for actually being built. We have consulted on a new delivery test that drives action where build rates are below expectation. We have been working with the major house builders on how they can be clearer about their delivery plans, and I welcome the statement of intent published by the Home Builders Federation just last month.

We are doubling the housing budget to more than £20 billion to deliver 1 million more homes by the end of this Parliament. That includes £8 billion for 400,000 affordable housing starts, including 100,000 affordable homes for rent. That is the largest affordable housing programme by any Government since the 1970s.

We know that 86% of people want to buy their own home, and we certainly support their aspirations. That is why our programme to support home ownership is so important. With shared ownership, London's first-time

buyers will be able to get on the ladder with a far smaller deposit: £3,500 will secure a 25% stake in a property. Our new London Help to Buy scheme increases the equity loan available from 20% to 40%, and our help to buy ISAs are helping people to save up a deposit for their first home. Our voluntary right to buy gives 1.3 million housing association tenants the chance to buy their homes.

We will build 200,000 starter homes so that young first-time buyers will be able to buy their first home with a minimum discount of 20%. Legislation will place a duty on planning authorities to embed starter homes in the planning system. That will be supported by £1.2 billion of funding to unlock brownfield land. For high-value areas, the Housing and Planning Act allows for off-site commuted sums for delivery elsewhere. We are consulting on the details of how that will work.

We need to make better use of the existing housing stock. The market value of council housing stock in April 2014 was more than £200 billion. By selling councils' higher-value housing as it falls vacant, we can release the locked-up value to build more homes and fund the right-to-buy discount for housing association tenants; and we will absolutely ensure that for every council house sold in London, at least two affordable homes will be built.

**Meg Hillier:** It is all very interesting to hear what the Government are planning nationally, but this debate is about housing in London. On the issue of the sale of high-value council properties, there are properties in my constituency that will have to be sold under the current Government proposals. The hon. Member for Torbay (Kevin Foster) has no council housing in his constituency, because it was transferred, so homes will be sold in Hackney to pay for people to buy their homes in Devon potentially, unless the Minister is able to commit now to ensuring that there is at least a ring-fencing of the money from the sale of council homes for right to buy, so that it stays within the M25.

**Mr Jones:** As the hon. Lady will know, we are working up the plan for higher-value social homes that will be sold. At the moment, it has not been made clear which properties will need to be sold, but certainly they will only be properties that are vacant; and just to reassure her, we are absolutely clear that for every house that is sold in London, at least two affordable homes will be built.

**Ms Buck:** Will the Minister give way?

**Mr Jones:** I need to make more progress because I am very short of time.

We have helped to unlock major regeneration sites in London and we are investing £600 million to create 31 new housing zones in London, which will deliver 77,000 new homes by 2026. In the last Parliament, we released public sector land with capacity for 109,000 homes. We will release more land, and at least 160,000 homes will be built. The London Land Commission will continue to be an important way of engaging with the public sector to release more land for housing.

In the short time that I have left, I will pick up a few of the points that hon. Members raised. First, there was an assertion that people buying starter homes would

need a minimum salary of £90,000. I am sure that many hon. Members will have seen that Shelter has done research on that, based on 2016 housing values. It came to the conclusion that people would be able to buy on salaries of £45,000 and it predicted that 30% of the people in London who are currently in private rented accommodation would be able to buy a starter home on that basis.

Another assertion was about the supply of homes. I find it difficult to comprehend that so many Opposition Members are criticising this Government's action on providing affordable housing when, between 1997 and 2010, 420,000 affordable houses were lost from the system. I can assure hon. Members that this Government are absolutely committed to bringing forward new affordable housing. We are introducing an £8 billion programme to deliver 400,000 more affordable houses; 135,000 of those will be for shared ownership—that was a concern raised during the debate—and 100,000 of them will be affordable homes for rent.

Let me settle some concerns about the right to buy in London. Since the reinvigorated right to buy was introduced by my party as the lead party in the coalition during the last Parliament, in London, where right-to-buy housing sales have been made, on average roughly two additional homes have replaced that stock. I am getting a polite stare from you, Sir David, so I will conclude now for the mover of the motion.

10.59 am

**Ruth Cadbury:** I regret that the Government have not acknowledged the distorting use of the term “affordable” and that none of the Government initiatives will be of any help to people on low or average pay or those on uneven incomes, such as those on zero-hours contracts. There is so much that is wrong in the starter homes and right-to-buy initiatives. They do not deliver truly affordable housing—new housing—to Londoners in need.

*Motion lapsed (Standing Order No. 10(6)).*

## Plutonium Disposition

11 am

**Mr Jamie Reed (Copeland) (Lab):** I beg to move,

That this House has considered plutonium disposition.

Thank you for calling me to speak, Mr Amess—sorry, Sir David; I apologise for forgetting to use your richly deserved and overdue title.

Plutonium disposition is a subject that is vital to the country. It is important to me personally, to my constituency and to every single one of my constituents. Plutonium is one of the most powerful and potentially dangerous materials on the planet, and the largest stockpile of plutonium oxide anywhere in the world is stored at the Sellafield nuclear facility in my constituency. It is a sobering and inescapable reality.

Sellafield represents one of the UK's most strategically important pieces of national infrastructure. It was created by the Attlee Government after the second world war and the United States' McMahon Act, which forbade US co-operation with any other nation state on nuclear research. The initial purpose of Windscale, as Sellafield was then known, was to produce the materials this country required to create, provide and maintain our independent nuclear deterrent. The decision to do that remains one of the most important made by the post-war Labour Government, or any other British Government since that point. It also remains one of the many towering achievements of that post-war Labour Government.

It is beyond doubt that our nuclear deterrent has protected us and our allies, and maintained peace on our continent. The evidence is before us. In an ever more uncertain world—a world that, right now, appears to be on fire—it would be an extraordinary act of stupidity for any Government to consider removing our deterrent. In the face of a belligerent and expansionist Russia, the evidence is that circumstances will remain stable at best in the future. I digress. The point is that my community has performed a unique role in the service of this nation for more than 60 years. As a result, the nation, its centre of Government and Governments of all colours owe a specific obligation to my community.

Issues of national interest do not wear party colours and, as with nuclear new build—the Minister knows that I walk the walk on this—they are above petty partisan squabbling. The nuclear industry is of unique importance to my constituency. West Cumbria is a world leader in nuclear excellence, and we are working tirelessly as a community to realise the energy coast vision that I have been working to deliver for more than a decade. The vision came into being when Sellafield was projected to lose 8,000 of the 11,000 jobs on the site by 2014. That was one of the original forecasts for the end of reprocessing at Sellafield, and I am glad to say that we turned that around.

I am a former Sellafield employee and a third-generation nuclear worker. Copeland is the most remote constituency from Westminster in England. The Sellafield site alone sustains about 16,000 jobs—probably more—in west Cumbria, directly and indirectly. I doubt that any community in the country is so reliant on a single employer, which brings its own problems.

Future investments in the constituency as a result of NuGen's proposed three new nuclear reactors at Moorside will create many more jobs and opportunities in my

[Mr Jamie Reed]

community. Thousands of jobs will be created as a result of the £20 billion investment, and Copeland will become one of the fastest growing economies not just in the UK, but in Europe. It has taken us 10 years to reach this point, working with successive Governments. The developments have taken place not by accident but, as the Minister knows, by design.

In stressing the national Government's obligations to my community, I make the case for plutonium as a national asset. West Cumbria and Britain have the potential to lead the world with an effective plutonium disposition strategy. The management of the UK's plutonium stockpile is an important and pressing issue facing the nuclear industry in my constituency and the whole country. Although movement on the issue has been going forward incrementally for a decade, it has been substantively delayed for too long.

The decision to be made by the Government is this: do we view the 140 tonnes of plutonium oxide sitting in my constituency as waste or as an asset? The three prevailing options that have been considered by the Government in recent years for the management of plutonium include: treating it as waste and looking to dispose of it deep underground; converting it into mixed oxide fuel, otherwise known as MOX; or using it as a nuclear fuel in a new type of reactor, such as the PRISM fast-breeder reactor.

If we choose to view the stockpile as waste, it will cost billions of pounds of taxpayers' money in treatment, storage and eventual disposal. That would be to reject taking a long-term effective and strategic approach to the management of the material. In essence, the Government would be opting out of adopting an integrated approach to Britain's commitment to new nuclear technology.

If, however, the stockpile is classed as an asset, its value will be enormous—perhaps unquantifiable—and it will be of significant worth to the British economy now and in the future. To facilitate the realisation of that potential, I hope that the Minister will commit to avoiding further delays by implementing a structured plan with a fixed timeline, so that the plutonium that is stored in my constituency, which is the largest stockpile of its kind in the world, can be utilised as nuclear fuel. Britain would then benefit, and not simply economically; such a decision would help us to meet our non-proliferation objectives, secure our energy supplies and fight climate change.

I fully expect the Minister to state that we have already made the decision to classify the plutonium stockpile as an asset and not waste, and that we are now evaluating which technical process and commercial platform we wish to utilise—MOX, CANMOX or PRISM. Without a structured, timetabled plan, there is the same practical policy outcome, whether the plutonium is theoretically an asset or waste: indefinite storage. The inadequacies of the approach are obvious, not least because of the changing nature of some of the stockpile owing to the presence of americium and other actinides, all of which make future disposition more difficult and expensive. A delay will have consequences, and a deferred decision will have real effects and a real price tag.

I will focus a little on what plutonium disposition means for my community. West Cumbria is a global centre for nuclear excellence. Skills and expertise in decommissioning at Sellafield, research and development at the National Nuclear Laboratory, and future investments at Moorside and the National Nuclear College all require a joined-up, holistic, forward-thinking, integrated approach to plutonium management and technology development. To continue to lead in the field, west Cumbria and the country must be provided with the necessary investment and tools needed to transform a complex and, for some, intractable policy problem into what should be a powerful asset for the benefit of everybody in the country.

West Cumbria has proven, time and again, to be an invaluable partner for Governments of all colours. Our skills, and our ability and willingness to host nuclear facilities, are unique and invaluable. As I have outlined repeatedly over a number of years, if the Minister provides the urgent clarity required on this significant issue of public policy, my community can and will provide the partnership to find the solutions that Britain needs to manage our nuclear stockpile. That is clearly an excellent, unprecedented opportunity for the Government and for my community.

In addition to contributing to the British, west Cumbrian and Cumbrian economies more generally, the use of our significant plutonium stockpile as an asset will help us to produce the fuel we need, through carbon dioxide-free electricity generation from new nuclear, and thus secure our energy supplies. My community and the country need that, and my constituents deserve nothing less.

There is a need for speed. The case for using our plutonium stockpile as an asset is substantial. We know from the coalition Government's response to the consultation on the proposed justification process for the reuse of plutonium that the Government's preferred option for managing the stockpile is to create MOX fuel for sale on the international markets. Lord Marland set that out during his time as Under-Secretary of State at the Department of Energy and Climate Change. In January 2011, he stated:

"If we have the biggest plutonium stock in the world, we must turn that liability into an asset...It is madness to have it sitting there if we can make it a non-cost exercise."

In the same speech, he set out the importance of sending

"a clear message to the people of Cumbria, because that is where the Mox plant would be located."—[*Official Report, House of Lords*, 13 January 2011; Vol. 723, c. GC177.]

However, disappointingly, the overall illustrative timeline for plutonium management in the UK, as set out in the coalition Government's consultation response on the long-term management of UK-owned separated civil plutonium, has not come to fruition. In fact, little movement has been made on the issue. Given the existence of the technology and the ability of the industry to provide such a facility, further delays should not be allowed. Time is of the essence. The longer we wait to make a decision on the issue, the more difficult it will become to implement.

Industry, investors, the supply chain, the workforce and the community in my constituency now require overdue clarity and certainty from the Government; I would be asking for the same clarity and certainty if my

party were in government. Understanding the Sellafield workforce and their role in our national story over the past 60 years is essential, and it has not been broadly understood by successive Governments, or in Whitehall.

Sellafield is unquestionably home to some of the most highly skilled, uniquely talented workers in the United Kingdom—and, in a nuclear industry context, the world. They are a knowledgeable, practical and pragmatic workforce who routinely work in some of the most challenging, high-risk environments anywhere on the planet. Make no mistake: our country's ability to decommission Sellafield safely and to budget rests on the shoulders of that workforce, and, as such, they should be valued. Of course, improvements can and should be made to better utilise the workforce's abilities—they would be the first to suggest that—but they are not the workforce that is described by the Department; they are not a feather-bedded, entitled, unproductive workforce. On the contrary, they mend the problems that politicians often create.

Those who visit Sellafield, as I believe the Minister has—I am grateful to her for taking such a close interest in these issues over a serious length of time—see that a political decision usually stands behind every decommissioning challenge that can be seen on the site, from the original Windscale pile chimneys and the legacy fuel issues created in part by the chaos brought about by the miners strikes of the 1970s to the closure of the Sellafield MOX plant in August 2011. I am tempted to write the political history of Sellafield, which is arguably more important than the technical or engineering history of the site, at least in so far as it can explain why the site is as it is today. At every turn, the Sellafield workforce have been at the forefront of those political decisions, bearing the brunt of the consequences, for good or for ill, always acting in the national interests and always in the national service.

The closure of the Sellafield MOX plant in August 2011 was accepted by the Sellafield workforce because they had been promised—I use that word precisely—that it would be replaced by a new plant, and that neither the workforce nor the community would be left to accept job losses as well as a lack of solution on the plutonium stockpile, of which we are essentially the custodians. The workforce are waiting for that trust to be repaid, and they are waiting for the solutions they were promised.

The Government recently introduced a programme of workforce reform at Sellafield, and I tabled a series of questions about that to the Secretary of State for Energy and Climate Change. Those questions have been replied to, but in time-honoured fashion, they have not been answered, which is why I have sought a meeting between workforce representatives and No. 10. As things stand, it is not clear who designed the workforce reform plan, what its objectives are, what the effect will be on the local community and on the workforce, what the estimated effect will be on the public purse or how it will ensure safer, quicker and more efficient delivery of decommissioning. I hope the Minister will undertake to give me a written response to all those questions and concerns prior to the workforce delegation meeting at No. 10. Fundamentally, there is a compact here—particularly in the light of the Trade Union Act 2016, which changed the rights of the Sellafield workforce—that risks being broken. The compact is between the state and the men and women of the biggest workforce in my

community. The Government can help to restore the compact by introducing a clear, coherent, timetabled plan for plutonium disposition.

The need for the Government to take a long-term view on plutonium stockpiles is of the utmost urgency. Given Britain's commitment to new nuclear and the process in train to identify a site for the long-term geological disposal of radioactive wastes, these essential, long-term decisions can no longer be put off. They are, in fact, part of a holistic national solution. By investing in and adhering to a strategic plan to utilise Britain's plutonium stockpile as an asset, we will not only create an economically beneficial solution to a no doubt complex issue, but further integrate nuclear research, knowledge and development in west Cumbria, thus continuing to establish the west coast of Cumbria, and indeed our country, as a centre of global nuclear excellence.

I am in no doubt that the Minister, the Department, my community, the Sellafield workforce and I all want the same thing, but it is essential that we agree on the how as well as the what. The Minister knows that I am filled with appreciation for her work, and I look forward to her reply.

11.14 am

**The Minister of State, Department of Energy and Climate Change (Andrea Leadsom):** It is a great pleasure to serve under your chairmanship, Sir David. I congratulate the hon. Member for Copeland (Mr Reed) on securing this debate. We share a great enthusiasm, as he said, for the enormous potential of the UK's nuclear expertise in decommissioning, reuse and new nuclear. He is a keen advocate for his area, which includes both Sellafield and the potential new nuclear plant at Moorside. I pay tribute to all the amazingly talented engineers who work so hard at Sellafield and on the new project. He is exactly right that one of the first things I did on taking up my post was go to Sellafield to see for myself the incredible engineering feats, the imagination, the innovation and the hard work. It is absolutely superb. I hope I can reassure him that the workforce reform is indeed designed for hazard reduction and greater efficiency and is in no way designed to undermine the efforts of those at Sellafield who are working so hard. I will certainly write to him again, as he asked, to set that out in greater detail.

I am pleased to have this opportunity to discuss and debate the important issue of the UK's plutonium inventory. The material is largely the result of the ongoing reprocessing at Sellafield since the 1950s. In fact, just a couple of weeks ago, I went up to the National Nuclear Laboratory and was impressed to see what they are doing there and to hear that they are 25 years ahead of the rest of the world in sorting, identifying, reusing and dealing with the legacy of nuclear that dates back decades. That is so impressive and is a real UK strength.

Demonstrating that we can address our own and others' nuclear legacies is key to ensuring that the industry retains the support of the public as we move ahead with our new nuclear programme. It is imperative that we do not make the mistakes of the past but that we learn from our own and others' nuclear history as we deliver a new generation of low-carbon nuclear power. The UK led the way on developing the world's civil

[*Andrea Leadsom*]

nuclear industry, and I expect us to continue leading the way on dealing with our nuclear legacy, too. For that reason, I reassure the hon. Gentleman that managing our civil plutonium inventory remains a Government priority.

As the hon. Gentleman is aware, dealing with our nuclear legacy comes with significant and complex challenges. Close collaboration between the Government and industry is essential to achieving a solution. Over the past decade the Government, supported by the Nuclear Decommissioning Authority, have developed the policy and strategy framework for managing the UK's inventory of separated civil plutonium. We are working closely with the NDA to ensure the safe and secure storage of the material at Sellafield and to plan, develop and implement a management solution for separated civil plutonium in the UK until the inventory has been reduced to zero and is put beyond reach. A key focus of that strategy is hazard reduction, which means addressing Sellafield's legacy facilities. Putting the material beyond use will take many decades, so we therefore need to ensure that all nuclear materials are stored in modern facilities that are safe and secure. A huge amount of work is already being done on that.

Since consulting on the issue in 2011, work has been under way to help us better understand the disposition options available. The Government commissioned the NDA to report on the latest round of evidence to enable the UK to move confidently into the programme's implementation phase. The NDA's report was delivered quite recently, in December 2015, and gives us a much better understanding of the technical issues relating to all aspects of the lifecycle, including a regulatory review of licensability, along with establishing the likely costs and schedules to implement each option. Those options include immobilisation by using a hot isostatic pressing technique, which involves converting the inventory into a ceramic waste form suitable for disposal in the geological disposal facility—the hon. Gentleman knows that that facility is in our plans. The immobilisation option is important because, regardless of the overall solution for plutonium disposition, a proportion of the plutonium will have to be disposed of as it will be unsuitable for use as a fuel.

The reuse options considered include MOX in light water reactors as proposed by Areva, MOX in a CANMOX reactor as proposed by Candu and use in a PRISM fast reactor as proposed by GE Hitachi Nuclear Energy. The report also highlighted where further work is required to enable an informed decision to be made.

The NDA has been quite clear with the Government that for each of the options, there is insufficient understanding as yet to move confidently into an implementation phase at this stage. Significant further

work must be undertaken to understand the technologies being proposed. The different technologies have varying degrees of maturity, and quite a bit more work is required to enable the UK ultimately to select and subsequently implement a preferred option. We must be mindful of the experience of others, looking internationally to help find a solution for the UK.

The hon. Gentleman will be aware that we want to learn the lessons from the US, which faces significant challenges involving a multi-million-dollar overspend in its MOX programme. Understanding that will be crucial to considering the full range of reuse and immobilisation options. That is why a decision on how to proceed cannot and will not be taken quickly. It is about making the right decision at the right time, underpinned by the right evidence. It is important to note that any decision will take many decades to implement, which is why a decision on plutonium disposition should not be made in isolation. There are interdependencies across the new nuclear build programme, geological disposal and national security outcomes.

The Government take the issue very seriously. Provision has been made in the NDA's budget to continue making meaningful progress on this important and complex issue. The Government are working with the NDA to scope out the next phase of research and development required to progress the decision by de-risking technology options, giving Government the confidence to move forward to a final solution.

I can tell the hon. Gentleman that although the decision cannot be rushed, all the options being considered will lead to more job creation in his area and significant investment. That will create big opportunities for local communities. As we develop our wider innovation programme, we are also considering ways to support that work through various research facilities. The Government remain open to any credible option for managing the inventory, but of course it must offer the best value for money to the taxpayer. Only when the Government are confident that our preferred option could be implemented safely and securely with an eye to cost—that it is affordable and deliverable and offers value for money—will we be in a position to proceed. The Government remain committed to working collaboratively to find a solution that will benefit us all.

In conclusion, I am grateful to the hon. Member for Copeland for his continuing co-operation and his collegiate reaction to these long-standing issues. I am happy to continue working with him in this area.

*Question put and agreed to.*

11.23 am

*Sitting suspended.*

## West Coast Rail Franchise

[MR GRAHAM BRADY *in the Chair*]

2.30 pm

**John Stevenson** (Carlisle) (Con): I beg to move,

That this House has considered the West Coast rail franchise.

It is a pleasure to serve under your chairmanship today, Mr Brady, for what is my first Westminster Hall debate of this new Parliament.

I should mention that I am the chair of the all-party group on the west coast main line. The group takes a keen interest in the line; we have met the operator and the franchisees, and recently we visited Euston station itself. I also thank and pay tribute to the West Coast Rail 250 group for its support and assistance, and for being a source of information. It is the secretariat to the all-party group and it has been of much use to us.

The forthcoming franchise is extremely important for the west coast rail line. The line is, in my view, the most important inter-city line in the country. It connects the great cities of our country—namely London, Glasgow, Manchester and Birmingham—and it links many smaller cities and major towns on the west coast of the country. Of course, I could not neglect to mention my own constituency, the city of Carlisle, which is a key railway city. Indeed, there are four railway lines that connect into Carlisle: one going to the west coast of Cumbria; one going to Newcastle; there is, of course, the famous Settle to Carlisle line; and of course there is the inter-city connection between Glasgow and London. So, the west coast line is one of the most significant and indeed vital transport links for the west of the country.

The line was originally built between the 1830s and the 1880s. It was not built as one line; it was a series of lines that ultimately got connected together. That period was the key time for investment in the line, but between 1955 and 1975 most of the line was electrified. In total, there are about 700 miles of track.

After world war two, as we all know, the railway system went into decline. There was a lack of investment, a lack of interest in the network and a decline in passenger numbers. That was true for many rail lines across the country; many lines were shut and so were a number of stations. Fortunately, the inter-city connections continued. Even though they may have had issues, they remained in use.

Then we started to see the revival of the railways in the 1990s, with the introduction of the franchise arrangements, which remain the arrangements today. On the west coast, about 17 stations are under the franchisee, although Network Rail continues to manage three of the key stations, namely, Euston, Manchester Piccadilly and Glasgow Central. On top of that, there are a number of other stations that are not part of the franchise. From an employment point of view, the west coast rail company—effectively, Virgin Trains—employed just over 3,000 staff in March 2015.

We have seen a dramatic increase in passenger journeys. In the 18 years since the start of the franchise system, the number of annual passenger journeys in Britain has risen from 845 million in 1997-98 to 1.65 billion in 2014-15, which is a faster rise than for any other major European rail system. In the past three years on the

west coast line itself, annual passenger journeys have gone up from 30.4 million to 34.5 million, so that from the start of April 2014 to the end of March 2015 4.3 billion passenger miles were travelled. Indeed, passenger journeys have grown by around 20% between 2010 and 2015.

The majority of the demand for rail travel on the west coast line is for journeys to and from London. There are around 300 train services every day on the west coast line, with journeys to and from London accounting for 63% of those services. Typically, journeys on the line are long-distance journeys, with approximately 60% of them being over distances greater than 100 miles. Of the journeys made, around 66% are for leisure, 23% for business and 11% for commuting purposes; many of the commuter journeys are made with season tickets.

The London terminus at Euston, which is obviously essential to the west coast line, is the sixth busiest station in the country, and outside London the stations at Birmingham New Street, Manchester Piccadilly and Glasgow Central are three of the four busiest stations in the country.

**Sir Simon Burns** (Chelmsford) (Con): I was extremely interested to learn about the number of journeys and of passengers using this important line up the spine of the country. Does my hon. Friend agree that by about 2024 it is expected that capacity on the west coast main line will be 100% and bursting at the seams? That is why it is so important that we move ahead with building High Speed 2, to provide some extra passenger capacity.

**John Stevenson:** My right hon. Friend hits the nail on the head with regard to the key issue with HS2, which is capacity. He is absolutely right that on many parts of the west coast line capacity is already becoming an issue, and that situation will continue as we approach the 2020s. Therefore it is vital that we invest in the rail network and HS2 is very much part of that.

Funnily enough, the line is not just about trains and stations; it is also about the track itself. In recent years, we have seen significant investment—of almost £10 billion—in the track on the west coast line. That investment has led to a huge improvement in capacity, reliability and punctuality. As a user of the line myself, I have certainly seen significant improvements in the punctuality of the service, and in the level and quality of customer services provided at both stations and on the trains themselves. However, quite clearly there are still many issues that remain to be dealt with, one of which many colleagues will understand—wi-fi. Overall, however, there have been big improvements since the start of the franchise system.

Also, we must not forget the benefit that there is to the taxpayer from the franchise system. Between 2008 and 2015, the overall payment to the Exchequer from the franchisee was roughly £650 million and over the entire franchise period nearly £1 billion has been paid to the Exchequer. As for passenger satisfaction, in autumn 2015 overall journey satisfaction with the existing west coast franchise was 91%, which was 4% higher than the average for the long-distance sector. Clearly that is good, but there is also room for improvement.

Indeed, the areas where the west coast franchise could improve were identified by the Transport Focus group in its report. The group highlighted the areas that

[John Stevenson]

passengers were most concerned about: availability of seating at stations; car parking facilities; luggage space on trains; toilet facilities; and of course value for money in the price of the tickets. Overall, therefore, comparing where we are today with where we were in 1997, when the franchise scheme started, I would say that the west coast service is much improved, but there is still room for further improvement.

Also, it would be neglectful of me if I were not to mention the aborted attempt at the franchise renewal a few years ago. Without doubt, that was a considerable setback for the Department for Transport and it will undoubtedly have put back investment and development of the service. I appreciate that we now have an interim arrangement under a direct award, which expires in April 2018. Clearly, that has been the short-term solution.

I also acknowledge the contribution that Virgin West Coast makes. It has done an excellent job. Quite clearly, it will be in competition with other rail transport companies for the next franchise, but at least it has set a benchmark that we can build upon.

There have been improvements within the direct award scheme, with investment in stations, the provision of wi-fi at stations and one or two other things. However, the situation is not the same as it would be with a full franchise; there has not been the same level of necessary improvements or the same commitment, which are what we wish to see.

I do not want to go into the many reasons why the previous franchise did not happen; we need to look forward and not to the past. Suffice it to say that I hope the Government have learned from the experience, and so far my contacts with the Government have been positive.

The really important thing is where we are today and how we can ensure that we get the new franchise right. It needs to be right for passengers.

**Karen Lumley (Redditch) (Con):** I thank my hon. Friend for securing this debate. Does he agree that some of the reported proposals, including reports that there might be cuts in services to stations such as Birmingham International, would have a detrimental effect on the west midlands economy and Birmingham International airport?

**John Stevenson:** One of the reasons for having this debate was so that hon. Members could have the opportunity to highlight key issues for their own area. I am delighted that my hon. Friend has been able to do so and I am sure that the Minister will be listening keenly.

**Mrs Caroline Spelman (Meriden) (Con):** My hon. Friend is very kind. Birmingham International airport is in my constituency. Is my hon. Friend aware that a reduction in service at Birmingham International train station would threaten that regional airport? It is a significant international airport, serving a region the same size as Denmark, and it already does not receive a service from London in time for passengers to catch the early morning flights.

**John Stevenson:** My right hon. Friend makes a valid point. Indeed, we must not lose sight of the fact that there should be integration within our transport system, between the railways, the airports and the road and bus networks.

The important thing about the new franchise is that we get it right. It needs to be right for passengers, fair for the taxpayer, right for the industry and right for those who work in the industry—we must not overlook their contribution to the network. Therefore, the level and quality of service, investment in all aspects of service and ticket pricing are some of the key issues. I am sure that other Members will have their own issues, but I want to concentrate on four in particular.

First, there is the customer and service level. It is often the small things that matter, particularly to passengers and customers, and there is key evidence of issues that customers want the forthcoming franchise to address. These include car parking—the pricing, the number of spaces and the availability at key times. Another issue is luggage and storage on trains. Many people have commented that the storage is at the end of each carriage and they would prefer it to be closer to where they are sitting. They have also commented that there should be more space for luggage. Toilet facilities and wi-fi clearly need improvement. Wi-fi has improved at stations, but there is definitely an issue—I speak from personal experience—on the trains themselves, and customers are keen to see wi-fi improved.

Then we have congestion. Carlisle, I have to confess, is a quiet station compared with many others, but at Euston there is what many call the Euston sprint—people charging for the train, sometimes in an unedifying manner. There is clearly room for improvement on that in the franchise in the future. Customers' views and opinions need to be heard, and there needs to be an appropriate conduit between the customer—the passenger—and the train companies and, indeed, on into Government. In my own experience, customer care has been positive overall, but customer service questionnaires demonstrate that there is still a lot of room for improvement.

Then we have ticket pricing. What is the Government's overall aim? What balance do the Government want to see between the taxpayer and the passenger? What about the link between the retail prices index and the consumer prices index? What about competition? Those issues need to be addressed in the forthcoming franchise. I appreciate that revenue raising and the balance between the taxpayer and the passenger are important for the Government, but they are also important for the passenger and the taxpayer.

**David Mowat (Warrington South) (Con):** I congratulate my hon. Friend on leading the charge on this issue. The things he has listed are best addressed if there is proper competition in the franchise process. Does he agree with me and the National Audit Office that unless the Government get at least three or four participants in the bidding process, there will be a risk of inadequate competition? Does he also agree that, although Virgin has given an adequate service—in some ways, a good one—the Government must ensure that it does not have too big an incumbency advantage in the bidding process?

**John Stevenson:** My hon. Friend makes two valid points. There must be competition. We need to encourage many different businesses to come in and challenge Virgin for the franchise, to ensure that we get the best possible franchise for the taxpayer and the passenger.

We need transparency and simplification. The ticket-pricing system needs to be easier for the consumer—the passenger—to understand. I accept that there are technological changes going on, and it would be interesting to hear from the Minister how she wants to drive them forward. I am old-fashioned, and when I go on the train I have my tickets in my hand while many people get out their mobile phone. Such advancements are positive, but I am interested in the emphasis that the Minister wishes to place on them in the new franchise.

The third issue is clearly Euston station itself. As I have mentioned, it is the sixth busiest station in the country, and to a significant number of passengers it is the only station that matters. We have HS2 ahead, and there will be a huge change at Euston with the substantial development works there. How will the Government ensure that the works are done in a timely fashion, and what will they do regarding the certain disturbance over a long period? There will be an impact on timetabling and a restriction on the innovation that train companies can bring about, and there must be a question over the punctuality that services will be able to attain during that time. There will be a reduced number of platforms, which will clearly affect the next franchise. The customer—passenger—experience will be a concern, as usage could be affected. There is a commitment for the timetable to continue as it is, but if we get to a stage when trains are not arriving on time, there will be a danger that passengers start to look elsewhere—to other ways of getting to and from London. I am, therefore, very interested to hear what the Minister has to say about the proposed Euston development.

Then we come to station investment. I have talked about Euston. Clearly investment there is a key issue for many, but we must not forget the smaller towns and cities up and down the west coast line—for example Preston, Milton Keynes and my own city of Carlisle. Will the Minister confirm that the stations—I think there are 17 in total—will come under the control of the franchisee rather than of Network Rail? Will she also confirm that any leases that are produced between Network Rail and the franchisee will allow the maximum amount of investment and a high degree of flexibility? Most important, will she confirm that there will be a mechanism for the payment of residual value in the event of a change at the end of a franchise? The all-party group is very concerned about that, because in the last proposed franchise we had confirmation that a residual value clause would be incorporated into the agreement, but that turned out not to be the case. We are, therefore, seeking reassurance that such a mechanism will be included in this franchise. It has been mentioned in the past that the northern franchise has an element of that mechanism, but our investigations and discussions have shown that the present clauses are inadequate and need to be beefed up in the new franchise.

I firmly believe that, with a residual value clause and encouragement by the Government to invest in stations, we can go beyond the passenger rail experience to opportunities for business, retail and other such things. If I may use my own constituency and railway station as

a good example, Carlisle is a prime centre for investment and a real opportunity for an ambitious franchisee. However, we need the mechanisms to be in place.

In conclusion, the key issues include Euston, the impact of HS2 on the franchise and what the Government intend to do about it. Further reassurance is needed that investment in the west coast line will be maintained even though a lot of money will be spent on the HS2 line, and the Minister must continue to ensure that Network Rail considers opportunities to increase capacity on the west coast line in addition to the increased capacity from HS2. More specifically, we need to put the consumer—the passenger—at the centre of the franchise, and pricing and customer service are important aspects of that.

For me, one of the most important things is station investment. We must not lose sight of the fact that the smaller stations up and down the west coast are equally important and matter to many people in different ways. I ask the Minister to undertake to include a residual value clause in the forthcoming franchise agreement; otherwise it will be a huge missed opportunity.

I await with interest the Minister's comments, and her assurances that the upcoming franchise will lead to improvements in those areas and in the service. We must ensure that the west coast main line continues to play its part, and indeed improve, as one of the most important pieces of infrastructure in our country.

2.49 pm

**Mr Jim Cunningham** (Coventry South) (Lab): This is probably the second time that I have taken part in a Westminster Hall debate that you have chaired, Mr Brady, although we have known each other for a considerable time.

I will not take too long, but there are one or two issues that concern Coventry and investment there. As part of the consultation, it was suggested that the three trains an hour running through Coventry could be reduced to about two an hour. That could affect people going to work, as lots of people go to work in Coventry and lots of people from Coventry work outside it. It is important to think about that, if we are to line things up with high-speed rail, which will bypass Coventry. My experience is that if anyone is going to invest in the city, one thing they will ask about is the transport system, as well as such things as executive housing, the education system and the skill base. Transport is part of the whole package, and that is why I express concerns about high-speed rail and its impact on Coventry. We have in other places debated the issue of compensation for those affected, but that is part of another debate.

The intention is to reduce journey times between Birmingham, Manchester and Liverpool, and no one would quarrel with that, but we have to look at the impact on other areas, and I wonder how that fits into the Government's proposals. Next year, they will set up the west midlands combined authority. It has been said that the combined authority will be an engine for economic growth in the region, but what about the impact of high-speed rail? If there is a reduction in the frequency with which trains go through Coventry and areas like it, the west midlands will certainly not gain too much out of that.

[Mr Jim Cunningham]

It is interesting to note that journeys to and from Coventry have tripled over the past decade, from 2.35 million in 2004-05 to 6,252,888 in 2014-15. That is a considerable increase by any stretch of the imagination. As part of the franchise, we should also look at the fare structure. It could be argued anecdotally, as it were, that it is cheaper to fly than to travel by train in the midlands, and that should be looked at—and it is not just about off-peak prices.

**Mrs Spelman:** The hon. Gentleman is right to mention Coventry's position in relation to the new high-speed rail, and how that works with changes to west coast main line usage. HS2 will not be open until 2026; surely it is important to ensure that the west coast main line has the maximum capability, given that it is already at capacity, before the new service opens, so that the region, and Coventry in particular, are not compromised.

**Mr Cunningham:** I totally agree with the right hon. Lady. I know that she, along with her colleagues, takes a considerable interest in the welfare and prosperity of the west midlands. Earlier she raised a point about Birmingham airport; we should take a good look at the impact that high-speed rail could have on Birmingham airport and passengers. This is not necessarily a criticism, but the organisation of that airport needs to be looked at, from the point of view of passenger comfort. Passengers flying into or out of the airport have a considerable distance to go when they get off or go to the aircraft. It is quite a long walk, to say the least. The airport should look at how it organises things on behalf of passengers, whether they are going through customs or just coming back from a journey. While we all support the airport, we have to make it more passenger-friendly.

I link that with what I have been saying about the situation in the west midlands. The airport is part of the prosperity of the west midlands. Coventry airport, if I remember correctly, used to benefit from freight from Birmingham airport. Those are some of my concerns relating to how Coventry sees itself. I do not want to be too parochial, because at the end of the day we have to act in the best interests of the region, but those concerns have to be expressed.

I ask one final question, which I hope the Minister will answer. What has happened with and to the NUCKLE project? I am sure that some MPs with constituencies near mine share that concern. That project is important to the prosperity of not only Coventry but Nuneaton, and it seems to have come to a standstill. The Minister may know more about that than I do. It is vital that the line is looked at, because people have been waiting for it for 10 years. I have been involved in a number of delegations over the past decade to try to get that project off the ground. That is all linked to what I have said about Coventry station and the west midlands.

2.55 pm

**Mark Pawsey (Rugby) (Con):** It is a great pleasure to serve under your chairmanship, Mr Brady. I congratulate my hon. Friend the Member for Carlisle (John Stevenson) not only on securing this important debate, but on his chairmanship of the all-party group. He raises the profile of the line, which he described as being of

national importance. It is important to his constituents in providing access to Manchester, the west midlands and our capital city. My constituency is much closer to London than his, but the west coast main line is equally important to Rugby. Like him, I am a regular user of it.

Rugby has excellent communication links, not least road links. We are at the crossroads of the UK motorway system. That fact led to the media identifying “motorway man” in the 2010 general election. He is a sales engineer or a sales manager who needs good access to the motorway network to carry out his business around the country. We have great road networks, and that has benefited our logistics industry. We are at the centre of the golden triangle where logistics companies want to locate themselves.

Our communications by road are good, but our rail links are equally important, because they provide Rugby with access to the north-west and, importantly, London and the south-east. The 50-minute journey time from Rugby station to Euston is vital for our local economy. Those things make Rugby an attractive business location, particularly in relation to sites in London and the south-east. The cost of premises and the cost of employing staff are lower in Rugby, but many businesses need good access to the capital for meetings and for accessing professional bodies. Our 50-minute journey time means that it is often quicker to get to central London from Rugby than it is from many places with a London postcode. We have that resource—it is a great asset to Rugby—and we want to keep it.

Rugby is growing very fast. We are just about to start the development of 6,200 new homes on the former Rugby Radio site. Immediately adjacent we have commercial development on the Daventry international rail freight terminal, which will provide for additional consumers on the railway line. The future of the west coast main line is important to Rugby. It is also important that the Government get the handling of the franchise right, especially in the context of the completion of the London to Birmingham phase of HS2, which should be delivered in 2026.

One or two people have said to me that consultation has already started, but the contract period will not start until April 2018, almost two years away. They say, “Why are the Government consulting so early? Why are we talking about this franchise now?” Given the history of the franchising process on the line, it is important that the process is thoroughly checked. The point has been made to me that the very last thing we need is a repeat of what happened with the previous allocation of the franchise. The Minister will be at pains to provide assurances that that will not happen this time.

The consultation document is looking for the views of passengers, businesses, local authorities and local enterprise partnerships so that priorities for improvement can be identified and to inform what the Department for Transport should include within its tender document. One concern that has already been referred to in the context of Birmingham airport and Coventry is contained in paragraph 3.17 of the consultation document. It refers to peak times where levels of service might not reflect demand and—this is the bit that those of us who have read the document are concerned about—it says:

“there may be opportunities to adjust the level of service at stations which might enable wider benefits to be delivered elsewhere.”

What might that mean? The document goes on:

“For example reducing the number of stops required at intermediate stations”.

That is a matter of concern for my constituents in Rugby and for those in Coventry.

**Mr Jim Cunningham:** The hon. Gentleman has touched on a vital point that I mentioned earlier. I am sure he will support and agree with me. Coventry, as he knows, is making a bid for the city of culture. It is not only vital that we get the traffic flow at the airport right, but equally important that we get the franchise right in relation to the frequency of trains because, as he knows, we can get a lot of tourism as a result, and Coventry has got a big tourist attraction.

**Mark Pawsey:** The hon. Gentleman is absolutely right. This is a matter of concern. In fact, the West Midlands Integrated Transport Authority, which represents the seven metropolitan authorities in the west midlands, has voiced concerns in respect of Wolverhampton, Coventry, Sandwell and Dudley. As my right hon. Friend the Member for Meriden (Mrs Spelman) highlighted, the point has been picked up by the operator of Birmingham airport as a possible threat to the region’s aviation connectivity, leading in turn to a threat to the west midlands’ economic development and levels of employment.

The same concerns apply to Rugby. It is of course very easy to reduce journey times between major conurbations and reduce the numbers of people on the trains by having those trains ceasing to stop at intermediate stations. I am a regular rail user and I can see changes that can increase capacity. The first, which has substantially been done, is to increase the length of trains. We have 11-car Pendolino trains, but a substantial number of nine-car Voyager diesel trains remain running. Replacing those and getting them up to 11 cars is important.

Secondly, the conversion from first class to standard class has partly happened. This was spoken about several years ago, but when I go to Euston station to catch a train to Rugby, I regularly walk past four pretty empty first-class carriages to get into one of the five or seven standard-class carriages.

Thirdly, more effective use of pricing can be used so that trains in the middle of the day take some of the load. I regularly come down from Rugby on the 12.23 and I often sit in a carriage that I think holds about 80 passengers with no more than a dozen or so. So additional use of pricing can be made to spread the load.

The hon. Member for Coventry South (Mr Cunningham) said that he would not be too parochial, but I will be, if I may, because Rugby has a very active rail users group. I meet them regularly and I am grateful to them for their observations. They have made clear to me some of the things that they would like to see, and I know they will be attending various consultation events, one of which will take place at Rugby station on 23 June. It is very important for Rugby rail users that there is no diminution of services at Rugby, especially not as regards the excellent fast service to Euston to which I have referred.

For some time there have been concerns about a recent reduction in direct services to the north-west, which historically took the Trent Valley line. Many of those trains no longer stop at Rugby, which means that a Rugby passenger wishing to travel to the north-west

has to change at either Coventry or Birmingham International. Given the importance of Rugby as a commercial centre, as I have mentioned, it will be increasingly important for us to have links to the northern powerhouse.

The consultation will refer to stations, and Rugby station is one of those included in the franchise. The substantial recent increase at Rugby is starting to put pressure on the facilities at Rugby station. We had a fantastic station upgrade, which was completed in around 2008. The upgrade of the west coast main line gave our station a transformed appearance and provided a much better gateway to Rugby. Previously, people arriving would have had to walk down a long dingy tunnel. Now we have a new ticket hall, new catering facilities and a multi-storey car park. However, our parking facilities have not kept pace with the growth in the line.

It is often not possible to find a space in the car park on a Tuesday, Wednesday or Thursday. It is less of a problem on a Monday or Friday when there are fewer commuters and people are more likely to be working at home or perhaps taking a day’s holiday. So we need additional parking facilities, although I would add that we might be able to make better use of the existing space if the indicator boards at Rugby station, which have been out of order for quite some time, were repaired. I have raised that with Virgin, and perhaps a note in *Hansard* might push that along and get it sorted so that people can draw up at one of the three car parks in Rugby and have confidence that there is a space for them.

We need additional car parking spaces, but we could also do with additional investment in the road network around Rugby station. There is a particular issue with congestion around peak times. People have been known to be late for a train as a consequence of the congestion around the station, which is very much caused by the single running on Mill Road, a road running underneath the station that is controlled by traffic lights. That really needs to be upgraded to two-way running. It is a real shame that the opportunity to improve that was missed when the railway line was realigned in the west coast main line upgrade. It certainly needs doing.

Partly as a consequence of the congestion around the station, there has been recent talk of a possible parkway station just outside Rugby on the Northampton loop of the west coast main line, which would be two or three miles away from Rugby. Frankly, I cannot see the point in Rugby having two stations two or three miles apart. I and I think most of my constituents would much rather see investment in the infrastructure around the station, giving better road access and the additional parking to which I have referred.

On the services that Rugby receives, there is a particular issue with Saturday evening services from Euston station. The last train to Rugby from Euston on a Saturday evening is at 21.23. That of course means it is not possible for my constituents to attend a performance at a theatre in London and catch the train home. They have to stay overnight or alternatively, as my wife regularly does, come down for a matinee, but people should be able to catch the last train back in the evening.

Of course, when people do take late train services, the trains are slowed down and take longer. The last train on a Saturday leaving Euston at 21.23 takes 1 hour and 21 minutes. The last two trains on a weekday are at

[Mark Pawsey]

22.30, which takes 1 hour and 28 minutes, and at 23.30, which takes 1 hour and 35 minutes. The fastest train takes 48 minutes. Why cannot we have trains running at that kind of speed later in the evening to enhance people's use of the railway?

We have heard quite a bit about HS2. I do not think it is possible to consider the future of the west coast main line without some reference to HS2. It is vital that even when investment starts to be made in HS2 money continues to be spent on the west coast main line. What we do not want is a Cinderella line that gets forgotten about while the all-new sexy high-speed rail is developed.

In terms of general improvements, my hon. Friend the Member for Carlisle has spoken about improvements needed at Euston station. I am very familiar with the Euston sprint. The concourse is small and people race to the train. Earlier notice of the platform allocated to a train would be helpful. I share my hon. Friend's concerns about reductions in space available at Euston while the construction phase of the high-speed rail is undertaken.

**Mrs Spelman:** At the other end of the line the construction of the new parkway station at Birmingham International will be one of the earlier phases of HS2 construction so does my hon. Friend agree it is important that the Department for Transport looks at the compromised access at Birmingham International railway station throughout the construction work, which is scheduled to last at least five or six years and will involve major changes to the road infrastructure as well as the railways?

**Mark Pawsey:** Of course. People understand that development entails some disruption, but it is important that the disruption is not excessive and does not outweigh the advantages of what might be coming later on.

My hon. Friend the Member for Carlisle spoke about the need for better wi-fi and better mobile phone signals, which involves investment on the track. There is also a need for more flexibility between the tickets of the operators on the line. London Midland also operates on the line, and occasionally it is difficult to transfer a ticket between one operator and another. Occasionally, when people have bought a ticket from the existing operator, Virgin, and want to upgrade it, they cannot do so. They have to throw the old ticket away and buy a new one. It would seem to make sense if someone who wanted to change to a peak train could simply pay the difference, rather than having to buy a wholly new ticket.

An efficient west coast main line is vital to the economy in my constituency. We have been well served by the existing operator in recent years, but it is vital to make certain that the new franchise will enable my constituents to continue to enjoy a good service and good facilities on the line.

3.10 pm

**Alan Brown** (Kilmarnock and Loudoun) (SNP): It is a pleasure to serve under your chairmanship, Mr Brady. I congratulate the hon. Member for Carlisle (John Stevenson) on bringing forward this timely debate.

The hon. Gentleman spoke in his opening remarks about connecting the great cities of the country. In my opinion, it is about connecting the great cities of the countries of the UK, rather than a single country, but maybe that is me being parochial. I agree with everything the hon. Gentleman said about customer service and the importance of incorporating that into the new franchise and getting it right on car parks, luggage storage, toilets and wi-fi. I have to confess that I have been caught up in the "Euston sprint", so I will try to remember the advice—it is a rather unedifying sight when the wee voice in the back of my head says, "Run! Run, get that table!"

The west coast main line is very important to Scotland, given that it is one of two cross-border lines that serve it. For me, it is imperative that the Scottish Government are consulted and allowed to have an input on the new franchise. As to the other cross-border route, if the UK Government want to assist with the extension of the Borders railway to Carlisle, I am sure that the hon. Member for Carlisle would like that.

It was only recently that the importance of the west coast main line was demonstrated, indirectly, with the forced closure of the Lamington viaduct. Not only did that disrupt cross-border services; there was a considerable knock-on effect on local services north of Carlisle. Local commuter services in my constituency were affected because trains were rerouted from Carlisle to Glasgow via Kilmarnock.

To return to my point about the Scottish Government's involvement, the 2012 franchise shambles confirms my view. The award process was scrapped at the 11th hour without the Scottish Government being notified; that had a knock-on effect on the Scottish Government's tendering process for the ScotRail franchise. Also, scrapping the FirstGroup award and the direct award to Virgin cost the taxpayer about £50 million. That £50 million is equivalent to the cost of the free wi-fi that the Department for Transport pledged for some train services in 2015. A current issue, which I have raised in Parliament, is "talking buses" and the provision of audiovisual equipment on buses; the cost is estimated at £5 million a year, and we can see what that £50 million could have done, if it had not been wasted in that franchise process.

The direct award that resulted from the scrapping of the franchise limited the Government's negotiating hand. It is much more difficult to deal with a sole bidder. I recognise that there was scrutiny of the direct award, to try to ensure best value for money. I note that the commitments made as part of that included the conversion of 21 first-class carriages to standard class; £2.5 million to improve the interior of the Pendolino fleet; £20 million to modernise and enhance stations; work with Network Rail to improve journey times from London to Scotland; and work to remodel the Carstairs junction in Scotland. I hope the Minister will update us on the progress of all those things that are part of the current direct award franchise, and see how they could be built on and improved in a future franchise. The shortest journey time to Glasgow at present is still four and half hours; it has certainly not decreased in recent years.

As for train carriage refurbishment, I will just make a wee plug for a company in my constituency. It is a train refurbishment company called Wabtec, and the work it does—the quality of the fit-out—is genuinely fantastic. The carriages look brand spanking new once they are

refurbished, and the turnaround time is incredible. I make a wee plea to the Government and any of the train companies that are listening to bear Wabtec in mind.

When it comes to reducing journey times to Scotland, it is imperative that rail upgrades north of Crewe should tie in with the planned upgrades for HS2. At present, the planned high-speed classic compatible trains will actually run slower when they are in the existing train network north of Crewe, because they are designed fundamentally for the high-speed infrastructure. Previously, Ministers have told me that that would be addressed in the next investment phase for Network Rail. Will the Minister confirm that the improvements north of Crewe, which should clearly benefit the hon. Member for Carlisle and his constituents, will be taken on board in the Network Rail investment phase? Without that investment, the current journey time of four and a half hours will be really difficult to get down to the predicted three hours and 40 minutes—the stated post-phase 2 journey time to Glasgow. Otherwise, it seems to be a matter of the timetable that clearly exercises other hon. Members; and I can understand why they are fighting for their constituents, to make sure they do not lose out on services this year.

I want to comment briefly on the recent ScotRail franchise, which has been awarded by the Scottish Government. I suggest that it contains some of their asks for the forthcoming west coast main line franchise. The franchise, which was awarded to Abellio, confirmed that the living wage will be payable to all staff and contractors. There were no compulsory redundancies, and pensions and travel rights were protected. There is free wi-fi in all trains—wi-fi has already been mentioned in the debate—and upgraded rolling stock. Also, Abellio relocated its headquarters to Scotland. I am not saying that that would be an ask, but, again, if the winner of the west coast franchise wants to relocate its headquarters to Scotland, it will be very welcome.

In answer to an oral question I asked in the Chamber, the Secretary of State advised me that the Scottish Government could learn good practice from the UK Government, but I beg to differ, given that the ScotRail Abellio franchise was awarded in October 2014, with the bidding process starting just after the previous west coast main line shambles. At that time, the Labour party called on the Scottish Government to halt the ScotRail franchise process, on the basis that some unspecified powers might come to Scotland after the Smith commission.

Rather than proceeding with a bid that allowed new investment, new ticketing, new jobs and a possible profit share, the Scottish Government were asked to do nothing but extend existing arrangements—which would have prevented that investment. For a franchise to work, there must be some form of security as to duration, and that is why it was important to go ahead with it. Under Labour's plans, we would have been left in limbo until at least the year 2018, and more likely 2019. Actually, by then we will be half way through the Abellio franchise, which is allowing continuing investment at the moment. Also, now that we have additional powers under the Scotland Act 2016 to allow a public sector bid, it is possible to plan for that process, for when the Abellio franchise comes to an end, which will be in 2022 or 2025.

To go back to the main thrust of the debate, the new west coast main line franchise must have Scotland at its heart, and accordingly it must have reduced journey times to Scotland. That means marrying the new franchise to the strategic rail investment programme. It also means involving the Scottish Government.

**Mr Graham Brady (in the Chair):** We have about 40 minutes for the three Front-Bench winding-up speeches, and perhaps a brief comment from the hon. Gentleman who moved the debate. I trust the Front-Bench spokesmen to co-operate with each other to ensure that that happens.

3.19 pm

**Drew Hendry** (Inverness, Nairn, Badenoch and Strathspey) (SNP): I always try to co-operate with the Chair and make sure to keep to the point, Mr Brady.

I congratulate the hon. Member for Carlisle (John Stevenson) on securing this important debate. It is always good to start these debates with points of agreement, and he made a number of good points. He said that this was a vital development for the west coast; I absolutely agree. He discussed the need to improve seating, toilets, luggage space and value for money for consumers and users, as well as parking and other facilities that people need to use the train network effectively. He rather skimmed over the franchise bid process—he went past it in his own version of the Euston sprint—but he can rest assured that I will cover that in a little more detail; not too much, but a wee bit. He mentioned what he described as the small things, although actually they are big things, as I think he knows; as he said, they are important to people. Unless we get the big things right—the developments at Euston station, which he referred to, and the franchise—those other things will be much more difficult to tackle.

The hon. Member for Coventry South (Mr Cunningham) rightly discussed the need for a better passenger experience, the effect on Coventry and Birmingham and the need to ensure that the Government are taking into account the connections required. That must happen all along the line from Euston to Glasgow and Edinburgh.

The hon. Member for Rugby (Mark Pawsey) rightly pointed out that the franchise must be handled right, and I will come to that point. He also discussed the need for new trains. As we have seen, the SNP Scottish Government's franchise deal includes new trains and new stations across Scotland as part of the arrangement. There are lessons to be learned there.

My hon. Friend the Member for Kilmarnock and Loudoun (Alan Brown) also mentioned the franchise. He talked about the knock-on effects, which are very important, and he made the great point about the cost to the public being equivalent to the cost of putting in place the wi-fi that is currently missing from passengers' journey experience. He spoke about the ability to put into practice innovations, such as audio-visual accessibility, that make a huge difference to the travelling public who may need assistance. I underline his call for the Minister to update us on the commitments made during the direct award; I hope that we will hear from her on that. It would be remiss of me not to underline the great work done by Wabtec in his constituency on refurbishing rolling stock.

[Drew Hendry]

The west coast line is important to Scotland. Five Scottish stations are affected—Lockerbie, Carstairs, Motherwell, Glasgow and Edinburgh—so it is important that the Scottish Government have a say in the franchise process. I was pleased to see the Minister nodding when that came up earlier—I hope we will get a commitment from her on that. Passengers must have a safe, fast, frequent, reliable and punctual service that connects Scotland to London and the intermediate locations that have been mentioned, with on-board facilities and fares that attract passengers to the rail network and retain them.

Indeed, the UK Government can take lessons from the SNP Scottish Government on how to conduct a franchise process while offering passengers a fair deal on ticket prices and fares. After the shambles of the 2012 franchise bidding process, the UK Government must ensure that the next franchise process has the public's confidence and that it will be able to deliver value for money for passengers. The cancelled franchise process for the west coast main line brought the whole franchise bidding process into disrepute, leaving the public with no confidence in the Government to conduct major rail franchise bids. In fact, the Public Accounts Committee said in 2013 that

“the Department did not apply basic processes properly.”

Crucially, the Committee also said:

“This is not the first time we have come across this situation.”

The Laidlaw inquiry found that there was a damning failure and that the public were left with a lack of confidence. That cannot be allowed to happen with this franchise.

The west coast main line serves five stations in Scotland, as I have said, and is one of the main routes that links passengers in Scotland with Liverpool, Manchester, Birmingham and London. At the time of the cancelled process, as my hon. Friend the Member for Kilmarnock and Loudoun mentioned earlier, the Scottish Government were going through their own franchise process for ScotRail, which had to be put on hold with absolutely no notice to Ministers in the Scottish Government. Keith Brown, the Scottish Cabinet Secretary, said:

“We had no advance notice of this decision being made. Obviously it does have implications for the line itself...what I would like to do is be involved in that discussion with the UK government to say what is best for rail users in Scotland.”

That is a fair request.

**John Stevenson:** The hon. Gentleman makes a fair request to the UK Government; may I make a fair request to the Scottish Government? Carlisle station is a station for the Scots as much as for the English. If the opportunity arises for investment in the station from the Scottish Government, will he support that?

**Drew Hendry:** Absolutely. I hope the Minister will act on the hon. Gentleman's promotion of Carlisle by committing to look into connecting the new Borders railway with Carlisle. Perhaps that is something we could investigate as well. It would benefit many more people.

As I said, at the time of the franchise process, there was no communication with the Scottish Government. On the basis of the Minister's comments, I am hopeful that that will change in future years.

As for the passenger experience, people in the 21st century have a right to enjoy a train journey. There ought to be a focus on working with others to deliver improvements to stations and to the passenger experience. The points that the hon. Member for Carlisle made when he spoke about improving the passenger experience are all vital to ensuring that overcrowding is reduced, that ticketing is sorted out properly and that integrated journeys are increasingly facilitated across all the stations in England and across the border into Scotland as well.

The UK Government should ensure that the new franchisee makes fares affordable across the piece. The Scottish Government have already taken action to ensure that fares are affordable across the Scottish rail network, by ensuring that their new franchisee will continue to limit regulated peak fare increases to the level of the retail prices index. Regulated off-peak fares will also be limited to increases of 1% below RPI for the lifetime of a 10-year franchise. The Scottish Government are making the best of the system that the UK Government continue to persist with. The Conservative UK Government introduced railway franchising in the 1990s, and the legislation precludes any public sector organisation from bidding to operate a railway service. No such barrier applies to state-backed organisations from Europe or elsewhere. That is patently unfair, so I hope we can look at how we can adjust that.

The SNP tabled a new clause in the Scotland Bill that would have devolved rail services in Scotland, giving Scottish Ministers full powers and flexibility to decide who would run such services. However, like every other SNP amendment to the Scotland Bill, it was voted down by MPs. The new clause also sought to ensure that the provisions of the Railways Act 1993 allowed direct awards to be made, to the full extent possible under European law, for the operation of rail passenger services such as the ScotRail Caledonian sleeper.

As a result of the franchise deal in Scotland, passengers and staff will enjoy an enhanced range of benefits, with advance fares between Scottish cities starting at £5, a commitment to pay at least the real living wage—the one applied in Scotland—to all staff and subcontractors, at least 100 apprenticeships and a guarantee of no compulsory redundancies.

**David Mowat:** I was waiting to see whether the hon. Gentleman would address an issue that I am interested in. One day HS2 or a high-speed line will go to Scotland. Do the Scottish Government have a position on whether they would prefer that line to go up the west or the east coast?

**Drew Hendry:** At the moment, the Scottish Government's position is that we must be included in the discussions. The UK Government have brought forward no plans to ensure that we are connected by HS2. It is vital to us that the routes that connect Birmingham and the central belt in Scotland are electrified immediately or as quickly as possible. As for the high-speed line, it is very difficult for me to give the hon. Gentleman a basis for our policy without seeing UK Government Ministers' plans, because we have to scrutinise them to decide what is best for Scotland.

Rail staff pensions and travel rights are protected under the Scottish franchise. Crucially—this has come up a number of times—to make sure that we are connected

and do business properly, there will be free wi-fi on all trains. That is often missing on journeys down here. There will be a new approach to cycling, with more than 3,500 parking spaces and bike hire at a number of stations. Eighty new trains are due to arrive at the start of December 2017, and there will be 23% more carriages across the network.

As I said earlier, the west coast main line affects Scotland. I mentioned the five stations. Passengers must have fast, frequent, reliable and punctual services connecting Scotland to London. The UK Government must commit to ensuring that the Scottish Government are much more involved in the future franchise.

3.30 pm

**Andy McDonald** (Middlesbrough) (Lab): It is a pleasure to serve under your chairmanship, Mr Brady. I thank the hon. Member for Carlisle (John Stevenson) for securing this crucially important debate. It is a pleasure to follow the hon. Member for Ross, Skye and Lochaber—

**Drew Hendry:** Inverness, Nairn, Badenoch and Strathspey.

**Andy McDonald:** I beg your pardon. I am going to talk about HS2 in my speech—it has been touched on already —

**Mr Graham Brady (in the Chair):** Briefly.

**Andy McDonald:** Very briefly.

May I also briefly pay tribute to Mr Neil Caulfield, who tragically passed away last week? He was a wonderful Clerk to the HS2 Committee. He was wonderfully helpful and professional, and we will miss him. I pay tribute to him and to all the Clerks who support us through this work.

The west coast main line is the backbone of Britain's railways. It services great cities and towns in England, Wales and Scotland. The issues raised today are vital to so many passengers, as more than 34 million journeys a year are made on the service and almost 7 billion passenger miles are travelled. As the hon. Member for Carlisle said, the west coast franchise, which is currently operated by Virgin, ends in April 2018, and the Department is running a competition to find an operator for the next franchise. Before looking to what the Government should seek from the operator of the next franchise, I would like to secure assurances from the Minister that there will be no repeat of the franchising fiasco of 2011-12. The Department conducted a competition and announced that FirstGroup had been awarded the franchise before having to cancel the competition and subsequently award it to Virgin at a not insignificant cost to the taxpayer. That caused a great deal of confusion. The railway industry needs to be able to have confidence in the mechanisms of contracting. We simply cannot have a recurrence of that debacle.

The hon. Gentleman mentioned Euston station, which is considered to have particular problems. We have heard that it is often overcrowded and difficult to navigate. It is awkward to buy tickets, and there is a short time between announcement and departure. People speak of the unseemly scrum once the information appears on the screens. In its February 2016 report, "InterCity West Coast rail: what passengers want", Transport Focus

recite passengers describing the experience as "stressful and unpleasant". The national rail passenger survey of west coast passengers in part reflects that, with a rating of 11 percentage points below average.

The good news for passengers at Euston is that it will be redesigned to become a modern, easy-to-navigate, integrated station. The bad news is that things will probably get worse before they get better. I am pleased that the Government have given assurances to Camden Council about the £2.25 billion redevelopment of Euston proposed by Labour, consequent on the passage of the High Speed Rail (London – West Midlands) Bill. When the station is completed, passengers will experience less crowding and improved connectivity among rail, bus and taxi services. Routes for walking and cycling through the local area will be created. That will go some way to addressing passengers' concerns, but it is often the case with major station improvements—we see this at the moment at London Bridge—that passengers are significantly disrupted and inconvenienced during the period in which the work is taking place. I would like some assurances from the Minister about those matters.

Sir Jeremy Heywood, the Cabinet Secretary, is currently analysing HS2 to trim costs and gauge whether the £55 billion project can keep within budget. There have been rumours that the Government might entertain plans to alter the route of HS2 or their plans for an integrated Euston station, and instead have the high-speed trains run only to Old Oak Common. That would put a great deal of stress on Crossrail, which was not planned to include that extra capacity. I must admit that I find it strange that, after Report and Third Reading, and given the exhaustive and exhausting legislative process for HS2 to date, the Government are again having to re-assess it. Although close attention to and scrutiny of cost is absolutely vital, I am concerned that what appears to be a comprehensive review of key issues within HS2 runs the risk of undermining confidence in the Government's capacity to progress the project as planned and agreed. Will the Minister clarify what Sir Jeremy is considering? If the plans for an integrated Euston station are still on track, what will be done to mitigate the impact on west coast services, given that the number of platforms available at Euston to the west coast service will reduce from 18 to 11? Once it is up and running, HS2 will provide extra capacity, relieve congestion on the line and improve passenger experiences. Those are some of the many benefits of HS2.

The hon. Member for Carlisle spoke about fares and ticketing, which are a common source of frustration for passengers, who too often feel they get poor value for money from train operating companies. One of the consequences of privatisation is that we were left with the most expensive and confusing ticketing structure in Europe. Many passengers struggle to understand fare structures and pricing; the difference in cost between tickets strikes people as illogical. The discrepancy between fares, especially if someone needs to travel at short notice—as might be the case for a family funeral—often leaves passengers feeling that the train operating companies have ripped them off.

Compared with the national average, west coast performs relatively well on value for money—however, that is against an exceedingly low baseline of just 48%. Frustrations over fare structure and pricing are common passenger complaints. There is more that the next franchise holder

[*Andy McDonald*]

can do in that regard, including simplifying fare structures, making the purchasing experience less complex and more transparent, lessening the cost discrepancies between similar journeys, and allowing passengers to find the best tickets available for their journey.

**Mr Jim Cunningham:** One of the reasons why the fare structure is complicated and expensive is that, over the years, successive central Governments have gradually reduced the subsidy for fares.

**Andy McDonald:** My hon. Friend makes an excellent point. There is always a balance between fares and subsidy, and Governments of every colour have to struggle with that. On that very point, there are certainly improvements to be made, but I fear that as long as the Government persist with an exclusively privatised rail network, the feeling that passengers are receiving poor value for money will persist, and understandably so. Virgin runs one of the better services in the country on the west coast, but it is a poor comparison with our recent experience of when the public sector was presented with the opportunity of running passenger services. We need only to compare Virgin's receipt of £2.5 billion in direct subsidy, and the £500 million it paid out in dividends between 1997 and 2012, with the performance of Directly Operated Railways between 2009 and 2014, which ran on a much lower subsidy. Under public operation, the east coast returned the highest level of premium to the Government—over £1 billion—while achieving passenger satisfaction ratings that surpassed all other long-distance operators. The public are absolutely right when they say they believe that rail should be in the public sector—they have good reason to do so.

Commuters and passengers desire free and decent wi-fi on trains; it is an important matter for them. We often get free wi-fi when we buy cup of coffee, but people who spend a fortune on a train ticket may have to rely on an unreliable wi-fi service. A good service is clearly beneficial for those people—both for leisure purposes and for conducting business as they travel. One hopes that attention will be paid to that.

The hon. Member for Carlisle spoke about the potential for a residual value mechanism, which would reward train companies for investing in things such as stations, where the return on their investment would go beyond the period of the franchise. I think the hon. Gentleman hoped that that would be a way to ensure better long-term thinking and investment, which is a reasonable point, but I caution against over-eagerness for the idea, because improving stations should not depend only on train companies deciding that there is an overwhelming case for them to make significant profits. Train operators do not have a great record of investing their own capital in stations, and increasing residual value mechanisms might make it harder for a national public operator or local authorities to improve facilities later.

The franchising system has failed to deliver clean, safe, accessible and properly staffed stations in too many areas, and tweaking the arrangements is not the best or most cost-effective way of making services better for passengers. I trust that the Minister will deal with the issues and concerns mentioned and, with that, I bring my remarks to a close.

3.40 pm

**The Parliamentary Under-Secretary of State for Transport (Claire Perry):** I congratulate my hon. Friend the Member for Carlisle (John Stevenson) on securing the debate and on presenting a factual and detailed set of arguments. I also commend him on the work he has done in chairing the west coast main line all-party group, ably supported by West Coast Rail 250.

As my hon. Friend knows, because he welcomed me there, I have visited Carlisle station several times. It is more cathedral than railway station, and one of the most astonishing architectural gems I have seen on the network—I speak without hyperbole. His plans to improve the car parking, access and links are incredibly good. The station even has a putting green, which is an amazing thing to see, as well as many other good services, so it is a wonderful place. I take on board the point about Borders railway, and am interested in looking into it.

I am grateful to all right hon. and hon. Members for their contributions. We heard the hon. Member for Coventry South (Mr Cunningham) talk about the importance of midlands services and local connectivity; he is a great advocate of the NUCKLE scheme, as I am. I was pleased to put the spade in the ground for and open the Bermuda Park station—a critical part of the scheme. We await further details from Network Rail.

My hon. Friend the Member for Rugby (Mark Pawsey) talked about the vital connectivity of his city and what that does for the local economy. I will add my voice to his in writing to the company about the announcement boards; people have a right to know when their trains are going, and from which platform.

The hon. Member for Kilmarnock and Loudoun (Alan Brown) will be pleased to know that Stagecoach, one of the companies operating the franchise, is a proud Scottish company, headquartered in Perth. His points about the cross-border relevance of the franchise were absolutely spot-on. In fact, my most recent visit to Carlisle was to look at first hand at the Lamington viaduct, where, during the storms, there was a serious wash-out that flooded large parts of the constituency of my hon. Friend the Member for Carlisle. That was a serious engineering challenge, but Network Rail rose magnificently to the occasion and restored the link. It got the lines operating again, restoring not only the inter-city and cross-border services, but the vital commuter services between Carlisle, Lockerbie and other parts of the region.

I reassure the hon. Member for Inverness, Nairn, Badenoch and Strathspey (Drew Hendry), who speaks for the Scottish National party on transport matters, and everyone else present that the Department has absolutely learned lessons on the franchising process. Clearly, there was a problem, and there were serious questions to be answered. We strongly believe—as did the previous Labour Government for 13 years—that franchising is the way to deliver improvements on the railways. I have had the pleasure of letting the east coast franchise, the Northern and TransPennine Express franchises and, most recently, the Greater Anglia franchise, which is about to be announced. In those franchises, hon. Members can see the absolute, laser-like focus on passengers and quality of service. Furthermore, in the case of the east coast franchise, the service is returning more money to taxpayers than ever happened under Directly Operated Railways.

**Drew Hendry:** On the ability of companies to bid for a franchise, the Minister says that the Department has learned lessons; does she agree that there is a place for public sector bids, and will she look at allowing Scotland to receive them?

**Claire Perry:** I am agnostic on such things, but I can see no benefit in that. I do not know who in my Department the hon. Gentleman thinks would do a better job of running the west coast railway than those who do so now. I remind him that before privatisation, 14 trains a day ran between London and Manchester; 47 brand-new trains now run, with fantastic on-board services, of which we have all availed ourselves. I cannot see why he is so obsessed with the idea of civil servants running companies. The west coast case is a good example of how the private sector has invested.

Before I move on to the bulk of my speech, I want to associate myself with the comments of the Opposition spokesperson, the hon. Member for Middlesbrough (Andy McDonald), on the tragic loss of the Clerk to the HS2 Committee. It was an absolute tragedy, and we would all want to pass on our condolences to his family, and to put on record what a wonderful job he and that Committee did in very difficult circumstances.

As my hon. Friend the Member for Carlisle said, the west coast franchise has been a real success story; for example, we have seen a big increase in passenger numbers, a big improvement in passenger satisfaction, and capacity increase by more than 2,000 seats a day. The franchise is also leading the way with automatic delay repay, so people who buy a ticket on the west coast trains website and find that their train has been delayed do not have to do anything; they automatically get a refund if the train is delayed by more than 30 minutes. That is an excellent piece of passenger-facing innovation. The franchise has also put free wi-fi into 17 stations—I will talk about wi-fi on trains in a moment—and several other obligations have been delivered, or are in the process of being delivered. To reassure Members who asked about this, the company is replacing self-service machines, improving concourse and ticket-retailing facilities, upgrading waiting rooms and loos in many stations, and putting in about 350 new cycle racks. About £20 million is being spent along the route.

**David Mowat:** The Minister mentioned the automatic repayment system for delays, which is a good thing at one level, but the risk is that it might cause defensive timetabling. Companies have no incentive to take that extra few minutes off the journey time. Will she give us some assurance that that is not happening?

**Claire Perry:** Yes, I absolutely will. When any service that is this busy tries to stretch out timetables to avoid paying compensation, it simply creates more disruption, given how complicated the routes are. The company has no incentive to monkey with the timetable in order to avoid its compensation payment obligations. Furthermore, the company, in common with all train operating companies, receives money from Network Rail in the case of a Network Rail cause of failure, so again, properly, that money should be paid out to customers.

The improvement in the conversion of rolling stock has been mentioned. The company has been taking out first-class seating to include more standard-class seats,

which is important. Those services can be very crowded, particularly in the shoulders—the times around the peaks.

**David Mowat:** I thank the Minister for giving way again. Will she give an assurance that, if it were possible for whichever company wins the franchise to take five minutes off the journey time to Warrington, for example, there would be no defensive timetabling, penalties, or other disincentives to stop that? That is important to making progress.

**Claire Perry:** My hon. Friend's point about avoiding defensive timetabling is absolutely right. I will come on to talk about how everyone can make their important proposals for the new franchise. We want the franchise due to start in 2018 to put the customers on the route absolutely at the heart of the service, continuing some of the innovation and progress that has been delivered. We know that we need more capacity on the route, better value for money, improved punctuality—it is improving, but it is not good enough—and better management of disruption. By the way, those are things we want, and are contracting for, right across the country.

**Mr Jim Cunningham:** Occasionally—I do not want to exaggerate—a hold-up between Birmingham and Euston seems to stop the whole line. I do not understand that, and we should have a better method of dealing with hold-ups. If there is an accident on the line involving an individual, there should be another way to proceed without necessarily creating hold-ups. Also, while I am on my feet, I congratulate the hon. Member for Carlisle (John Stevenson) on securing the debate—it was remiss of me not to do that earlier.

**Claire Perry:** The hon. Gentleman illustrates a point that has been made well. Part of the reason why we need HS2 so badly is that capacity is so tight on the route. If there is a hold-up, there are few places that can take the additional services. On any tight route, whether on the west coast or in other parts of the country, disruption spreads quickly—the disruption simply cannot be absorbed, because the timetabling is so tight.

The public consultation has been launched. It sets out the Government's vision for this franchise, how they can continue to support investment in vital cities right across the UK and build on current levels of customer satisfaction, and how the operator can do more to provide better information and train services.

A very legitimate question that is asked in the consultation is causing alarm and has been raised several times. It is right to ask people, communities and local authorities what sorts of trade-offs they want. Do they want faster journey times? Do they want more connectivity? We in Horseferry Road could sit and design timetables that look perfect on paper, but unless they deliver what is required on the ground—a train service that works for those who use it and maximises the economic potential of transport, which are things that have to be pulled through locally—we will not be doing a service to the communities that we serve. Questions such as, "What would a reduced service to Coventry look like?" are genuinely questions; there is no vision or master plan. We want as many people as possible to help answer these questions, and those trade-offs are vital.

[*Claire Perry*]

The consultation has started and is on gov.uk. We regard the Scottish and indeed Welsh Governments as vital partners in that; the service of course links very much to the north Wales service as well.

**Drew Hendry:** I am grateful to the Minister for being generous and allowing me to come back in. I take at face value her commitment to working with the Scottish Government. Will she look at the improvements made to smart ticketing through CalMac, the popular public sector winning bidder for the ferry franchise?

**Claire Perry:** I am always happy to look at things that happen on ferries, because I represent one of the most landlocked constituencies in Britain, so it is always novel to do so. I will come on to smart ticketing, which the hon. Gentleman knows is a particular passion of mine.

**Alan Brown:** I thank the Minister for giving way, especially as she was moving on to another point. I asked earlier about the commitment on journey times in the existing franchise, which was supposed to look at improving journey times in Scotland. That is clearly a massive issue, and I remind her to give us an update on that.

[*NADINE DORRIES in the Chair*]

**Claire Perry:** It is a pleasure to serve under your chairmanship, Ms Dorries.

Absolutely, and looking at how existing commitments to journey time improvements can be met is part of the current programme.

I wanted to say to my hon. Friend the Member for Carlisle that during the public consultation, we will go out and talk to as many people as possible. We will hold a meeting at Carlisle station tomorrow from 3.30 pm until 5 o'clock. Perhaps he will encourage his constituents to come along and see some of the proposals and have a conversation with officials.

I will deal briefly with fares and on-board service. Although this franchise has some of the most reasonable fares in the country, particularly for tickets bought in advance, it also has some expensive walk-up fares. The most important thing is that we have capped fares at inflation for the duration of this Parliament, at a cost to the public purse of £750 million, which will save the average season ticket holder around £425 over the Parliament. That is absolutely right. However, we will ask the next franchise holder how fare structures could help to ease the shoulders around the peak, when trains can be very crowded. The world is changing; people are not working nine to five, five days a week the whole time. I have been keen for bidders to be asked to propose options that allow people who work part time—perhaps two or three days a week—to buy more cost-effective tickets or multi-buy discount tickets. We have specifically asked for that in franchise competitions, and we plan to do so in this one as well.

Wi-fi has come up several times. I was delighted to be the Minister to announce that all trains, with the exception of those that are being phased out, will have free on-board wi-fi by the end of 2018, and this franchise will be no exception. It already has a good wi-fi service in certain classes, but it is not free on all services, and it

absolutely should be. I take on board the comments that my hon. Friend the Member for Carlisle made about improved luggage and seating arrangements, which is another thing to feed in.

**Mark Pawsey:** I understand that wi-fi requires line-side investment. Will that take place at the same time?

**Claire Perry:** That is an important question. We can have as-good-as-we-can-get connections right now, but there are troughs and blind spots, and we are working with industry, on a TOC-by-TOC basis, to improve those connections, so there are no not spots along train routes.

HS2 will clearly have a major impact on this line. It will add much-needed capacity and will have a very positive impact for customers who are looking to travel quickly between cities. It is of course a vital programme. We will look to appoint franchisees, both in this competition and in the west midlands, that can work with the HS2 operators in the run-up to HS2 opening, and we want the competitions to procure franchisees that can work with HS2 and Network Rail during the construction works. I have to say that the lessons learned from London Bridge are scarred on my ministerial portfolio.

**Andy McDonald:** Where?

**Claire Perry:** They are well concealed. No one correctly estimated quite how tough it is to do major improvement works on a very crowded and highly operational railway. Lessons have absolutely been learned, and will be applied in the works at Waterloo this summer on the south west franchise, where we are bound and determined not to make mistakes. The prize will of course be a wonderful new station, I hope with a beautiful arch somehow reinstated, and many more services. That will be a prize worth having, but we are absolutely bound and determined to avoid the disruption that we saw at London Bridge.

I slightly disagree with the view of the hon. Member for Middlesbrough that residual value mechanisms are not really relevant, because if a public company or public authority wants to invest in something, it wants to ensure that it will get a return from it on behalf of taxpayers. That is only right and proper. My hon. Friend the Member for Carlisle is right that that has been a barrier to investment in franchising. We have developed a residual value mechanism in the Department, and it has been used in the latest competitions. I accept that it is not quite what he is looking for, and I am always happy to meet him and have that discussion, but we want to use that mechanism in the upcoming west coast franchise because we want to ensure that the stations along the route and other assets, such as smart ticketing, are supported.

I want to mention smart ticketing before I conclude. It is a passion of mine to get rid of the tangerine tickets, which look like something out of the 1970s, and move to something that far better suits what customers are using today: mobile technology. People will have seen that we have put those requirements into franchising, and we will do so in this case. The adoption of smart ticketing is moving very quickly in this country.

**Andy McDonald:** I do not think that the Minister has mentioned Sir Jeremy Heywood's review of the potential use of Euston and Old Oak Common.

**Claire Perry:** If the hon. Gentleman will forgive me, as that is not in my portfolio, I did not feel that it was appropriate to comment on that, but I will happily have my colleague write to him.

This is another opportunity for a big step change in the services that are provided for customers by whoever the new incumbent is. We believe in the railway as a way to drive investment across the country, but fundamentally it has to work for the customers using it. It is not a train set; it is a way of getting people to and from their workplaces and families. I assure hon. Members who have taken the time to be here today that that will be front and centre of the next franchise competition.

**Nadine Dorries (in the Chair):** John Stevenson, do you have any further comments?

3.58 pm

**John Stevenson:** Thank you, Ms Dorries, for the opportunity to say a few additional things. I appreciate the contributions of all hon. Members on what is an important issue for many people up and down the west coast. The issue affects businesses, individuals, tourists, our major conurbations and of course the smaller cities and towns right up the west coast of our country. The next franchise is a real opportunity for the industry, users and the taxpayer. The Minister kindly touched upon the key issues that will be incorporated into the franchise. My all-party group will certainly take a big interest in the franchise, and we look forward to her coming to a meeting of the APPG at some point to discuss aspects of it. We will certainly take up residual value with her, which is an ongoing issue for us. Passenger issues and what happens at Euston are also critical, but I like to think that the future of the west coast rail line is positive.

*Question put and agreed to.*

*Resolved,*

That this House has considered the West Coast rail franchise.

## Library Services: Thornton-Cleveleys

[Ms NADINE DORRIES *in the Chair*]

4 pm

**Paul Maynard** (Blackpool North and Cleveleys) (Con): I beg to move,

That this House has considered library services in Thornton-Cleveleys.

It is a great pleasure to serve under your chairmanship, Ms Dorries—a first for me, I think, but a pleasure none the less. Thinking about the issue of libraries in my constituency, it is hard to start without resorting to clichés, but of course clichés always serve a wider truth, so when I say that libraries change people’s lives, it is because they certainly do. I remember my involvement with my local library in Weaverham in Cheshire. It opened a whole new world to me. It may have been a small, prefabricated building in a small village in the middle of Cheshire, but it was my gateway to a wider world. I looked up to the librarians who staffed it. They were not just there to shelve books or move them around; they were trained professionals, and when considering all the different options we have for how libraries are provided, we should not overlook that fact. They are trained and they are talented. It is not just a matter of moving books around.

Libraries are not just book repositories, either. They are there for far more than that. As a friend of Thornton and Cleveleys library wrote to me just the other day:

“The nurseries in both areas utilise the provision, parents and their children, the young people that use the library for their Wargaming group, children’s trailblazers group, poetry meets, flower arranging, craft and chat, Shakespeare and literature workshops, scrabble groups, IT club with support from a tech coach, knit and natter”.

The list is endless; it goes on and on, and that is in just two small libraries in Thornton and Cleveleys. In the Minister’s excellent White Paper on the arts—the first proper one since the 1960s—he rightly emphasised that culture should be accessible to everybody. It should not be a matter of how much someone can afford or how close they happen to live to the capital; culture should be available for everybody, including those who live in coastal areas such as mine. So the Minister can imagine my intense frustration and the local anger that has been generated by Lancashire County Council’s proposals to slash the number of libraries across the county to just 37, with a further seven self-service locations. That is down from 73.

In particular, two of those libraries are close to my heart because they are in my patch: the library in Cleveleys, which has a very popular children’s centre as part of the building, and the library in Thornton, which lies just a few yards outside my constituency boundary. My constituency covers part of the car park but not the library itself, and although my hon. Friend the Member for Wyre and Preston North (Mr Wallace) is a Minister and so cannot participate in this debate, I know that he none the less joins me in expressing the sentiments I choose to express today.

Of course, it is not just local MPs who are frustrated by this; it is all of our constituents, too. Let me quote from Nicky Frankland, who wrote on my Facebook page earlier this week:

[*Paul Maynard*]

“I home educate my daughter of 5 who has Asperger syndrome, the library is a vital part of our lives or should I say her life. It gives us the references we need along with the means to have a friendly and calm place to go which we struggle finding elsewhere. Having said that I have used Thornton library with all my children since they were a few weeks old. It amazes me the extent of activities available and how important it is to have a library in the community for all ages. I can't understand why a decision would be made to get rid of such an important service.”

That is very true. I was out in the torrential pouring rain last Sunday at Thornton-Cleveleys gala, yet there were still dozens of people wandering around trying to get signatures for the petition to keep those libraries open, such is the local passion for retaining those vital services.

The council's rationale is essentially to save money—a point I will touch on later—and that people will still be able to travel to Fleetwood or Poulton to utilise the library services retained there. There is a hidden irony in that, because the recent wholesale withdrawal of subsidised bus services means that getting to Fleetwood or Poulton is now almost an impossibility for many of my most elderly constituents because there are fewer buses. Many have expressed their frustration to me that they fear they will become prisoners in their own homes.

It is not just older residents, either. I have received a letter from Emily Rogers, Calise Goffin, Tegan Hood and Oliver Preston from Northfold primary school's school council telling me that:

“It has come to our attention that many of our local libraries, including Cleveleys, are under threat of being shut down. We have close links with this library as many of our pupils take part in the Lancashire Reading Trail. We enjoy it when the librarian, Brenda, comes into school to talk to us and give out prizes. Many of us enjoy taking part in events and activities at the library during our school holidays, and we would greatly miss this if it was no longer there”.

More than 300 of the school's friends, pupils and their parents have signed a petition desperately asking for the library to be kept open.

Clearly, there is a political angle to this debate. I have no doubt that on social media right now someone will be tweeting that it is all my fault, because the nasty Conservative Government are cutting budgets somewhere. That will be appearing on Facebook in response to this debate as well. It is such a serious accusation that it is worth taking head on. I do not deny that all councils up and down the country face challenges over their budgets. They will choose to meet that challenge in differing ways. Some will do a better job than others at making those spending reductions, but one thing I am quite clear about is that every single council, whichever party happens to be controlling it, needs to be held to account for how it chooses to make spending reductions.

I do not want to make today's debate about which party happens to be controlling a particular council. It is about how they choose to make those decisions, the factors they weigh in that balance and the extent to which they put the needs of the people they represent at the forefront of their minds. Councils need to take responsibility for their decisions, and of late we have seen some spectacularly bad decisions by Lancashire County Council, including mismanaged contracts that have wasted millions of pounds. The Conservative group on the county council discovered an unknown £15 million the county council never knew it had. That would have

been enough, with £1 million to spare, to allow all the libraries across the county to be saved, but the council chose not to use it to that end. It wasted £7 million by not going ahead with a new fleet management service, for example.

The list could be endless, and it would be otiose to continue to read examples out, but it makes the point that Lancashire has not been well managed financially for a number of years under the people who currently run the council. It is the people of Lancashire who are paying the price for those mistakes and that poor governance. Because the council has not done a good job, we all have a price to pay, including my constituents. I recognise that that political debate does not save a single library or change a single mindset in county hall, because there are political blinkers on and this has become a political debate. What frustrates me is the unwillingness of the county council to sit down with borough councils in the county to discuss differing ways to deliver library services. In Wyre borough, which covers both Thornton and Cleveleys, they are trying to come up with innovative solutions that would enable the county to save the money that it knows it needs to save, as well as retaining all of Wyre's libraries.

It frustrates me that the county council will not sit down and discuss those ideas, not least because they are ideas that have been implemented by other councils around the country that are run by the same party that controls the county council. It is clearly not a party political issue at all, because other Labour councils have been equally innovative, and I would like to see Lancashire be as innovative. Wyre would like to see all the councils in Wyre essentially become community interest companies. That would release savings that could be used to maintain all seven libraries, rather than having to shut three of them. Of course there will always be devil in the detail, but surely all sides can at the very least sit down and hold that discussion while the consultation process is under way.

In York, which is one of the main models that Wyre is drawing on and is a Labour-controlled council, they have an industrial and provident society called Explore, which is one-third owned by the staff and two-thirds by local people. Local people pay a notional £1 toward their membership—which is actually not even collected by Explore—that allows them and the staff to have a say in the delivery of library services. That is just one of the many examples up and down the country of councils that have tried to take a more creative approach to delivering library services that has not been dependent upon wholesale closure.

I know that Arts Council England has a library development fund. I would be grateful if the Minister outlined what support it might be able to give to the county council, Wyre borough and the community taskforce—the Friends of Thornton and Cleveleys Libraries—who are looking at alternative models of provision. In the same way, what help can the Government's libraries taskforce give to those seeking to develop and change the model of provision in the county?

More fundamentally, will the Minister reflect on the use to which we can put the Public Libraries and Museums Act 1964? My fear is that what Lancashire is planning to do places it in breach of the provisions of that Act. I know that under the last Labour Government, the right hon. Member for Leigh (Andy Burnham), who

was Secretary of State for Culture, Media and Sport at the time, chose to refer Wirral Council for a public inquiry because he believed that it was in breach of the Act. It had failed to carry out a proper assessment of need and had relied too much on a property-based assessment. I fear that Lancashire is treading an identical path, not least in its attempts to focus provision on the most deprived areas. I do not dispute for a second that deprived areas require a greater proportion of public resources, but under the 1964 Act library services are meant to be a universal service. Access to them should not be dependent upon levels of deprivation. If that is the scheme that the county council is seeking to adopt to assess who deserves to have a library service in Lancashire, I fear that it may be in breach of the 1964 Act.

I attended the public inquiry in Wirral back in 2009. It was a very interesting two-day experience and the lady who conducted it, Sue Charteris, did an excellent job of distilling, down to the bare essentials, what the Act required councils to do, how to justify what was a comprehensive service and what that meant in practical terms for the residents of Wirral. If Lancashire presses ahead with its current halving of the number of libraries, I urge the Minister to seriously consider whether to refer Lancashire for a public inquiry to assess whether it is doing the right thing by the 1964 Act.

I do not argue that savings should not be made, nor do I think that the Government should step in and somehow make up the difference to ensure that Lancashire can keep its libraries open, but I wonder why libraries always seem to be such a soft target for councils of all persuasions that are making rapid spending reductions. I would argue that Lancashire in particular has failed in its duties to provide a comprehensive and fair library service for all our residents. The Minister has a chance to influence Lancashire's decision making during the consultation period. I urge him to make it clear that what it is currently proposing is wholly unacceptable and that it is in on the wrong path—that it risks sharing the fate of Wirral, which was forced to go back to the drawing board.

In summary, I hope the Minister has clearly heard the views of my constituents as I have expressed them today. Those views will be replicated not just in my part of Lancashire, but across the county as a whole. I hope he can respond to my specific queries and emphasise to Lancashire that it is on the wrong track and ask them to think again please.

4.13 pm

**The Minister for Culture and the Digital Economy (Mr Edward Vaizey):** I am grateful for this opportunity to respond to my hon. Friend the Member for Blackpool North and Cleveleys (Paul Maynard), and to appear in front of you, Ms Dorries, the Chair of this important debate. You are an extremely distinguished and best-selling author, and I gather that “The Angels of Lovely Lane”, the latest novel in the award-winning series that you have produced, is about to be—or has just been—published. It is certainly available to pre-order on Amazon. I just wanted to get that on the record because, obviously, libraries are about books—but, as my hon. Friend pointed out in his very eloquent speech, libraries are about a lot more as well. I congratulate him on securing this debate and on putting the case for libraries so

strongly. Although he is obviously here to defend the libraries in his constituency and local area, a lot of what he said stands for libraries all over England as well.

I am the libraries Minister responsible for England—it is important to note that libraries are a devolved matter as far as Scotland, Wales and Northern Ireland are concerned. I am lucky enough to have been the libraries Minister for some six years, and indeed to have been the shadow spokesman for the four years before that, so I am pretty familiar with most of the issues and I remember the Wirral inquiry well. Indeed, it was me who called on the then Secretary of State to call that inquiry. I asked him to call it because at the time—I agree with my hon. Friend—there had been no proper investigation of the library service. Wirral Council had effectively taken a survey of its buildings and decided which it should close, but it had not actually taken a survey of its library service and how that could be most effectively delivered.

Of course it is perfectly appropriate for councils to look hard at their library services. It is perfectly appropriate for them, in difficult economic circumstances, to look hard at all the services that they deliver to see whether they could be delivered more efficiently. In fact, across the country there are many examples of library services that are being innovative. For example in Suffolk, where library services have become an industrial and provident society, libraries are remaining open, they are more innovative, their opening hours are longer and they are more popular. The head of the library service in Devon, Ciara Eastell, who has recently retired as the head of the Society of Chief Librarians and has done a fantastic job in that post, recently presided over the move by Devon libraries into a mutual organisation.

Libraries have a bright future and I will always take the opportunity to talk about the success of the library service. Too often, as my hon. Friend pointed out, libraries seem to be at the back of the queue for many local authorities. Also, paradoxically, many of the people who claim to have libraries at their hearts and to see them as important spend their entire time doing down the library service and claiming that it is on the point of collapse and in crisis. Indeed, when I asked the then Secretary of State to call his inquiry into the Wirral library service, I made the point—as I have ever since—that at no point as the Opposition spokesman did I ever accuse the library service as a whole of being in crisis. I was quite happy to call out particularly egregious examples of local authority behaviour but I did not believe then, and I do not believe now, that the library service is in crisis. It is having to modernise.

We take library closures as an indication of the health of the library service and I bat figures between myself, library campaigners and, I am afraid, the BBC, which has not been as accurate as it could have been about the number of library closures. It is always difficult to have an accurate figure. That might sound surprising; most people would look at a library and say that they know what a library looks like, but people can have different interpretations of the definition of a library. As far as we are aware in the Department, just over 100 libraries have closed their doors and some 200 libraries are open but managed by the local community and volunteers. There are still 3,000 libraries in England that can count as part of the statutory service. Some

[*Mr Edward Vaizey*]

£700 million is spent a year for libraries to provide the great service that they do to my constituents, my hon. Friend's constituents and others.

My hon. Friend was quite right to point out his concerns about what is happening in Lancashire. As he also pointed out by mentioning the £15 million that Lancashire had discovered, councils are not all-seeing and all-dancing, and it is possible for them to make different decisions. However, it is also important to remind ourselves that libraries are funded by councils and run by councils. Central Government have never run the library service and have never funded the library service, but they do have the backstop of the statutory duty.

I want to look briefly at what is happening in Lancashire. I am afraid it has seen a decline in the number of visits. I gather that visits have fallen by a fifth, and the number of active book borrowers by around a quarter. I also understand that the two libraries in my hon. Friend's constituency have experienced a significant decline over the same period—in visits by about a third, and in active borrowers by just over a quarter.

The council has undertaken two consultations this year on the future of the library service. The first was undertaken in January. The council consulted on possible budget savings for the next five years, and one of the options included a rather dramatic proposal to reduce the number of libraries from 74 to 34. The 40 that were due to come out of the council service would either be closed or run by local communities. Just as an indication of how popular and important to the local community libraries are, I point out that that consultation drew more than 10,000 responses. The council then considered the responses and is now undertaking a further 12-week consultation. That consultation is under way and, as I understand it, is due to end in mid-August. The proposals have changed slightly. Instead of only 34 libraries, the council now proposes 44 libraries: 37 fully staffed and resourced and an additional seven that would not be staffed but would have all the facilities of a council library, including self-service counters and the opportunity to reserve and return books. There would also be six mobile library vehicles, a home library service and the virtual library service.

The council is aware that there is interest from the community in taking on the responsibility for buildings or taking over the running of the parts of the service that the county council will not maintain, and it has invited expressions of interest. I understand that no final decision will be made on any of the proposals until the council's cabinet has had the opportunity fully to consider and evaluate all the information gathered.

**Paul Maynard:** Does the Minister agree that it is vital that Lancashire talks to borough councils such as Wyre about its plans for the libraries if it is, as it says, open to new ideas?

**Mr Vaizey:** I certainly agree with that. If the county council were not engaging properly with borough councils, I would find that extremely surprising and it would cause me significant concern. It is very important that county councils get out of their silos and talk to the

local borough councils. Indeed, one of my hobby-horses is that councils should talk to their neighbouring councils, so the county council should talk to other councils outside Lancashire as well. There is a way councils can keep libraries open while reducing the back-office costs, the administrative costs, of libraries, and that is by sharing services. In fact, in west London, Westminster, Kensington and Chelsea and Hammersmith and Fulham in effect merged the administration of their library service. That not only saved them £1 million a year in administration costs, but enabled them to open a library. The Conservative authority Windsor is also opening libraries because it runs its service so efficiently. It is possible to open libraries even in a difficult economic climate.

I am sure that my hon. Friend understands that it is difficult for me to intervene while the consultation is still going on. There is some debate about my capacity or rather my willingness to intervene. In fact, this is the first Administration that has routinely looked at every single proposal from every council to close libraries. My officials investigate every proposal before them and test it against the 1964 Act, which my hon. Friend mentioned, and the duty to provide a comprehensive and efficient library service before deciding whether to intervene. Again, it may sound paradoxical, but sometimes councils may decide to close a library in order to run a more efficient service.

The first case that I had as the libraries Minister was Brent. On a political level, that was an open goal: it was a Labour council proposing to close six of its 12 libraries. However, when that was looked at in some detail by my officials, it was clear that the council should have been thinking about the future of its libraries some five or 10 years ago, but obviously the political hot potato that is a library prevented that council from making decisions that actually might have ended up meaning that it ran a better, more efficient library service, able to provide better services to more people, with more opening hours. Those are the kinds of decision that we have to weigh up, and we have to respect as well the role that local councils play in running a local service, but that does not mean that my hon. Friend is not perfectly entitled, and rightly so, to put the alternative case and to put it as forcefully as he has done in this place today.

In the minutes left to me, I want to say a few words about the national picture. I have made it clear that although Ministers do not run libraries and we do not fund libraries from a central Government fund, we have the backstop of the statutory library service. We have gone a lot further than that, however. Early on after the 2010 general election, we moved responsibility for libraries to the Arts Council, to a bigger organisation, joining up libraries with cultural provision, which was long overdue. The Arts Council had a £6 million fund to support culture in libraries, which has been very effective. Just before the 2015 election, we set up the leadership for libraries taskforce. At national level, that brings together key stakeholders—for example, the Local Government Association, the Society of Chief Librarians and my Department—and they work very hard to spread libraries' best practice.

My hon. Friend asked what help Lancashire's library service could get, should it choose to seek it, from central Government. One thing it could do is engage with the leadership for libraries taskforce. We have

consulted on a draft vision, called “Libraries Deliver”, and we intend to publish the final document quite shortly. That will contain examples of best practice and of what innovation different library authorities can bring to bear in order to provide a more effective library service.

We have also been more practical still. For example, we spent some £2 million or £3 million ensuring that every library in England had wi-fi. It may surprise hon. Members to know that in a digital age—if one is looking for reasons to visit a library, surely one reason is the opportunity to access wi-fi and therefore do one’s homework or do some research on one’s tablet—more than 1,000 libraries in England did not have wi-fi. Now, thanks to us, they do.

We have published two best practice toolkits for libraries. We have brought co-ordination and focus to promote National Libraries Day—the one day in the year, in February, when we can talk about how important libraries are. We have invested in the enterprising libraries programme with the British Library. That allows key city libraries to work as hubs for entrepreneurs, updating the value that libraries bring to their communities.

On every level, we have tried to promote innovation in libraries; and the Society of Chief Librarians, for example, has promoted the value of books and reading not just in and of itself and for literature, but of course for health and wellbeing and a variety of other aspects. In an age when the summer reading challenge, for example, reaches more children than ever before, we see the library service evolving.

I for one think that the library service has an exciting future. I hear my hon. Friend’s perfectly legitimate and well-put concerns about the future of Lancashire libraries. I join him in urging Lancashire County Council, during this consultation, to think imaginatively, to look at new models of delivery that have been implemented elsewhere, to listen carefully to what he has said about the more efficient use of existing resources, to understand the passion and enthusiasm that the local people feel for their library service and to engage with the leadership for libraries taskforce about what opportunities there might be to learn from best practice elsewhere. As with every proposal to close libraries, we will keep this proposal under review, and if appropriate, we will act.

**Nadine Dorries (in the Chair):** Mr Maynard, would you like to come back quickly with any further comments?

**Paul Maynard:** No thank you, Ms Dorries.  
*Question put and agreed to.*

## Elected Mayors

4.30 pm

**Justin Madders** (Ellesmere Port and Neston) (Lab): I beg to move,

That this House has considered elected mayors outside city regions.

It is a pleasure to serve under your chairmanship, Ms Dorries. This is not a debate about the merits of devolution; I am a passionate advocate for devolution. Over the past few years, local government has proven itself to be more efficient, innovative and accountable than central Government. This is a debate about how, not whether, we should devolve power, and whether it is appropriate for the Government to impose a one-size-fits-all form of devolution designed specifically for cities on counties and non-metropolitan areas. It is a debate on whether the public should have a right to choose how they are governed, as well as who they are governed by.

My constituency, Ellesmere Port and Neston, is governed by Cheshire West and Chester Council, which, along with Cheshire East Council and Warrington Borough Council, forms part of the Cheshire and Warrington local enterprise partnership. Cheshire and Warrington is not a metropolitan area or a city region. It does not have a single urban centre. It is made up of several large towns, a city and a considerable number of smaller towns and villages. It does not have an established identity, is not a defined place and is made up of separate areas of economic activity. If 100 people living in the area were asked where they were from, not one would say they were from Cheshire and Warrington. They would say they were from Crewe, Ellesmere Port, Warrington, Congleton or Chester.

Cheshire and Warrington’s localities often have stronger economic relationships with neighbouring regions than with each other. Indeed, the west of the region has a stronger economic relationship with another country entirely—Wales. That is significant because, although a case can be made for a single elected figurehead of a city or a city region, it should be recognised that non-metropolitan areas have significantly different sets of circumstances.

Ed Cox, a director of the Institute for Public Policy Research North, which is a powerful advocate for devolution and a supporter of mayors for city regions, has argued that the mayoral model is not suitable for non-metropolitan areas. His view is shared by the Select Committee on Communities and Local Government, which stated:

“we believe elected mayors are likely to be better suited to urban areas. The scale, geography and economic diversity of non-metropolitan areas mean elected mayors are unlikely to be an easy fit... Those which do not want an elected mayor, but nonetheless want substantial devolved powers, should be allowed to propose an equally strong alternative model of governance.”

**Rebecca Long Bailey** (Salford and Eccles) (Lab): We have good experience of the mayoral system in Salford. However, our executive mayoralty was the result of a referendum in which local people had their say. They now find, regarding Greater Manchester, that another layer has been inserted above their heads without any such legitimacy. Does my hon. Friend agree that democracy must be at the heart of devolution?

**Justin Madders:** My hon. Friend is, of course, right. An irony in this whole debate is that central Government are seeking to dictate to local government on the forms of governance. Genuine devolution should involve a two-way conversation.

I note that the view of the Under-Secretary of State for Communities and Local Government, the hon. Member for Stockton South (James Wharton), is similar to mine. In February, he replied to a written question:

“It is for local areas to propose governance structures that are right for them”.

At that stage, it seemed that there was no prescription that a mayor was necessary. It is possible to agree devolution without an elected mayor, as Cornwall Council has demonstrated. However, that option seems to have been taken off the table, and we are left with what appears to be a unilateral insistence that a mayor must be accepted as a precursor to any deal in which powers are devolved. There also appears to be an insistence that the deals be hurriedly put in place to meet a purely political timetable, so that elections can be held in May 2017. That goes against the views of experts such as Lord Kerslake, the chair of the Centre for Public Scrutiny, who stated that public engagement should take place during

“the process of coming to the deal”,

and then,

“having done the deal”.

The Communities and Local Government Committee also criticised the negotiation process, saying that it lacks rigour, and that

“there are no clear, measurable objectives for devolution, the timetable is rushed and efforts are not being made to inject openness or transparency into the deal negotiations.”

There is no doubt but that a huge amount of pressure is being put on council leaders to sign up to the deals, and to comply with the rushed timetables being forced on them. Leaders of areas that have in recent years undergone severe budget cuts that threaten front-line services and the most vulnerable residents are effectively being told, “We can give you the tools that you need to revive your areas, but only on certain conditions.” That kind of approach is undemocratic. It lacks openness, transparency, any consultation, and measurable objectives, and is being done in a rushed way that risks leaving areas with poorly constructed deals that are adopted without the application of any local scrutiny.

I do, however, give the Government credit for asking areas which powers they would like to be devolved, but that huge opportunity is being undermined because Ministers will not allow local areas to negotiate on an even footing to a sensible timetable, or to agree deals in an open way—and, most importantly, a way that genuinely involves the public. The Communities and Local Government Committee report states:

“For devolution to take root and fulfil its aims, it needs to involve and engage the people it is designed to benefit.”

I will focus on the need for discussion and consultation with the public, as there is a huge range of examples of major local changes being made with the consent of the electorate. For example, to trigger a community governance review on whether to set up a new town or parish council, local residents need to give their local authority a petition containing the signatures of at least 7.5% of the local population. If a local authority wants to

increase council tax by more than 2%, it must hold a referendum. To put that in context, if the council where I live proposed an increase in council tax of about £30, there would need to be a referendum—but apparently no referendum is needed on whether to put responsibility for hundreds of millions of pounds into the hands of one person.

For a neighbourhood plan to be adopted, a referendum must be held. When new powers were devolved to Scotland, Northern Ireland, Wales and London, referendums were held and the people provided a mandate. Previously, whenever an elected mayor was proposed in a local area, as we heard from my hon. Friend the Member for Salford and Eccles (Rebecca Long Bailey), a referendum was required. Indeed, regulations under the Local Government Act 2000 require councils to hold a referendum on the establishment of a directly elected mayor if at least 10% of local government electors in the area petition the authority to do so. In matters of local governance, the consent of the public has usually been sought before any significant change has been made. That was, indeed, recognised by the Conservative party in its 2010 manifesto.

**John Stevenson (Carlisle) (Con):** This is an important debate. I recently visited a school and met loads of sixth-formers. I asked them whether they could name their council leader or county council leader. In each case, not one person could. An elected mayor would certainly bring about visibility, transparency and accountability. Does the hon. Gentleman not agree that that is healthy?

**Justin Madders:** We will have to see about the visibility of mayors in some places. The problem we have in Cheshire and Warrington is that it is such a large area. I do not see how a mayor could really get around and be visible in such a large community.

**John Stevenson:** The hon. Gentleman mentions that his is a large geographical area. London is a large geographical area, but virtually everybody in the country knows who the Mayor is. Would that not be good for the hon. Gentleman’s area?

**Justin Madders:** The hon. Gentleman has conflated his point with what I am saying, which is that non-city regions are different from cities in their nature. Of course, cities have a focal point and are much more condensed. It is just not comparing like with like.

**Graham Evans (Weaver Vale) (Con):** The hon. Gentleman says that Cheshire is too big to have a mayor. It takes an hour to drive from Cheshire East to Cheshire West, and it takes about an hour and a half to get from Warrington down to the south of Manchester. His argument does not stand up to those of us who live, and were born and bred, in Cheshire. A mayor would be able to get around Cheshire easily. Also, if you ask anybody from Greater Manchester, “Do you come from Greater Manchester?”, they would not say yes. They would say they come from Bolton, Oldham or Bury—from the great towns and cities of Greater Manchester—so I would say to you that people might say they come from Cheshire but, if pushed, they will say that they come from Warrington, Macclesfield or Congleton.

**Justin Madders:** If the hon. Gentleman is so confident of his arguments, he will agree that it is important to test the strength of them by holding a referendum on whether the people of Cheshire and Warrington want an elected mayor.

I return to my comments on the Conservative manifesto, which pledged to create 12 newly elected mayors, subject to confirmatory referendums. Although I agree with the experts that an elected mayor is not an appropriate form of governance for a non-metropolitan area, I will support the people of Cheshire and Warrington if they say that they want an elected mayor, but a new level of governance should not be imposed on them without their agreement.

Since I secured this debate, the devolution deal in Cheshire and Warrington appears to have been put on hold, which gives us an opportunity for greater scrutiny of the process. I have questions that I hope the Minister can respond to in his reply. Should not the most appropriate governance structure for an area be decided by its people and their representatives, rather than in Whitehall? Will he agree to a referendum to gauge support for the proposal? If no desire to move to a mayoral model can be found locally, will he still consider devolving powers, if an alternative proposal for strong and accountable local governance is found? If not, why not? If powers can be devolved to Cornwall without a mayor being a prerequisite of any agreement, why not to Cheshire and Warrington, or indeed any other county? Is there any flexibility in the timetable, particularly in the light of recent events? Finally, will he commit to working with me and any other interested parties to find a way to deliver a devolution of powers with which everyone can agree?

Devolution has the potential to have a truly transformative impact on communities, allowing them to cast off the shackles of Westminster and rebalance our nation's economy, but the Government risk sacrificing all that in many areas through their insistence that they know better than local people what is best for them. Devolution will hopefully allow local communities to create new jobs, unlock sites for development and improve transport infrastructure. Who does not want to see that? I warmly welcome the opportunities that a devolution deal could bring to my area, but I have heard nothing that convinces me that we need a mayor to deliver them.

**David Rutley** (Macclesfield) (Con): Will the hon. Gentleman give way?

**Justin Madders:** I am just about to finish, sorry. I genuinely hope that a real opportunity to improve our area is not lost because of Government intransigence on the governance arrangements. If their position is that there will be no investment if there is no mayor, I will not forgive such a petulant approach, and I doubt the public will, either. It does not need to be that way, so will the Minister confirm that he will listen to the Select Committee, the Institute for Public Policy Research and, most importantly, the people we are here to represent by agreeing with me that a top-down, one-size-fits-all approach goes against the grain of what devolution should be about?

Several hon. Members *rose*—

**Nadine Dorries (in the Chair):** Order. On the maths, we reckon there are six minutes per person, allowing for the wind-ups; I ask Members to bear that in mind.

4.42 pm

**David Mowat** (Warrington South) (Con): It is a pleasure to serve under your chairmanship, Ms Dorries. I congratulate the hon. Member for Ellesmere Port and Neston (Justin Madders) on securing this debate. It is better that we discuss the issues in this way than on "North West Tonight". He started by saying that this debate was not about devolution, but it is about devolution, as well as about accountability for devolution. It appears from his remarks that he is in favour of devolution, which I am pleased to hear.

It is worth remembering the problem that the Government are trying to solve with this process. Secretaries of State already have all these powers, and the Government are going through this process because we live in a very centralised country—the power of Whitehall is unique. We see that in the gross value added performance of the regions versus London, with the difference between London and the north-west reaching its peak in 2009. Cheshire and Warrington has a local enterprise partnership and a strategic plan, and it is a relatively affluent part of the country, but its relative affluence has decreased over the past 20 years. All of us who represent the area should be concerned about that and should be considering ways to remedy it.

The fact of the matter is that our civil service is London-centric. Even now, London has higher public spending per head than any other region, including, amazingly, Scotland. That is revenue spend; on capital spend, we have seen IPPR reports stating that more is spent per capita in London than in the north-east and parts of the north-west by orders of magnitude. This measure is an honest attempt to fix that. If we proceed on the basis that we all want that, we can start to work on how we achieve it.

We have had two decades of failed regional policy, whether we are talking about the regional development agencies or whatever. The last Parliament started the devolution process with regional growth funds, the LEPs, city deals and growth deals. Some Labour Members opposed the process more or less at every stage—it is interesting that the hon. Member for Salford and Eccles (Rebecca Long Bailey) apparently still opposes the Manchester mayoralty. The Government therefore had to engage with local leaders such as Howard Bernstein in Manchester. In 2014, he said that there had been more progress on the devolution agenda in the previous two years than in the preceding 20, which is a good thing. It is good that we are continuing to try to make progress on that.

Devolution is asymmetric, and everywhere is a little different; it is complicated, but that is probably right. As we proceed with implementing the Cities and Local Government Devolution Act 2016, there will be more devolution. A clear principle of the Act is that the devolution has to be asked for. I am not here to support Government policy particularly, but the devolution has to be asked for. There is no question of doing something without consent, as we have just seen in Cheshire and Warrington—a mayor will not happen in 2017 because the local council has said that it does not want one.

[David Mowat]

So be it. The council is accountable, and it needs to take responsibility for its decision, but to say that a mayor is being imposed is a little rich; it really is not true. The phrase “At the heart of devolution is democracy” has been used. That is right, and it seems a bit harsh to take the Government to task for wanting to have an election, but there we are.

We are going ahead with devolution in East Anglia, Liverpool, Manchester and various other places. The areas that are being devolved—skills, transport, health, housing and planning—are things on which local people want local representatives to have a say. It is absurd that decisions on, say, skills and the sorts of things that businesses in Manchester need are made by people in Whitehall, rather than Manchester. Exactly that principle applies to Cheshire.

It is true that accountability is a sticking point, because even in Manchester and Liverpool there has been an issue with elected mayors. I mentioned “North West Tonight” at the start of my speech; I saw Joe Anderson, the Mayor of Liverpool, on it. He was arguing with a Labour party colleague who was against elected mayors and he said, “Why should Secretaries of State devolve large chunks of their powers to committees of local authority leaders who might meet every so often?” Joe Anderson put that well. There has to be accountability for the aspects of power being devolved from Secretaries of State. None of this makes any difference to the powers of a local authority—there is no upwards devolution, or upward movements of power to the Mayor—but there is accountability. Apart from anything else, the National Audit Office will not let the Government devolve this stuff, or will give the Government a hard time, if there is not clear accountability for that responsibility.

**Helen Jones** (Warrington North) (Lab): The National Audit Office does not make laws; the Government do. The Government can legislate for what they want to do.

**David Mowat:** That is correct. The Government can and should do what they want. My point is that we are talking about transferring power over hundreds of millions of pounds from Secretaries of State, and it is reasonable that the Government and the National Audit Office, as part of the process of government, should take an interest in ensuring that there is clarity about accountability.

Accountability works both ways. Just as the Government are right to impose or request accountability, those who decide that they do not want these powers, or who do not wish to ask for them, are also accountable. Warrington Borough Council, my own council, has voted down the proposal, which is completely its right. The council has an elected mandate, and the Government will not impose the measure, because it must be asked for. All I will say is that those people involved are also accountable to their constituents and to their region, with all that goes with that. If they have missed an opportunity, they are accountable for that, too.

4.49 pm

**Helen Jones** (Warrington North) (Lab): I congratulate my hon. Friend the Member for Ellesmere Port and Neston (Justin Madders) on securing this debate and on

how he has put the case against a one-size-fits-all form of devolution, which is what we are arguing about. I do not believe that what the Government are offering us constitutes real devolution. Real devolution would give powers to identifiable local communities, whether or not they wished to have a mayoral system, and would allow them to work with other local authorities as they wished. That is not what was proposed for Cheshire and Warrington. Instead, we were told that we must have a mayoral model and a Cheshire and Warrington local authority.

Much of my constituency—certainly on my side of the river—was not in Cheshire for a very long time; it was in Lancashire, and many people there still think of themselves as proud Lancastrians. They have little community of interest with some of the market towns of Cheshire, and much more in common with the nearby post-industrial towns across the border in Merseyside or Greater Manchester, yet we are told there is the only kind of authority open to us. No one has asked the people of Warrington whether that is what they want. They would be consulted only after a deal had been agreed. No one has asked them whether they want an elected mayor; I suspect that they certainly do not want one covering Cheshire and Warrington, because that is not sufficient local democracy.

I am profoundly depressed by the idea that power is better in the hands of one man—it usually is a man—than of many people. That is a depressing view of democracy, in my understanding of it. Although it might work in urban areas, it does not work in an area such as Cheshire and Warrington. It is of no benefit to my constituents to be run from Congleton or Macclesfield rather than London. Although a mayor would begin with only a few powers, they would be bound to gather more as time went on. Mission creep is built into the model.

**David Rutley:** Will the hon. Lady give way?

**Helen Jones:** No. I am sorry; I do not have time.

I also want to comment on the deal that the Government are offering us if we have an elected mayor. Much of the deal is about things that are going to happen anyway, much of it retains powers for the Secretary of State and some of it diverts money away from Warrington to other parts of Cheshire. To take transport as an example, we are told that we would get a Warrington rail hub linking High Speed 2 and High Speed 3 or the west coast main line. That is great, but first of all, we do not even have a route for HS2.

**Graham Evans:** Will the hon. Lady give way?

**Helen Jones:** No. I have said that I will not give way, owing to a lack of time. The hon. Gentleman must forgive me.

We do not have an HS2 route yet. HS3, which in my view would benefit the north much more, is still a distant dream, and does anyone really believe that no rail hub would be needed to link the two lines, whether or not we have a combined authority and a mayor? We are told that we will get free passage over the Mersey bridges instead of paying tolls, but we were promised that in the general election. Will the Government go back on that if we do not have a combined authority?

Then there are the areas where the Secretary of State retains powers, such as the housing programme. The combined authority would have flexibility over only 15% of the housing programme, which could—the word is “could”—include some rented property. When high-value properties are sold, a proportion of the sale will be given to the combined authority, but the proportion is decided by the Secretary of State, and the Secretary of State must approve the housing programme.

None of that gives Warrington the powers it needs to build the kinds of homes that our communities need. Yes, we need starter homes for young couples, but we are also in great need of social rented housing. I suspect that all of us have seen people crying in our surgeries because they cannot get houses. Keeping power with the Secretary of State is not devolution. We are told that, under the employment and housing programme, 50% of the uplift on Homes and Communities Agency land—that is, new town land—will be ring-fenced for Warrington, but 50% of it will go to the combined authority. That is a transfer, to the rest of Cheshire, of money that should remain in my local authority. I do not see that as a good deal.

We are told that the combined authority can keep 100% of the growth in business rates over target, but who sets the target? The Government do. That is the first problem: there may be no growth at all. The second problem is that as business rates increase, grant will be lost. There is no extra money. The third problem is where that growth will come from. It will come from places such as Warrington, Ellesmere Port and Chester, not from the largely agricultural communities around the rest of Cheshire. In other words, it is another proposal to transfer money from poorer communities to better-off communities, and it is a con. It is a Tory proposal to ensure that the Labour-voting areas of Chester have permanent Tory Government. That is what this is all about. It is not about devolution to communities—[*Interruption.*] Yes, that is right. That is why my council has rejected it, and rightly so.

**Nadine Dorries (in the Chair):** Mr Graham Evans, although you committed a dreadful crime in this room a short while ago by using the word “you”, I am sure you will not use it again.

4.56 pm

**Graham Evans (Weaver Vale) (Con):** It is a pleasure to serve under your chairmanship, Ms Dorries. To follow on from the hon. Member for Warrington North (Helen Jones), I see a mayor as building consensus, bringing people together and working together to create and distribute wealth, but as long as there are politicians such as yourself, that might be an issue. I have heard a lot said in the last 45 minutes—

**Nadine Dorries (in the Chair):** Order. Mr Evans, last warning.

**Graham Evans:** Sorry, Ms Dorries. I have heard an awful lot said, but what this is really about is a Labour party that does not like the idea of a Conservative mayor. There is a Labour Mayor in Greater Manchester and there will be a Labour Mayor in Greater Liverpool, and the thought of having a Conservative mayor is clearly what this is really all about. However, whether it

is a Conservative mayor—or a Labour mayor—I would like to hope that she or he would work together towards consensus, for the betterment of all the people of Cheshire and Warrington. That is the whole point of being a mayor: when they are elected to office, they represent all the people, irrespective of political allegiance.

I speak as a Cestrian, Cheshire-born and bred. When I was growing up in the 1970s, when we were the sick man of Europe, I had three options for industries in which I could get a job. The first was the textile industry in Macclesfield, where my hon. Friend—[*Interruption.*]

**Nadine Dorries (in the Chair):** Order. Ms Jones, I tolerated your chuntering all the way up until it was time for you to speak. Please desist now.

**Graham Evans:** Thank you, Ms Dorries. I am far enough away that I cannot hear any chuntering, but to return to my point, when I was growing up, we had three options for employment. The textile industry was huge in the '70s, and even up to the '80s. There was also the aerospace industry, at a place called Woodford, which made the nuclear deterrent and employed thousands of people. There was also something called the pharmaceutical industry. At the time it was ICI; now it is AstraZeneca. I worked in two of those industries: the textile industry and the aerospace industry at British Aerospace. Those two industries have gone.

We had a wake-up call a few years ago in Cheshire with the pharmaceutical industry at Alderley Park, when AstraZeneca decided to move to Cambridge. That was a very big shock for us as politicians, because who was to blame? It was not the leader of Cheshire East or Cheshire West, or indeed Warrington or Greater Manchester, but collectively it was a failure. AstraZeneca's chief executive, who happened to be French, came from California, turned up in Cheshire and decided to move that industry away from Alderley Park.

If we had a mayor, he or she would be held responsible for ensuring that our economy in Cheshire worked with Greater Manchester, Greater Liverpool, the Mersey Dee Alliance in north Wales and the midlands powerhouse that we are developing. A mayor for Cheshire is exactly the sort of thing that we need. He or she would need the ability to work with colleagues in Greater Manchester, Greater Merseyside, north Wales and the midlands, but that would be part of the role: ensuring that our economy in Cheshire was on the top line.

My hon. Friend the Member for Warrington South (David Mowat) ably made the point, as he always does, about our growth. Relatively speaking, Cheshire and Warrington is a very prosperous place, but in the last two decades it has gone backwards compared with London and the south-east. We are a London and south-east-centric country, but we have also fallen behind in comparison with like-for-like regions in countries such as Germany. We have to do things differently in Cheshire to make sure that we keep up with the best.

I believe the role of mayor would be perfect for somebody to bat for Cheshire and Warrington on a national basis, making sure we get that inward investment, but also internationally. We can look at what the Mayor has done for London. London is a global city and Mayors of all political colours have done a fantastic job in representing the people of London and Greater London.

[Graham Evans]

To go back to my original point, I believe the role is important, because it is about consensus and about us all working together to get inward investment. I also have a vested interest, as many of us here do. I have three young children. Why would they need to move to London and the south-east, as so many young people do? They can go to great universities in Cheshire and Warrington, and they can afford to live in Cheshire and Warrington, but they can only do all that if they have the jobs—the good-quality, well-paid careers—that we all want to see.

The north-south divide is growing. What happened at Alderley Park is just one example of that, but there are others. Somebody who could represent Cheshire and Warrington, such as a mayor, would be tasked with dealing with that and when it came to election time, they would be accountable for the growth, or otherwise, within the local economy. As it stands now, everybody goes running for cover—the leader of Warrington, and the leaders of Cheshire East and Cheshire West; “It’s not me”—and disappears. This process brings accountability for the people of Cheshire, irrespective of their political beliefs.

In closing, let me say that I believe this debate is not really about the arguments that the hon. Member for Ellesmere Port and Neston (Justin Madders) talked about. What it is really about is Labour party dogma. Labour cannot stand the thought of having a Conservative mayor, but Labour Members thought the same thing about police and crime commissioners. They did not agree with PCCs—they were all against the idea originally—but we live in a democracy and we now have a Labour PCC. There is no guarantee that there would be a Conservative mayor. There may well be a Conservative mayor, but there could also possibly be a Labour mayor, and we would expect them, irrespective of party allegiance, to represent everybody in Cheshire and Warrington and to bat for the community for the future—our future, but more importantly the future of our children and grandchildren.

5.2 pm

**Christian Matheson** (City of Chester) (Lab): I congratulate my hon. Friend the Member for Ellesmere Port and Neston (Justin Madders) and my next-door neighbour on securing this debate. It is a great pleasure to follow him; it is almost as great a pleasure as it is to serve and speak under your chairmanship, Ms Dorries.

I certainly will not need the six minutes per speaker that you suggested, Ms Dorries, because the case made by my hon. Friends the Members for Ellesmere Port and Neston and for Warrington North (Helen Jones) is so compelling. However, I will just follow up on a couple of points that have already been made.

The hon. Member for Warrington South (David Mowat) said that this system was not being imposed and he is absolutely right—these are deals that have to be requested. However, the structure is being imposed, because only one option is being offered. It is a one-time chance and it is very much a one-size-fits-all policy. It is “take it or leave it”.

As my hon. Friend the Member for Ellesmere Port and Neston said earlier, in his view, which is also my view, Cheshire does not lend itself to a mayoralty.

Different parts of the county look at things from different angles and differently from how neighbouring areas look at them. My other next-door neighbour, the hon. Member for Weaver Vale (Graham Evans), talked about the success of the Mersey Dee Alliance. The fact is that so much of the growth in Chester, which is in west Cheshire, is predicated on that expanding and growing partnership, which has been so successful. I remind hon. Members that the MDA is very much based on a group of leaders of local councils on a committee, and yet it is working. The process of bringing those authorities together across the border is working, despite the fact that there is a committee and a group.

I am informed that the Secretary of State for Communities and Local Government told some of our local council leaders that he was not going to devolve powers to a committee, which is a bit rich coming from a man who sits on the principal Committee of the country, which is the Cabinet. Obviously, he has no faith in the Committee system or indeed in Cabinet Government.

When the Minister responds to the debate, I would like him to say why the Government consider that it is appropriate to impose what is essentially a one-size-fits-all policy when that is the opposite of what they stated they were trying to achieve. If he is really concerned about growth in our area, and I am sure he is, as indeed are hon. Members from all parties, perhaps he will get Ministers in other Departments to pay attention to some of the levers of growth, such as improving and upgrading the M56 in my area and in the area of the hon. Member for Weaver Vale, or improving the railway lines and the other forms of transport; for example, improving and electrifying the railway line through Crewe to Chester and north Wales. There are plenty of ways we can indeed drive economic growth.

Cheshire is where I grew up. It is not actually where I was born, for the reason that my hon. Friend the Member for Warrington North spoke about—when I was born in Warrington general hospital, I believe that it was in Lancashire, so I cannot claim to be purely Cheshire-born. However, I am certainly Cheshire-bred and Cheshire is the place that is very much in my heart. It is a privilege to represent the county of my youth, if not of my birth.

Cheshire is diverse geographically. As my hon. Friend the Member for Ellesmere Port and Neston said, the town centres do not necessarily look into each other, and in this instance a mayoralty is wrong. I am pleased that the mayoralty system seems to have been put on the backburner, which has given hon. Members and other members of the community an opportunity to have a debate about what is the best form of governance. It simply cannot be right that only one form is offered. If we are really keen to drive forward devolution in non-metropolitan areas, the Government really need to have a more open mind and listen to what else is on offer.

5.6 pm

**Alison Thewliss** (Glasgow Central) (SNP): It is a pleasure to see you in the Chair, Ms Dorries.

I thank all the hon. Members who have spoken this afternoon—the contributions have been very thought-provoking—and I thank the hon. Member for Ellesmere Port and Neston (Justin Madders) for securing this

important debate. It is important that he said that mayoralty was not suitable for all areas. He gave the example of Cornwall, which is not being forced to have a mayor. The cities in Scotland that have been offered city deals, with funding contributions from the UK Government, have not been asked to have a mayor either. It is not within the civic tradition of Scotland to have a mayor. Quite often, we will have a civic head in a Lord Provost and a political head in the leader of the council, but we have not been asked at any point to have a mayor as part of this process.

A very interesting report was brought out just yesterday by the Scottish Cities Alliance, called “Empowering City Government”. It contains significant discussions about what more the seven cities in Scotland might get from the powers coming to the Scottish Government as part of the devolution process, and about what more they might ask for. Mayors are not one of the many asks in that report. So this issue is not only being discussed in England.

It was also very interesting that the hon. Member for Ellesmere Port and Neston referred to the Communities and Local Government Committee report and mentioned consultation, because when the Committee, of which I am a member, held a public session in Manchester about the city deal there, members of the public, trade union representatives and a range of interested people expressed a huge amount of concern especially about health devolution. The people there did not quite understand what was being offered to them, how it would benefit them or what the full implications might be. What exactly it will mean is still being teased out. I share the concern that the hon. Gentleman expressed about the lack of transparency about the process, what is being offered and where the public fit in the whole scheme of things.

It has been said that perhaps not everybody can name their council leader. I can assure the hon. Member for Warrington South (David Mowat) that the council leader in Glasgow, who is a Labour council leader, is well known. The janitors in the city are currently out on strike and they are wearing face masks with the council leader’s face on them, so he is well ken’d and well known, although that is not perhaps working out the best way for him.

The hon. Gentleman mentioned how centralised the UK is, which is true—London is the great sucking machine that takes all the spending and all the jobs. It is very interesting that he made a comparison with Scotland, because we know anyway that we are subsidising London and have been for many years. The civil service is also in London—the hon. Gentleman mentioned that too—and the Government are intensifying the situation, with the HMRC closures, and other Departments locating back to London.

**David Mowat:** Will the hon. Lady give way?

**Alison Thewliss:** There is not a great deal of time, and I want to let other Members speak.

**David Mowat:** I thank the hon. Lady. For the avoidance of doubt, if my constituency and that of the hon. Member for Warrington North (Helen Jones) were in Scotland they would both receive massively more

money per head than they do through the Barnett formula. The notion that Scotland subsidises London is bizarre.

**Alison Thewliss:** The hon. Gentleman might find it bizarre, but people in Scotland do not. The Aberdeen region city deal was £550 per head, whereas the figure for Manchester was £2,130 and for Bristol £1,207, so Scotland is losing out compared with city deals in the rest of the UK.

The point about democracy and the chaotic structures that are being created has been well made. The now many layers of local government in England increase the lack of democracy in many cases, and powers have been transferred away from and above local people and local government to a layer that is further away from them. I understand that the Public Accounts Committee has challenged the effectiveness of the devolution deals so far.

The hon. Member for Warrington North argued against the one-size-fits-all approach, and I absolutely concur with her. She mentioned the notion that power devolved is power retained, with local authorities perhaps not getting all the things they expected and hoped for, and that certainly seems to be the case with some of the deals—more things have been asked for than have been allowed. The question whether it will be a Labour or a Tory mayor is interesting to observe from my position, because when local government reform was taking place in Scotland in the late ’90s, there seemed to be a bit of a sense that some areas had been pockled in favour of Labour or Tory councils-to-be. There are still issues there, with Glasgow not doing as well as its wealthy neighbours and people from round about using the services there. There remain issues about who pays for the services.

The hon. Member for Weaver Vale (Graham Evans) blamed many people for the loss of industries in his constituency, but he did not blame central Government, which I find curious. Responsibility is important; a mayor should have responsibility and accountability, but the buck must stop with central Government and the job policies that they create. They must ensure that the conditions are correct. In Scotland we have also seen the loss of heavy industries, but we are now in a position to make a bit of a difference. The shiny example is the saving of the Ferguson shipyard in Inverclyde, which had been run down over many years. The Scottish Government put in investment and found a buyer, and the shipyard is now thriving and taking on apprentices.

**Graham Evans:** It is not a case of blaming people. We live in a global economy and a global world, and regions and areas must take that into account. The point I am making is that we know that in the next 10, 15, 20 or 30 years industries will see changes. They will be global changes, and the whole point of devolution is that it gives us the power to foresee such changes and make changes to our local economy, infrastructure, education and skills so that we are best placed to attract inward investment from across the world, or wherever.

**Alison Thewliss:** The hon. Gentleman is right that there is a global economy, but the powers that are being devolved to local authorities are not enough to do what he says. In the interesting report that I mentioned, the

[Alison Thewliss]

Scottish Cities Alliance calls for more powers for local authorities in Scotland over immigration policy because there are areas that are not thriving as well as they could be and not attracting the skills that they could. The limited devolution powers do not go far enough.

The hon. Member for City of Chester (Christian Matheson) made some interesting remarks, and I ask him to reflect on this quote from the Chancellor. He said:

“I will not impose this model on anyone. But nor will I settle for less.”

Those two statements together do not make sense. He either wants it or he does not.

Finally, I want to put it on the record that the Scottish National party supports attempts to bring about local democracy, but we do not think that this measure is the radical devolution that is required. We are concerned that changing the formation of existing powers could create a chaotic structure. More thought needs to be given to the proposals.

5.14 pm

**Mrs Emma Lewell-Buck** (South Shields) (Lab): It is a pleasure to serve under your chairmanship, Ms Dorries. I thank my hon. Friend the Member for Ellesmere Port and Neston (Justin Madders) for doing a sterling job in opening this important debate and for highlighting the very real concerns that exist not just in his area but, as the Minister well knows, right across the country in relation to the Government's imposition of a mayor as part of devolution bids and deals.

The Chancellor—it is the Treasury not the Department for Communities and Local Government that is leading on the deals—has made it clear from day one that an elected mayor is a prerequisite condition for the devolution of major powers. It is the price that he has demanded for giving more control to local areas. Although individual areas were promised bespoke deals by the Government, there has been little room for manoeuvre.

The whole point of devolution, as the Minister knows, was to move away from over-centralised governance, to open up that dialogue between central and local government on what works best for each area. Yet, from the outset the discussions have been delivered in a top-down fashion, with the Government holding council leaders to ransom, threatening them with no deal if they do not yield to the Chancellor's will. It is little wonder, then, that the Cheshire and Warrington devolution deal, and also the north-east, East Anglia, greater Lincolnshire and west of England deals, have all stalled, citing concerns regarding the Government's imposition of a mayor.

It is not just council leaders and their councillors, however, who are expressing concerns. The Communities and Local Government Committee and a recent National Audit Office report have given weight to the legitimate criticisms that are coming up time and time again. The criticisms are about the insistence on an elected mayor, about local geography, transparency and accountability and, more importantly, about the deals being totally void of public consultation. The principle of elected mayors as a means of providing visible leadership and accountability is one thing, but imposing them is a

totally different matter. Local areas should be free to decide whether an elected mayor is the right model of governance for them.

Similarly, the way in which the boundaries have been carved up in the geography of the devolution deals has bewildered many local people. Boroughs that have an affinity with other boroughs because of shared issues and identities have been passed over for devolution deals, while areas that have completely different issues, aims and objectives have all been lumped together.

I know that the Minister is not daft, so he must understand that what works for one area does not always work for the other.

**Liz McInnes** (Heywood and Middleton) (Lab): Division.

**Mrs Lewell-Buck:** If the devolution agenda is to move forward and be successful, there is an urgent need for some flexibility to allow local areas to adapt governance models to suit their own geographical and political circumstances.

It is also true that elected Mayors in two-tier areas are in danger of creating five layers of local governance. Add to that the undemocratically elected local enterprise partnerships, and we have a complex, overly bureaucratic, costly system of representation that will render the public absolutely dizzy figuring out where to go for which service and who is accountable when things go wrong.

I want the Minister to come clean. The truth is that the Chancellor has his own political master plan, an agenda that has nothing to do with bringing power and decision making closer to people but a desperate and devious plan to neutralise Labour-held councils, to position himself as the creator of a so-called northern powerhouse, and to strike alliances with Labour mayors or try to massage the geography of the deals to increase the chances of a Tory mayor presiding over what were once predominantly Labour areas.

Devolution for this Government is local government reorganisation through the back door and delegation of blame for their own cuts to the combined authorities. I hope that the Minister will provide some clarity in his response, and if there is only one question that he feels able to answer, can it be this: why, despite the myriad dissenting voices of the public, trade unions, councillors, experts, Select Committees and people in this place—even in his own party—is there a rushed insistence on mayors?

5.18 pm

**The Parliamentary Under-Secretary of State for Communities and Local Government (James Wharton):** It is, of course, a pleasure to serve under your chairmanship, Ms Dorries. I congratulate the hon. Member for Ellesmere Port and Neston (Justin Madders) on securing this debate, on what is undoubtedly an important and topical matter of concern and interest to Members across the House, as we can see from the contributions that have been made today.

I also thank the shadow Minister for the best compliment she has yet paid me, in suggesting that I am not daft. I will ignore the sedentary chuntering from the Benches behind her, which was perhaps audible for the record.

Indeed, not daft would be an understatement, were it true that I was able to choreograph the grand conspiracy that some of those who have contributed to this debate seem to believe is being perpetrated and were it true that I am such a Machiavellian political operator that I have taken the Tees Valley, the north-east, Greater Manchester and Greater Liverpool, to name but a few, and contrived to draw up devolution deals that will deliver Conservative mayors for those areas. I am delighted that some Members have such confidence in the political nous of those who lead my party that we may be able to achieve that, but I suggest that it is not the case.

**Mrs Lewell-Buck:** I do not want to upset the Minister, but we were talking about the Chancellor, not him.

**James Wharton:** I consider my bubble burst, but it was worth a try to take what compliments might be on offer when the opportunity was there. They have eluded my grasp on this occasion. Devolution is an important matter. It is transformational and of constitutional significance for how we run our country. It is important for driving future economic growth and recognises that it is those living in the communities affected by the decisions made by Government at whatever level who are best placed to understand how those decisions should be made and the things that can be done to grow the economies we represent in our different constituencies and different parts of the United Kingdom.

**Helen Jones:** I am grateful that the Minister says it should be people in communities who decide these things. Can he explain why Birmingham had a referendum, voted against having an elected mayor and is getting one anyway?

**James Wharton:** I will explain the difference between the sort of mayors we have had before and the approach the Government are taking to devolution at this time, as well as why that is the right approach. Looking at the history of mayors, we have all known and experienced civic mayors. That important role recognises the contribution that local councillors have often made in representing their local authority. We saw a transition to local authority mayors pioneered under the previous Labour Government. That saw powers taken from local authorities and focused in that executive person. Indeed, the example that the hon. Member for Warrington North (Helen Jones) gave was of powers coming from a local authority into that executive person, who would then use them in theory for the good of that area, with their democratic accountability and mandate.

The sort of mayors we are talking about with devolution hold powers coming down from central Government that are currently held by Ministers and exercised by civil servants. We want to give those powers to people who are closer to the communities affected by their exercise. We want to transfer those powers down. Where there is a significant transfer of Executive control and decision-making with those powers, we also want to ensure sharp accountability delivered by an elected person with the mandate to ensure that the work that needs to be done can be delivered, but who will be accountable to the electors of the area over which they are the mayor.

That area is not chosen by central Government. The process of devolution for any area is a deal, and that is a two-way process, but we ask areas to come forward and tell us the geography on which they think a devolution deal should be delivered. Rather than Government dictating centrally what the geography might be, we allow local communities, represented by their elected local authority leaders, to look at the geography of the economy in which they operate and tell us what they think is the right geography.

**Mrs Lewell-Buck:** The Minister will recall that we spoke in a recent debate on devolution in East Anglia. The issue there was that the Government were not allowing those areas to decide the geography. How does he explain the point he just made in the light of that?

**James Wharton:** It is very clear. The Government do not have the power in statute to force any area to accept a devolution deal. It happens by agreement, working with local authority leadership. If an area is not happy with what is proposed, whether that is the geography, the powers or the mechanism of governance, the Government have no power to compel them to make that deal or to go down that route of devolution at that time. What is so welcome is that so many areas have done that and have recognised the opportunities to choose their own geographies.

Members have spoken about the overlapping and different-layered identities of our constituents. I represent Stockton South in Teesside, which is also within the larger Tees valley. My constituency is half in the old north riding of Yorkshire and half in County Durham for ceremonial purposes. People identify in different ways in my constituency. I of course understand that in any area or geography of any scale or size there will be differences of identity. The point of devolution is to identify the economic opportunities, and we have approached that from the bottom up. We have let those communities come forward, put their proposal on the table and persuade Government why it is the right thing. We do not accept everything that is brought forward. We work with them to test and understand why they want to make that deal, but that is the right approach, because it will give a geography that will last and stand the test of time.

We take the same approach with the powers that we are conferring with devolution. We allow areas to come to us with their bid, and we make a deal with them about the powers they want. There is not some centrally held list. There is not a restricted and narrowly defined number of things that an area can have. They can ask for whatever they want; it is a deal with Government. We have to agree, and we work with them on those areas in which we can find agreement, and hopefully we reach a deal in the interests of that geography and those communities, identifying the powers that will help drive forward the economy in that area.

**Helen Jones:** The Minister is being generous in giving way once more. Warrington would be subject to four different tiers of local government under the current proposed deal: an elected mayor, a combined authority, a council and parish councils. From what he is saying, can I deduce that if Warrington came to him with a proposal for more powers to the local authority, he would consider it?

**James Wharton:** We will always have discussions with any local authority, but it is very unlikely that we would be able to make a deal with Warrington alone. The idea of devolution is to bring together areas in sensible economic geographies to deliver extended and accelerated growth through additional powers currently held and exercised by Government. The powers are not being created out of thin air. It is not a matter of an extra layer; the powers are already being exercised by Ministers like me sat in Whitehall Departments and by civil servants who are not elected by the people affected by those decisions. We are giving those areas a chance to hold those powers nearer to the people affected by how they are used. We are giving them the chance to elect the people who make those decisions.

We cannot compel any area to have a metro mayor or the new devolved structures that so many areas have signed up to, but we have been clear that where areas want ambitious devolution deals and a wide-ranging package of powers to drive real change for their communities and to grow their economies, we expect a mayor to be part of that, because of the accountability, drive and mandate that comes with that position. The Government have made no secret of that, but I reiterate that we do not have the power to compel any area to be part of that process. It is very important that so many areas have welcomed what we are doing, engaged with us and entered into deals. We continue to talk about where deals might go next and what they might do for the future.

Members from all parts of the House have spoken about the specific Cheshire and Warrington proposals. I hope that area will be part of the process and will grasp with both hands the opportunity the Government present to do something exciting, to drive forward its economy, to bring power closer to local people and to recognise the incredible potential of that area and the people who live within it, which the businesses operating there can deliver on. It is an exciting time, and I hope that the politics and the conspiracy theories, some of which we

have seen brought to the Chamber today, will not prevent those communities from benefiting from a significant transfer of powers that have been centralised over decades and political generations out to the people who will be affected by their exercise. That is welcome. In principle, it is welcomed across the political divide, and we have heard comments to that effect today. I hope agreement can be delivered so that the people in those communities can benefit from what we are setting out to do.

5.28 pm

**Justin Madders:** I think we have had an excellent debate. Most Members have generally supported the concept of devolution. We have talked a lot about accountability and working together, and I hope we are able to do that. The Minister says that no form of governance is imposed on any area, but in the next sentence he says, "We are not going to impose anything, but you have to do it on certain conditions." That is the fundamental dishonesty at the heart of the process, and it is not genuine devolution.

I echo the words of the shadow Minister: we need some flexibility in this. We need to listen to local communities and understand what they want and need. We need to work together to try to deliver genuine devolution. I have not heard anything that has convinced me that an elected mayor is the right solution for my area, but I am absolutely convinced that if there are powers available, we should do our utmost to grab them as quickly as we can.

*Question put and agreed to.*

*Resolved,*

That this House has considered elected mayors outside city regions.

5.29 pm

*Sitting adjourned.*

# Written Statement

*Tuesday 14 June 2016*

## HEALTH

### **Employment, Social Policy, Health and Consumer Affairs Council: June 2016**

**The Parliamentary Under-Secretary of State for Health (Jane Ellison):** The Employment, Social Policy, Health and Consumer Affairs Council will meet on 16 and 17 June in Luxembourg. The health part of the Council will take place on 17 June in the morning.

The main agenda items will be the adoption of Council conclusions on:

Food products improvement;

The next steps under a one health approach to combat antimicrobial resistance;

Strengthening the balance in the pharmaceutical systems of the European Union and its member states.

Under any other business there will also be:

Information from the Dutch presidency on:

The state of play of negotiations concerning the regulations on medical devices and in vitro diagnostic medical devices

Public health conferences that were organised and held by the presidency

Information from the Commission on:

The European fund for strategic investments and the investment plan for Europe

The EU response to Zika

Health systems performance assessment (HSPA)

Proposed new analytical products to support better knowledge and stronger evidence-based policy making, under the banner of the "State of Health in the EU"

Information from the French delegation on the election of the WHO Director-General

Information from the Polish delegation on the European Committee for Standardisation's (CEN) work programme for 2016 with regards to health-related activities

Information from the Slovak delegation on the priorities for their forthcoming presidency, which will run from July until December 2016.

A draft copy of the latest agenda can be found online at:

<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2016-06-14/HCWS40/>

[HCWS40]



# ORAL ANSWERS

Tuesday 14 June 2016

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# WRITTEN STATEMENT

Tuesday 14 June 2016

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**not later than  
Tuesday 21 June 2016**

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