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PARLIAMENTARY DEBATES

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Friday 25 November 2016

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The House met at half-past Nine o'clock

PRAYERS

[Mr Speaker *in the Chair*]

David Tredinnick (Bosworth) (Con): I beg to move, That the House sit in private.

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

Awards for Valour (Protection) Bill

[Relevant document: Fourth Report from the Defence Committee, Session 2016-17, Exposing Walter Mitty: The Awards for Valour (Protection) Bill, HC 658.]

Second Reading

9.34 am

Gareth Johnson (Dartford) (Con): I beg to move, That the Bill be now read a Second time.

To undermine our veterans is wrong, to claim to be a military hero when you are not is wrong, and to steal valour is wrong. That is why I am introducing the Bill. I thank the Ministry of Defence and the Government, as well as Her Majesty's Opposition, for their prompt and full support for the Bill. In addition, I thank the Select Committee on Defence for its professional report, and colleagues for forgoing their constituency commitments today in order to be here to debate the Bill.

The point of the Bill is to protect genuine heroes. People should not be able to claim they are heroes when they are not. There is rightly a heightened respect for veterans and the service they have given this country. That, coupled with the increased accessibility of second-hand medals and insignia, has led, in my estimation, to an increase in the number of people stealing valour from genuine heroes. The so-called Walter Mittys parading themselves at Remembrance Day service parades and elsewhere sporting medals they have not earned not only is insulting but undermines those veterans who have legitimately earned them.

David Tredinnick (Bosworth) (Con): I congratulate my hon. Friend on bringing the Bill to the House. As someone who served in the military many years ago as an officer, I would like to say how important it is to all servicemen, who regard badges of rank and decorations as sacrosanct. He is doing a great service to all those in the armed forces by bringing forward the Bill.

Gareth Johnson: I am grateful to my hon. Friend for his contribution. Since I introduced the Bill, I have been touched by the number of ex-servicemen and current servicemen who have contacted me to express exactly that sentiment and who feel that they are being undermined and that the value of medals is being chipped away and eroded by those who are undeserving and yet claim otherwise.

People must have confidence, when they see the magnificent sight of veterans proudly wearing their medals at Remembrance Day parade services and elsewhere, that those medals were legitimately awarded to those who sport them. I will give the House one categorical assurance about the Bill. Nothing in it will cut across the wonderful custom of families, out of respect and honour to the recipients, wearing medals that their loved ones earned.

Craig Whittaker (Calder Valley) (Con): Does my hon. Friend agree that there must be a clear definition of "family member" to ensure that there is no room for manoeuvre or any loopholes in the system for people to abuse?

Gareth Johnson: My hon. Friend raises an interesting point. There are two ways of trying to preserve the right—I would call it that—of family members to sport medals. One is to be very definitive and to list everybody who qualifies as a family member, as the Children Act 1989 attempts to do, and the other is to keep it open and allow the courts some discretion.

The difficulty with trying to define exactly who is a family member is that we will always miss people out. Is the boyfriend of a niece a family member? It probably depends on the circumstances. The list goes on. I have deliberately taken the view, therefore, that there should be a wide definition of "family member" in order to allow the courts to decide whether it applies. No doubt, that point will be debated in Committee. It is something I am open-minded about. I do not want to be over-prescriptive in my approach. I just want to preserve this great custom and ensure that loved ones and family members can still sport, often on the right breast, the medals earned by others in their family of whom they are rightly proud.

Bob Stewart (Beckenham) (Con): The only position for medals that have not been earned is on the right breast. Anyone wearing a medal on the left breast has earned that medal.

Gareth Johnson: I am well aware of that custom. The Bill is not intended to deal with people who have wardrobe malfunctions when looking in the mirror. What I want it to do is to catch only those who deliberately intend to deceive others.

Rebecca Pow (Taunton Deane) (Con): My hon. Friend is making a clear point. Does he agree that, when our servicemen and women show great courage and bravery, they should be allowed to wear the medals awarded to them? Marines in my constituency have come to me because some of them are not currently allowed to wear their NATO Africa medal, as it does not meet the "risk and rigour" standards, yet those marines have faced attacks from rocket-propelled grenades and assaults from ships. I wonder whether that may be relevant.

Gareth Johnson: My hon. Friend touches on an interesting issue. I have discovered that the medal system is incredibly complex. My Bill would deal only with people who are intending to deceive others—people who are being fraudulent in what they are portraying

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about themselves. If people have legitimately earned those medals, they will not be caught by the Bill's provisions.

Simon Hoare (North Dorset) (Con): I support the Bill, but could my hon. Friend provide a comment or an assurance—this may be an issue that will need to be dealt with in Committee if the Bill progresses—about those who have mental health difficulties and problems, who are not being malicious but just out of ill health find themselves often wearing a medal to which they are not entitled? We should deal with people in that category who have no maliciousness in their action in a particularly sensitive and understanding way.

Gareth Johnson: My hon. Friend makes an important point. The Bill is not intended to criminalise people who have severe mental health problems. The law, and particularly the criminal law, is used to dealing with this situation. I shall come on to the issue in more detail later in my speech, but the Bill is not an attempt to criminalise people who do not have the mental capacity to form the necessary intent to commit the offence. This is a specific intent offence, so someone who is unable to create that intent in their own mind will not be caught by the provisions. There is also an overarching provision that no criminal proceedings would follow unless it were in the public interest to do so. That applies in all elements of the criminal law, and it is often used with respect to cases involving people mentioned by my hon. Friend.

Mrs Sheryll Murray (South East Cornwall) (Con): My constituent, Surgeon-Captain Rick Jolly, was decorated by both sides in the Falklands war, but had to get the permission of Her Majesty to wear both medals. Does that not show that we should respect the medals that are given for valour? I completely agree with the Bill and I would encourage all Members to support it today.

Gareth Johnson: I am grateful to my hon. Friend for her intervention. She rightly makes the point that it would be a travesty if people who have demonstrated bravery, as that gentleman clearly did in the Falklands, were to be undermined and devalued by people who are claiming, often maliciously, that they are their equal and that they have also served, been courageous and put their neck on the line when that is clearly not the case. Therefore, I believe that we need a change in the law on the issue, as has often happened around the world.

Charlie Elphicke (Dover) (Con): My hon. Friend is making a powerful and persuasive argument. Will he confirm that there used to be an offence for this kind of behaviour—for stolen valour—but that it was inadvertently repealed in the Armed Forces Act 2006?

Gareth Johnson: My hon. Friend is right: the Armed Forces Act repealed the provision, and the repeal came into effect in 2009. Therefore, we currently have no law of this nature, which is often seen throughout the world, to protect veterans.

Let me return to an earlier point and reiterate the point about family members being able to wear medals that have been won by loved ones. I say categorically that I would never introduce a Bill that would cut across that excellent custom. It would be unworthy and contrary to common decency.

You will know, Mr Speaker, that medals are not permitted to be worn in this Chamber. However, if I were to wear a medal, I would wear my great-grandfather's medal. He served in the East Kent Regiment—the Buffs—and was killed at the Somme. As I say, I would wear that medal if it were permitted in this Chamber. I appreciate that it is not. I think that illustrates that my intention is to preserve the custom that family members are able to sport the medals of loved ones without fear from the Bill. The tradition of doing so should be not only protected but enshrined in the Bill.

However, those who deliberately attempt to deceive people will be caught by the Bill—and I make no apology for that. People who commit this act do so for a variety of reasons. Some, sadly, as we have heard, do so because they are affected by serious mental health problems. As I mentioned, the Bill creates an offence of specific intent, so anyone with a serious mental health problem who is unable to form that intent cannot be convicted of this offence. The Crown Prosecution Service would have to satisfy, as I said, a public interest test before any prosecution could even begin against someone who carried out this action. It has been brought to my attention that there are occasions when people with mental health problems do commit this act, but I repeat that there will be those safeguards in the Bill.

Some people can be very manipulative and can use medals for their own advantage, seeking the respect that comes from them to advance their own cause. I am thinking of a councillor in Thanet who wore medals that he had not earned in order to help his election campaign. I am sure that we will hear more about that later from my hon. Friend the Member for South Thanet (Craig Mackinlay). I am thinking of Roger Day, who marched past hundreds of veterans and their families wearing numerous medals that he had not won. Yet no prosecution could be brought against him and many other people because, quite simply, as things stand, behaving like that is not against the law.

Estimating exactly how widespread the problem is can be very difficult. There are no arrests and so no records. The Naval Families Federation recently surveyed over 1,000 of its members and found that around a third of them had experienced these Walter Mitty-type characters. The Walter Mitty Hunters Club—I have no connection or association with the organisation—claims to receive something in the order of 20 to 30 complaints a week. I understand that it is investigating 70 cases that have been brought to its attention.

I am president of my local Royal British Legion group in Greenhithe in Kent, and there have been two instances there of people pretending to be decorated veterans when they had not even served in Her Majesty's armed forces. This cannot go on. If we leave things unchecked, we will get to a situation where trust in the whole medal system and trust in valour evaporates. I have been contacted on numerous occasions by veterans who have recounted to me their experiences of witnessing impostors at remembrance services. They feel deeply hurt, offended and insulted by the actions of these individuals. The problem is genuine and, anecdotally, it seems to be increasing.

We therefore need the deterrent factor that the Bill would provide, and I think it right for the offence to carry a term of imprisonment as well as a fine. I have suggested a three-month period; that would mirror the legislation referred to by my hon. Friend the Member for Dover (Charlie Elphicke), which is no longer in force. Of course, any sentence would be up to the courts, but making the offence imprisonable would allow them to impose community-based penalties that would not be available if the offence were subject only to a fine. It is right, proportionate and appropriate for a term of imprisonment to be available to the courts at their discretion, for the worst cases, should that prove necessary. I should make it clear, however, that although the Bill provides for a three-month sentence, it would not be possible to impose a sentence of imprisonment in a youth court: a custodial sentence would not be available there, and I am content with that. It would be quite rare for people aged 17 and under to fall foul of the law, but I also think it right not to provide for their imprisonment, purely because of their age.

Unusually, I am endeavouring to introduce a law that has applied in the past, but does not apply today. Stolen valour has a history in this country. After the first world war, Winston Churchill introduced the offence as Secretary of War. He said at the time:

> "We want to make certain that when we see a man wearing…a medal, that we see a man whom everybody in the country is proud of."—[*Official Report*, 2 April 1919; Vol. 114, c. 1277.]

He was absolutely right. The same principle applies today, and it applies equally to the women who serve our country. The Armed Forces Act 2006 repealed the offence because it was a bit too messy and uncertain, but unfortunately it was not replaced at the time. That decision has been criticised by the Defence Committee. While it is possible to prosecute for fraud when monetary gain applies, or under the Uniforms Act 1894 if a full regimental uniform is worn, the law does not cover people who steal valour in the way that I have described, and public confidence can therefore be shaken.

Bob Stewart: I have met many people wearing SAS berets. An astonishing number of people walking around the streets appear to have been in the Special Air Service, but I reckon that one in 20 of them actually has.

Gareth Johnson: That is an important point, made by a distinguished and experienced veteran. I am told that pretending to have been a member of the Special Air Service is the most common example of people stealing valour from others in order to curry favour and win respect for themselves, and it is often done in a way that is deeply insulting. Veterans frequently have a good nose for people who are stealing valour from others, as I have observed in my local Royal British Legion club, where they sometimes notice that something is not right. That ability is often deployed to identify Walter Mitty characters of this kind, and if my Bill is passed, it could be used to prosecute them.

The stealing of valour has been recognised as a problem around the world. For instance, the Americans recently adopted their own Stolen Valor Act to protect recipients of the Purple Heart, because a huge problem had developed as a result of people pretending that they had received it when they had not. In fact, very few countries do not have an equivalent of my Bill, and I am not aware that any that have such legislation have felt it necessary to repeal it. I think we can deduce that the law has worked well in other countries, so why should it not work here? Why can we not have our version of stolen valour legislation, which has worked well in America and elsewhere, and which I think we can be confident would work well in the United Kingdom?

We have a proud military history. Each of the regions that make up the United Kingdom has contributed significantly to our armed forces, and has excelled in wars over the years. It therefore seems wrong to me that we do not afford veterans the protection that they are given in so many other countries. Many people braver than I have put their neck on the line for this country. We owe the freedoms that we enjoy in this Chamber to those who have fallen and those who risked their life for us. Indeed, we are overlooked, at either end of the Chamber, by the shields of colleagues who gave their life for us in one of the world wars. We cannot allow that valour to be stolen. We cannot allow the public to lose trust in our veterans, and we cannot allow their memories to be undermined. I therefore ask the House to give the Bill a Second Reading.

9.56 am

Craig Mackinlay (South Thanet) (Con): I pay tribute to my hon. Friend the Member for Dartford (Gareth Johnson) for introducing the Bill. We are very aware that today is Black Friday. I note that my hon. Friend the Member for Shipley (Philip Davies) is present, and he will doubtless be joined by my hon. Friend the Member for Bury North (Mr Nuttall). May I recommend that they do a bit of discounting in their interventions, and perhaps go shopping? We have much business to conduct, not least my own later in the day.

Much has been said about the nature of people who wear false medals, or wear medals falsely. They do it primarily to deceive. While we may have a view on the Walter Mitty Hunters Club, whose activities are perhaps a little aggressive at times, it is in the nature of such people to try to advance themselves in the community and to create a standing that they simply have not earned. My hon. Friend the Member for Dartford demonstrated ably how manipulative they are. They seek admission to an exclusive club when they have not earned the right. They often join parades on Remembrance Day, when we as the public pay particular tribute to what people who earned their medals have done in the service of this country.

There is already a certain amount of legislation that can help us. When financial fraud results from the use of this standing that has not been earned, it can carry up to 10 years' imprisonment. I know of no cases thus far in which that legislation has been applied to people who have used medals for their own advantage, but I am sure that there are a number of cases out there. My hon. Friend mentioned a local councillor—no longer a councillor, in fact—who may be an example.

Other Members have mentioned mental health. I am sure that many people who use medals that they have not earned for their own advantage, in an attempt to gain some standing, have mental health issues to a degree, but there is plenty to cover that in the criminal code. It would be up to the police, then the Crown Prosecution Service, and then, of course, the courts to

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determine the mental state of such people. That is normal and proper practice in other parts of the criminal code. I therefore do not think that mental health issues would be a problem if the Bill were passed.

The main reason why I am supporting my hon. Friend's Bill is for its deterrent effect. We have no deterrents, following the Armed Forces Act 2006, which sadly dropped the old Army Act 1955 offence; prior to that, there was the offence in Winston Churchill's Act after the first world war. Apart from having a deterrent effect, the Bill will create certainty for the public: we will be absolutely sure when we see veterans that we can pay an appropriate tribute to them and honour them, knowing that they are the real deal and have earned what they are displaying. So there are two benefits to my hon. Friend's Bill.

There was discussion about the appropriate penalty. Three months' imprisonment has been suggested, although there could be an opportunity for community payback —a certain number of hours worked in the community. That would probably be the more likely outcome through the courts, but that would be decided on a case-by-case basis.

Gareth Johnson: I mentioned Roger Day; he was the last person prosecuted under the 1955 Act, although the Act had expired a few days beforehand. The court gave him community service, as it was at the time, which shows that courts often feel that a community penalty is appropriate, but this has to be an imprisonable offence in order to make those penalties available to the court.

Craig Mackinlay: Absolutely; my hon. Friend gives a good account of his knowledge of the law in such cases.

What greater community payback could there be than for people convicted under my hon. Friend's proposed legislation to do service to war widows, perhaps, or war graves, or the great memorials around our country by repairing and cleansing them? I want to mention the case of Kevan or Konnor Collins in my constituency. He was elected as a UK Independence party councillor last year. He made a remarkable array of claims: that he had served in the Paras, and had been awarded an MBE, the Conspicuous Gallantry Cross, the Military Cross, and the Distinguished Service Cross. If that had been true, he would have been the most decorated veteran in the entire country. He was outed online.

Bob Stewart: He would also have had to have served in practically all three services to have got those medals.

Craig Mackinlay: My hon. Friend highlights the ridiculousness of the situation. Mr Collins was outed by campaigners, and later resigned as a Thanet councillor. He was further found to be a bigamist. He was a Walter Mitty character of enormous proportions. I would not usually mention such cases and rely on the privilege of this House, but Sky News has covered this, as have *The Sun* and the *Isle of Thanet Gazette,* and he has even belatedly offered an apology for his lies and deceit.

How can we solve this? The United States has created, under its 2013 Act, an online database. That might be a sensible route for us to take, but love it or loathe it, the great internet already affords us a great deal of information about people who claim to be what they are not.

There is an international dimension to this. This country would not be doing something unusual through this Bill; we would be aligning ourselves with what happens among the rest of our friends in the EU, and also in Australia and the United States. For the deterrent effect, such an offence, which was taken away in 2006, is long overdue. I very much support the efforts of my hon. Friend the Member for Dartford, and I hope that his Bill makes progress today.

10.4 am

Philip Davies (Shipley) (Con): I commend my hon. Friend the Member for Dartford (Gareth Johnson) on bringing forward this Bill. I am afraid I cannot be as enthusiastic about it as him or my hon. Friend the Member for South Thanet (Craig Mackinlay). It seems to me to be in line with the tradition of private Member's Bills, which usually have two things in common. The first is a worthy sentiment; almost every private Member's Bill that comes before the House on a Friday has behind it a worthy sentiment and I do not think anyone can doubt the worthiness of this sentiment. The other thing they usually have is an element, great or slight, of gesture politics, and the Bill falls into that category as well.

I want to be clear from the start that the idea behind the Bill is admirable; war veterans deserve our utmost respect, appreciation and support—I hope that goes without saying. I hope it also goes without saying, but I want to be crystal clear about this as well, that seeking to help them, given all they have done and sacrificed for us, should be an absolute priority. But unfortunately the Bill is neither necessary nor helpful, and I am concerned it will disproportionately affect people with mental health issues and even veterans themselves, which would be a very unfortunate unintended consequence of what is a laudable aim.

I will come on to the Defence Committee's report on the Bill a bit later, but I want to mention the title now as it is highly relevant: "Exposing Walter Mitty: The Awards for Valour (Protection) Bill". Unfortunately, exposing Walter Mitty is not all the Bill would do; it would criminalise Walter Mitty, and he could face three months in prison.

It astounds me that I stand here week after week—as you will have heard, Mr Speaker, far too many times for your own good—arguing that we should send more people to prison: people who have perhaps committed burglaries, robberies and other such crimes who get community sentence after community sentence and never get sent to prison. Everyone always tells me, "We send far too many people to prison. It's absolutely terrible; we should send fewer to prison." But here we are trying to send people to prison for some boastful exaggeration, and everybody in the House says, "Absolutely marvellous. Yes, of course, we should send all these people to prison, never mind the robbers, burglars and all the others never sent to prison. Let's put all these people in prison; let's make this an imprisonable offence." I am astounded by this change in Members' attitudes.

Simon Hoare: But does that not underscore the seriousness and sensitivity of the issue our hon. Friend the Member for Dartford (Gareth Johnson) is trying to address in the Bill, and why so many of us support it? We are dealing here with a special category of people

who, in many instances, have given their lives to protect and preserve all we hold decent in this country, and therefore to lump them in with victims of burglary and the like—important though they are—is to compare apples with oranges.

Philip Davies: I am surprised that my hon. Friend seems to think this is more serious than people committing a burglary or a robbery. We are going to have to agree to disagree on that point, and I do not think many people would agree with him. But if that is the case, we must then ask why the punishment is only three months in prison. If it is so serious and one of the most terrible crimes anyone could possibly commit, why are we not talking about 10 years in prison, or eight years, perhaps? Why only three months in prison for such a heinous crime? Hon. Members cannot have it both ways: they cannot say it is the most obnoxious crime ever and then say, "Actually, we only want three months in prison as a maximum punishment." People will have to decide whether this is a serious offence or not.

Mrs Sheryll Murray: Does my hon. Friend not agree, however, that the Bill sends a message to our armed forces that we not only respect them, but value the work they do?

Philip Davies: My hon. Friend is right, but I would like to have £1 for every time on a Friday I hear somebody say, "We want to pass this Bill to send a message." Well, actually we can stand here and send a message; we can all say how terrible it is if somebody wears a medal they are not entitled to, and we have then sent a message. We are not sending a message here; we are passing an Act of Parliament. We are talking about putting someone in prison. That is not sending a message; that is doing something far more drastic.

Gareth Johnson: Is my hon. Friend aware that domestic burglary carries a maximum sentence of 14 years and that robbery carries a maximum life sentence? This offence would, if the Bill went through, carry a sentence of three months. I believe that that is proportionate, and I do not agree with him that this behaviour is merely "boastful exaggeration". It is far more than that: it is insulting and undignified, and it undermines people's confidence in our veterans system and in the medals our veterans wear. Three months' imprisonment is an appropriate way of dealing with such a problem.

Philip Davies: I appreciate that that is my hon. Friend's view, but I want to set out why it is not my view.

The current legal position is neatly summed up by the Ministry of Defence's response to an e-petition in May last year, which stated:

"The Government does not believe that the UK requires an equivalent of the USA's Stolen Valor Act.

The Stolen Valor Act 2013 makes it a federal crime to fraudulently claim to be a recipient of certain military decorations or medals in order to obtain money, property, or other tangible benefit.

Under UK law the making, or attempting to make a financial gain by fraudulently wearing uniforms or medals, or by pretending to be or have been in the Armed Forces is already a criminal offence of fraud under the Fraud Act 2006, as is the pretence of being awarded an official medal. The offence carries a maximum penalty of 10 years' imprisonment. It is also an offence under that Act (carrying up to five years' imprisonment) for a person to possess or have under his control any article for use in the course of, or in connection with any fraud.

It is also an offence against The Uniforms Act 1894 for any person not serving in the Armed Forces to wear the uniform of any of the Armed Forces under such circumstances as to be likely to bring contempt upon that uniform.

However, it is not automatically against civil law to wear a veterans badge or decorations or medals which have not been earned and there are no plans to make it an offence. There are many instances where relatives openly wear the medals earned by deceased relatives as a mark of respect, albeit on the right breast and we would not wish to discourage this practice."

As far as current UK prosecutions are concerned, the details are a bit sketchy, to say the least. The Defence Committee reports in its written evidence that the

"MOJ has provided data in relation to prosecutions under the Uniforms Act 1894. Data on a number of other offences was requested but was either not held or not held in a form that allowed the types of offence requested to be distinguished."

To illustrate this point, I shall give the House the numbers of people proceeded against in magistrates courts and found guilty under the Uniforms Act 1894. There were none at all in 2011, 2013 or 2015, and one was found guilty in 2012 and one in 2014, so this is hardly a big issue. "Next to none" would probably be the best phrase to use.

I submitted freedom of information requests to West Yorkshire police and the Metropolitan police to see what information I could gather about the use of existing legislation by their forces. The reply from West Yorkshire police stated:

"A search was conducted for all arrests which were made between 1st August 2011 and 31st July 2016 inclusive and contained any of the keywords "medal", "military" and "uniform" within the arrest circumstances description. As well as a search for arrests between 1st August 2011 and 31st July 2016 that were made for an offence under Sections 2 or 3 of the Uniforms Act 1894…a manual assessment was then carried out to find any records which related to the arrest of any individual wearing war or valour medals they were not entitled to wear. No such records were found."

The Metropolitan Police Service responded:

"To locate the information relevant to your request, searches were conducted…The searches failed to locate any information relevant to your request, therefore, the information you have requested is not held by the MPS."

So, if the existing legislation appears to be used infrequently, as we think, we need to consider carefully the extent of the problem that this Bill seeks to address.

Dr Julian Lewis (New Forest East) (Con): I am grateful to my hon. Friend for giving way. I always like the breath of fresh air that he blows on to anything smacking of political correctness. As he has referred to the Defence Committee's report, may I draw to his attention the testimony of Dr Hugh Milroy, the chief executive of Veterans Aid, one of the longest-lasting charities dealing with veterans affairs, which was set up just after the first world war? He says that incidents of false medal wearing are "a daily occurrence" and that

"we have no sense of the enormity of it".

Wearing uniforms incorrectly is not a daily occurrence, and that is not what the Bill is about.

Philip Davies: I am coming on to the point that my right hon. Friend has just raised. I want to praise the Defence Committee, which did a brilliant job in looking at this matter. I shall give the Committee much praise throughout my speech and there are certain points in

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his report that I want to draw the House's attention to, including the fact that my hon. Friend the Member for Dartford said this to the Committee's inquiry:

"We have had a couple of instances of people who have, in a rather Walter Mitty style, pretended they have received honours when that is not the case. I don't think it is untypical of a constituency to have a couple of people who have behaved in that way. My understanding from the media is that there are hundreds of people who have been behaving in the manner which the Bill seeks to address."

The Royal British Legion stated in its written evidence to the Defence Committee that

"in the Legion's own experience, instances of so-called 'Walter Mittys' appear to be rare. Indeed, having spoken with colleagues in the Legion's welfare department, whilst the Legion has previously been approached for crisis support by individuals purporting to have served in Her Majesty's Armed Forces, but were found to have no valid Service number, only a handful of such instances can be recalled. Nationally, there are no reliable statistics to reveal the true scale of the problem, although the media will from time to time expose individuals who have been caught impersonating a member of the Armed Forces."

The written evidence to the Select Committee from the Royal Air Force Families Federation stated, when asked whether the deceitful wearing of medals and decorations was widespread and a growing problem:

"We have no evidence either way but instinctively we would say it is not widespread…Whether or not it is a growing problem is hard to judge—any perceived increase may simply be down to wider exposure of incidents via social media. On the other hand, public awareness and the extensive media coverage of recent campaigns…may 'encourage' some individuals to claim to have been awarded medals to which they are not entitled."

So it seems that this is not as big an issue as my hon. Friend the Member for Dartford would have us believe.

Simon Hoare: If I understand my hon. Friend correctly, he is taking us down a particularly dangerous path in saying that something should be made illegal only if there is a trigger quantum that makes such legislation necessary. The House could easily make something illegal for which there was evidence of only one occurrence. That would not make it any the less heinous, simply because there had been only one occurrence.

Philip Davies: The problem is that my hon. Friend the Member for Dartford said that this was a growing problem. I did not notice my hon. Friend the Member for North Dorset (Simon Hoare) intervening on him to say that it did not matter whether it was a growing problem or not. People are making the case that we need to pass this Bill because this is a growing problem, but there is no evidence for that. As I say, my hon. Friend the Member for North Dorset did not make his perfectly valid point to my hon. Friend the Member for Dartford when he was making his case for the Bill.

Looking at the position taken by past Governments, it is interesting also to consider the historical context of this matter. It was an offence under the Army Act 1955 for people to wear medals and decorations that they had not been awarded if they were used in such a way as to be "calculated to deceive". That changed as a result of the Armed Forces Act 2006, which repealed the Army Act 1955 and the Air Force Act 1955, in which the offence had originally been specified. The Defence Committee inquiry asked the Ministry of Defence why section 197 of each of those Acts had been repealed and not replaced. It asked for the rationale behind that decision. The MOD's response was:

"Section 197(1) created three separate offences. They included two offences of wearing any decoration, badge, wound stripe or emblem authorised for wear by the Sovereign, or anything closely resembling them 'without authority'. It was not clear who could give the necessary permission. The need for authority in all cases suggested that none of these could be worn even in a theatrical performance, film, re-enactment or fancy dress without permission. Nor was it clear whether it applied only to current badges, stripes and emblems or also precluded…the wearing of historic ones. Requiring specific authority for such events was considered to be excessive, and indeed was no longer insisted on. The third offence was of falsely representing entitlement to wear such badges and emblems. Section 197 would also have required considerable amendment."

The MOD went on to say:

"These provisions in the 1955 Acts were not included in the Armed Forces Act 2006, not only because of the inconvenience of the need for 'authority' to wear them, but also because it was considered that the important element of the offences was to prevent people from making financial or other gain dishonestly by wearing uniform, medals or by representing themselves to in the Armed Forces or entitled to a medal. It was decided that this was more clearly and comprehensively dealt with by the general offence of fraud under the Fraud Act 2006. That offence also carries a more appropriate sentence of up to 10 years' imprisonment on trial before the Crown Court. It was also considered that an offence based on an intent to deceive which did not involve fraud (for example, where there was no attempt to make a financial or property gain, or cause someone loss) was likely in practice to cause difficult questions of proof."

That is perfectly relevant to this debate.

As I understand it from my hon. Friend the Member for South Thanet, the example we have been given in support of the Bill is that of the clearly disreputable person who made preposterous claims to become a councillor. That seems to be covered perfectly by the Fraud Act 2006, because he wanted to take a job, which came with some pay, through dishonest means. As that is already covered under the 2006 Act, the Bill would make absolutely no difference, apart from the fact that such a person could not be treated as severely by the courts if prosecuted under this legislation as they could be under the 2006 Act. Hon. Members who are using that case to make the argument for the Bill are saying that they would want that person to be treated less severely by the courts than they could be under the existing legislation. That seems a rather bizarre way of making the case for the Bill.

Previous speakers making the case for the Bill have said that we must fall in line with other countries. A few months ago, I asked the House of Commons Library to let me know what happened in countries around the world. It came up with some detailed and enlightening research on the subject, some of which is summarised in the excellent research paper that accompanies the Bill. I suspect, Mr Speaker, that you would not want me to read out what happens in every other country with regard to this matter; I suspect that you would want me to make slicker progress than that. Tempted though I am to highlight what happens in other countries, given that that was given as one of the great reasons why we need legislation in this country—

Mr Speaker: Order. I do hope that the hon. Gentleman will speak as freely as he ordinarily does.

Philip Davies: I am grateful for that guidance, Mr Speaker. The point I would make is that there are massive variations in what other countries do; it is not one-way traffic, as one might have thought from the speeches we heard earlier. For example, in Australia, the maximum penalty for fraudulently wearing a medal is up to six months in prison or a fine of 5,400 Australian dollars; in Austria, the maximum penalty is a €220 fine; and in Belgium it is a €1,000 fine. In fact, the maximum penalty in most of the countries I can see on the Library's list is a fine, rather than a prison sentence. I do not think people should get carried away with the idea that if we are not sending people to prison for this offence, we are out of step with the rest of the world. That is not the case.

Dr Lewis: To save my hon. Friend a little bit of breath, I should put on the record the fact that there is an appendix to the Defence Committee's report that sets out the long list of countries that have criminalised the fraudulent wearing of medals, several of which have sentences ranging from a fine up to six months or a year in prison. Surely the point is that we are debating whether the Bill should be given a Second Reading. If my hon. Friend feels so strongly that a prison term is disproportionate, it is up to him to apply to join the Bill Committee and then argue to amend it, rather than to try to prevent from becoming illegal something that so many other countries—two pages' worth—have made illegal, whether punishable by a fine, prison, or a sliding scale between the two.

Philip Davies: As I have been setting out, I object not only to the sentence, but to the purpose of the Bill. The sentence is part of the Bill, as my right hon. Friend knows. He said he has two pages of countries that have made this an offence; given the number of countries there are around the world, he must therefore accept that the majority of them have not made it an offence.

Dr Lewis: Just for the sake of it: Australia has made the fraudulent wearing of medals an offence; Austria has made it an offence; Belgium has made it an offence; and Canada has made it an offence. It is not known whether Croatia has made it an offence, but the Czech Republic has made it an offence; Denmark has an unknown fine scale; Estonia has made it an offence; Finland has not made it an offence; and France has made it an offence. Germany and Greece have an unknown fine, but it is still an offence in both countries. Hungary has made it an offence and Ireland has made it an offence. My hon. Friend will be pleased to know that neither Latvia nor Lithuania has made it an offence, but Luxembourg has made it an offence, as have the Netherlands, New Zealand, Poland, Portugal, Romania and Russia. In Slovakia it is not an offence, but in Slovenia it is, and in Sweden and the United States it is an offence. I think that covers most of the main bases and should reassure my hon. Friend.

Philip Davies *rose—*

Mr Speaker: Order. May I gently say to the right hon. Member for New Forest East (Dr Lewis), who chairs the Defence Committee with such aplomb and distinction, that his intervention was somewhat longer than the list?

Philip Davies: Thank you, Mr Speaker. What my right hon. Friend said is right, but if he thinks that that is the full list of the countries around the world, he is doing his geographical knowledge a disservice. As he well knows, there are far more countries than that around the world.

Wendy Morton (Aldridge-Brownhills) (Con): Does not that great big long list that has just been read out indicate that so many countries have such offences listed, with prison sentences and fines? That acts as a deterrent, but without the Bill we have nothing.

Philip Davies: My hon. Friend says that we have nothing, but I have just pointed out that we already have legislation to cover the one case we have heard as the basis for the Bill: it is called the Fraud Act 2006, which covers people who are trying to make any kind of financial gain from the fraudulent use of medals. If the point is having a deterrent, what are we trying to deter? We have not yet heard any credible cases, apart from one that is already covered by the 2006 Act.

A range of offences are covered among all the countries listed. There is a distinction between wearing medals, wearing medals with an intent to deceive in any way, and wearing medals with a view to making a financial gain. I am not going to encourage my right hon. Friend the Member for New Forest East (Dr Lewis) to rise again to break down the list he read out, making the distinction between those three different categories of offence. He grouped them all conveniently together, but as he well knows they cannot all be grouped together so neatly, because they include different categories of offence.

As we know, and as I have made clear, there is already protection in this country under fraud legislation. As my right hon. Friend said, some of the countries that do not appear to have any offence relating to the fraudulent wearing of medals include Finland, Latvia, Lithuania and Slovakia. I shall deal with the penalties in the Bill later, but it is clear that they are different in different countries. Of the countries that do have a criminal offence of the kind in the Bill, some have only financial penalties and in some the offence is imprisonable.

The Royal British Legion notes in its written evidence to the Defence Committee:

> "We are aware that the Awards for Valour (Protection) Bill is modelled, to some degree, on the Stolen Valour Act, which was first introduced in the United States in 2005, before being repealed and significantly amended in 2013. The provisions of the 2013 Stolen Valour Act are very similar to the provisions on false representation found in the UK's Fraud Act 2006. Both pieces of legislation state that impersonation of members of the Armed Forces is only a criminal offence if it is used to make a financial gain or cause a financial loss. In short, simply claiming military awards, service, or injuries to gain sympathy or recognition, while certainly disappointing, is not in itself illegal under the US legislation. The original 2005 Stolen Valour Act had sought to punish all those who lie about their military service, but it was struck down by the Supreme Court as it was deemed to violate the First Amendment."

This Bill seems to extend the scope of arresting someone for wearing a medal beyond those who aim to benefit tangibly via fraud to those who aim to benefit in an intangible way, such as to gain respect. The situation in America is a good example of how that could be unworkable in addition to being a step too far.

[Philip Davies]

The Stolen Valor Act of 2005 came into US law in 2006. Its purpose was

"to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards",

which is similar to the purpose of today's Bill. The law made it a federal misdemeanour to falsely represent oneself as having received any US military decoration or medal. If convicted, individuals could be imprisoned for up to six months, except for falsely claiming to be a medal of honour awardee, in which case the imprisonment could be for up to a year.

However, in 2012 the law was struck down by the US Supreme Court as a result of United States *v.* Alvarez. Xavier Alvarez had falsely claimed that he had received a medal of honour and thereby violated the Stolen Valor Act of 2005, resulting in a $5,000 fine, three years on probation and 416 hours of community service—the penalties in the US tend to be sterner than in the UK for most offences. Subsequent appeals eventually reached the US Supreme Court, which ruled that lying about military heroics was constitutionally protected speech unless there was intent to gain some benefit or something of value by fraud. When announcing the Supreme Court's decision, Justice Kennedy wrote:

"The Nation well knows that one of the costs of the First Amendment is that it protects the speech we detest as well as the speech we embrace. Though few might find respondent's statements anything but contemptible, his right to make those statements is protected by the Constitution's guarantee of freedom of speech and expression. The Stolen Valor Act infringes upon speech protected by the First Amendment."

It seems as though we are trying to go the opposite way from the US. Following that Supreme Court decision, new legislation was drafted in the form of the Stolen Valor Act of 2013, which, in an effort to meet the Supreme Court's objections to the 2005 Act, made it a federal crime for an individual falsely to claim to be a recipient of any of several specified military decorations or medals with the intent of obtaining money, property or another tangible benefit. However, as I have made clear, that is already covered under UK fraud legislation. It therefore makes no sense whatsoever to leave ourselves open to challenge on such an obviously flawed piece of legislation that has already proved to be unworkable in another country.

On the US situation, the Defence Committee's report states:

"Whereas *Alvarez* was specifically concerned with the offences relating to false representation, the position in the United States concerning the physical wearing of medals remains uncertain. As well as amending the scope of the offences relating to fraudulent representation, the 2013 Act also removed the word 'wears' from the Federal Code. Litigation is currently ongoing to determine whether placing restrictions on wearing medals to which one is not entitled also violates the First Amendment in the same way as the offences of fraudulent representation which were struck down."

In the over-lengthy intervention of my right hon. Friend the Member for New Forest East, he prayed in aid the United States for having the law in place, with penalties of up to a year in prison, but that law is not in place, as he well knows, as the Defence Committee made abundantly clear and as the Alvarez case stated. The law in the United States is exactly the same as the law in the UK's Fraud Act 2006. My right hon. Friend must have known that when he made his intervention and tried to pray in aid the United States.

Like the US Supreme Court in its judgment, I believe in freedom, warts and all. That sometimes means the freedom to do daft, stupid, even annoying things without the threat of being criminalised. I would hate for such a case to be taken to the European Court of Human Rights not only because I would rather we had nothing to do with such a court, but because it is avoidable. We managed to stop insulting words and behaviour from becoming a criminal act under public order legislation, and it seems as though criminalising people for pretending that they are servicemen is similar in nature. We heard that the reason for the legislation is that people are offended by what other people do. There are all sorts of things that go on in this country to which people take offence—far too many in my opinion. I get very offended by how easily other people are offended, and I am unsure where being too easily offended will take us when passing laws. Are we going to pass a law to stop any offence ever being taken? That would be a ridiculous state of affairs, but that is the motivation behind this Bill: we want to pass a law because some people are offended. If that is the way that this House is going to go—I fear we already have in too many cases—it will be sad day for the House of Commons.

The Defence Committee further considered the point following the issues of freedom of expression that arose in America, stating:

"The ECHR case of *Donaldson v. United Kingdom* demonstrated that it is possible for the outward wearing of badges or devices to be considered as 'expression' for the purposes of Article 10, although emphasis in this case was placed on the device in question being worn as an expression of the applicant's political views, which may not be so straightforward where medals are concerned. Even where the rights in Article 10(1) are engaged, Article 10(2) sets out the conditions in which it is legitimate for these rights to be restricted, including for the purposes of preventing disorder or crime (such as fraud) or to protect the reputation or rights of others (which could include the legitimate recipients of awards). The inclusion of an intent to deceive as an element of the offence, and the defences relating to family members would also be likely to assist in the legislation passing the Court's test of proportionality."

The competing rights are clear. We already have an offence for the purposes of fraud, but if the intent of the deception is simply to impress a woman in a bar, the threat of three months in prison may suddenly seem rather extreme.

I also asked the Library how effective the legislation was in other countries and how often it was used and the answer was even more illuminating. It is interesting to see how many times the offence was committed in some of the countries with the stiffest penalties. I will not read out the situation in every single country, Mr Speaker, because that would test your patience, but it is pertinent to point out some examples for the purposes of this debate. In the United States, federal prosecution statistics are published each year by the US Department of Justice. The latest figures, which are for 2012, were released last year. Even then, it has not been possible to ascertain specific figures for successful prosecutions under the Stolen Valor Act. The Library could not find any specific data on convictions and the only examples of prosecutions or instances when individuals were arrested but not charged are those reported in the media or on websites dedicated to exposing such individuals.

The thrust of my speech is that the media highlighting such behaviour is sufficient. To expose such people for what they are and to open them up to ridicule is the best way of dealing with them, not a whole Crown Prosecution Service prosecution that leads to such people going to prison, which strikes me as rather ridiculous.

In Canada, similar to the US, statistics are compiled on criminal code offences by the Public Prosecution Service of Canada and grouped into categories. It is therefore difficult to obtain figures for such offences as it is unclear where the information is held. The only examples of prosecutions in Canada that the Library could find were those that were reported in the media. There was one particularly high-profile case in 2014-15 involving Franck Gervais, but that related to impersonating a soldier at a Remembrance Day ceremony in uniform, not to wearing a medal.

Simon Hoare: To the best of my knowledge, my hon. Friend has spent all his adult political life asserting the rights of this House and this country to be sovereign and independent. I am slightly confused as to why he is now praying in aid what other countries do and saying we should predicate what we do in this place on it.

Philip Davies: I am not entirely sure whether my hon. Friend has been following the debate thus far, but it seems to me that what I am doing for the benefit of him and others is demolishing bit by bit the points made by the people who are proposing this Bill. It is yet another of the arguments we have had for the Bill that we should be doing these things because that is what other countries are doing. That was one of the key planks of the opening remarks by my hon. Friend the Member for Dartford, but I did not hear my hon. Friend the Member for North Dorset pull him up on that point and say it was irrelevant. If he had said at that point, "Why on earth are you on about other countries? That is irrelevant," or if he had made a similar intervention after my right hon. Friend the Member for New Forest East had made similar points, I would have had a bit of sympathy with them, but it seems that he is now clutching at straws to try to defend a Bill that is becoming increasingly indefensible because it is completely unnecessary. I have been knocking down each point that has been made, and he cannot actually answer my points; all he can say is, "The point we made at the start about why this Bill is so necessary is not really one of our main points." I cannot second-guess what the real points are, and I can base my points only on the arguments that have been made by the people who propose the Bill. If people want to make other arguments, I am prepared to listen to those, but, thus far, I have not heard any. It was one of the key planks that we have to do these things because other countries are doing them—my right hon. Friend the Member for New Forest East made that point himself.

With regard to Australia, the Library said:

"Australia's Federal Prosecution Service publishes some slightly more useful figures but even then it is difficult to say with certainty that they were related to stolen valour. In 2012-13"—

the latest year for which figures are available—the service

"dealt with 2 cases under the Defence Act 1903. However, the statistics don't state what the specific offences were."

The Library also states:

"much of the information found has been the result of media searches. For example, an article in The Herald Sun in September 2014 suggested that in the state of Victoria alone, over the last ten years…'five people have been charged by police with impersonating a returned soldier, two people have been charged with impersonating a member of the defence force and seven people have been charged with improper use of defence service decoration.'"

In New Zealand, statistical information of this nature is presented in the same way. The offence of wearing an unauthorised military decoration could feasibly be included in fraud, public order or miscellaneous offences in the country's database, so it is difficult to pinpoint the extent of the problem.

In Australia and New Zealand there is a group called ANZMI—the Australian and New Zealand Military Imposters group—which is dedicated to exposing military imposters. It has a section on its website that lists individuals it considers to be military imposters. The information it provides is not official, and has not necessarily led to a prosecution, so it should be treated with some caution. It does not appear that there are lots of prosecutions for all offences, never mind for the offence of wearing a medal.

Some people who wear medals to deceive will be evil characters—most likely with the intention of gaining something for themselves. That will be something financial in a lot of cases, or it may be to impress other people. The ones who set out to deceive for non-monetary purposes must have a different reason for doing so—maybe to gain respect, to big themselves up or to attract a member of the opposite, or the same, sex. Who knows?

However, I am concerned that people with mental health issues may be disproportionately affected by this offence, rather than by the fraud offence.

Craig Mackinlay: I thank my hon. Friend for the list of countries that have already enacted similar pieces of legislation. He finds very few cases of people being taken to court because of them. Is that not entirely the purpose of the Bill—to have a powerful deterrent effect? Given the small number of cases abroad, that legislation has obviously worked.

Philip Davies: The problem with that argument, attractive though it is superficially, is that we have not been able to find a great many cases of these things happening in the UK when there is no legislation in place. It seems that these things are just as rare in countries such as ours, that do not have legislation, as in countries that have legislation. In fact, I suspect that one reason why many countries do not have legislation is that nobody has ever found this to be a problem. That is the whole reason why many things are not legislated for in countries; things tend to be legislated on when there is seen to be a problem, and something needs to be done. The fact that nothing is happening in countries with these laws would indicate that there must be even less happening in those countries without them. I do not follow the logic of my hon. Friend's position.

Rebecca Pow: I am coming at this very much as a layman, but my hon. Friend the Member for Dartford (Gareth Johnson) clearly indicated that there is a problem, and that there are really serious cases of people wearing medals when they should not. Does that not clearly indicate that whatever legislation we have is not working, and that we need something stronger?

Philip Davies: I do not share my hon. Friend's confidence in the evidence from my hon. Friend the Member for Dartford. I have not heard evidence that there is a problem; I have heard an assertion that there is a big

[Philip Davies]

problem, but an assertion is very different from evidence. As I made clear earlier—I will not repeat myself, Mr Speaker, because you would not want me to—the Royal British Legion gave evidence to the Defence Committee saying that it did not think this was a big problem. Somebody coming to the House and asserting that there is a big problem is not what I would call good enough evidence for us to pass an Act of Parliament.

Let me come back to the point I was making about people with mental health problems. In its written evidence to the Defence Committee, the Royal British Legion said:

"The Legion is not presently clear if the proposed Awards for Valour (Protection) Bill is intended to replicate the 2005 or 2013 Stolen Valour Act. If based on the former [which it now seems it is], careful consideration may need to be given as to how vulnerable people claiming to have served in the Armed Forces are punished under the terms of the Bill."

During the inquiry, my hon. Friend the Member for Dartford said:

"from my understanding there are different types of Walter Mitty characters. There are people who have serious mental health problems and need help, frankly."

He went on to say:

"Therefore, someone with a serious mental health problem who sports medals should not, as is often the case with criminal law in this situation, fall foul of the law to the point where they are incarcerated. The court will presumably go down a hospital order route."

For me, that is still quite worrying and open to all kinds of risks when the case comes to court. Someone may have a mental health issue, but they might not be suitable for a court hospital order. The fact that they have simply worn medals that were not theirs to wear, even if no gain was made, could mean them facing anything up to a custodial sentence, and that is disproportionate. For people to be criminalised in this way is also a step too far. In some cases, it might be more difficult for someone with mental health issues to show that they did not intend to deceive, if they had no other explanation for wearing the medals.

I have tried to contact a number of mental health charities in recent days to see what their opinion might be on this subject. Unfortunately, none of them was able to give me a firm answer, as they had not been made aware of the Bill. However, I would be very interested to know whether they have any concerns or views on this. One issue with the Bill is that those mental health charities clearly have not been engaged and asked to give their perspective on whether it is proportionate, yet we are in danger of passing a piece of legislation today that may cause problems for people with mental health issues if we do not give it the proper scrutiny, or give those charities the opportunity to have their say. That troubles me greatly.

There is also the issue of Army veterans wearing medals that they did not win—not civilians, but ex-servicemen. Would we call that "stolen extra valour"? Do we really want to prosecute veterans under this legislation? That would surely be an ironic, unintended consequence. However, in the Bill, there is nothing to prevent somebody who served in the armed forces, and did gain some medals, from being prosecuted for wearing the wrong medals. Surely the House does not want that to happen.

The Royal Air Force Families Federation touched on the issue in its submissions to the Defence Committee inquiry. It was asked:

"What is the attitude of current and former serving members of the Armed Forces to military imposters?"

It replied:

"We think the attitude of our people will really depend on individual circumstances, and will range from mild irritation and perhaps even amusement where an aged WWII Veteran has 'upped' his awards in an attempt to garner respect/recognition—through to outrage and anger at individuals who are trying to defraud people and profit from their quite deliberate and calculated action in claiming awards to which they are not entitled—the more so when the individual has not even served."

That is a marvellous point. What the federation is saying is that those who big up what they have done are viewed by former service people with mild amusement, and as people whom they can have a laugh at. The people whom they get really angry about are those who do it to try to defraud others, and as I have said time and again, that is already covered by the Fraud Act 2006.

Those who support the Bill are using the armed forces to justify supporting something that the Bill does not deal with. They are the ones who are confusing apples with oranges, to repeat the phrase used by my hon. Friend the Member for North Dorset. What former service people get really annoyed about is people who try to defraud others by being imposters. If the Bill is passed, those individuals who cause

"mild irritation and perhaps even amusement"

will certainly face a criminal record, and very possibly a custodial sentence. Should people have a criminal record and go to prison for causing mild irritation, and perhaps even amusement, to those people whom the Bill sets out to defend? Surely that is disproportionate.

I want to touch on the difference between impersonating a police officer and wrongly wearing a medal. The Defence Committee report states:

"We also disagree that offences involving an intention to deceive which are not related to fraud may raise practical difficulties on questions of proof. Such offences do exist: for example, the offence of police impersonation under section 90 of the Police Act 1996. Therefore, we conclude that the legal concept of deception is sufficiently well established for this not to cause major difficulties."

Some say that the Bill's proposed offence is not a dramatic departure from that of impersonating a police officer, but I disagree: they are completely different issues. Wearing a medal to gain respect or kudos is one thing, but impersonating a police officer is totally different. Police officers have actual powers, which could be used in a most sinister way. Surely that is in a different league from someone wearing a medal that they are not entitled to wear.

Only this week, a good example was reported of the difference between that and impersonating a police officer. Apparently, a man pretending to be a police officer used a blue flashing light on the front of his BMW car to signal to a woman to pull over as she drove in Glenrothes in Scotland at about 20 minutes past 12 in the morning last Monday. He then told her to get out of the car. She became suspicious and drove off to call the real police, who confirmed that it was not one of their officers. What could have happened had she got out of

the car does not bear thinking about. Surely that cannot be classed in the same way as someone wearing a medal to which they are not entitled.

On the detail of the Bill, clause 1(1), which centres on the proposed offence of wearing medals or insignia without entitlement, states:

"Subject to subsection (5), a person who, with intent to deceive, wears, or represents themselves as being entitled to wear an item specified by or under subsection (2) which they are not entitled to wear is guilty of an offence."

If you do not mind, Mr Speaker, I wish to emphasise that the important part of that subsection is the statement that

"a person who, with intent to deceive, wears, or represents themselves as being entitled to wear an item"

would be "guilty of an offence." That means that somebody does not actually have to be wearing the medal in order to commit a criminal offence under the Bill, even though the Bill's supporters have been telling us all along that what they want to stamp out is the behaviour of people wearing medals that they are not entitled to wear. The Bill would not just stamp out the wearing of medals; it also states that those who

"represent themselves as being entitled to wear"

a medal would be guilty of an offence.

The exchange between my hon. Friends the Members for Plymouth, Moor View (Johnny Mercer), and for Dartford during the Defence Committee inquiry dealt perfectly with that point. My hon. Friend the Member for Plymouth, Moor View, asked:

"Would the Bill seek to criminalise the false representation of entitlement to a decoration or medal without a person even wearing it? Let me give you an example. Any links to any members of this Committee are purely coincidental"—

I should certainly say that, given that my hon. Friend the Member for Beckenham (Bob Stewart) is sitting directly in front of me—

"but say you've got Corporal Bob going down the pub and racking up a not insignificant bar bill and gobbing off about winning a Military Cross in Normandy or whatever. Would this legislation apply in that case?"

My hon. Friend the Member for Dartford replied:

"It would. The first subsection of this Bill indicates that someone who wears or represents themselves as being entitled to wear would be covered. So if someone goes along saying, 'I won a Victoria Cross and look what's happened to me; it's dreadful; I need some help and assistance,' they would fall foul of this law because they are making a false claim."

The dialogue between my right hon. Friend the Member for New Forest East, who is Chairman of the Committee, and my hon. Friend the Member for Dartford was very stark. My right hon. Friend asked:

"Is that only if they are trying to gain something, or is it out of just boastfulness that they would still be caught?"

My hon. Friend replied:

"If it was carried out in a way that was intending to deceive people, it would be covered by this Bill."

My right hon. Friend said:

"Even just to get the prestige or the credit."

"Yes", said my hon. Friend.

That means that someone who gets drunk and starts pretending that they have a medal that they have not earned, in any circumstances and in front of any other person, could be guilty of the proposed offence and face a prison sentence. Do we really think that that is proportionate? Are we really going to criminalise those people and potentially send them to prison? Is that really what this House intends to do?

Clause 1(2) states that the medals covered are

"a military medal or insignia meeting the requirements of subsection (4)…the George Cross, George Medal or Queen's Gallantry Medal…any other medal or insignia awarded for valour and designated by the Secretary of State by regulations…or an article or emblem resembling any item specified by or under paragraphs (a) to (c)."

Subsection (4) states:

"For the purposes of this section, 'military medal or insignia' means a medal, insignia, clasp, ribbon or bar or equivalent authorised by the Monarch or Defence Council awarded to a member of the United Kingdom's armed forces in connection with an act or acts of valour."

In its written evidence to the Defence Committee, the Royal British Legion wrote:

"Although the precise wording of the Bill is yet to be printed"—

that was the case at the time—

"the Legion understands that it aims 'to prohibit the wearing or public display, by a person not entitled to do so, of medals or insignia awarded for valour, with the intent to deceive'. As the Bill is further developed, the Legion would welcome assurances that those who wear the medals of deceased relatives, or replica medals of official awards they have been granted, will not be captured by the provisions of the Bill."

We now know that they are not captured by the provisions. The RBL continued:

"The Committee may also want to consider how the Bill will accommodate the practice of wearing commemorative medals. As Committee members will no doubt be aware, many veterans feel strongly that their service during particular military campaigns or periods of operation should be formally recognised, yet there is often no official medal commemorating their service. Veterans have accordingly been known to commission and purchase commemorative medals that highlight their involvement in a particular campaign or demonstrate their service, although they are not officially recognised. Whilst the Legion does not endorse the wearing of commemorative medals on parade, we would not like to see such individuals punished under the terms of the proposed Bill, provided that their service record supports their involvement in a particular campaign."

The definition of "medals" appears to be narrowly drawn, but it could easily be changed by future regulations, and it is not restricted to medals; it includes clasps, ribbons and bars and, perhaps even more importantly, anything resembling those items. My hon. Friend the Member for Dartford said:

"The challenge in drafting the Bill has been: where do you stop?"

I am sure that he knows where he wants to stop, but as with so many things, once something has started, it is very difficult to stop—

Proceedings interrupted (Standing Order No. 11(4)).

Child Sexual Abuse Cases: Metropolitan Police

11 am

Ms Diane Abbott (Hackney North and Stoke Newington) (Lab) *(Urgent Question)*: To ask the Secretary of State for the Home Department if she will make a statement on the recent review conducted by Her Majesty's inspectorate of constabulary into the Metropolitan police's handling of child sexual abuse cases.

The Minister for Policing and the Fire Service (Brandon Lewis): Today, Her Majesty's inspectorate of constabulary published the findings of its child protection inspection of the Metropolitan Police Service. The findings of the inspection are extremely concerning; they indicate that the Metropolitan police has been failing in its duty to protect children from harm. Those are serious issues that the Government are clear must be urgently addressed.

It is not acceptable that almost three quarters of the child protection cases reviewed either needed improvement or were inadequate, nor is it acceptable that officers were placed in roles focused on tackling child exploitation with no training on how to deal with that crime. It is simply shocking to hear that the Metropolitan police had to be prompted to take action on cases even after serious issues had been identified that meant a child could be at risk.

Yesterday, my right hon. Friend the Home Secretary spoke to the Mayor of London about this report and I spoke to the deputy Mayor. We were reassured that the Mayor's Office for Policing And Crime intends to take swift action to address those appalling failings. We are also clear that improving the police response to child protection will be a priority for the new commissioner when he or she is appointed.

In the light of the severity of HMIC's findings, the Home Secretary has commissioned Her Majesty's inspectorate of constabulary to provide a quarterly update on action by the Metropolitan police to address the issues and recommendations in the report to help the Mayor ensure that immediate progress is made. The public will rightly expect to see progress being made quickly and will want and need reassurance that clear improvements are being made now. That is why the reports will be published: so that the people of London can hold their force to account for those improvements.

I am sure that everyone in the House will join me in demanding swift progress from the Metropolitan police so that opportunities to protect children are not missed and any child who goes missing or is at risk of child sexual exploitation gets the protection they need and deserve.

Ms Abbott: The Home Office said in its "Annual Report and Accounts 2015-16":

> "We have already recognised CSA as a national threat in the Strategic Policing Requirement, obliging forces to maximise specialist skills and expertise to prevent offending and resolve cases."

It seems that the only force that the Home Office was not obliging to maximise specialist skills and expertise was the Metropolitan police force—the largest force in the country.

I appreciate that this is technically a matter for the Mayor and for the Mayor's Office for Policing And Crime, but the Home Office had responsibility for this force as recently as 1999. The public will not understand why the Home Office never asked questions about how the largest force in the country was preventing offending and resolving child sex abuse cases.

This report comes weeks after a damning review found "numerous errors" in Scotland Yard's Operation Midland probe. The revelations come in a week in which the largest group of survivors—the Shirley Oaks Survivors Association—has withdrawn from the child sex abuse inquiry, which makes me wonder how long the Metropolitan police has been failing victims of child sex abuse in London. This is a shocking report, and the Home Secretary cannot hide behind the Mayor. Looking at child sex abuse in its totality and at how the child sex abuse inquiry seems to be crumbling, the public could be forgiven for asking how seriously the Government really take the issue of child sex abuse.

Brandon Lewis: I am not quite sure what the hon. Lady's direct questions were. She referred to a timeframe and mentioned 1999. I am not sure that she has read the full HMIC report—maybe she should do that—but 1999, of course, was at the start of a period of Labour Government, so I am not sure why she is criticising her own Government.

As I said, the Home Secretary has commissioned HMIC to go in quarterly. She has spoken to Mayor of London and I have spoken to the deputy Mayor. They have a plan for how they want to hold the Metropolitan police to account. I have to say, we seem to have more confidence in the Labour Mayor of London than the hon. Lady does, which I am slightly surprised by, but it is important that we focus on this issue, and that the House gives a unified statement of clear intent. We should be united in saying that the Metropolitan police—which, as the report makes clear, is responsible for this, and for the shocking situation whereby nobody in senior management took responsibility for it—needs to get to grips with the situation, deal with it and do that now.

Simon Hoare (North Dorset) (Con): Does my right hon. Friend agree that the heinousness of child sexual exploitation means that this should not have happened with any police force in the land but particularly not the Metropolitan police, given its size and London's geopolitical location, with its access to major airports, ports and so on? The defence that some seem to be putting forward is extraordinary: that in the absence of an email, a memo or an explicit instruction, it was felt that this could in some way be a lower priority for policing.

Brandon Lewis: My hon. Friend makes a very good and powerful point, particularly when we consider London, where we have arguably the best funded and resourced police service in the country, with the largest number of police officers. He is right that we should not have to say specifically to the Metropolitan police—or any police force—that this issue should be dealt with, bearing in mind the public profile of the issue and the fact that the police's first duty should be defending our citizens, with the most vulnerable at the core of that. It should go without saying.

Alex Cunningham (Stockton North) (Lab): Problems in this area go well beyond London, so what discussions has the Home Secretary had with Her Majesty's inspectorate

of constabulary to identify whether there are similar failings in other police forces in England and Wales? If those discussions have not been taking place, will they soon and will she report them to the House?

Brandon Lewis: I can give the hon. Gentleman confidence about that issue. The report into London is part of an ongoing series of work being done by HMIC, which has been commissioned to do such work on every police force in the country. The report on London has come out in this way for two reasons. First, the London report has just been published, although others have already been published and more will be published in the next year or so. Secondly—and we have to be unequivocally clear about this—it is the most damning report that HMIC has ever written about any inspection it has done on any police force.

Seema Kennedy (South Ribble) (Con): Lancashire constabulary has very much focused resource on professionalising training for its officers on child sexual exploitation. Can my right hon. Friend confirm that the College of Policing was specifically set up to professionalise the police and provide them with better training?

Brandon Lewis: My hon. Friend makes a very good point and is absolutely right. That is why the Prime Minister, when she was Home Secretary, set up the College of Policing—to make sure that we professionalise the police force and we share best practice across the country. That, along with the leads provided by the National Police Chiefs' Council and the Chief Constables' Council, is exactly how we should make sure that police forces are well equipped to deal with all issues.

Mrs Sheryll Murray (South East Cornwall) (Con): My constituents will be very concerned about this issue. Will the Minister tell me what steps the Government have taken to protect vulnerable and young people from abuse across the country?

Brandon Lewis: My hon. Friend makes a very good point. We should remember that the independent inquiry is looking at all the issues historically and up to the present. It is important to let it have the space and support to do its job, so we can make sure we learn the lessons of the past and show that there will be justice for anybody who has been through the kind of horrendous ordeal that some people have been through. We have to be very clear that this type of behaviour simply cannot be tolerated. It is right to make sure that police forces are training officers, as my hon. Friend the Member for South Ribble (Seema Kennedy) said, and it is shocking to think that the Metropolitan police simply did not put that training in place.

Andrew Stephenson (Pendle) (Con): Does today's report not show that the critical work of the independent inquiry into child sexual abuse must continue? We must stop trying to find fault with it and picking holes in it. We need to give the inquiry the space it needs to hear all the evidence and to bring the perpetrators to justice.

Brandon Lewis: As always, my hon. Friend is right. It is important that the inquiry can do its work, has the space to do its work and has support from across the House to get on with the important work of getting to the bottom of the problem.

Craig Whittaker (Calder Valley) (Con): There has been a much higher number of prosecutions and referrals as a result of this issue having a much higher profile, but does my right hon. Friend agree that the report shows that the ethos needs to change not only in the Met, but in police forces across the country if we are to protect the most vulnerable?

Brandon Lewis: My hon. Friend makes an important point. As we have heard, many police forces are getting to grips with changing their culture and making sure that vulnerable people and those at risk of any kind of hidden crime can be confident that they can come forward and will be protected—that is part of the inquiry's work—but he is right that it is shocking to think that vulnerable people did not get the protection they required from the Metropolitan police, that officers did not have the training they needed and that nobody in a senior position really took ownership of the issue. That has to change. The Metropolitan police has to take on that culture change, and other police forces also need to think about doing so.

Philip Davies (Shipley) (Con): My right hon. Friend is right to describe the report as shocking. Are there any actions that he believes the Government and Parliament need to take as a result?

Brandon Lewis: My hon. Friend makes a reasonable point and asks an important question. I must say that, from the conversations we have had with the Mayor's office—the Home Secretary and I have had conversations with the Mayor and the deputy Mayor—I am confident that the work they want to do will hold the Metropolitan police to account and lead to change. There is a meeting that the public can attend at City Hall on Monday.

I know that the deputy Mayor is determined to bring together experts from around the country—Simon Bailey, the NPCC lead, as well as the College of Policing lead—to work with the new Metropolitan police lead, Martin Hewitt, and I think that that is right. From the Government's point of view, it is right for us to do what we can, and the Home Secretary has commissioned HMIC to carry out inspections quarterly and to report publicly on them so that the people of London can hold the Metropolitan police to account and support the Mayor in that work.

Awards for Valour (Protection) Bill

Proceedings resumed.

11.12 am

Philip Davies: Before the urgent question, I was making the point that my hon. Friend the Member for Dartford has said that the challenge in drafting the Bill was where to stop. I am sure he knows where he wants to stop, but, as with so many things, once something has started it is very difficult to stop because people always want to extend it. There may well be the slippery slope towards including other medals and certificates. Surely the principle would be the same; it might one day be extended to long-service medals, private medals and all sorts of other things.

On who should be allowed to wear medals, clause 1(3) the Bill states:

"For the purposes of this section (subject to subsection (5)), 'personally entitled' means being the person to whom the award in question was made."

Clause 1(5) states:

"A person does not commit an offence under subsection (1) if the item is worn, or the person represents themselves as being entitled to wear it—

(a) as part of a reconstruction or representation of historical events;

(b) as part of a filmed or theatrical or other live entertainment or production; or

(c) in honour of a family member who meets the requirements of subsection (3)."

The Library briefing on the Bill quotes the Royal British Legion's advice on the wearing or not wearing of medals:

"Can I wear medals belonging to members of my family?

The official position regarding wearing medals other than your own is that they should not be worn. However, it was generally accepted from soon after the Great War that widows of the fallen wore their late husband's medals on the right breast on suitable occasions."

My hon. Friend the Member for Beckenham made that point in an intervention. The advice goes on:

"More recently it seems to have become the custom for any family member to wear medals of deceased relations in this way, sometimes trying to give a complete family military history by wearing several groups. Although understandable it is officially incorrect, and when several groups are worn it does little for the dignity of the original owners."

That is the official advice from the Royal British Legion.

In its written evidence to the Defence Committee inquiry, the Naval Families Federation quoted the views of its members. It asked the question

"If criminalisation of wearing unearned medals was introduced, should there be specific safeguards for family members who wear the medals of deceased relatives?… If yes, which family members should be safeguarded? Please tick all that apply."

It received these replies: "Husband, wife or civil partner" was the most popular; "Unmarried/civil-partnered"; "Parent"; "Guardian"; "Child"; "Step-Child"; "Grandchild"; "Extended family"; and "Other". By the look of the chart, "Other"—not including any of the others—had about 14% of the responses.

The Royal Air Force Families Federation said in its written evidence to the Defence Committee:

"Yes, there should most certainly be safeguards for family members. The key question is who 'qualifies'! The definition we use is 'anyone who is a blood relation' but this may not be appropriate in these circumstances and can be difficult to prove on occasions. Interestingly, the MoD is struggling with its own definition of a family member but it may be sensible to align any definition for these circumstances with the MoD definition if and when they decide what it should be. Otherwise, it's probably a matter for common sense."

In the Bill, there is an exemption for a "family member", but we are none the wiser about who is a family member. Does it cover those categories, such as "Guardian" or someone who was "Unmarried"? Does it include someone who is married, but not a blood relation?

Craig Whittaker: I am sure my hon. Friend will realise, like everyone in the House, that the definition of family members will be discussed at length in Committee, as my hon. Friend the Member for Dartford (Gareth Johnson) has already explained.

Philip Davies: I have no doubt of that, but this is a Second Reading debate. There is no reason why we should not discuss the definition at length on Second Reading as well as in Committee, which is what I am doing.

The Defence Committee states in its report:

"A number of our witnesses emphasised the importance of ensuring that relatives of deceased or incapacitated medal recipients can continue to wear their relations' medals at commemoration events without risk of prosecution."

Bob Stewart: May we be absolutely precise about this so that there is no lack of clarity? Everyone who is given the Elizabeth Cross, which is awarded to widows and close family members who have lost someone, is entitled to wear it wherever they like on their body.

Philip Davies: My hon. Friend, who is an expert in these matters, is absolutely right, but we are talking about all the medals covered by the Bill and the definition of a family member. As far as I can see, we do not have such a definition. People who think they are entitled to wear the medals should be told whether they can wear them or whether they would be breaking the law if they did. As things currently stand, people do not have such certainty. We could have the rather ridiculous situation in which someone who should be able to wear a medal does not because of the chilling effect of not being sure about whether they would be breaking the law. Again, that would surely be a terrible unintended consequence of the Bill.

Crucially, the Defence Committee report goes on:

"The term 'family member' must however be defined in terms of the proximity of the relations that it is seeking to include in the defence. It is not a legal term of art with a single definition. Acts of Parliament which use the term commonly carry a definition of 'family' within them to be used for the purposes of that Act. Mr Johnson suggested in oral evidence that he was minded that this defence should be quite narrow, so that for example a nephew deceitfully wearing medals could not rely on the defence by claiming that they were his uncle's awards."

Do we really want to criminalise a nephew who wears his uncle's medals? Do we want to send him to prison? Clearly, the promoter of the Bill thinks we should. I contend that we should not.

The Defence Committee report goes on to say:

"The inclusion of a defence to ensure that family members representing deceased or incapacitated relations who are recipients of medals is vital, but 'family member' must be properly defined to ensure that there is no room for uncertainty or abuse. We

suggest that the Bill include a definition of 'family member' in order to provide certainty over who will be covered by this category."

The exemptions cover the reconstruction of historical events and productions. Does that exempt people in fancy dress? If my hon. Friend the Member for Dartford would make the point that they do not intend to deceive, why are there specific exemptions for reconstructions and productions, as there is clearly no intent to deceive in those cases, but no exemption for people in fancy dress?

In one unfortunate scenario, someone could start off wearing a medal legitimately, but it could turn into an offence by accident. Imagine that an actor goes to the pub for a drink after whatever it is they are acting in and someone mistakenly assumes that they are entitled to wear the medal they forgot to remove when they came off set. Unless the actor corrected them—perhaps the more drinks the actor had consumed, the less likely that would be—they would be committing a criminal offence. Although they had not intended to deceive anyone when they went to work that day, the intent to deceive could come later, almost by accident.

I said that I would come back to sentencing. The Bill says:

"Any person guilty of an offence under this section shall be liable, on summary conviction, to a period of imprisonment not exceeding 3 months, or a fine."

The Defence Committee report states:

"Mr Johnson indicated that he considered that the appropriate maximum penalty was six months imprisonment or a fine of up to £5,000 at level 5 on the standard scale. The rationale behind drafting the penalty in this way was to address three concerns:

First, the potential for a custodial sentence would ensure that there is no need for a separate power of arrest in the Bill. We note here that, since the removal of the concept of an 'arrestable offence' by the Serious Organised Crime and Police Act 2005, the need for a separate power of arrest would be unnecessary in any event;

Second, that a level 5 fine on the standard scale would be at a maximum of £5,000. We note here that this upper limit was removed in 2012. Magistrates now have power to issue a fine of any amount for offences where £5,000 was previously the maximum; and,

Third, that this formulation would ensure that it could be dealt with only in a Magistrates Court. A certain way of doing this would be to have this explicitly stated in the Bill—"This offence is triable only summarily"…

The appropriate level of penalty has clearly been considered in some detail by the Bill sponsor. We are broadly satisfied that the boundaries of penalties proposed—a period of imprisonment not exceeding six months or a fine—are appropriate."

The length of imprisonment has been changed from six months to three months, but it is still too long in my opinion.

I am not sure what sentencing guidelines my hon. Friend the Member for Dartford envisages for the offence. Would the type of medal being worn—or not worn, as the case may be—be a factor? Would the type of incident be a factor: the more people deceived, the more severe the offence? Would it depend on the duration of the deception or the place? Would it be worse at a Remembrance Day parade? All those factors need to be considered when we pass legislation in this House, and none of them appear to have been considered for the purposes of the Bill.

I do not think that this offence should be created in the first place, but if it were, would not the confiscation of the medal be sufficient? I cannot support the criminalisation and imprisonment of Walter Mitty types. We have plenty of eccentrics in this country and some, I dare say, in this House. To criminalise someone for this type of behaviour would be very concerning indeed.

I should say, in passing, that all of us in this House know about the Liberal Democrats claiming credit erroneously for other people's work. Are we really going to get to the point where we send them to prison for doing so?

Dr Lewis: Yes, yes—you've just shot your own case down!

Philip Davies: I note the enthusiasm of my right hon. Friend for the concept of locking up Lib Dems who claim credit for other people's work. Are we really going to criminalise people and send them to prison for no more than boasting in the pub?

As I said at the start, we owe enormous gratitude to those who have risked their lives on our behalf. I would stand shoulder to shoulder with them and fight their corner in any way I could. However, the problem the Bill seeks to address seems to be very limited and there are things that can be done, without resorting to the drastic action in the Bill of criminalising and imprisoning people, to improve the situation.

The Defence Committee report states:

"We recommend that the Ministry of Defence should set out the practicalities of creating an online, publicly-searchable database to record those who are rightful recipients of gallantry and distinguished conduct awards, along similar lines to the database instituted by the US Department of Defense. This would allow authoritative verification of claims to entitlement and act as a deterrent to military imposters, whose deceptions would be liable to swift and accurate exposure."

I absolutely agree. Acting as a "deterrent to military imposters" and making their deceptions

"liable to swift and accurate exposure"

is actually what the Bill seeks to do. That is what we should be seeking to do; not criminalising and imprisoning people.

There is no reason why we cannot have such a database. As my hon. Friend the Member for Beckenham mentioned during the inquiry:

"I totally agree with the idea of having an online database. There are such things now, but it is very complicated to get answers on gallantry medals and things. If nothing else, let's encourage the Government to put up a database, so that people can check these things very quickly. That would be very easy to do, actually, for all gallantry awards, including 'mentioned in dispatches'."

The point made by the hon. Member for Sedgefield (Phil Wilson) during the inquiry was spot on and echoed something I had been thinking:

"Do you think that, considering the disgust people feel at this kind of action, naming and shaming someone is sufficient, rather than taking these people to court?"

I agree with much of the reply given by my hon. Friend the Member for Dartford, apart from the end:

"That can sometimes be an effective remedy. I think you could say that for a whole range of different criminal offences. We know that certain people suffer more because of the naming and shaming they have had to endure, rather than somebody who has

[Philip Davies]

not in other circumstances. Yes, that may be an appropriate way of dealing with instances of this kind. It may still be appropriate for someone to have a quiet word with someone. But that is also the case for a whole range of criminal offences and I do not think that, because that may be an effective remedy, that should prevent this becoming law."

For that reason and for all the other reasons I have mentioned, we should prevent the Bill from becoming law. It would be a terrible unintended consequence if those who had fought in wars were caught up in this legislation, alongside vulnerable people with mental health issues. I have set out how veterans and people with mental health issues could be prosecuted under this legislation. Anyone who impersonates a serviceman and tries to gain financially can already be prosecuted. That is where I believe we should leave it.

We have fought various battles to protect our much-cherished freedoms. As I said earlier, and as the US Supreme Court has found, those include freedoms involving something distasteful. Criminalising people as this Bill seeks to do helps to undermine that precious freedom. I am afraid that that is why I cannot support the Bill today.

11.28 am

Dr Julian Lewis (New Forest East) (Con): During the break for the urgent question, I took the liberty of asking my hon. Friend the Member for Shipley (Philip Davies) whether I was right in assuming that his default position on issues of this sort was as follows: "When it's not necessary to legislate, it's necessary not to legislate." He confirmed then, and he is nodding now, that that is indeed his position. It is a position that, in most cases, I tend to subscribe to myself.

My hon. Friend has done an amazing job of making the case for why he should be on the Bill Committee once the Bill has got—as I hope it will—its Second Reading. He is a one-man House of Lords—a revising Chamber in a single cranium—and points the ruthless spotlight of logic at many well-intentioned, as he puts it, initiatives that have not always been thought through as fully as they should have been.

In making his points today, some of which have been very strong, my hon. Friend is nevertheless in danger of throwing out the baby with the bathwater; there is a very considerable baby in the Bill and it deserves to thrive. He has conjured up scenarios of all sorts of people who are suffering from mental illness languishing inappropriately in prison cells. That is very much a worst case scenario, and is not borne out by experience. As we know, until the legislation was changed a score or so years ago, there were no cases—certainly that I am aware of—of any mentally ill people finding themselves in prison cells.

Philip Davies: Lots of people in this House would say that many people in prison who have been convicted of criminal offences have mental health problems. I am therefore not entirely sure on what basis my right hon. Friend thinks that scenario would be impossible with this proposed offence.

Dr Lewis: I will have to look at *Hansard* to see the actual words I used, but if I did not insert the words "for this type of offence", I should have, because I am not aware of any cases on the record—and I am sure that, if there had been such cases, my hon. Friend would have unearthed them in his exhaustive researches—of people languishing in jail as a result of fraudulently claiming to have been awarded gallantry medals that they had not genuinely received.

When looking at the prospective penalties for committing an offence such as would be created once again—as it existed in the past—by the passage of the Bill, we have to apply a modicum of common sense. We have to recognise that there would be very few prosecutions at all, because it is highly probable that most people would be deterred, and I am sure that the vast majority of the minority who would not would end up facing nothing more than a fine. The background possibility of a prison sentence of a few weeks would, as I am sure my hon. Friend the Member for Dartford (Gareth Johnson) will confirm, be there only as a backstop for the most persistent and egregious cases where all else had failed in stopping someone committing this act of abuse—that is what it is for the families of people who lost their lives serving this country and for living former and current servicemen and women who have been genuinely decorated.

My hon. Friend the Member for Shipley (Philip Davies) was absolutely right to pick up the United States Supreme Court's striking down the legislation that he mentioned. That Supreme Court is well known, internationally, for its absolutist stance on freedom of speech—so much so that it is possible to blackguard, libel and defame people in the United States in the name of free speech to a degree that is not possible in this country, thank goodness. Nevertheless, although the United States has taken that very strict interpretation of free speech as being the right to lie and deceive about medals for valour that have not been awarded, the Defence Committee's report noted that that has not prevented several state legislatures from putting into law offences similar to that in the Bill.

We have to ask ourselves whether there were any obvious disadvantages of the law as it worked out in practice when it existed before. My answer to that is no. We also have to ask whether there are likely to be any new ill effects as a result of reintroducing something very similar to the position that obtained in the past. My answer is still likely to be no. If our concern is that mentally ill people might in future be caught by criminal law as a result of their wearing medals to which they are not entitled and so making false claims of valour—if that is the reason for our not having a criminal sanction against such misbehaviour—we should think about what would happen if that reasoning were to be applied more generally to criminal law; I doubt if much criminal law would then remain on the statute book. The fact is that criminal law exists, mentally ill people are out there, and, from time to time, mentally ill people break the law. That is no reason for not having the law there for them to break or observe, as the case may be. That is to do with mitigation of circumstances; if it is found that someone has broken the law, it then becomes relevant to take their state of mind into account.

I do not agree that every factor in a case of the inappropriate wearing of medals not awarded to the people wearing them has to be written into the Bill. For example, the idea that anyone would prosecute a nephew for wearing his uncle's medals in an appropriate setting is absolutely preposterous, and I do not believe that the Bill's intention would be misconstrued in such a way that any such case would ever be brought.

I return now to the conclusions and recommendations of the Defence Committee's report, which my hon. Friend the Member for Shipley put forward in a somewhat selective way in his massively entertaining account of the report. I will pick out just a few factors. We did not agree with the justifications provided by the Ministry of Defence for repealing the offences relating to the protection of decorations without replacing them. If the offences in the Army Act 1955 were unsuitable for direct transposition into new legislation, the Armed Forces Act 2006 should have included new, more workable offences that were well scoped and incorporated appropriate exceptions.

We do not believe that the main problem is the matter of financial or other tangible gain. It is the devaluing of the respect that people are entitled to have because of acts of bravery in their service careers. My hon. Friend the Member for Shipley rightly picked up on the exchange that took place during our consideration of the Bill about whether it was appropriate to include claims about having been awarded medals that are made without actually wearing the medals. That is why I put a query to my hon. Friend the Member for Dartford during the course of the hearing we held with him on his Bill.

At that stage, we did not have the advantage of having the final version of the Bill before us—indeed, it was not available even at the stage when we finalised our report, although it is of course before the House now. But that is what the Committee and Report stages should be all about. The Bill should be amended to deal with any practical points of concern.

Philip Davies: Do I take it, then, from what my right hon. Friend says—it would be useful if he could clarify this—that as the Bill stands it applies not just to people who wear medals but those who present themselves as being entitled to do so? If an amendment were tabled to remove that from the Bill, would he support that amendment?

Dr Lewis: I have not heard the case argued from both sides because we have only had that brief exchange in Committee. However, my hon. Friend deduces correctly from my remarks that I am unhappy about that particular provision, and that I expect the Bill would be improved by its removal. The concern relates to people who strut around wearing decorations they have not been awarded. They do so not primarily for financial gain—as has been repeatedly pointed out, that is already capable of remedy in law—but because they are fraudulently posing as somebody who has done things they have not done; they are wearing awards they have not earned.

My hon. Friend made the distinction between impersonating a veteran who had been awarded a medal and impersonating a police officer. I think he slightly missed the point in relation to the Committee's conclusion. We were not saying there was any real comparison between the consequences of those two acts of deception; we were talking only about the practical question of whether it can, in a realistic and sensible way, be catered for in law. He read the actual sentence out rather quickly; I shall do so rather more slowly:

> "We also disagree that offences involving an intention to deceive which are not related to fraud may raise practical difficulties on questions of proof."

All we were saying by drawing the comparison with the offence of impersonating a police officer is that the practical difficulties in each case would be the same and that there are ways of coping with the practical difficulties of showing what is being done wrong in each case, even though, of course, the consequences of the two different acts are vastly dissimilar.

We have heard scepticism on how widely the practice is carried out. The report heard evidence from the Naval Families Federation showing that a very considerable number of its members, when surveyed, thought this was a real problem. It conducted a brief survey among its members, receiving 1,111 responses over four days. Some 64% of respondents said they had personally encountered individuals wearing medals or insignia that had been awarded to someone else, with 16% saying they were not sure. When asked to detail the specific circumstances, however—this is what matters, because there are plenty of perfectly legitimate cases of wearing medals not awarded to the person concerned—29% of respondents said that the individual concerned was impersonating a UK armed forces veteran, while another 11% identified the individual as impersonating a serving member of the armed forces. That suggests something that happens on a somewhat larger scale than has been suggested by some of the contributors to the debate.

Another problem, which I urge my hon. Friend the Member for Shipley to consider seriously, is that when the law fails to deal with unacceptable behaviour people tend to take matters into their own hands. This happens to such an extent that we now have, as we heard earlier, groups of Walter Mitty hunters challenging people over the decorations they display. That suggests sufficient concern on such a scale that people feel it appropriate, even though it is not necessarily appropriate, to set up groups to go around challenging people on whether they have earned the medals they display.

I have direct experience of this situation. A couple of years ago, I was at a Veterans' Day event in my constituency with my partner's father. My partner's father is Mr Frank Souness, who is slightly unusual in that he has a post-war Distinguished Flying Cross, a decoration that has not been awarded to a very large number of people since the end of the second world war. He was approached by one of these people and asked to justify the fact he had a chest full of medals, headed up by the Distinguished Flying Cross. For the record, if you will indulge me, Madam Deputy Speaker, I shall read a short report in the *Shrewsbury Advertiser* from 25 May 1955 entitled, "Courage over the Jungle":

> "Flying Officer Francis Scott Souness who it was announced in the "London Gazette" last week has been awarded the Distinguished Flying Cross for his services in the operations in Malaya between June 1 and November 30 of last year. Aged 24 and a native of Galashiels, Flying Officer Souness is at present stationed at R.A.F. Shawbury…The citation reads—'Since joining No. 110 Squadron in May, 1952 he has completed 148 operational sorties in Malaya and is a navigator who has shown meticulous care and untiring energy while locating dropping zones deep in the jungle. In flights over difficult terrain, often uninhabited, and often in adverse weather, his determination and courage have often exceeded the call of duty. Malayan operations depend largely for success on accurate navigation and map reading and, by his wealth of experience, calm efficiency, courage and high sense of duty Flying Officer Souness has inspired the whole squadron.'"

I know Frank well—he is 86 now and was a little younger then—and he is a doughty individual. It did not faze him that someone challenged him—not aggressively,

[Dr Julian Lewis]

but pointedly—as to whether he was entitled to wear the Distinguished Flying Cross. I think that that is a bit of a pity, actually. I do not think it should have happened. It suggests that there is a problem out there with the perception of people wearing medals to which they are not entitled. It is their selfishness that can result in genuine heroes being challenged inappropriately. My hon. Friend the Member for Dartford was quite right to point out the dangers of trust breaking down in this situation.

I take what I hope is a measured view. I entirely accept that my hon. Friend the Member for Shipley is in a position to make improvements to the Bill in Committee. I believe my hon. Friend the Member for Dartford is entirely right to have introduced the Bill. It is capable of improvement. If the House wants to see the Bill improve, it should be given its Second Reading today.

11.47 am

Bob Stewart (Beckenham) (Con): I, too, support the Bill, and I congratulate my hon. Friend the Member for Dartford (Gareth Johnson). I endorse what my right hon. Friend the Member for New Forest East (Dr Lewis) said: the Bill can be improved a little as it goes through the House.

It takes some neck to wear medals that one has not earned in front of veterans. Those who do so must have some sort of courage, because it is so easy to out them. One can read what a fellow's or a girl's service career has been from the medals on their chest, so it is pretty odd when people think that they can get away with it. As I said earlier, wearing medals that have not been earned is often linked with the practice of wearing the berets and badges of regiments to which one does not belong. Challenging these military imposters publicly is a hellishly good detergent. It sorts them out very quickly. Ridicule by real service veterans is a very good way to deal with such Walter Mitty characters, because they normally turn up where other people are wearing medals. It makes them retreat very fast. It is very easy for someone like me, who has a fairly good idea of what medals are, to spot an imposter. It is not just the medals they wear but their order—gallantry medals, for instance, should be first on the chest, coming behind other kinds—that gives them away.

I am pleased that my very good hon. Friend the Member for Dartford has enlightened me on theatrical productions not counting, because otherwise I would have been very worried about what would have happened if the cast of "Blackadder" had nipped out for a quick drink, particularly Lieutenant the Hon. George Colthurst St Barleigh MC and Captain Kevin Darling MC, and especially General Sir Anthony Cecil Hogmanay Melchett VC DSO, who wears an MC in the wrong order; I have spotted that. These fellows, if they went for a drink during filming, had better watch out. I am personally saddened—I am sure that everyone in the House will join me in this—that Captain Blackadder had no gallantry medals, because he thoroughly deserved them. He only wears two campaign medals, but I have been unable to identify them.

I often wear fake medals myself. They are fake in that they have not been given to me but are reproductions that I have had made, the real ones being stuck in some safe somewhere, because if I lost them, I would never get them again. If hon. Members ever see me poncing around, proud as a peacock, wearing medals, I ask that they please do not denounce me, because I am sure as hell that my medals would be wrong.

Madam Deputy Speaker (Mrs Eleanor Laing): Order. If the hon. Gentleman used language that was uncomplimentary to any other Member, I would call him to order. He is using language that is uncomplimentary to himself. He may, of course, continue to do so, but the rest of the House objects, because he does not deserve to be so denigrated, by himself or anyone else.

Bob Stewart: I do not know what to say, Madam Deputy Speaker. I am so touched. It is the nicest thing anyone has ever said to me. I accept what you say. You do not consider me as bad as I think myself.

We do not want companies such as the Worcestershire Medal Service, which produced my fake medals, to be shut down, because they help veterans to wear medals. By the way, miniature medals are not awarded by Her Majesty the Queen; people normally buy those, so they are not quite the same as other medals either.

I will conclude, because I know that we want to get on. I very much appreciate the efforts of my hon. Friend the Member for Dartford, and I endorse the comments of the my hon. Friend the Member for Shipley (Philip Davies). I am not sure that we need to jail people for this, but my goodness we could embarrass the hell out of them and make them do community service. Personally, I think that community service spent spud-bashing at the military corrective training centre in Colchester would be a very good way of dealing with General Walter Mitty.

11.54 am

Fabian Hamilton (Leeds North East) (Lab): I agree with you, Madam Deputy Speaker, that no one could ever denigrate the hon. and gallant Member for Beckenham (Bob Stewart) for his service and the medals that he has been awarded. An appropriate punishment for anyone contravening this Bill, should it become law, might be the polishing of those medals, or any other medals.

My hon. Friend—I hope he will allow me to call him that—the hon. Member for Dartford (Gareth Johnson) summed up the Bill for me and the Labour party when he said that it was to tackle the stealing of valour from genuine heroes. We in the Labour party support that wholeheartedly. We support the Bill because we firmly believe that anyone impersonating a veteran by wearing medals that they have not earned should face legal sanctions, whether that be spud-bashing, community service, medal polishing or, in extreme cases, serving a prison sentence, as he pointed out.

It is right that we recognise the real offence that wearing unearned medals causes to the community of armed forces personnel, and that we therefore impose the appropriate punishment on these military imposters, in the same way that we punish the offence of impersonating a service member by wearing a forces uniform. The law as it stands does not go far enough. Military imposters can be prosecuted for fraud, as the hon. Member for Shipley (Philip Davies) pointed out, but we think that it

should be an offence to wear a medal that has not been earned. For all sorts of reasons, as mentioned, that is currently not an offence.

It is right, however, that we allow relatives to honour veterans by wearing medals on the right breast, as the hon. and gallant Member for Beckenham pointed out. I hope that the House will allow me to recount a brief story. Back in 1998, not long after I was first elected to the House, the Lord Mayor of Leeds, the late Councillor Linda Middleton, asked me why I was not wearing my late father's medals at the Remembrance Sunday parade in Leeds city centre. I was not aware that this was even possible, but she said, "If you wear them on your right breast, everybody will know that you are not claiming them as yours but are respecting your late father, who earned them." So, every single year, including two Sundays ago, I put on my suit and coat and I wear those medals proudly on the right-hand side, including the one that I am proudest he earned, the French Resistance medal—he fought in occupied France.

Bob Stewart: My good friend makes a valid point, but there is something else: when relatives wear those medals, the person who won them lives again, in their memory and ours. That is terribly important, particularly for those killed in action.

Fabian Hamilton: I thank the hon. and gallant Gentleman for that point. My father died in 1998, far too long ago, unfortunately, at a relatively early age; it seems a relatively early age to me now that I am over 60, because he was not long past 60 when he passed away. The hon. and gallant Gentleman is absolutely right that in wearing the medals, I am honouring my father's memory and gallantry. Looking around at the Remembrance parade in the centre of my city of Leeds, I see so many relatives of deceased soldiers, including those who died in battle, proudly wearing those medals. I look at them, and I know that they have not earned them, but they are not pretending that they have. I am so pleased that the hon. Member for Dartford has made that point so clearly in his Bill. That is one of the reasons why Opposition Members support the Bill wholeheartedly.

The last Labour Government were mentioned, as was the Army Act 1955 and the Air Force Act 1955, which were repealed when the Armed Forces Act 2006 passed into law. That repeal has meant that for the past 10 years, falsely wearing and misrepresenting military medals has not been an offence. The last Labour Government have a strong record of support for our armed forces, as all Members would acknowledge. We paved the way for the armed forces covenant, which the coalition Government passed into law. We were the first Government to recognise that the forces community should receive priority access to health services. Again, those services have been developed since by both the coalition Government and the current Conservative Government.

Let me respond briefly to some of the points raised in the debate. The hon. Member for Dartford made it clear that family members must continue to be able to wear medals that belonged to their relatives, in honour of those relatives. He stressed that there was no intention in the Bill to stop that practice. The hon. Member for South Thanet (Craig Mackinlay) said that fraud legislation had never been used to prosecute dishonest medal wearers, and that the Bill would have a deterrent effect on those who sought fraudulently to wear those medals. He pointed to legislation in Australia and the United States, and made the point that this Bill was long overdue in this country.

The hon. Member for Shipley had a lot to say about the Bill, and he was not entirely happy with it. He pointed to the typical tradition of private Members' Bills having worthy sentiments, but amounting, in his view, to gesture politics. He said that the idea was admirable, but the Bill was not necessary or helpful. That point was echoed to some extent on Radio 4's "Today" programme this morning, when a military officer said that he felt that this House could do more useful things for veterans. That, however, is to misunderstand the purpose and effect of private Members' Bills. If we started tackling something genuinely controversial or more heavyweight in this forum and setting, it is doubtful whether it would see the light of day. I thoroughly support and defend the fact that this private Member's Bill will do what the hon. Member for Dartford intends it to do.

The Defence Committee produced an excellent report, dated 22 November, on this subject, and I commend the Chairman, the right hon. Member for New Forest East (Dr Lewis), on producing it. Let me briefly quote from it:

> "The protections sought in the Bill are necessary to safeguard the integrity of the military honours system, to reflect the justifiably strong public condemnation of the deceitful use of military honours, and to ensure that legitimate recipients of these distinguished awards should not have to endure the intrusion of imposters…Such sanctions are common in other legal systems around the world and the lack of similar protection in the UK is exceptional."

The Committee stressed the importance of clarity when framing new criminal offences—a point made eloquently and at some length by the hon. Member for Shipley. It recommended that the awards covered by the Bill be listed in a schedule, or an authoritative external list.

Finally, let me quote my hon. Friend the Member for Llanelli (Nia Griffith)—I hope that I have pronounced her constituency correctly—who is our shadow Defence Secretary and who responded to the Defence Committee's report on the Awards for Valour (Protection) Bill. What she said sums up the Opposition's view:

> "It is absolutely disgraceful that anyone would seek to impersonate a veteran by wearing medals that they have not earned, and it is right that the law should prosecute these fraudsters who could well be marching side by side with our ex-service personnel at veterans' parades…Seeing these charlatans who pose as real ex-soldiers causes great offence to the veterans' community and it is time to put a stop to this abuse once and for all. Labour supports the bill to criminalise this practice and I hope that the Government sees sense and helps bring this into law."

I hope that we can agree to Second Reading today, and that the Government will enable this excellent Bill to become law very soon.

12.4 pm

The Parliamentary Under-Secretary of State for Defence (Harriett Baldwin): It is truly a privilege to be able to respond on behalf of the Government to the Bill introduced by my hon. Friend the Member for Dartford (Gareth Johnson). I congratulate him on winning a number so high up the ballot for his private Member's Bill and on his success in bringing forward this measure today.

[Harriett Baldwin]

To some people the impersonation of our military heroes may seem a trifling matter, worthy more of humour than of concern. There is, for instance, the case of a man who claimed to be a member of the entirely fictitious Royal Warwickshire Dog Handlers, and another who went to great lengths to have the commando dagger insignia tattooed on his arm, only to find out that it was pointing in the wrong direction. Men who seemed plausible would, on closer examination—to borrow a phrase—appear to have spent more time in a fancy dress shop than on the front line.

This has been an excellent debate. We have heard not only from my hon. Friend the Member for Dartford, but from my hon. Friend the Member for South Thanet (Craig Mackinlay), who shared with us the example from his constituency of a UKIP councillor who wore the most implausible range of medals and was eventually forced to stand down. At the same time he was discovered to be a bigamist, which demonstrates that people who are impertinent enough to pretend to be recipients of medals to which they are not entitled may well be capable of crossing the threshold of propriety and doing other completely unacceptable things.

My hon. Friend the Member for Shipley (Philip Davies), in an extensive, detailed and well-researched speech lasting about 70 minutes, presented the case against the Bill. He argued passionately on behalf of those who wish to continue to impersonate people who are entitled to wear medals. He was on the side of Walter Mitty, but I have to say that the mood of the House is not with him.

Philip Davies: First, as the Minister knows, I was not on the side of Walter Mitty, and it is rather insulting of her to say that I was. Secondly, perhaps she could explain in passing why on 3 May this year the Ministry of Defence agreed with me, whereas now, in November this year, it agrees with my hon. Friend the Member for Dartford. Can she tell us what has changed in the meantime?

Harriett Baldwin: My hon. Friend was certainly making a case for opposing the Bill. In a moment, I shall come to our reasons for supporting it.

We heard a very good speech from my right hon. Friend the Member for New Forest East (Dr Lewis), who chairs the Defence Committee. We are grateful for the time that his Committee spent taking evidence on the Bill, and for the insights that it has shared in its report. He gave another good example of the perhaps unintended consequences of failing to make this a criminal offence by telling us that his partner's father had been questioned, during an event specifically for veterans, about his entitlement to wear the medal of which he is so rightly proud.

My hon. and gallant Friend the Member for Beckenham (Bob Stewart) argued passionately in favour of allowing people who wear medals in "Blackadder" and other dramatic events to be covered by the exemptions in the Bill.

Bob Stewart: I hope that the Minister will indulge me, because I wish to make a short comment. Tomorrow I shall have the extreme honour of presenting the order of the Légion d'Honneur to Canon William Clements in Coloma Court home in my constituency. The priest was offshore in a royal naval vessel on D-day, and I am going to his bedside to give it to him. That is a singular honour for me. I hope the Minister will forgive me for that intervention; I think it was appropriate.

Harriett Baldwin: I am glad that my hon. Friend made that intervention. He has rightly put a wonderful example on the record. I know that many people throughout the country are very grateful to be receiving the Légion d'Honneur from the French Government at this time.

I am pleased that the hon. Member for Leeds North East (Fabian Hamilton)—along with the shadow Defence Secretary, the hon. Member for Llanelli (Nia Griffith)—supports the Bill. He gave a very good example of how important it is that the Bill should protect the rights of family members to wear their loved ones' medals, saying he proudly wears on his right breast on Remembrance Day the medals his father won for his service.

The mood of the House today is that the dishonest behaviour and egregious examples we have heard about are not harmless fun or mindless eccentricity; in actual fact, their implications are far greater and their ramifications far graver than many would appreciate at first glance, and all the more so when they involve the unauthorised wearing of decorations and medals. That is, first, because it is a gross affront to those who have genuinely served their country at considerable risk to themselves and who, as is intended, wear their medals with great pride. As Siegfried Sassoon wrote in "Memoirs of an Infantry Officer":

"nobody knew how much a decoration was worth except the man who received it."

But this is about more than feelings, important as they are, which brings me to my second point: wearing unauthorised medals is harmful because it undermines the integrity of our formal military honours system, a historical system that has honoured the bravery and dedication of our world-class armed forces since the 19th century. Thirdly, and perhaps most crucially, by undermining that system bogus medal-wearers erode the vital bond of trust and respect between the public and the armed forces.

It is for those very significant reasons that during the first world war the Defence of the Realm Regulation 41 made it an offence to

"wear a decoration or medal without authority".

As we have heard in several contributions today, that prohibition was transferred into statute after the war, and later incorporated into the Army Act 1955 and the Air Force Act 1955. I should also mention that it is still an offence under the Uniforms Act 1894 to wear a military uniform without authority, and that offence carries a maximum penalty of a fine not exceeding level 3.

In the early years of this century, when the Armed Forces Act 2006 was drafted, the concern about "Walter Mittys" was not widespread, and the then Labour Government decided not to carry forward the offences into the new Act. The most egregious acts of deception in this regard, where the individual uses medals to which he is not entitled in order to obtain a financial advantage, are crimes of fraud and, as such, are rightly punishable at a much higher level.

The American Stolen Valor Act 2013 covers only the higher military awards for bravery, as well as certain other military awards such as the Purple Heart and some awards for combat service. But that Act makes it an offence only if the awards are being worn for gain. Nevertheless, the Government recognise the concern about the gap not covered by the Fraud Act 2006, which the Bill seeks to address. It is for that reason, I point out in response to the intervention by my hon. Friend the Member for Shipley, that the Government support the Bill. I know that there are questions about the extent of the problem.

Philip Davies: The Minister has explained, as she said she would, why the Government are supporting the Bill, but she has not covered why the Government did not support exactly the same measures proposed in the e-petition in May this year.

Harriett Baldwin: The Secretary of State has been thoroughly convinced by the excellent case put forward by my hon. Friend the Member for Dartford, by the power of his argument in the Chamber and the way he has worked so constructively to address our previous concerns in his proposed legislation.

My hon. Friend the Member for Shipley mentioned the questions about the extent of the problem in this country. I am grateful to the Defence Committee for producing its extremely thorough report, which acknowledges that the precise level of the problem is difficult to determine. There is clearly a greater awareness of it as an issue, perhaps because of the greater visibility afforded by social media and the appearance of groups dedicated to exposing these "Walter Mittys". It is for that reason, and those that I have previously outlined, that the Government are now happy to offer support to the Bill.

The Committee's report was ably summarised by my right hon. Friend the Member for New Forest East, who chairs the Committee, and it raised issues for the Government to consider beyond those immediately addressed by the Bill—in particular, the question of establishing a searchable database of holders of awards. Details of individual bravery or gallantry awards are published in the *London Gazette*—indeed, that is the origin of the term "gazetted" in relation to medals. However, the creation of a searchable database of holders would raise concerns about personal data and individual security. There is also the matter of who would be responsible for it and who would maintain it. It would be a long-term task for someone. When it comes to the various types and levels of campaign awards, a different issue arises—one of scale. For example, the Operational Service Medal for Afghanistan alone was issued to 150,000 recipients.

Dr Julian Lewis: I am grateful to the Minister for her support for the Bill. I am always cautious about databases for ex-service personnel. In this particular case, however, provided that the search engine was only able to accept the entry of a name that was already known to the person searching for any awards that that person had received, I do not see that that could create a security problem in the way that including details of ex-servicemen on censuses might do.

Harriett Baldwin: My right hon. Friend rightly proposes a potential compromise, but other questions arise, including the scale of the exercise and whether the *London Gazette* might be able to maintain such a database. I look forward with interest to hearing constructive suggestions on those concerns from those who are following the debate.

Bob Stewart: My hon. Friend the Minister has hit the nail on the head with her comment that the *London Gazette* could keep such a database. Every gallantry award goes through the *London Gazette*, even those awarded to people who have done something for the security services. I am sure that some kind of system could be made available through the *London Gazette* that would enable the information to be accessed very quickly. At the moment, trying to find gallantry awards using the system at the *London Gazette* is almost impossible.

Harriett Baldwin: I share my hon. Friend's support for that suggestion. It will be interesting to hear, as the Bill progresses, of any practical solutions to enable us to bring the system into the 21st century and create a database that is easily searchable and readily trusted. I hope that people will come forward with such solutions. The Government will of course make a fuller response to the Committee's report in due course, but it is fair to say that we would need to consider carefully the practicalities of such a large task.

The Government support the Bill's Second Reading today. It has some drafting issues that we will seek to help my hon. Friend the Member for Dartford to address in Committee, and I hope that he will take that as a constructive process, as we want to help him to produce a Bill that will achieve his laudable aims. I look forward to discussing the Bill further in Committee. Above all, I look forward to putting into statute our steadfast commitment to maintaining the solemnity of our military honours system for the sake of our brave servicemen and women, past, present and future, who have served and will continue to serve this country with selfless commitment, loyalty and integrity. I therefore once again congratulate my hon. Friend on introducing the Bill, and I urge the House to support its Second Reading today.

12.19 pm

Gareth Johnson: With the leave of the House, I wish briefly to thank the Government for their support of my Bill, Her Majesty's Opposition for their constructive support, and colleagues for their supporting comments. My hon. Friend the Member for Shipley (Philip Davies) made some sensible suggestions that I am happy to look at.

I said from the beginning that mine was very much an old-fashioned private Member's Bill. There are many examples of good private Members' Bills passing through the House with the support of charities, lobbying groups and various other organisations. Many of them have been off-the-shelf-type private Members' Bills, but my Bill is not like that. I drafted it myself, but my ego does not prevent me from saying that it has flaws that need ironing out, and I am grateful for the contributions that will enable that to happen. Notwithstanding its flaws, I maintain the central principle of the Bill, which is that we owe it to our veterans to give them legislative support,

[Gareth Johnson]

and we owe it to the public to ensure that they can have confidence in the system. I hope that the huge debt we owe to each and every one of the people who have served in our armed forces can in some way be repaid through the Bill.

Question put and agreed to.

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

Parking Places (Variation of Charges) Bill

Second reading

12.21 pm

David Tredinnick (Bosworth) (Con): I beg to move, That the Bill be now read a Second time.

It is an absolute pleasure to follow the Bill of my hon. Friend the Member for Dartford (Gareth Johnson) on the wearing of medals, which is a really important issue. I very much enjoyed his speech, as I did the forensic analysis of my hon. Friend the Member for Shipley (Philip Davies) and the entertaining speech by my hon. Friend the Member for Beckenham (Bob Stewart). He talked about the extra sets of medals he has in his cupboard, but, because he is a very modest man, he did not say that he has the second-highest gallantry award of this country, the Distinguished Service Order, which he won for his active service in Bosnia. He is ever modest, but it is important that he should receive that recognition. [Hon. Members: "Hear, hear!"] I was also touched by the contribution of the hon. Member for Leeds North East (Fabian Hamilton), who represents Sir Keith Joseph's old seat. He spoke about the wearing of medals that were in his family's possession—a very useful adjunct.

It is my good fortune to be able to introduce my Parking Places (Variation of Charges) Bill, which I understand has the backing of not only the Government but Santa Claus. I had a note down my chimney last night, and I shall explain why. The Bill will be very helpful to local authorities, particularly at Christmas time, when cities and towns are full of shoppers and councils might want to reduce, or waive altogether, some on-street and off-street parking charges.

Craig Whittaker (Calder Valley) (Con) *rose—*

Mrs Sheryll Murray (South East Cornwall) (Con) *rose—*

David Tredinnick: I give way first to my hon. Friend the Member for Calder Valley (Craig Whittaker).

Craig Whittaker: If local authorities already have provision to vary parking charges, which I know they do from my time on Calderdale Metropolitan Borough Council—I believe the provision is in the Road Traffic Regulation Act 1984—will my hon. Friend elaborate on why there is a need to amend that?

David Tredinnick: I certainly will. I now give way to my hon. Friend the Member for South East Cornwall (Mrs Murray).

Mrs Murray: We have seen parking charges in Cornwall increase constantly over the past three or four years. Will the measures on parking charges in my hon. Friend's Bill support the smaller town centres that need supporting, such as those in my constituency?

David Tredinnick: I say to my hon. Friend the Member for South East Cornwall that I hope I will satisfy her concerns during my speech. In response to my hon. Friend the Member for Calder Valley, I will explain

shortly why the Bill is a necessary adjunct. It makes provision for reductions in charges without the need for the current requirement of 21 days' notice. My hon. Friend the Member for South East Cornwall should be aware that local authorities will in future, under clause 2, need to consult if they want to increase their charges.

Issues in Stevenage were addressed in a Westminster Hall debate on Wednesday, which was replied to by the Under-Secretary of State for Communities and Local Government, my neighbour across Watling Street and hon. Friend the Member for Nuneaton (Mr Jones). My hon. Friend the Member for Stevenage (Stephen McPartland) is extremely worried that the local council is making £3 million a year from parking charges, which are depressing Stevenage's ability to attract business and be a vibrant town.

Mrs Murray: Will my hon. Friend clarify whom local authorities will have to consult? Will the consultations be wide? Will the people who use such car parks be able to have a say?

David Tredinnick: I am grateful to my hon. Friend because her question will help to flesh out my speech. The Under-Secretary of State will correct me in his speech if I do not get things quite right. The Bill has only two clauses, and I must tell colleagues that I fended off several organisations that wanted to add a whole range of further clauses. However, this is the second Bill on a Friday and I am under no illusions about my needing the support of the Chamber for the Bill to progress.

The Bill amends the existing powers of the Secretary of State at sections 35C and 46A of the Road Traffic Regulation Act 1984 to make regulations providing for the procedure to be followed by local authorities giving notice to vary charges at both off-street and on-street parking places. That allows for new regulations to be made that revise the existing regulations to reduce the burden on local authorities that are seeking to lower their charges. In addition, the Bill allows for a new power that will mean that local authorities will need to consult if they want to increase their parking charges under an existing traffic order. I hope that answers my colleagues' questions.

Town centres such as that of Hinckley, the vibrant town in Leicestershire that I represent, are at the heart of our local communities. Parking has the potential to enhance the economic vitality of town centres such as Hinckley's.

Wendy Morton (Aldridge-Brownhills) (Con): I welcome my hon. Friend's Bill. Does he agree that it will make it much easier for councils to reduce car parking charges? That can only be a good thing not just for local businesses, but for local residents. It will encourage us all to shop locally and support our town centres.

David Tredinnick: I was astonished when I looked into this matter that that was not already in a council's portfolio of options. That is why I have brought the Bill to the House. I was absolutely amazed. The reform will allow local authorities to react more quickly to market changes and allow greater flexibility if they are looking to put in place reduced parking charges or even free parking. It also puts local authorities on an even footing with the private sector—this is important—by allowing local authorities at short notice to provide free or discounted parking to support town centre events.

That is the Santa Claus aspect. In the run-up to Christmas, councils may want to allow a market to take place at short notice and could stimulate that market by reducing charges or waiving them altogether. Requiring 21 days' notice, with the notice to be published in the local newspaper and posted at appropriate places on the street, is bureaucratic and totally unnecessary. It is important that councils should engage their local communities when they are raising charges, to help ensure that the business community is aware of any proposals and to help it make informed comment about them. The Bill will reinforce what should be good practice.

Standing here on behalf of my constituency, which includes the big town of Hinckley on the A5, I can say with some pride that Hinckley and Bosworth Borough Council already consults the Town Centre Partnership on changes to charging ahead of publishing any notice of variation in the local media. It also has a joint car-parking working group with the Business Improvement District and the Town Centre Partnership to consider issues as they arise. If I had intervened more fully in last Wednesday's debate, I might have said that that would be an appropriate way forward for Stevenage; perhaps Stevenage can talk to Hinckley about the way Hinckley does things. I am pleased to put on the record that example of best practice.

I am also pleased to report that, in the past, Hinckley has offered free parking at Christmas. My local council assures me that the Bill would allow it to temporarily reduce charges, meaning that it could still generate some revenue while supporting town centre businesses. There is a good relationship between the council and the business community in Hinckley, but the Bill will add flexibility, which is why it is so important. It will allow Hinckley and Bosworth Borough Council to consider a new range of parking incentives, which is very much to be welcomed.

Let me give a couple of examples. It would allow the council to develop temporary incentives for under-utilised car parks, to increase awareness of those parking assets. I pressed the chief executive of the council for more examples locally, and it could—people in my area might be interested to learn that these are not council policy but options that might be put before it—temporarily introduce a 50p charge for all-day parking on long-stays on Saturdays in the run-up to Christmas. It could introduce a 50p all-day charge on the Trinity Vicarage car park, which the council has been trying to get greater use of, until usage increases, and the charge could then be removed. Finally—this is interesting—I am told that councillors might be invited to consider a charge of 50p for three hours on all short-stays in January and February, which are generally quieter months; obviously, that is after Christmas, and there is not much going on.

Hinckley—the town I have had the honour to represent for a long time—has been shortlisted in the large market category of the Great British High Street competition. Let me put that in context. Unusually for a town of its size—it has a population of 30,000—it is signposted pretty much from the moment people leave London, and the signposts are there once people get just outside

[David Tredinnick]

the M25. That is because Hinckley is a very important town on Watling Street—the Roman road going to the north-west—or what is now the A5. It has a great history, going back to the making of silk stockings; it was one of two towns in England that produced silk stockings, Wokingham being the other. It has a very proud history of hosiery and knitwear production. It actually has a catchment area of half a million people within a 15-minute drive. I checked the numbers today: Hinckley has over 400 businesses, of which nearly 300 are independent, and the vacancy rate is less than 5%. That is a great thing for the town of Hinckley.

As we are talking about markets, it is worth mentioning that the charter market in Hinckley was 700 years old in 2011, and it is open for business three days a week. Not only that, but we have fantastic town centre festivals, including the Soap Box Derby, which is great fun; St George's Day; and the largest town centre classic motor show in the midlands. We have also had a rally in the middle of the town; I do not know how the council got permission for that, but it did, and well done.

Mrs Murray: My hon. Friend is painting a fantastic picture of his town of Hinckley. If his Bill goes through, and we can park there at a reasonable price, will it have enough parking spaces to accommodate all those of us who are very tempted to visit one of these festivals?

David Tredinnick: I have to say to the House that I did not connive with my hon. Friend before this debate, but she is bowling me some very soft balls. I did not intend to mention this, but recently the Co-op sadly ceased trading. It had a very good car park in the middle of town and local business people and the former chairman of my association, Rosemary Wright, wisely got behind a general campaign to persuade the council to purchase it. It is controversial—I forget, but I think it will cost about £1 million—but there is a shortage of parking in Hinckley, so I welcome that important decision.

Parking is crucial to the success of the events, which are attended not only by thousands of local people, but by visitors from further afield, leading to—I will use the jargon—an increased spiking of 1,000% in footfall. That means a whole lot of new people coming into the town and wanting to park, so making parking easier is much better for business. The flexibilities that the Bill would introduce would go a long way to enhancing the event experience in town, and parking is, of course, often the visitor's first experience and impression.

As I have said, I understand that the Government support the Bill's purpose. The Under-Secretary of State for Communities and Local Government, my hon. Friend the Member for Nuneaton, may wish to say a little more about the points that I have raised. I do not need to be psychic—he is on the Front Bench—to imagine that that will be the case. Crucially, the Bill also has the support of Santa Claus, so I commend it to the House.

12.36 pm

Jim McMahon (Oldham West and Royton) (Lab): I refer to my entry in the Register of Members' Financial Interests, which notes that I am a serving member of Oldham Council. I thank the hon. Member for Bosworth (David Tredinnick) for promoting the Bill. To be honest, I felt at times during his speech that I was in a council committee meeting. I was pondering whether devolution in England could work if this is the level of debate in our Parliament. Nevertheless, parking charges are an important issue and are raised regularly by our constituents, so it is right that we consider them.

None of us should allow a picture to be painted that our councils are somehow, in an underhand way and against the public interest, trying to extract as much cash as possible from parking charges. The Road Traffic Regulation Act 1984 is prescriptive on what the surplus can be used for; if there is a shortage of car parking spaces in towns, the money can be used to provide additional spaces and improvements. We need to remember that it is not a profit-making service. If a surplus is made, it is reinvested, and that is important.

Many towns and cities acknowledge that parking is an important facility. It is not just about people being able to get in and out, but about supporting the economies of our town and city centres, which are important. Review after review has highlighted the vulnerability of our high streets in particular, and we want to make sure that we give them as much support as possible.

The hon. Gentleman has listed activities and events that are organised in towns. The local authority in Oldham arranges a long list of town centre events that bring a lot of people into town. It ensures that parking charges are suspended for the duration of those events, so that people can get in and out freely and enjoy them. Our preference should be to give as much power, responsibility and accountability as we can to local councils and their communities to do what is right for their towns. I am inclined to think that Parliament should step back rather than continually introduce legislation, but it is only right that we support this Bill, given the spirit in which it is intended.

In my constituency, there are no parking charges in the town of Royton or in Chadderton. In Oldham town centre, which is the largest, serving a population of a quarter of a million people, the council decided to have free parking at weekends to encourage people to come into the town and spend money. After six o'clock, people can park on the streets as well—that is about supporting local restaurants and the new cinema that has opened in the town centre—and those decisions have public support.

However, the public also supported greater enforcement, particularly outside schools, where people were parking inconsiderately, blocking school access and potentially endangering children's lives. It was therefore a great knock to the council and the local community when the then Government introduced legislation to restrict the CCTV vehicle from being able to catch offenders. That restriction means that now, a staff member has to sit in a car and see the parking rules being breached. It would have been far more efficient to allow the camera car to be placed on the pavement.

The camera car is loved by the children of Oldham. It has a name—Oscar—because of a competition in which young people were encouraged to come forward with their ideas about what the new enforcement car could be called. Seven hundred and eighty youngsters took part across 17 schools, so there was great community spirit, and great demand was put on the council for that car. Parents wanted to know that there would be

enforcement outside schools. If the community wants that and if the council is willing to act in response to the community interest, it should not be for this place to say that it cannot happen. That is why I tend to believe that we should allow local communities to do more for themselves, instead of always passing legislation to restrict and determine such things.

We need more clarity about what the Bill means by consultation and who needs to be consulted. That could be straightforward and involve the Business Improvement District board, which is easy to consult. A board meeting could be called—such meetings happen regularly anyway. The area of interest may be wider, with more people consulted and considered to have an interest. We need to understand what burdens may be involved. It would be ridiculous, would it not, if a council seeking to reduce car parking charges had to go through a prolonged consultation period to get to the number of people that it considered would be affected by that decision, when putting a notice in a newspaper would have been far easier. There will also be times when charges go up, but modestly, sometimes just in line with inflation. Would that require a large public consultation for people who would be affected? Just how large might that be? A bit of clarity on that would help during the next stage of the Bill.

Mrs Sheryll Murray: The hon. Gentleman is obviously basing a lot of what he is saying on his experience in his constituency. May I suggest that he looks at how car parking charges have increased in Cornwall over the last four years? That will give him a real picture of what things are like in rural communities.

Jim McMahon: I thank the hon. Lady for that intervention. It is important to recognise that no two areas are the same and that different local communities and local economies experience very different pressures. I do not challenge at all the view that there are particular issues in Cornwall. My position, as always, is that the best people to determine that are the people who live in Cornwall and their elected representatives. Parliament should not always see the need to pass legislation on what are minor issues. If there are issues about car parking charges in Cornwall, my advice would always be to take that up with the local authority in the most appropriate way.

Mrs Murray: I think the hon. Gentleman has completely misunderstood what I was saying. It is the local authority that has been increasing the car parking charges, against the views of local people, so how can he suggest that the people make representations to the local authority?

Jim McMahon: I thank the hon. Lady for raising what is turning this into a bit of a Committee debate about car parking charges in Cornwall. I absolutely understand that it is a matter for the council or the local authority there, and I absolutely accept that some people will disagree with its level of car parking charges. I was just pointing out that it is a matter for local determination, and local people should hold their local authority to account. If people are not happy with how their local authority is performing, they of course have the right and the ability to change the leadership of the council through the ballot box.

Craig Whittaker: I do not quite agree with what the hon. Gentleman says about councils not using car parking as a cash cow, but I hope he agrees with me that the Bill, which includes provision for a consultation when councils raise car parking charges, will give individual residents and businesses the opportunity to do exactly what he suggests, which is to challenge the council.

Jim McMahon: The subtlety of my speech may have left hon. Members behind, so let me go back to what I said. We support the Bill, but I was challenging just how it will be used in practice and what the interests in an area are. As I have said, if there is a Business Improvement District in the town centre, it is easy to consult the BID. However, the area affected may be much larger than such a tightly defined geographical area, so it would be helpful to provide such a definition.

David Tredinnick: If the Bill is fortunate enough to make it into Committee, I give the hon. Gentleman an assurance that we will look at his points, particularly about inflation automatically triggering increased charges. We will obviously look at those points with care.

Jim McMahon: I appreciate that commitment. I should say that I am coming at this with a number of different experiences. In a former life, I was a town centre manager, so I fully appreciate how important car parking is. It is not just a way to generate revenue; it is vital to the viability of the shops and retail outlets in the shopping centres and high streets in our town and city centres. I think we are as one on the importance of making sure that we have a vibrant local economy, and car parking is very important to that. On that, we are in fierce agreement with each other.

I have taken enough time as it is, but let me tell the hon. Gentleman that I am very happy to see the Bill progress, and he can be assured that Labour Members will support it.

12.47 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr Marcus Jones): I congratulate my hon. Friend the Member for Bosworth (David Tredinnick), who is my constituency neighbour, on securing his place in the ballot for private Members' Bills and on his excellent speech. The Bill that he has introduced to the House is important legislation. I believe it offers a reform that will have a real, lasting and very positive impact on many of our town centres.

I was delighted to hear about my hon. Friend's own town of Hinckley. I was also delighted to hear that it is in the final of the Great British High Street awards, and I wish it well in its endeavours. I have quite close links with Hinckley. In the late 1970s, when I was very small, my parents ran two record shops. One was in Nuneaton, which is now my constituency. As a very young infant, I spent time in a pram at the back of that shop, so I know my constituency extremely well. As a youngster, I also used to spend time in our shop in neighbouring Hinckley, so I also know my hon. Friend's constituency extremely well.

I welcome the improvements that the Conservative council in Hinckley has made in recent years. It is good to see how it is working with the local business community. In the summer, I was absolutely delighted to go along,

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at the request of Rosemary Wright, whom my hon. Friend mentioned, to speak to the Hinckley chamber of trade. I met some excellent and very well-informed business people, who seem to have an excellent rapport with their local authority.

Craig Whittaker: I understand my hon. Friend's longing for his neighbour to do well in the Great British High Street awards, but I am sure that, as a Minister, he will wish Hebden Bridge in the Calder valley, which is also in the running for the awards, equally well.

Mr Jones: My hon. Friend tempts me to support Hebden Bridge. I certainly support the people of Hebden Bridge and wish them well in the competition. I wish all the finalists well. I understand that the judging process is ongoing and that local people have had the opportunity to vote for their high street or town centre. I hope the people of Hebden Bridge and Hinckley have voted in their masses to support their local high streets.

Wendy Morton (Aldridge-Brownhills) (Con): I cannot let this moment pass without saying that, although the towns and villages in my constituency have not entered the awards, they have excellent town and village centres. Does the Minister agree that we should all support all our town and village centres to thrive and prosper, and to play their important part in supporting local communities?

Mr Jones: My hon. Friend makes a timely intervention because today is what is now called "Black Friday", when many people take to high streets, town centres and out-of-town shopping centres or go on the internet. At a time when we are all starting to think about Christmas shopping—some of us have planned more than others in that regard—and when we are spending significant amounts of money, people should think about shopping in their local high streets and town centres when they can. People often complain when high street shops close because there has not been enough demand to keep them going, but at the same time they often buy things on the internet from a range of retailers, so I encourage people at this time of year to use their local high street or town centre. I suspect that parking is an issue with which most Members of this House are very familiar. Both as a constituency MP and as a Minister, I find that my postbag is kept very busy by this important issue. Indeed, many of my hon. Friends write to me about it regularly on behalf of their constituents. I suspect that even after this important Bill has gone through the House, as I hope it will, this will remain a subject for which the Royal Mail is very grateful, such is the general public's view of excessive parking charges.

High streets and town centres continue to play an essential role in the lives of our communities, and parking plays a major role as the gateway to our town centres. That was recognised by the Conservative-led coalition Government in a number of reforms of parking facilities owned by local authorities. They made it mandatory for local authorities to provide 10-minute grace periods for all on-street parking bays and off-street car parks. That gives town centre shoppers far greater flexibility, and allows them to complete their shopping and other business in the town centre without having to worry that they are going to overrun by a few minutes on the parking meter.

The previous Government were also concerned by the use of closed circuit television cars, which were mentioned by the Opposition spokesman, whom I welcome to his place. In many cases, those are being used as nothing more than a revenue-generating tool. That is why, in addition to the grace period, the previous Government banned the sending of parking tickets through the post by local authorities, so individuals now have a far greater degree of certainty. If, when they get back to their car, they unfortunately have a ticket, they know that the ticket is there and has to be dealt with, rather than not knowing about it on the day and ending up with a ticket through the post weeks later, when they cannot recall whether they were at that particular location, and so whether they can challenge the ticket. That was an extremely important move forward.

We are also looking at further reforms to the local government transparency code, following a recent consultation. We intend to amend the code so that motorists can see at first hand a complete breakdown of the parking charges that their councils impose and how much they raise. My hon. Friend the Member for South East Cornwall (Mrs Murray) mentioned that we must be careful that our car parks are not used simply as revenue generators or cash cows, because although it is important that local authorities are able to pay for the provision and maintenance of council car parks, it is also extremely important to recognise that car parks are there for the pure and simple reason that they allow people who want to come into a town to use the shops, restaurants and bars. We should never forget that.

Mrs Sheryll Murray: Has my hon. Friend seen situations similar to those in some of my local car parks, where charges have increased to such an extent that they are half empty, and the local roads are completely congested with people who are trying to avoid the charges?

Mr Jones: My hon. Friend is a powerful advocate for her area. I talked about my postbag; I know that she has given Royal Mail plenty of letters to bring to the Department for Communities and Local Government. She has made representations on many occasions on this important issue, and I am sure that she will continue to take it up with her local council in Cornwall. She is absolutely right. The Labour council in my area has increased parking charges, and revenue has dropped like a stone, because people do not want to pay those charges and so come to other arrangements. The worst-case scenario is that they do not visit the town or high street in question. When that happens, it is disastrous for businesses and the people who work on those high streets and in those town centres.

We have conducted a consultation, as I say, and will amend the code so that motorists can see how councils charge for car parking, and how that money is spent. Since 2014, councils have been required to be transparent about how much money they raise through parking charges and penalties, but our proposals go even further. They enable drivers to see far more information about the level of fines imposed, how many were paid and how many were cancelled.

The Bill brought forward by my hon. Friend the Member for Bosworth continues in that vein, recognising councils' need for flexibility, but also the need to involve local communities in the decision-making process. The involvement of local communities in these decisions is extremely important. As has been said, the local community has a backstop, when it comes to any decision that a local authority makes, as it can kick that particular administration out at an election. However, given how councils are often made up and how often elections occur, that is not always that easy, and it can take some time. This issue is so important to the vitality of high streets and town centres, many of which create the jobs in our constituencies, so it is extremely important that local people and local businesses are consulted before any changes are made that could have a detrimental effect.

Wendy Morton: This topic affects anybody who drives into a town centre or a car park owned by a council. Does the Minister agree that the Bill would enable those who use those services to make their voice heard, through the consultation, directly by the council? That can only be a good thing for community engagement and democracy.

Mr Jones: I absolutely agree with my hon. Friend. A question often asked, in this House and in the country, is how we can engage our communities more, to get them to get out and vote. The more a local authority engages, the more it will encourage people to do that. The good thing about the Bill is that where a council is doing the right thing for a local area by dropping parking charges to welcome businesses on to their high street or into their town centre, and to facilitate things for them, there will be no obligation on them to go through a lengthy consultation. They will need to consult when they wish to increase car parking charges—a change that could well be against the will of local people.

Craig Whittaker: With 30 years of retail experience, I know that car parking charges can be good for the high street, because they encourage turnover and footfall. Does the Minister agree that excessive car parking charges are bad for bringing people into town centres, and that the Bill, through the consultation, will help to address that situation?

Mr Jones: I completely agree with my hon. Friend, who has tremendous experience in this area and very much knows his onions. He is absolutely right that there is a balance to be struck. Excessive parking charges will deter people, but if short-stay parking is not done right, shoppers will be deterred by other people using the car parking spaces that are intended for them. We are not saying that this is a one-size-fits-all situation. We are saying the Bill will make it quicker and easier for local authorities to do the right thing where they think it necessary.

The Bill offers a real opportunity for councils to take a far more flexible approach to supporting their high streets, for example by responding to the opportunity of town centre festivals. We are coming up to Christmas; many councils reduce car parking charges over the festive season, and the Bill will facilitate that by removing bureaucracy.

Seema Kennedy (South Ribble) (Con): I want to give a quick plug to Small Business Saturday, which is a week tomorrow, and is important for all our local communities. May I commend the work of South Ribble Borough Council, which has suspended parking charges in Leyland for that day?

Mr Jones: I thank my hon. Friend and South Ribble Borough Council, which is obviously thinking very carefully about how it can promote its town centres. Small Business Saturday is a great way to do that. Our larger businesses on our high streets and in our town centres are extremely important, but our small businesses provide an additional vitality that many people appreciate. They distinguish our high streets from many out-of-town retail parks, which do not have that level of small business involvement. It is therefore great to hear what my hon. Friend says.

This is a real opportunity. The Bill will allow councils, when there are festivals, to use the celebrations to demonstrate how good our town centres and high streets are. People lead busy lives and they do not necessarily pop to the high street or the town centre to do their shopping. They might do their shopping and even banking—through apps and so on—on the internet. We often find that because people do not have a reason to go to a high street or town centre, they forget to frequent them. That is a real pity. Any festival, or anything else, that can bring them back into town, make them think, "This is somewhere I should visit and do a lot of my shopping", and refresh their memory is a good thing.

One thing I learned from my involvement in the Great British High Street competition when I was the Minister with responsibility for high streets last year was that people up and down the country had a passion for their high streets. When I was chairman of the all-party group for town centres, I led a Backbench Business debate in this Chamber. I think that was when you, Madam Deputy Speaker, were the Chair of the Backbench Business Committee, which I later had the great pleasure to serve on under your chairmanship. If I recall correctly, about 70 right hon. and hon. Members attended that debate, which filled a full six hours. It just showed, as my hon. Friend the Member for Bosworth did in introducing the Bill, what passion there is for our high streets and town centres. If a place can get its high street and town centre right, it can create an experience that visitors will not get on the internet or in an out-of-town shopping park, and that is why we should do everything we can, as legislators, to facilitate the use of our town centres and put them on a long-term, sustainable basis.

The Bill offers flexibility on car parking charges, but as has been discussed by hon. Members, there is concern about local authorities deciding to raise charges without consulting businesses, as does happen. The Government think it fit and proper, therefore, that where councils intend to put them up, they are responsive to local concerns and should have to consult local people before seeking to do so.

The hon. Member for Oldham West and Royton (Jim McMahon), the Opposition spokesperson, mentioned the consultation and how it might work. I am sure that he is well aware that after the Bill was passed, it would be necessary to implement the changes through secondary legislation that stated exactly how places needed to

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consult. It is important that those measures be there, because without a measure allowing for consultation, local people might not get an opportunity to comment. I have seen such decisions taken within a matter of weeks, and even in a day. A council might hold a cabinet meeting, propose a budget and through it an increase in car parking charges, and then in two hours be in full council and pass the measure without the public knowing. We need to guard against that, and the Bill certainly does.

The Bill brought forward by my hon. Friend the Member for Bosworth, which provides for consultation if local authorities want to raise the charges on an existing traffic order, is a sensible reform that strikes a balance between the need of local authorities to set fair car parking charges and the need to consider the views of local communities. I appreciate the points made and thank him for introducing this important Bill. The Government support its intentions, not just because it delivers on one of their objectives, but because it encourages a model of more effective support for our great British high streets and town centres. As we can see in the Chamber, such is the enthusiasm for our high streets among Members from across the country that we should think carefully before doing anything that might cause harm or detriment to them; we should applaud councils that want to reduce charges and welcome more people into their area, and enable them to do so. This matters to local people, and it should matter to the House.

1.9 pm

David Tredinnick: Whenever I have got to my feet in this House over the years, I have always tried to keep in the back of my mind that our job as Members of Parliament is to improve the quality of life of the people we represent. Having listened to today's debate, I can say in all honesty that this modest two-clause Bill will improve the quality of life in every city and town in this country. I am most grateful for the Government's support.

Question put and agreed to.

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

Local Audit (Public Access to Documents) Bill

Second Reading

1.10 pm

Wendy Morton (Aldridge-Brownhills) (Con): I beg to move, That the Bill be now read a Second time.

Before I come on to the detail of my Bill, I would like to say what a pleasure it has been to spend time in the Chamber this morning, and particularly to follow my hon. Friend the Member for Bosworth (David Tredinnick) and what he aptly calls his Santa Claus Bill. I remember introducing my first private Member's Bill last year, which we fondly referred to as the Peter Pan and Wendy Bill.

Mrs Sheryll Murray (South East Cornwall) (Con): I congratulate my hon. Friend on introducing her second private Member's Bill in her first term in Parliament. If she is successful, as we hope, she will have equalled my record in the last Parliament. I wish her every success.

Wendy Morton: I am grateful to my hon. Friend for her intervention. If I am successful with this Bill, I will perhaps have to try to beat her record and go for a hat trick. There is a challenge for her.

Going back to my hon. Friend the Member for Bosworth, it struck me that there is a link between my constituency and his—the A5, which runs to Hinckley, but also through Brownhills in my constituency.

Although the title of my Bill is the Local Audit (Public Access to Documents) Bill, it is not really about audit at all. I was going to say that the title may be a little misleading, but I am not sure whether I am allowed to use that term, so let me say that the title does not really encapsulate what the Bill is all about. Let me explain that a little further.

The aim of the Bill is further to improve the transparency and accountability of local public bodies. Because it would amend the Local Audit and Accountability Act 2014 in respect of the people who are able to inspect accounting documentation, the title has to reflect that parentage. I hope Members will indulge me in explaining that point today. This is a very short piece of legislation, but I believe it is one that we should welcome, because it would make a single and very simple change to the 2014 Act.

The Bill is designed explicitly to amend legislation so that journalists, including citizen journalists, can have the right for one month to inspect the accounting records of the financial year just ended of any relevant authority and to request copies of those documents—without being required to have an interest in that authority.

Simon Hoare (North Dorset) (Con): When I sat on the Investigatory Powers Public Bill Committee a few months ago, we spent quite a bit of time talking about journalists and how we should define journalists for the purpose of the legislation. Could anybody with an iPhone, for example, legitimately call themselves a journalist? Will my hon. Friend explain in greater depth to assuage my concern that her Bill might put an undue cost pressure on local authorities if officers had to find time to meet any requests, particularly when anybody could classify themselves as both a citizen and a journalist?

Wendy Morton: That is an interesting point. I shall deal later in my speech with the definitions of "journalist" and "citizen journalist".

My Bill seeks to increase transparency and openness, but—I must stress this—not to place an unnecessary burden on local authorities that work very hard and often have to handle a great many requests for information.

Craig Whittaker (Calder Valley) (Con): I know that the Bill is about openness and transparency, but—and this is in the same vein as the intervention from my hon. Friend the Member for North Dorset (Simon Hoare)—has my hon. Friend conducted an analysis of the extra cost and burden on local authorities that are already burdened with huge numbers of freedom of information requests, as she has just said, and the requirement to publish numerous responses?

Wendy Morton: That is another interesting point. We need to get the balance right. We want openness and transparency, but we do not want to place an unnecessary burden on local authorities. On the basis of indications that I have received, I do not believe that the Bill would impose a huge burden on them. As for the cost, they will still be able to charge for requests for information, and I shall say more about that later.

A complete list of the local bodies that would be affected is set out in schedule 2 of the 2014 Act and includes local authorities, police bodies, fire and rescue authorities, parks authorities, combined authorities, and parish councils with an annual turnover of £25,000 and above. It is worth recognising that the Bill provides for that threshold.

Section 26 of the Act enables "any persons interested" to "inspect the accounting records" of such bodies, and to request copies of any part of those records or related documents. However, under previous case law it has been determined that the definition does not include journalists, although it would include, for example, local business rate payers or others who pay fees or charges to the body in question. Section 25 gives local electors the right to inspect and have copies of a wider range of accounts-related information from their council, such as the auditor's opinion or any public interest report. They can also question the auditor and make an objection to the accounts, which the auditor is required to investigate unless he deems it to be vexatious or a duplicate of another request. That, I think, is an important provision, because it provides some safeguards for local authorities.

In all cases, whether the requester is an interested party or a local elector, the relevant authority is able to charge

"a reasonable sum for each copy"

of any document that is made. I hope that that goes some way towards answering my hon. Friends' questions.

Seema Kennedy (South Ribble) (Con): I congratulate my hon. Friend on her Bill. I spoke during the debate on her last one.

I have some reservations about "reasonable" charges. We know about the pressures on local authorities and, despite references to reasonableness and vexatiousness, I am slightly wary of the possibility that serial troublemakers might submit requests to numerous councils. Can my hon. Friend reassure us that they will be protected from people who are just digging around?

Wendy Morton: I am grateful to my hon. Friend for her intervention and for speaking in the debate on my previous Bill; I hope she will support me again this time. Reasonableness is important, and including the words "vexatious" and "duplications" should offer some reassurance, but if the Bill makes progress we could seek more clarity on this in Committee. We all work under tight budgets these days, so a balance always needs to be struck between openness and transparency, without too unreasonably high charges.

Members may wonder why I am introducing this Bill—why I have given up another Friday to stand here in the House of Commons, as I happen to quite enjoy Fridays. Members may also be a little puzzled as this is a rather technical amendment to audit legislation.

Hon. Members may recall my predecessor as MP for Aldridge-Brownhills, Sir Richard Shepherd. He has probably not had a mention in this place since I made my maiden speech, but my constituents often remind me about him. Sir Richard was a staunch defender of whistleblowers and fought for a more transparent and accountable Government and greater freedom of information: if we googled him, we would find many references to the work he did in this place on those topics. His principled stance on those issues resonated with many inside the Chamber and outside, and I am keen to see that that continues. The Bill speaks to those interests by seeking to make local government more transparent and subject to more effective public scrutiny of their spending, and I am sure we can all recall occasions or circumstances when such scrutiny might have been able to help.

The new rights I propose for journalists would provide access to the accounting records of any local authority, thus giving them an important tool. They would be able to access spending information across the piece that would aid their journalistic investigations and the publishing of their findings would provide local electors with information that might enable them to question the auditor or raise an objection, thus enabling them to better hold their local authority to account for poor spending decisions.

Why "journalists" and how do I define that term? I am conscious that Members might want to know why I do not propose extending the inspection rights to everyone or whether "journalist" is a suitable category for the definition of interested person.

Proposed new subsection 1A defines a journalist for the purpose of this new right as

"any person who produces for publication journalistic material (whether paid to do so or otherwise)."

As well as accredited members of the press, the term is intended to cover citizen journalists, by which I mean bloggers who meet the conditions, although it would not extend to anyone who simply has social media access.

Craig Whittaker: My hon. Friend makes a valid case for what she is trying to achieve, but why journalists? Why not open it up to everybody to access these accounts?

[Craig Whittaker]

If we really want to be open, honest and transparent, surely we should not put any criteria or restrictions in place.

Wendy Morton: My hon. Friend makes an interesting and fair point, and I would not be against looking at that further in Committee, but I think it is the best way to strike a balance between openness and transparency and making requests reasonable for councils to deal with. Furthermore, a journalist or citizen blogger would be requesting information that they would then share with the wider public.

Seema Kennedy: I am pleased to hear that my hon. Friend is willing to consider the definition of a journalist in Committee, but we all have to recognise that journalism is changing. Accredited journalists will always come back for a comment and seek to put forward a balanced argument, but I am sure that we in this place have all been subjected to so-called citizen journalists who do not present their arguments with the same critical nature. Furthermore, journalism will probably have evolved another step by the time the Bill receives Royal Assent. Would it not be better to extend these rights to all people?

Wendy Morton: This power is already available to electors, but this group of journalists cannot currently access the information in question. I am trying to achieve that access for them in the Bill. I hope that I will be able to give my hon. Friend more clarity as I proceed with my speech. Otherwise, should the Bill go through today, she will be most welcome to serve on the Bill Committee.

Careful consideration has also been given to the language in the Bill. For example, by referring to "journalistic material", the Bill focuses on what the person does. This would exclude someone who worked at a newspaper but compiled classified ads. I am trying to keep this really focused. Use of the term "publication" would exclude student journalists who compile journalistic material but do not publish it. I want to keep the focus on openness, transparency and the public.

Furthermore, other legislation defines "publication" as material having a public element. So, while the Bill might include journalistic material tweeted on Twitter, it would not include material circulated to a small, invitation-only Facebook group. It would also be unlikely to include material sent as a direct electronic message. It probably would include a blogger such as Guido Fawkes but not campaign groups such as 38 Degrees or SumOfUs. The extension of the rights to journalists alone has been the subject of careful consideration.

I understand that hon. Members have raised concerns today, and they are exactly the kind of points that I would be more than happy for us to consider in Committee. If the rights were extended to anyone and everyone, there would be great potential to make mischief through multiple requests to inspect or copy documents, without the accompanying ability to make a meaningful contribution towards raising awareness or improving the accountability of the body concerned. I hope that that answers the question raised earlier by my hon. Friend the Member for Calder Valley (Craig Whittaker), who is no longer in his place.

The matter of costs has been raised. Like others, I am conscious of budget pressures; I am, of course, keen not to place further burdens on councils. Therefore the Bill would not enable journalists to question the auditor about a local authority's accounts. Nor would they be able to make a formal objection to the accounts, as a local elector can. Furthermore, the body would be able to recover the cost of providing any copies from the requestor.

I understand that the number of objections and questions received from local electors is small and, although the publication of articles detailing high or unorthodox expenditure in an area could result in more local electors asking questions of the auditor, the number who will take that next step is still likely to remain small, especially given the short time window available for inspecting the accounts. Again, I hope that that gives reassurance to Members who have asked about those matters today.

Oliver Colvile (Plymouth, Sutton and Devonport) (Con): Central Government now write to all taxpayers to tell us how money is being spent. Does my hon. Friend think it would be a clever idea if local authorities were to publish exactly where they are spending all their money? That would bring it back to people's minds.

Wendy Morton: My hon. Friend makes an interesting point highlighting the importance of openness and transparency. Whether on car parking charges, which we were discussing earlier, or other matters of council finance, I believe there is public appetite for a greater understanding of what local and national Government are spending their money on.

Oliver Colvile: May I also suggest that universities write to their students to tell them how they are spending their tuition fees? I tried to encourage that with a ten-minute rule Bill some time ago.

Wendy Morton: My hon. Friend is making some interesting interventions this afternoon, but to expand my Bill to that extent might be a little beyond its remit.

Mrs Sheryll Murray: Does my hon. Friend agree that the Bill builds on the requirement in the Localism Act 2011 that any local authority that wants to increase its council tax revenue by more than a certain percentage has to take the matter to a referendum? The Bill will bring more transparency and enhance what there is already.

Wendy Morton: Absolutely. My hon. Friend is right, and her point goes back to the point I am trying to make about openness and transparency, which are at the heart of my Bill and which I believe the public want to see more of.

Following the abolition of the Audit Commission, it could be argued that local electors should have more awareness of their rights and be prepared to challenge councils on unacceptable spending, especially in the light of reducing resources. The Bill has the potential to

provide local electors with information that will help to raise their awareness, which surely can only be a good thing.

I understand that the Government support the Bill's intent and have previously signalled their intention to legislate on this issue at the earliest opportunity. My hon. Friend the Minister might wish to say a little more on that point in due course, but I hope that all right hon. and hon. Members present will support me in taking forward the Bill so that it receives its Second Reading and can go on to Committee and beyond.

1.32 pm

Simon Hoare (North Dorset) (Con): I take my hat off to my hon. Friend the Member for Aldridge-Brownhills (Wendy Morton) for her bravery in entering the private Member's Bill raffle for two years running. I entered last year and was drawn ninth, and I am only just recovering from the process. For my hon. Friend to do it for two years running is either commendable or just downright greedy. I will leave the House to work out which it might be.

Wendy Morton: My hon. Friend is being very generous in his comments. Should he wish to follow the direction I have taken, perhaps I could point him down the route of presentation Bills. If one is willing to queue outside the Public Bill Office, it is possible to get a presentation Bill slot. If he would like me to explain a little more about that after the debate, I will be more than happy to do so.

Simon Hoare: Tempting as the thrill of being inducted overnight by my hon. Friend in the arcane rituals of securing a place for a Bill is, I hope she will not be too offended if I find I have a prior engagement when that invitation arrives at my desk.

Mrs Murray: Will my hon. Friend give way?

Simon Hoare: If I can make a little progress, I will of course give way.

Mrs Murray: It is on that point.

Simon Hoare: If it is on that point, I will of course give way to my fellow Parliamentary Private Secretary in the Department for Environment, Food and Rural Affairs.

Mrs Murray: May I offer my hon. Friend some advice that I heeded when I took two private Members' Bills through in the previous Parliament? Pick the same number—336 was very lucky for me.

Simon Hoare: That might explain why my hon. Friend has never won the national lottery.

Oliver Colvile: Will my hon. Friend give way?

Simon Hoare: Well, if I have given way to Cornwall, I must of course give way to Devon in this west country pincer movement.

Oliver Colvile: My hon. Friend is missing a chance, because he could then have told me how the whole process works.

Simon Hoare: This could almost become a parliamentary orgy, and we should probably avoid that at all costs. Rather than risk the wrath of your chastisement, Madam Deputy Speaker, by having a slightly arcane debate that may be more appropriate for the Procedure Committee, let me return to the Bill.

My hon. Friend the Member for Aldridge-Brownhills introduced the Bill with her customary eloquence, and I support the principle behind it—who in all honesty would not? Government of all types, whether local or national, has no funds of itself and merely acts as a clearing house for council or national taxpayers.

We are not spending our money: that fundamental principle underpins a lot of Conservative party thinking, in sharp contrast to the Labour party, for example, which always believes that the state knows best and wants to take as much as it possibly can—*[Interruption.]* The hon. Member for Oldham West and Royton (Jim McMahon), a former leader of Oldham Metropolitan Borough Council, is chuntering from a sedentary position, but I will leave him to defend his council tax-raising powers to his electorate at the appropriate time. It is absolutely pivotal that voters and members of the public have access to as much information as possible on the finances spent on their behalf.

My next point was also made by some hon. Friends. There will be some issues to be teased out in Committee—I hope the Bill reaches that stage—but I fear that the Bill could in some respects be described as an analogue Bill for a digital age. For example, proposed new subsection (1A) in clause 1 refers to both "journalists" and "publication". As I mentioned in an intervention on my hon. Friend the Member for Aldridge-Brownhills, we spent quite a bit of time during the Investigatory Powers Bill Committee desperately trying to wrestle with what a journalist is in 2016. Not even the towering intellects of the Solicitor General and my right hon. Friend the Member for South Holland and The Deepings (Mr Hayes) could come up with a definition that adequately reflected what a journalist is in today's world. In the 1950s and 1960s, it would have been rather easier: journalists would have carried a NUJ card; they would have written for their local newspapers or broadcast on their local radio station; or they would have published in a national newspaper or periodical.

I move on to the word "publication". We would have understood what it meant in the 1950s, 1960s, 1970s and 1980s; it was either publication by verbal broadcast or in hard copy. Today, the lines are not so clear. If I use my iPhone to take a photograph or write something on my Facebook page or blog, am I a citizen journalist? I do not know. Would my rights be enshrined within the Bill?

Seema Kennedy: Does my hon. Friend agree that different standards are exercised by, and expected of, journalists who are members of the National Union of Journalists and citizen journalists, and those do not always go to the same level of criticality and balance?

Simon Hoare: I agree entirely. I would add another differential, which is that, as much as I am a champion of a free press, there are many who publish online today without knowing that they are actually covered by the libel laws, as we have seen in a number of cases, and without the double-check of a sub-editor, an editor or a

[Simon Hoare]

chief news reporter—there will be nobody to sense-check their work, and I will come on to that in a moment or so.

If we turn to clause 1(2), we see the phrase "related documents". Again, I am absolutely certain that the issue will be teased out in Committee, which will add value, cogency and clarity to the Bill.

Antoinette Sandbach (Eddisbury) (Con): Clearly, the aim of the Bill is to throw the light of transparency on council proceedings where taxpayers' money is being spent. In that regard, it is vital that commercial confidentiality is not used as a tool to hide documents and that these proceedings become more open. Whether it is citizen journalists or NUJ journalists, we need that transparency and the expertise of armchair accountants.

Simon Hoare: "Up to a point, Lord Copper" is how I would answer that. My hon. Friend perhaps has very good eyesight, and she would have to in order to read my notes, but she slightly pre-empts something I am coming on to. First, however, I want to talk about "related documents".

Before coming to this place, I was a district councillor and a county councillor, like many people in the House. I was involved in trying to raise additional funds for our local authority by purchasing commercial property. Some of those transactions would take a little time, but there was documentation available to cabinet members so that we could look at the figures. I take my hon. Friend's point, because it goes back to my earlier point that local councils have no money themselves, only council tax payers' money, but we need to think about the precise time often commercially sensitive financial data would be available and would fall under the Bill.

I also note—I do not say this necessarily with overt seriousness—that I take exception to one word in the Bill, and my hon. Friend the Member for Aldridge-Brownhills should be alert to the gravity and depth of my exception. There is an odd juxtaposition in the marvellous language of the Bill—that wonderful prose with which any Bill begins, which we are all, of course, familiar with:

> "Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows".

We then refer to "citizen journalists". It is the word "citizen" that we should all take exception to. It is a word that republics may very well use, but we are subjects of Her Britannic Majesty. Therefore, while the words "subject journalists" might not necessarily be as easy on the tongue, they do reflect a better sense of our island nation's history. If my hon. Friend is lucky enough to secure a Second Reading of her Bill, and daft enough to put me on the Committee, I may very well wish to table an amendment on that issue. Whether I would press it to a Division, I will leave that to my hon. Friend to cogitate on over the coming hours.

Wendy Morton: I am grateful to my hon. Friend, because he is clearly making a pitch to be on my Bill Committee, should I be successful today. All I will say to him is that I will add him to my list and I will consider that request in due course.

Simon Hoare: My hon. Friend is clearly exploring the opportunity for another career; I will leave it to the House to consider what it might be.

This important Bill is required because, as was said when we discussed Lords amendments to the Investigatory Powers Bill and section 40 of the Crime and Courts Act 2013 on freedom of the press and Leveson, we are seeing a big diminution in local and regional media, and that is having a significant and damaging effect on how information is shared nationally. The days when the local newspaper reporter, with his or her pad and pencil, attended the finance committee, full council, cabinet or the planning or housing committee have, regrettably, gone. It is now often the case that one journalist covers a very large geographical area, and that is not restricted to rural areas; it is also a phenomenon in town and cities.

My own part of the world, North Dorset, does not have a daily or weekly newspaper. We have the most excellent publication, *Blackmore Vale Magazine*, and *Valley News*. The first is weekly, the second monthly. Those free publications are available to the subjects of North Dorset—if you live by the sword, you have to die by the sword when you make those sorts of remarks—and they are excellent. That is how people get news, but they do not have the staff or the journalists to cover district or council meetings.

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr Marcus Jones): My hon. Friend has hit the nail on the head. If the journalist behind a small publication lived in Poole in Dorset, that person—or subject, as my hon. Friend puts it—would not be able to get the information under discussion. He is showing why the Bill is so important.

Simon Hoare: My hon. Friend demonstrates his perspicacity, and that is why he is a Minister of the Crown and I am not. He gets my point entirely. A vacuum is being created and it needs to be filled, if for no other reason than democratic accountability.

In all seriousness, we need to consider a couple of caveats, if and as the Bill proceeds, which I hope it will. When the Freedom of Information Act went through this place, it was said that it would not represent a financial burden to local authorities, but it has and it does. We have to consider the Bill against the backdrop of a prevailing picture of a change in local authority funding and a reduction in the direct grant, as we continue to hoover and shovel up the mess left by the Labour party at the end of its period in office.

We also have to take into account the fact that there has been—I welcomed this when I was a local authority member and championed it hugely—an enormous local government reorganisation of shared and combined services. It is also the case—I am sure that this will resonate with the hon. Member for Oldham West and Royton (Jim McMahon), given his experience of local government—that there are far fewer local authority officers who are able to deal with requests from the public. Moreover, local government reorganisation—this is certainly the case with my own council in Dorset—will involve unravelling, over probably the next three to 10 years, the financial meshings and harmonisations of council taxes.

Oliver Colvile *rose—*

Simon Hoare: Let me just finish this point, because it is very important. That will take the integrity and knowledge of a chartered accountant at least to be able to follow it.

Let me go back to the point I made a moment ago about the sad absence of local journalists in the council chamber. The fact that they are there, and that the information can be provided to them, does not necessarily mean that they understand what they are seeing. I can well recall a headline in my local paper that said, "Council to Slash Flood Defence Budget," but we were not going to. I had the local journalist in and we sat and discussed it for an hour. Literally the same sum of money was being moved from one budget head to another. Could he grasp it? No, he could not, even though I explained it to him on at least half a dozen occasions. Therefore, with the right of access to information has to come an obligation from the person accessing it to be responsible for at least making sure that they understand and can contextualise what they are being made privy to. If, particularly in a local authority setting, these sorts of things are viewed in a silo and not seen as a bigger picture, that will often lead to a huge amount of confusion.

Oliver Colvile: Does my hon. Friend not think that the public could write to the local authority explaining where the council could be making savings and help them with priorities? That could appear in such wonderful organs as the *Plymouth Herald* in my constituency—a daily newspaper that is always looking for copy.

Simon Hoare: My hon. Friend tantalises the House with the wonder of his organ, but we had better be careful on that one as well. I happen to know the *Plymouth Herald* pretty well. It is a great champion of local stories, which it covers extremely well. I never quite think it gives enough coverage to my hon. Friend—hopefully the editor of that journal might listen to that—or indeed, to my hon. Friend the Member for Plymouth, Moor View (Johnny Mercer). *[Interruption.]* Or to my hon. Friend the Member for South West Devon (Mr Streeter). *[Interruption.]* Well, let us not get too carried away. I often think that if my hon. Friend the Member for Plymouth, Sutton and Devonport (Oliver Colvile) was "Mr January" and my hon. Friend the Member for Plymouth, Moor View was "Mr the rest of the months", the ladies of Plymouth would be delighted. That is up to editorial control and I am going to leave it to them. However, with freedom has to come responsibility.

I also wish to say a few words about vexatiousness. I can think of an occasion when somebody might get the bit between their teeth, and no matter how clearly it is spelt out to them that they have get the wrong end of the stick, they seem not to be able to grasp it and persist and persist. They will often go and tell their local newspaper that they are persisting. That can be damaging to the reputation and corporate profile of the local authority and potentially adds costs to the administration of the local authority.

Craig Whittaker: My hon. Friend's points about the burdens of freedom of information requests and the reduced number of staff are interesting. Would he consider that fair and reasonable costs of providing that information could be the actual costs of doing so?

Simon Hoare: I agree entirely and add that those fees should be paid up-front rather than retrospectively, because trying to get hold of that money afterwards can often be very difficult.

I am conscious of the time so I will draw my remarks to a close. I do not want my hon. Friend the Member for Aldridge-Brownhills to think for an iota of a nanosecond that I am opposed to her Bill. Far from it—I support it. Why? For the sacred principles of conservatism. The first principle is that we are spending other people's money and that the people who give it to the local authority or the Government have a right to know how it is being spent. The second principle is that the Bill clearly seeks to fill a vacuum by providing information to a new set of people whose aspirations and inquiries would probably have been covered in the local media. I hope that local media are not in decline, but they are certainly in a period of shrinkage and recalibration.

The principle of the Bill is fundamentally important—to provide access on behalf of taxpayers to information from local authorities and from other bodies that may be added to the Bill as and when it is goes into Committee. I think that that is fantastically important because the key word in the title of the Act that this Bill will amend is not "local" or "audit", but "accountability". We are accountable to our constituents in whichever forum we seek to represent them for the money we spend or allocate on their behalf—there should be no opportunity to hide, mask or obfuscate in relation to the audit trail—and we must ensure that people have confidence in how public bodies spend the hard-earned money of hard-pressed taxpayers.

1.55 pm

Craig Mackinlay (South Thanet) (Con): I pay tribute to my hon. Friend the Member for Aldridge-Brownhills (Wendy Morton) for bringing forward the Bill. It is a very simple Bill, which many of us will find quite refreshing for a Friday. It is really a Bill to repair things, following the passage of the Local Audit and Accountability Act 2014. I thank my hon. Friend for introducing it, because it has given me an opportunity to get a greater feel for the existing legislation. I perhaps should have had a little more awareness of it, given that in a former life I was the chairman of an audit committee in a unitary authority. In that role, I was very aware of what we should do: how we should be open and transparent, and how we should listen to the public when they raise queries about how their money is spent by their elected representatives.

My hon. Friend explained why she has given up a Friday to be in the Chamber. I am giving up my Friday for a very similar reason, which is to try to advance a Bill. Unfortunately, my Bill is No. 5 this afternoon, but I am very pleased to be able to consider and support my hon. Friend's Bill.

Charlie Elphicke (Dover) (Con): May I take a moment to congratulate my hon. Friend on his Bill, at No. 5, which is extremely important? He and I are most passionate about it, because we do not like exports of live animals.

Craig Mackinlay: I thank my hon. Friend for the support he would have given my Bill, had we reached it, but we have not. Let us therefore consider very carefully the Bill to amend the Local Audit and Accountability Act. Very soon after it became law, the Government

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recognised that the terminology of "persons interested" should be expanded, and that is what the Bill is trying to achieve.

We would not have got to this point had a council not tried to hide behind the legislation and examined what "persons interested" actually means. Bristol City Council obfuscated on a request by HTV, the western brand of the ITV network, in 2004. It is quite remarkable that the council felt that it was reasonable to spend taxpayers' money on fighting, under the legislation at the time, what I imagine was a reasonable freedom of information request for transparency about what it was doing. Journalists can be troublesome people—

Wendy Morton: Not all of them.

Craig Mackinlay: No, indeed, and I will explain how good some journalists are. Journalists have benefited from FOI legislation, and many public authorities see them as something of a scourge, but I do not agree.

Charlie Elphicke: My hon. Friend is being very generous with interventions. First, does he agree that journalism and investigative journalism are important in ensuring that there is full accountability in our democracy? Secondly, does he agree that FOIs are incredibly important in finding out information that large authorities often try to conceal?

Craig Mackinlay: I was about to explain the power and importance of a free press to a democratic society. To my mind, FOIs are very important. It is important that journalists and members of the public can shine a light into areas of government—today, we are considering local government in particular—that might otherwise have remained in the dark. Many right hon. and hon. Members, including those present, will have experience of journalists. They often give us a tough time, and so they should. Sometimes it is deserved, though sometimes it is not.

Antoinette Sandbach: A very good example of that type of journalism is when the BBC looked into the Circuit of Wales. A £10 million grant that was given to it led to more than £1 million of public money being wasted. It was transferred to the private company of the Circuit of Wales' director, Aventa Capital, and many thousands of pounds were spent on gardening fees for his garden. Good journalism can highlight those wastes of public money.

Craig Mackinlay: I thank my hon. Friend for putting that on the parliamentary record. That shows that we cannot always rely on external, or even internal, auditors of councils, who have materiality levels to consider. It is often individuals, particularly the press, working through FOIs who shine a light on various areas.

As I was saying, we are sometimes deservedly, and sometimes not deservedly, investigated by the press, but bodies that spend public funds deserve no protection whatever from the eyes and ears of the press. I say again how important a free press is to democratic accountability in this country, whether in central Government, Departments, quangos or local authorities.

I thank my hon. Friend the Member for Aldridge-Brownhills for explaining the extent of the Local Audit and Accountability Act 2014. It covers fire and rescue authorities, police authorities, parks, local and combined authorities, and parishes and town councils, beyond the £25,000 threshold. The 2014 Act does not restrict the definition of individual electors. Indeed, that was expanded through the case that was brought against Bristol City Council. It allows members of the local press to make inquiries, because they are likely to be local electors.

I thank my hon. Friend the Member for North Dorset (Simon Hoare) for making a relevant point about the sad demise of local reporters and the local press. I have two local newspapers, the *Isle of Thanet Gazette* and the *Thanet Extra*. Once the homes section of the newspaper has been shaken out, there is not much left. The opportunity for local reporters to go to council meetings and attend civic events has diminished greatly. That reflects changes in advertising revenue, which often underpins local newspapers, as more and more material goes online—a point ably made by other colleagues. The whole movement online raises the question of what "publication" means. It means something very different from what it did in the 1950s, '60s, '70s and '80s.

That brings me on to the question of what a journalist is. Given my ideas on open and democratic government, accountability, and people's ability to ask questions, I would be more comfortable allowing anyone to make a request under the Bill. However, I fully understand how vexatious those who seem to be serial question-askers can be. We have to balance that tendency with the cost to local government of supplying information that has been asked for.

The term "citizen journalist" has been mentioned, although I fully agree with my hon. Friend the Member for North Dorset: I do not subscribe to being a citizen; I would rather remain a subject, so "subject reporters" may be a better term. However, am I a subject journalist? Possibly; I do Twitter and Facebook, and my Facebook account is open, not closed, so perhaps I, too, am a subject journalist. It worries me when legislation that comes through the House has slightly vague terminology, as a lot of it does. We may have an opportunity in Committee to get rid of any vagueness about the term "journalist", and to get to what I feel my hon. Friend the Member for Aldridge-Brownhills intends, namely that this type of inquiry is narrowed down to people who really have an interest in reporting and looking at matters rather more closely, in the public interest.

Craig Whittaker: In the same vein of getting some context on what is defined as journalism, is my hon. Friend aware of the huge rise in fake news websites around the world, which specifically—I have just googled this—attempt to

"play on gullible people who do not check sources",

and will simply pass the fake news on, as if it were really true? How do we get around that problem?

Craig Mackinlay: My hon. Friend makes an enormously interesting point. In the modern world, there are new websites that simply drag in bits of information from other, more credible, websites and pass it off as their own.

We are now struggling with what "journalist" really means. Perhaps that can be battened down a little more in Committee. Arguably that definition could be even wider—as I have said, I would be comfortable with that—with anyone being involved, given that arguably

every voter in the UK has an interest in every single authority because of the national grant that passes from this place, through the Department for Communities and Local Government, to local authority level. Perhaps everyone has an interest, but we need nevertheless to narrow the definition down away from the vexatious inquirer with whom we are all very familiar.

I will leave my remarks there, but in support of the Bill of my hon. Friend the Member for Aldridge-Brownhills, I say that it is quite right that journalism should play a key role in our democracy. People have the right to ask questions about any fund-holding body spending money in their name, so I struggle to find any reason to be against the Bill. I wish it every support possible in its next stages. Any rough edges will be ironed out in Committee.

2.7 pm

Jim McMahon (Oldham West and Royton) (Lab): Thank you for calling me to speak, Madam Deputy Speaker; I was beginning to think that the time would never come. I refer Members to my entry in the Register of Members' Financial Interests; I am a serving member of Oldham Council. I thank the hon. Member for Aldridge-Brownhills (Wendy Morton) for bringing the Bill forward for debate.

We share the same end: when spending public money and making decisions, public bodies need to be accountable to the public. We need to make sure that information is easily accessible, and that people can access it in more ways than by viewing it in the cold reception of a council office; we need to do something about making it available electronically for people to view.

We should also explore why the Bill narrows down the definition of journalist. That point has come out slightly in the debate, but I am not sure that we have quite got to the spirit of what the Bill is trying to achieve—namely that anyone with a legitimate interest in finding the information should have the right to access it. We should not predetermine the motives of an organisation or individual; a spirit of openness should be the foundation for providing information. We can imagine a situation in which an academic might want to carry out legitimate research into how public money is spent, and might require that deep dive into the accounts. We can also imagine a situation in which a resident of a neighbouring or similar authority, investigating his local authority's spend and wanting a comparator, would like to be able to look at such information. We can see that a wider group of people than just journalists might legitimately want that information.

I am not sure that it is necessary for this place to judge the motives of journalists, or to debate the quality of journalism. I often go into the Members' Tea Room and question why we waste money on some of the newspapers on the rack, but it is right that people have access to information, and that journalists put that information out in the right way. However, journalism is changing very quickly and we need to review this issue. Rather than being prescriptive, perhaps the answer is to offer it out to a wider group of people and let them access it, and to recognise that what people choose to do with it is a matter for them; it is public information. That is how it should be dealt with. The Bill has the support of the Government, which is good to see. It is also good to see that it has the support of the Local Government Association, which is a champion of transparency and open government.

It is a shame that we have been so busy today that the private Member's Bill promoted by my hon. Friend the Member for Birmingham, Selly Oak (Steve McCabe) has not been debated. It is on a very important issue that affects many communities. Family homes are being amended for a use that may not be in keeping with local neighbourhoods, taking away vital family housing and having a negative impact on the community. I pay tribute to him for at least putting this very important issue high up on the list of private Members' Bills.

The Local Audit (Public Access to Documents) Bill appears to be quite technical, but I fully recognise that it is very important, in terms of the spirit of democracy and transparency.

2.11 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr Marcus Jones): It is a pleasure to speak in favour of this extremely important private Member's Bill brought to the House by my hon. Friend the Member for Aldridge-Brownhills (Wendy Morton).

The Government believe that the issue is worthy of our support. The clear intention to legislate on this issue goes back to December 2014 in the then Conservative-led coalition Government's response to the consultation exercise on secondary legislation implementing the new local audit regime. I would like to quote the exact wording used in paragraph 4.11 of that response:

> "Government believes that journalists should also be able to inspect accounts and information, in the interests of local people, and therefore intends to legislate at the earliest opportunity to ensure that the definition of 'persons interested' (see section 26 of the 2014 Act) is wide enough to enable this"

Charlie Elphicke: The Minister is making a typically polished and erudite speech from the Dispatch Box, but there is one thing that troubles me about this measure. What exactly will it cover that is not already covered by measures in the Freedom of Information Act 2000? I can make a freedom of information request about a council's accounts and obtain the information anyway. Will he help me and other hon. Members to understand how all this works?

Mr Jones: As ever, my hon. Friend makes an extremely pertinent point, which I will come on to. The Bill will be an important aid in the fight to improve local transparency and accountability by amending section 26 of the Local Audit and Accountability Act 2014. Journalists, including citizen journalists, will be afforded the same rights as "persons interested". They will be enabled, for 30 days, to inspect the accounting records of the financial year just ended of any relevant authority and request copies of these documents.

Hon. Members might wonder how such a small change could improve local transparency and accountability, and about the potential associated costs—both points raised by several hon. Friends. I hope that I can reassure the House on both. On the first, by giving journalists the right to access recent accounting information from a range of local public bodies, the Bill will assist them in

[Mr Marcus Jones]

their investigations, and publication of their findings could alert local taxpayers to poor spending decisions. As a result, local electors might wish to seek information from the auditor or object to the accounts, thus enabling the auditor to investigate. The measure could therefore increase town hall transparency and accountability.

On the costs, we are not introducing a new right, but extending an existing one to include journalists. Furthermore, the timeframe for these requests is limited to a month in each year, and the body concerned can recover the costs of providing any copies from the requester. The Bill will enable journalists only to examine the documents and seek copies; they will not be able to question the auditor or make objections. Those rights could still only be exercised by local electors, as is the case now.

Oliver Colvile: Would it not help if local authorities were much more proactive in revealing information, rather than people having to depend on FIO requests or journalists picking up the phone? If local authorities could be much more aggressively transparent, it would be incredibly helpful.

Mr Jones: My hon. Friend makes a good point. It is often easy to forget that some local authorities are extremely good, have high-quality members and officers, are open and transparent and offer up the type of information to which he alludes. That said, others are not so transparent and open. It would be great if they could all follow the examples of best practice to which he refers, but that is regrettably not always the case, which is why we support the Bill.

Seema Kennedy: My only hesitation concerns the role of the auditor. Might another burden put off some auditors and thereby call their role into question? I am sure that will be teased out in Committee.

Mr Jones: My hon. Friend makes a good point. I can reassure her that the role of the auditor will not change. The current situation is that local electors can make requests of the auditor for further information and objections to the audit, but those who are not electors in that area cannot.

Craig Whittaker: While we welcome the extension to include journalists, might not the Government—in the interests of honesty, openness and accountability—consider in Committee opening things up completely, well beyond the intention of the Bill, so that anybody can access this information?

Mr Jones: I hear what my hon. Friend says, and I shall come on to that point a little later and explain why the balance is right.

To return to the issue of costs, it is our view that only a relatively small group of journalists or bloggers might wish to take advantage of the new rights. We recognise the potential for increased costs if a journalist running a national campaign asked for particular information from a raft of local authorities on issues such as salaries in local authorities or the cost of refurbishment. I suggest that that might not necessarily be a bad thing.

Antoinette Sandbach *rose—*

Mr Jones: I shall make some progress, if I may.

This provision might make local public bodies think more carefully about high levels of expenditure on certain items and how it might look to the general public during periods of financial constraint and reduced public spending.

I should also point out that the 2014 Act includes an explicit power for auditors to refuse to consider vexatious objections, and even if several electors were to ask the same question or make the same objection, the auditor need undertake only one investigation, although a reply to each individual with the outcome might be necessary. The auditor is able to recover any reasonable costs of carrying out this work from the authority concerned. However, if the work results in increased costs, it could be argued that that might cause the authority to consider its future expenditure more carefully.

Charlie Elphicke *rose—*

Mr Jones: I shall give way once more.

Charlie Elphicke: The Minister is making a passionate speech and is being so generous in taking interventions. I want to push him a bit harder on one aspect. Under this measure, journalists cannot raise objections or question the auditor. I used to sit on Lambeth Council in the days when it was called "loonyland" and was as bent as a corkscrew. Will the Minister reconsider whether, in such cases, journalists should be able to question the auditor and press him a bit harder, because if that had happened, things might not have come to such a pass in the London Borough of Lambeth as they did under old Red Ted Knight?

Mr Jones: I thank my hon. Friend. The overarching objective here is to enable a journalist who might not be an elector in a particular area to uncover that sort of information and bring it to the public's attention, so that the public can then question the auditor. There are a number of examples of where that has happened to positive effect, with changes having to be made by a local authority as a result.

The overarching objective of external public audit must be the proper use of public money, and if an elector objects and it results in investigations by the auditor, he is doing his job and any resulting delay in completion of the audit or additional cost to the body must be seen as a secondary consideration.

Jim McMahon: Will the Minister give way?

Mr Jones: I apologise, but I will not because I want to make sufficient progress so that the Bill receives its Second Reading.

It might be helpful here to illustrate the difference between this provision and the powers provided by the Freedom of Information Act 2000, which my hon. Friend the Member for Dover (Charlie Elphicke) mentioned. The ability to inspect and make copies of the most recent accounting information from a local authority during a specific period could provide compelling and timely evidence of poor spending decisions in the last accounting period that would enable a journalist to bring them to the attention of local electors by publishing the evidence uncovered. That would provide electors

with the opportunity to ask the auditor about the issue or raise an objection so that the auditor can investigate the matter further, and it would potentially enable action to be taken to investigate poor spending, potential fraud or maladministration within a local public body. FOI requests, while being subject to timing constraints in terms of providing a response, do not have the same capability for potentially engendering swift action that could have the effect of stopping illegal activity.

As we heard from my hon. Friend the Member for Aldridge-Brownhills, the smallest parish councils—those with an annual turnover of £25,000 or less—will not be subject to the Bill, because they are subject to separate provisions under the 2014 Act. They must follow a different transparency code which we believe works for them.

I know that some stakeholders have expressed reservations about the value of the Bill, and about whether the potential costs will outweigh the benefits, but I firmly believe that enabling journalists to inspect the accounting records of a range of local authorities could uncover more poor spending decisions by councils, which in turn would lead to more potential objections from electors. Although the existing rights are not often exercised, this kind of transparency has, in the past, enabled illegal activity and poor governance in local authorities to be uncovered. My hon. Friend the Member for Dover gave a good example involving failings on the part of a local authority, but there are other examples. In the event of poor decision-making and maladministration in councils, it is entirely reasonable for local electors to be able to obtain information and shine a light on what is going on. They may not be financial experts, but the Bill will add another tool to the box, and enable them to hold their local authorities to account.

I stress that the timescale for action would be limited, and that the window of opportunity, and thus the additional cost that Members have mentioned, would be restricted to the 30-day period in which the previous year's accounts would be available and the inspection rights could be exercised. Any questions or objections would also have to be received within that period to enable an investigation to take place.

The measures in the Bill are proportionate and they could help to uncover poor practice so that people could hold their local councils to account. I am delighted to be able to support the Bill, and I am grateful to my hon. Friend the Member for Aldridge-Brownhills for introducing it.

Question put and agreed to.

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

Protection of Family Homes (Enforcement and Permitted Development) Bill

Second Reading

Debate resumed.

Question (28 October) again proposed, That the Bill be now read a Second time.

2.28 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr Marcus Jones): Again, I thank the hon. Member for Birmingham, Selly Oak (Steve McCabe) for introducing the Bill. I welcome the opportunity to return to this important topic.

The Government have set out their ambition to create a country that works for everyone, but if we are to deliver that, we must ensure that the housing market works for all parts of our community.

Steve McCabe (Birmingham, Selly Oak) (Lab): As I think I said on a previous occasion, I used to be the Government Whip on Fridays, so I bear the Minister no ill will in respect of the task that lies ahead of him. However, if he does not want to accept the Bill, will he acknowledge the existence of the hardship and injustice suffered by the individuals who prompted me to introduce it, and will he agree to a meeting to discuss ways to provide remedies for those problems?

Mr Jones: The hon. Gentleman raises extremely important issues, and I will come on to how many of the issues he refers to are addressed by current legislation, enforcement of which is critical. It would be an important—

2.30 pm

The debate stood adjourned (Standing Order No. 11(2)).

Ordered, That the debate be resumed on Friday 13 January.

Business without Debate

HARBOURS, DOCKS AND PIERS CLAUSES ACT 1847 (AMENDMENT) BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 24 March.

KEW GARDENS (LEASES) BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 2 December.

REGISTRATION OF MARRIAGE BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 13 January.

Leaving the EU: Aviation Sector

Motion made, and Question proposed, That this House do now adjourn.—*(Chris Heaton-Harris.)*

2.31 pm

Mr Gavin Shuker (Luton South) (Lab/Co-op): The last time we sat back in our airline seats we might have asked ourselves several questions. How does this big metal tube stay in the air? Will I have to show my awful passport photo? How many gins and tonics is too many to ask for without feeling an abiding and deep sense of shame? One question we almost certainly did not ask, unless we were a Government lawyer perhaps, is whether we would even be able to go on that plane after Britain leaves the European Union.

In my constituency of Luton South that is not an academic question, as tens of thousands of local jobs depend on a successful and thriving aviation sector. Luton airport serves in excess of 14 million passengers each year and is growing at double-digit rates every year. Almost all of those people are travelling to other EU destinations. TUI Travel has a significant base in Luton and through its brand, Thomson Airways, drives a huge amount of traffic through UK airports, and easyJet, of course, is the UK's largest airline today: a FTSE 100 company that has changed the way we fly and, indeed, think about flying. In the words of its current chief executive, it simply would not exist if it were not for the EU.

Aviation is a permissive regime, not a free-for-all. That means there must be an agreement in place between the countries we wish to fly from and to to get off the ground in the first place. The UK has agreements with some 155 countries, which vary in both their scope and specificity. Some are extremely restrictive, governing down to individual flight slots and specified airlines. Far and away the most permissive that we are signatories to are the 42 air service agreements in place through our continued membership of the EU. To make an obvious point explicit, they account for, and enable, the largest share of UK aviation traffic.

Twenty-five years ago, the deals we participated in across Europe were at the restrictive end of the scale. But, largely at the UK's behest, these liberalised massively through the 1990s. Today, any British airline can fly anywhere it likes in the EU—that is anywhere, at any time. The EU single aviation market is separate from the single market in goods, services, capital and labour, but is no less significant in terms of the freedom it has enabled. A UK airline can sell tickets to anyone across the 28 member states without restriction; it can fly between member states, or even within another member state.

Let us consider what that means for easyJet, for example. Luton-based, it can operate flights from, say, France to Germany all day long without the aircraft ever touching down wheels at a British airport. It can operate between Milan and Naples, both of which are in Italy—I know that because I did a fact check just before the debate—with no problem whatever. As well as benefiting the local economies through direct employment, enabling connectivity and all the other benefits that aviation brings, that company's profit today flows back into the United Kingdom.

The single market in aviation does not just benefit UK airlines; it has transformed our everyday experience of flight. Fares across Europe are down by around 40% in real terms, with greater choice and competition and new routes across the EU opening up all the time. Britain has done particularly well under this regime, with about 1 million people in work today because of aviation. We are a world-leading nation in aviation services, and we represent a quarter, by nationality, of all European passengers. Should the Prime Minister stick to her original Brexit timetable, in a little over two years the UK will be out not just of the EU but of the European single aviation market. With no automatic fall-back for the governance of aviation rights, and no World Trade Organisation framework, there will be no legal right to operate flights to Madrid, Munich, Malaga or anywhere else in the 42 countries covered by the current EU-level framework.

It is true that we retain an experienced and capable air services negotiation team at the Department for Transport, but I must point out to any Brexiteers who are still in denial and saying, "Don't worry about Europe; our future lies elsewhere" that the end of our membership of the EU will have a knock-on effect on many other nations as well. What could be more Brexity than leaving old Europe behind and traversing the jet stream on a flight to the United States? Well, even Concorde as she was in her heyday could not get us there after we exit the EU. Our agreement with the US is in place—yes, you guessed it—through our relationship with the rest of Europe.

The 2008 open skies agreement enables any EU or US-based carrier to fly any transatlantic route it likes. This has opened up new destinations and enhanced regional economies here in the United Kingdom. We have done particularly well under this arrangement, given our fortunate geographical location to the west of the continent. Should we be forced to fall back on our previous agreement, Bermuda II, which dates back to 1946 and was last amended more than 25 years ago, we would be lumbered with a document that considered it necessary to make regulation about flights into London airports alone. And that is not the only deficiency in that agreement or the others that are in place as back-stop provisions to the current EU agreements.

So before we even begin to think about the additional complicating issues, the effect of Brexit on UK airlines and export revenue alone should make us realise that we have a real headache here. Additional issues include: the need to reconfigure immigration reception at UK airports, where e-passport gates can be used only by EEA nationals; the replacement of a soft border regime by a more restrictive one; and the lengthening of process times, resulting in the need to expand Border Force staff numbers significantly. We also need to consider the role of freight. Heathrow is currently the UK's largest port, and the customs code will add complexity and cost. Similarly, airports such as East Midlands derive much of their revenue from goods travelling on a just-in-time basis.

The UK is a leading and active member of the European Aviation Safety Agency, the rule-setting body that deals with the safe operation of civil aviation. That body has reduced costs to UK airlines, and indeed to the taxpayer, and enabled interoperability across the continent. We must also consider the significant implications

for UK aerospace engineering and manufacturing. Airbus is our national project and it is showcasing some of the best that Britain can do, but it could now face uncertainty about the wings we manufacture in Wales. It certainly faces additional cost and complexity.

Let me say a word about why singling out aviation among the myriad small disasters wrought by Brexit is not special pleading, but a necessary task. Aviation agreements are different. They have always been treated separately from other trade agreements, even within the EU, because they are a prerequisite for getting such deals done in the first place. An aviation deal is a necessary first piece of the puzzle that is the process of negotiation with the rest of Europe, and needs to be done ahead of any final settlement. The freedoms that the single aviation market have brought us are an enabler of negotiations and of trade and co-operation. This issue not only affects our relationship with the EU 27, but shapes our air routes, customers and markets in the rest of the world.

In 2015, UK airlines transported 250 million passengers to destinations around the globe and contributed £50 million to the British economy. The Government say they do not wish to pick winners, but we are first-class at this. As I mentioned earlier, easyJet is not only the biggest UK airline, but the fourth biggest EU airline. Just consider that for a moment: from Luton to the world. EasyJet's chief executive, Dame Carolyn McCall, has said:

"We are not saying there will be no agreement",

and for the record, I take the same view. Nevertheless, she went on to say:

"We just don't know the shape or form. We don't have the luxury of waiting…we have to take control of our own future."

EasyJet will never leave Luton as an operational base, but it is in the process of establishing a new and separate operation outside the UK to ensure that it can continue to fly as it does now. That is entirely understandable, and its commitment to the UK is laudable, but the uncertainty is having an effect right now.

What is to be done? First, the Government must take action, and rapidly. Aviation should be at the head of our negotiations. We have very little to fall back on, and the uncertainty is affecting us today. An agreement on the air services market should be reached early in the two-year window for article 50 negotiations, with the aim of securing maximum continuity for both UK and EU operators when we exit the European Union in spring 2019. To do so would benefit us and the remaining 27 states. It is not about cherry-picking from the single market, and it is not a trade issue that should be entangled with the wider negotiations. The deal I am describing is exactly the kind of thing the EU tries to achieve with third countries—in effect, an open skies agreement that maintains the continuity of access and equality across the UK and the EU 27.

Secondly, we need to push for a deal that is as close as possible to the one we have today, and it should include the right for UK airlines to operate between and within member states. The package we negotiated in the 1990s worked well because we worked together. The balance of rights has enriched us all, so we should be clear about the impact on UK airlines should we not achieve the aim of maintaining it.

Thirdly, we should seek to retain not only membership but influence of those bodies, such as the European Aviation Safety Agency, that set the rules and regulations for safe flying. Absolutely no one has a problem with one common set of standards across Europe when it comes to aviation safety. The EASA has benefited considerably from the UK's expertise; we are a strong voice that should not be lost.

There are a couple of ways to achieve the aims I have set out, and I hope the Minister will be forthcoming about his negotiating stance when he responds. The first step would be to become part of the European common aviation area, which extends the liberalised aviation market beyond the EU and covers 36 countries, including our friends in Iceland and Norway. The other step would be a bilateral air transport agreement, as, indeed, Switzerland has negotiated, but such an agreement would necessarily take longer to negotiate and carry its own complexities. It is essential, however, to avoid slipping back with no deal at all and having to rely on age-old agreements that are no longer fit for the times that we fly in. A series of bilateral agreements would be bad, but falling back on past agreements would not be desirable either.

Exiting the EU cannot be done without some cost to us. The price of doing business will inevitably be a loss of influence over the rules and direction of the single market, but that should be minimised to the maximum degree. Certainty is the most important thing. The Government must not use aviation as a bargaining chip; they should come out and say that a separate agreement is required and that they will seek one out on the existing terms. Whatever the reason for the UK's voting to leave the EU, it was not to make flying more restrictive, with greater red tape and at a higher price, or with less choice for the passenger. For all our sakes, with our future now dependent on being able to trade with the whole world, we need the first deal of the post-Brexit universe to be a good one.

2.45 pm

The Parliamentary Under-Secretary of State for Transport (Paul Maynard): It is a pleasure to be here today. I congratulate the hon. Member for Luton South (Mr Shuker) on securing this debate and on speaking so passionately and strongly on the behalf of Luton airport, which is in his constituency. This is a particular pleasure because we started our parliamentary careers together on the Transport Committee and here we are today discussing transport almost seven years on.

Let me start by reiterating the Prime Minister's views on the issue. She made it clear that Members of this House will have the opportunity thoroughly to discuss how we leave the EU, and in a way that respects the decision taken by the people on 23 June. This debate is an important part of that process, as was the opportunity the House had to discuss the implications of Brexit for transport on Wednesday, when many of the themes to which the hon. Gentleman referred came up. It is also important to realise that aviation is one of the Secretary of State's top priorities and will play a huge role in fulfilling our wider aspirations around leaving the EU: being stronger and more ambitious as a country and more outward looking and open for business. Aviation will play an even more important role in strengthening existing links with countries near and far and in building fresh links across the world.

[Paul Maynard]

As the hon. Gentleman pointed out, our aviation industry is world class. It underpins the UK economy and international trade. Our airports, including Luton, are our gateways to the world. We are a big global player. We have the largest aviation network in Europe and the third largest in the world. In 2015, goods worth £155 billion were shipped by air between the UK and non-EU countries—over 40% of the UK's extra-EU trade by value. The UK's location and extensive aviation network make us an attractive location for global business. Some 73% of visitors to the UK come here by air. The aviation sector is a significant industrial actor in its own right, directly contributing around £20 billion to the economy in 2014, including the wider aerospace sector. The CBI rightly points out that, if the UK retains its aviation market share, air traffic growth in Asia alone will create an extra £4.7 billion in exports over the next 10 years and 20,000 high-value jobs.

As the hon. Gentleman knows, we have taken the significant decision to support a new north-west runway at Heathrow, which is a clear sign of the importance that the Government place on the aviation sector and of our commitment to improving global connections. With room for an extra 260,000 aircraft movements a year, the new runway will deliver more flights, more destinations and more growth. The benefits to passengers and the economy will be worth up to £61 billion. It will bring more business and tourism to Britain and offer more long-haul flights to new markets. By expanding Heathrow, we will show that we are open for business, confident about who we are as a country and ready to trade with the rest of the world. It will also provide a key hub for connections across the UK, improving domestic connectivity, but there is more to the story than Heathrow.

In October, we announced the go-ahead for a brand new £344 million expansion programme at London City airport. That, too, will increase connections within the UK and Europe, and support business opportunities and investment, as well as improving passengers' journeys. Furthermore, regional airports such as Manchester and Bristol have each been spending £1 billion on improvements for passengers, with the Government supporting surface transport connectivity on road and rail around those airports. Then there is Newcastle, with a £14 million redevelopment of its departure lounge, transforming facilities for passengers before they take off on their journeys.

Last month, my noble Friend Lord Ahmad, the aviation Minister, signed a deal with China that will more than double the number of flights able to operate between our two countries, boosting trade and tourism. He was also recently in Manchester, welcoming Singapore Airlines to the city—the airline is operating its first connecting route to Manchester and onwards to Houston, Texas.

Looking wider than aviation for a moment, there are also extremely positive signs for investment in the wider transport industry in the UK. Since the referendum, we have seen several major companies announce major investments. In August, Bombardier in Derby received an order for 665 new pieces of rolling stock, delivered for Greater Anglia, which is great news for jobs and skills in the east midlands—as rail Minister, that gives me particular pleasure. Siemens, too, has committed itself to railway rolling stock manufacturing in the UK, as has Spain's tram manufacturer CAF. In addition, Hitachi Rail's new rolling stock manufacturing and assembly plant in Newton Aycliffe will create 730 new jobs. We also have Nissan's commitment to investment, which is great news for not just the north-east but the British economy and the automotive sector as a whole.

I can understand that the referendum outcome has caused some uncertainty in the aviation industry, but the future of aviation does look bright for the UK. By expanding Heathrow, we will open up new opportunities at airports throughout the country. We should be incredibly proud of our UK airlines; they are among the best and most innovative in the world. More people fly with British airlines each year than fly with carriers from any other country, outside the US and China.

Other countries want to do business with us, our airlines and our airports, and I do not believe that that will change after we have left the EU. We must not lose sight of the momentous opportunities there will be for aviation. Aviation remains the top priority for the Department for Transport in the negotiations that will now ensue.

We are working hard across Government to ensure that our exit strategy addresses the priorities of the aviation industry. To do that we have been engaging proactively with our aviation industry to fully understand its views. Just last week, Lord Ahmad and the Secretary of State for Exiting the European Union had a very constructive roundtable with the aviation industry, including senior representatives from airports, airlines, industry bodies and regulators. That was part of a series of roundtables to allow our industry to express its views directly to Ministers and to discuss the risks, but also the opportunities, that Brexit has created.

We have released a joint statement with Airlines UK that reinforces just how important the aviation sector is in the upcoming negotiations—a point reiterated by the Secretary of State for Transport when he attended and spoke at the Airport Operators Association conference earlier this week. We remain focused on securing the right arrangements for the future, including with Europe, so that our airlines can continue to thrive and so that passengers will continue to have opportunities, choice and attractive prices.

Other areas of critical importance are the efficient regulation of safety, security measures and a seamless air traffic management system. We are considering the implications for our continued participation in the European Aviation Safety Agency system, to which the hon. Gentleman referred, and the single European sky. However, until we leave the EU, it is worth bearing in mind that EU law will continue to apply, alongside national rules.

Leaving the EU will give us more freedom to make our own aviation agreements with other countries far beyond Europe. It is vital that we seek to quickly replace or amend our EU agreements with countries such as the US and Canada. The Secretary of State for Transport has already held positive discussions with his counterpart in the US, and the aviation Minister has met numerous airlines that already operate into the UK from outside the EU. We are confident of reaching an early agreement and we will continue to engage with the industry on those issues throughout the coming months.

Alongside our preparations for Brexit, we are developing a national aviation strategy to address industrial concerns. The strategy will seek to champion the benefits that the

third largest aviation market in the world already brings to this country. It is a long-term framework, covering airports, safety, security, competitiveness, consumers, regulation and capacity, and it will help to maximise the opportunities presented by our exit from the EU, along with the benefits of emerging technologies. Although it is at an early stage, we will look to have full, frank and constructive engagement with the industry and other partners in the aviation sector.

As Members know, the Government are not going to give a running commentary on aviation negotiations with our European partners, however tempting that prospect might occasionally be to Opposition Members. I can assure the House, however, that our negotiating position will be informed by our continued engagement with the aviation sector, as well as with colleagues who have an interest in it. The hon. Member for Luton South said that aviation has always been treated differently in such negotiations, and I see no reason for that to change in the immediate future. I assure him and the House that the views of all Members will be taken very seriously—not just on aviation, but across all sectors—for ultimately we are working hard to achieve the best possible outcome for our aviation industry and for Britain as a whole.

Question put and agreed to.

2.56 pm

House adjourned.

Written Statements

Friday 25 November 2016

TREASURY

Double Taxation Conventions (Colombia and Lesotho)

The Financial Secretary to the Treasury (Jane Ellison): Double Taxation conventions with the Republic of Colombia and the Kingdom of Lesotho were signed on 2 November and 3 November 2016 respectively.

The text of each convention has been deposited in the Libraries of both Houses and made available on HM Revenue and Customs' pages of the gov.uk website. The text of each will be scheduled to a draft Order in Council and laid before the House of Commons in due course.

[HCWS282]

JUSTICE

Courts and Tribunals

The Minister for Courts and Justice (Sir Oliver Heald): The Government published their vision for a reformed court and justice system, on 15 September 2016—to modernise and upgrade our justice system so that it works even better for everyone—for judges and legal professionals, businesses and individuals, families, and witnesses and the vulnerable victims of crime.

The Government are committed to investing more than £700 million to modernise courts and tribunals, and over £270 million more in the criminal justice system.

Alongside this reform it remains important to make sure that our courts and tribunals service is properly and sustainably funded now and into the future, so that access to justice is protected.

In 2015-16, the net cost of the courts and tribunals service to the taxpayer was £1.2 billion. This is unsustainably high and we think that it is right to reconsider the balance of funding between the taxpayer and those who use the courts and tribunals and can afford to make a larger contribution.

The Government's general principle, as reflected in managing public money, is that where users are being charged for a service they should usually be charged at a level to recover the true cost to the Government of providing that service.

In line with this principle we believe it is right that those who use our courts and tribunals should make a greater financial contribution, to make sure that the system is properly funded to protect access to justice and to reduce the unsustainably high cost to the taxpayer.

As a result we have introduced a number of fee reforms in recent years, including to the fees charged for proceedings in the civil courts, family courts and in some tribunals.

In the challenging financial circumstances faced by this country, we consider it is reasonable to ask users of tribunals to contribute to the running costs while ensuring that access to justice is protected.

Those who use our immigration and asylum system are not excepted from the need to make a financial contribution.

Consequently in 2011, the Government introduced fees for the first time in the Immigration and Asylum Chamber of the first-tier tribunal. These fees would be paid, where they could afford to do so, by those who make an application to appeal an immigration or asylum decision of the Home Secretary. At that stage those fees were set well below full cost recovery levels.

Consistent with our general principle we revisited those fees earlier in the year and launched a public consultation on 21 April 2016 proposing to raise fees in the Immigration and Asylum Chamber of the first-tier tribunal for those who pay to a level to recover the full cost of proceedings.

We also consulted on introducing fees for the first time for appeals in the Immigration and Asylum Chamber of the upper tribunal and for permission to appeal applications in both the first-tier tribunal and the upper tribunal.

In addition, we consulted on a proposal to add an exemption from fees based on the Home Office destitution waiver policy.

We responded to the consultation announcing our intention to proceed with the proposed fee measures. The higher fees in the first-tier tribunal then came into effect.

The fee increases introduced in the Immigration and Asylum Chamber of the first-tier tribunal are affordable for those who have to pay, taking into account the fee exemptions and waivers that apply, as well as the Lord Chancellor's exceptional power to remit fees.

However, we have listened to the representations that we received on the current fee levels and have decided to take stock and review the immigration and asylum fees, to balance the interests of all tribunal users and the taxpayer and to look at them again alongside other tribunal fees and in the wider context of funding for the system overall.

From today all applicants will be charged fees at previous levels and we will reimburse, in all cases where the new fees have been paid, the difference between that fee and the previous fee.

We will bring forward secondary legislation to formalise the position as soon as possible. That legislation will come into force shortly, but in the meantime the changes will be effected through the use of the Lord Chancellor's discretionary power to remit or reduce fees.

Alongside the fee changes introduced we extended the fee exemptions offered in the first-tier tribunal, to include:

> those in receipt of a Home Office destitution waiver in respect of their initial application;
>
> parents of, and those with parental responsibility for, children receiving support from local authorities;
>
> children in local authority care; and
>
> those appealing a decision to revoke their humanitarian protection or refugee status.

The Government believe that these exemptions are proportionate measures that protect some of the most vulnerable users of the tribunal. For this reason the extended system of fee exemptions will remain in place.

We also took the opportunity when introducing the fee changes to expand and clarify the guidance around the application of the Lord Chancellor's power to remit or reduce fees in exceptional circumstances. This revised guidance is not affected.

The role of fees in the upper tribunal will also form part of the review. The focus of our work is now on carrying out that review. We will bring forward any new plans for tribunal fees, including in the Immigration and Asylum Chambers of the first-tier and upper tribunals, for consultation in due course.

The Government's belief is unchanged that it is right that those who use our courts and tribunals should pay more, where they can realistically afford to do so, to ensure that the system is properly funded to protect access to justice and to relieve the burden on the taxpayer.

[HCWS284]

PRIME MINISTER

Government Gateway

The Prime Minister (Mrs Theresa May): The written statement confirms that responsibility for the Government Gateway will transfer from the Department for Work and Pensions to Her Majesty's Revenue and Customs. This change will be effective immediately.

[HCWS283]

WRITTEN STATEMENTS

Friday 25 November 2016

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