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HOUSE OF COMMONS
OFFICIAL REPORT

PARLIAMENTARY
DEBATES

(HANSARD)

Monday 29 January 2018

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The House met at half-past Two o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

Oral Answers to Questions

EDUCATION

The Secretary of State was asked—

Leaving the EU: Research and Staffing

1. **John Mc Nally** (Falkirk) (SNP): What assessment he has made of the effect of the UK leaving the EU on future participation in EU research programmes and staffing levels in higher education. [903576]

10. **Chris Law** (Dundee West) (SNP): What assessment he has made of the effect of the UK leaving the EU on future participation in EU research programmes and staffing levels in higher education. [903585]

The Secretary of State for Education (Damian Hinds): We have agreed with the EU that we will continue to benefit from EU programmes until the end of the current budget plan. We have also reached an agreement on citizens' rights, allowing EU citizens to continue to live here broadly as now, which helps to provide certainty to current staff.

John Mc Nally: The Secretary of State will be aware of the comments made by Professor Andrea Nolan when she told the Select Committee on Scottish Affairs that Brexit

“will have a significant impact on the HE sector, on the staffing profile, and on the student profile, in Scotland.”

Does the Secretary of State understand those concerns, and does he agree with the convener of Universities Scotland?

Damian Hinds: Of course people working in the university sector in Scotland, as throughout the United Kingdom, will be thinking about the future in what will be a time of some change, but it will remain the case that the United Kingdom, including Scotland, has an exceptionally strong message to give to the world on the strength of our institutions, on the attractiveness of coming here to study and on the attractiveness of partnering with our institutions on research.

Chris Law: Scotland's universities have so far been awarded almost €400 million from Horizon 2020, an 11% share of all funding secured by UK institutions. The University of Dundee in my constituency, for example,

has received €21 million from the scheme. Given the scheme's huge importance, when will the Government tell universities how they plan to square the funding circle after the current Horizon 2020 programme finishes?

Damian Hinds: These are indeed important matters, and officials from the Department for Business, Energy and Industrial Strategy have spoken to academics from Scottish universities—including, I think, from the University of Dundee—about the future. It is important that we have a guarantee until the end of the Horizon 2020 programme. Of course, what happens with future programmes will be a matter for us to agree with the other nations.

Robert Halfon (Harlow) (Con): I congratulate my right hon. Friend on his new position. Has he had a chance to read the Social Market Foundation report, published today, on the problems of snobbery between higher education and technical education? Does he agree that universities need to do a lot more to embrace technical education students and degree apprenticeships and that financial incentives should go towards those universities that encourage degree apprenticeships and encourage students with BTECs into technical education?

Damian Hinds: I confess that I have not yet read this morning's report, but I look forward to consuming it when I have the time to do so with proper attention. My right hon. Friend mentions something on which he has consistently campaigned throughout his time in Parliament, and it is so important that we do not have some sort of wall between the academic and the technical and vocational. Things such as degree apprenticeships are a great opportunity for more people to benefit from certain types of education and to make sure that we widen participation as much as possible.

Andrew Bridgen (North West Leicestershire) (Con): Will my right hon. Friend join me in echoing the phrase used by the BBC and, despite Brexit, welcoming this year's record number of international students in our university system?

Damian Hinds: My hon. Friend is correct that the United Kingdom remains an exceptionally attractive destination for international students. As he says, the number of non-EU international students is at a record high, and of course we want that to continue.

Cat Smith (Lancaster and Fleetwood) (Lab): What conversations has the Secretary of State had with the Home Secretary on the contribution made by international students and staff to our British universities and about their classification in immigration statistics?

Damian Hinds: I, the Government, the Home Office and everyone else totally recognise the value of the higher education sector to our country. The Migration Advisory Committee will be looking at the question of international students, as well as the question of migration in general, so that we can consider those things fully.

Ben Lake (Ceredigion) (PC): Since the introduction of Horizon 2020, Welsh universities have received more than €83 million in funding from the programme, enabling their participation in more than 2,000 international

collaborations. Will the Secretary of State confirm whether the UK Government intend to negotiate association with Horizon 2020's successor programmes, so that universities in Wales can continue to benefit from and contribute to such programmes?

Damian Hinds: Horizon 2020 has worked very well for UK universities. In fact, we have the second-highest number of participants in those programmes of any EU state. Of course, it is vital and in everybody's interest that we continue to work co-operatively with our near European neighbours on many things, including university research.

Carol Monaghan (Glasgow North West) (SNP): I welcome the Secretary of State and his team to their places. He will no doubt be aware of the challenges of getting young people, especially girls, into STEM careers. Given the importance of those subjects to our economic development, does he agree that the UK's immigration policy for prospective academic and research staff from the EU should not be restrictive?

Damian Hinds: I alluded a moment or two ago to the Migration Advisory Committee and the work it will be doing. This country has always been clear that we want to remain attractive to and welcome the brightest and the best. We have a very successful and very international, outward-looking higher education sector, and I anticipate that continuing.

Carol Monaghan: The Royal Society of Edinburgh said in its evidence to the Migration Advisory Committee that the UK risks undermining the Scottish Government's efforts on developing interest in and the uptake of STEM subjects if restrictive immigration policies are put in place. What discussions has the Secretary of State had in this area with the Home Secretary and with university principals, to commit to looking at a tailored immigration policy for Scotland?

Damian Hinds: As I say, we will be looking at all aspects of this, with regard to both students and academics. More widely, the Migration Advisory Committee is looking at immigration and the role it plays in different sectors of the economy. We continue to discuss with our European neighbours what will happen in the future, and my hon. Friend the Minister for Higher Education will be speaking to EU Science Ministers later this week. It is in everybody's interest that we work for the good of the whole United Kingdom to ensure that we continue to have such a highly successful higher education system.

Literacy and Numeracy

2. **Michael Tomlinson** (Mid Dorset and North Poole) (Con): What steps his Department is taking to improve pupils' literacy and numeracy. [903577]

22. **Helen Whately** (Faversham and Mid Kent) (Con): What steps his Department is taking to improve pupils' literacy and numeracy. [903597]

The Minister for School Standards (Nick Gibb): In 2013, we published a new primary school curriculum that significantly raised expectations in both English and maths, and promoted the use of phonics in the teaching of reading. In 2012, we introduced the phonics

check for six-year-olds. The results of the 2016 Progress in International Reading Literacy Study—PIRLS—showed nine-year-olds in England achieving the highest ever scores, moving England up from joint 10th to joint eighth out of 50 countries worldwide.

Michael Tomlinson: I am grateful for that answer. Thanks to some tough decisions by the Minister and sheer hard work by our teachers, reading standards are the highest for a generation. Sadly, disadvantaged children still lag behind, so what are he and the Department doing to address that issue?

Nick Gibb: The PIRLS survey links strong performance in the phonics check with high scores in the PIRLS text. Particularly pleasing is the fact that our rise in the global rankings has been driven by improved performance by low-ability pupils. We are now focusing on strengthening the maths, reading and writing elements of the early years foundation stage to help prepare children for year 1 of primary school. The attainment gap has closed by 10.5% at key stage 2, but we want to go further and close the gap altogether.

Helen Whately: I do regular phonics practice with my children, which, as the Minister has said, is helping children get better at reading. However, there does not seem to be the same focus on practising core maths skills in primary schools. What is my right hon. Friend doing to improve maths in primary schools, especially the learning of times tables?

Nick Gibb: I thank my hon. Friend for making sure her children learn their phonics, and she is right to emphasise the importance of children knowing their times tables by heart, up to 12 times 12 by the end of year 4 at the latest. That is why we are introducing an on-screen multiplication tables check for all pupils at the end of year 4 of primary school. The prize is to have all pupils leaving primary school fluent in their multiplication tables, ensuring they have the essential foundation for success in mathematics at secondary school.

Melanie Onn (Great Grimsby) (Lab): The reality is that children can improve their literacy and numeracy only if they are in school. In North East Lincolnshire, children lost nearly 3,500 days of education last year alone. What will the Government do to make sure that another 825 children in my borough next year do not miss out on their education through exclusion?

Nick Gibb: We have made it clear that attendance at school is vital. We changed the definition of "persistent absence" from 15% to 10%, and we have increased the fines that would be applied to parents who do not send their children to school regularly.

Gareth Thomas (Harrow West) (Lab/Co-op): The Minister will have seen independent research by the Education Policy Institute showing that Harrow is the best place to send children to school, so perhaps he will come to my borough to see what is working in terms of literacy and numeracy. If he does, he will meet headteachers who are very concerned about cuts to their budgets as a result of a lack of sufficient funding from the Government. What is he going to do about that?

Nick Gibb: I congratulate all the teachers and pupils in Harrow on their receiving that accolade from the Education Policy Institute. We are spending record amounts on school funding—some £41 billion this year. No Government have spent that level of funding on schools in our history. That will rise further to £42.4 billion next year.

Mark Pawsey (Rugby) (Con): The Minister will know that only 1% of children who move from mainstream to alternative provision during their GCSE years achieve good GCSEs, including in English and maths. What more can be done to support this important group of students?

Mr Speaker: I do not want the House to get the wrong idea; we seem to have gone from Harrow to Rugby, but that does not mean that others cannot take part. We are focused predominantly on the state sector.

Nick Gibb: My hon. Friend the Member for Rugby (Mark Pawsey) raises an important point. The standards of achievement in the alternative provision sector are not high enough. The children who attend those schools are vulnerable and we want to do more to improve the situation, which is why we have recently commissioned new research into the relationship between schools and alternative provision to find out what more we can do to raise standards.

Several hon. Members rose—

Mr Speaker: Let us hear about the situation in Wirral.

Alison McGovern (Wirral South) (Lab): The situation in Wirral is that we have fine teachers but insufficient Government resources. When it comes to literacy and numeracy, I want all the schools in my constituency to be good or outstanding. In the case of one rapidly improving school, Bebington High School, an administrative delay seems to be getting in the way of teaching and learning, and there is an issue with the resources for that. Will the Minister meet me to find a way to use our leadership to stop red tape getting in the way of children's learning?

Nick Gibb: I share the hon. Lady's ambition. We want all schools to be good or outstanding and we want parents to be confident that their local school is a good school that will provide a very high standard of education. I am pleased that there are now 1.9 million more pupils in good or outstanding schools than there were in 2010. I would be delighted to meet the hon. Lady to discuss the particular circumstances at Bebington High School.

Mr Philip Hollobone (Kettering) (Con): Will the Minister join me in congratulating Greenfields Primary School in Kettering? It has just been ranked in the top 1% of schools in England for progress in reading and writing. Prior to becoming an academy in 2013, it was one of the most challenged schools in Kettering, with progress levels significantly below average.

Nick Gibb: I am delighted to congratulate Greenfields Primary School in my hon. Friend's constituency. I am almost certain that I have very recently signed a letter to its headteacher to congratulate them on the superb achievement at the school.

Mike Kane (Wythenshawe and Sale East) (Lab): Evidence from last year's key stage 2 SATs shows that the attainment gap between children on free school meals and their peers has widened since the year before. The results for the Minister's precious key stage 1 phonics for kids on free school meals actually went backwards last year. At least the previous Secretary of State talked the talk on social mobility. Is it not clear that the Government do not walk the walk?

Nick Gibb: The hon. Gentleman is not correct. The attainment-gap index at key stage 2 has closed by 10.5%. We have seen a significant increase in the proportion of children who achieve the expected standard in reading, writing and maths: it rose from 53% last year to 61% this year—an increase of 8 percentage points—and the SATs are significantly more demanding than they were in previous years. We are producing a cohort of primary school leavers who are far better equipped in maths and English, ready for the demands of secondary school.

LGBT Awareness

3. **Alex Norris (Nottingham North) (Lab/Co-op):** What steps his Department is taking to ensure that all schools teach awareness of LGBT issues in an age-appropriate manner. [903578]

12. **Rosie Duffield (Canterbury) (Lab):** What steps his Department is taking to ensure that all schools teach awareness of LGBT issues in an age-appropriate manner. [903587]

The Minister for School Standards (Nick Gibb): Schools can teach about LGBT issues within the curriculum and they must comply with the Equality Act 2010. We have established a £3 million programme to prevent and address homophobic, biphobic and transphobic bullying, and we are making relationships education and relationships and sex education compulsory and engaging thoroughly with stakeholders to inform the design and content of the curriculum in those subjects, ensuring that they are both high quality and age appropriate.

Alex Norris: With the change in leadership at the Department, may I ask whether the new Secretary of State shares the commitment of his predecessor that relationship and sex education lessons must be lesbian, gay, bisexual and transgender inclusive and reflect the needs of all young people?

Nick Gibb: I can give the hon. Gentleman that assurance. We are clear that the new subjects should ensure that young people learn that there are different types of relationships. Schools should ensure therefore that RSE is inclusive and meets the needs of all young people.

Rosie Duffield: Can the Minister provide detail of how schools will be assessed to ensure that they are providing LGBT-inclusive relationship and sex education lessons, and what benchmark will be used to measure this?

Nick Gibb: These are the issues on which we are engaging with subject experts at the moment. We have issued a wide call for evidence from parents, pupils,

teachers and young people, and we will assess that call for evidence before we issue further guidance on the matter. There will be a full debate on the regulations in this House when we draft those regulations.

Wera Hobhouse (Bath) (LD): The Higher Education and Research Act 2017 gave universities a duty to provide additional support to students with special educational needs and disabilities. However, the Government provided no general guidance or any means for students to ensure that their rights are met, apart from taking the universities to court. Does the Minister agree that that is justifiable?

Mr Speaker: The hon. Lady is thinking of a matter of great importance, but its relationship to the question under consideration is not clear. We are grateful to her, and she may be able to unburden herself further at a later stage if she is lucky.

Further Education Provision

4. **Peter Aldous (Waveney) (Con):** What steps his Department is taking to improve the quality of further education provision. [903579]

The Minister for Apprenticeships and Skills (Anne Milton): We have done a number of things in this area. The area reviews have been an opportunity for every college to reorganise and merge, and we have approved £300 million of restructuring money. Plus six grants have been made from the new £15 million strategic college improvement fund. We have appointed seven national leaders of further education, and the work of the FE commissioner, a vital role, has also been extended.

Peter Aldous: I am grateful to the Minister for her answer. Colleges such as East Coast College are doing great work that will improve social mobility and productivity, but they need to be properly funded. Will my hon. Friend outline the steps that have been taken to ensure that that is the case, so that colleges can deliver a high-quality, rounded curriculum?

Anne Milton: Funding is important, which is why I mentioned those figures. The strategic college improvement fund will be very important. My hon. Friend is absolutely right: Lowestoft and Great Yarmouth merged to form East Coast College, which is a much more financially independent institution. We are also putting £500 million a year into technical education to increase the hours of learning for more than 50% of those on technical routes; providing £20 million to help teachers prepare for those routes; and continuing to protect £4,000 a year for 16 and 17-year-olds. I am very aware, however, that this is a complex sector delivering a wide range of courses in quite difficult financial circumstances.

Mr Speaker: Too long.

Mr Ben Bradshaw (Exeter) (Lab): I thank the Minister for her efforts on behalf of Exeter College, which, as she will know, was inexplicably not granted the contract by the Skills Funding Agency to provide apprenticeships through small firms. I would like her to continue those efforts, working with officials from her Department and the agency, because if this is not rectified, or a way

through found for this, it will do serious damage both to the provision of apprenticeships in the Exeter area and to Exeter College, which is one of the top performing colleges in the country.

Anne Milton: I know that the right hon. Gentleman has worked very hard on behalf of Exeter College. I praise my officials who continue to work with individual Members to ensure that these problems are ironed out.

David Evennett (Bexleyheath and Crayford) (Con): Does my right hon. Friend agree that the input of businesses is key to delivering high-quality further and technical education?

Anne Milton: Yes, my right hon. Friend is absolutely right that further education colleges—seven out of 10 have been graded good or outstanding—are absolutely critical in drawing together businesses from the local area. Along with local authorities and local enterprise partnerships, they can have a significant impact on the education and training that young people get.

Mary Creagh (Wakefield) (Lab): Wakefield College opened its advanced skills and innovation centre late last year. It is a brilliant new centre to help entrepreneurs start up their own businesses. The one cloud on the horizon is the excellent work done by the college through the national collaborative outreach programme, which is still up in the air following the fiasco of the Minister's Department over the setting up of the Office for Students. When will she announce the funding for the years going forward and when will my excellent staff be able to continue that good work?

Anne Milton: The hon. Lady is right to praise the work of Wakefield College. Such colleges are real exemplars of what can be achieved. I appreciate the importance of outreach work, and that is particularly important when we consider social mobility. I am happy to discuss the matter further with the hon. Lady at any time.

Rebecca Pow (Taunton Deane) (Con): Does the Minister agree that sixth-form colleges, such as Richard Huish College in my constituency, are an extremely valuable part of our education system, making the great link between education and employment? Will she kindly meet me to discover whether, in the tertiary review, funding might be available from age 16, rather than starting at 18?

Anne Milton: I am always happy to meet my hon. Friend; it would be a pleasure. I was recently at the conference of the Sixth Form Colleges Association. Sixth-form colleges do an excellent job, and I will do everything I can to support them.

Nic Dakin (Scunthorpe) (Lab): Twenty-one per cent. less—that is what a student aged 16 to 19 gets compared with what they get between 11 and 16. This tertiary review needs to start with tertiary education at 16 to 19. Will the Minister confirm that tertiary education for 16 to 19-year-olds will be included in the review?

Anne Milton: The review is currently under discussion. As the hon. Gentleman knows, I have my tin hat and battledress on, and I will always battle on behalf of the FE sector and independent training providers for the 50% of young people who do not go to university.

Gordon Marsden (Blackpool South) (Lab): How can the Minister talk confidently about FE provision when the Government's whole record on the sector is a mess? In the last 10 days, we have seen apprenticeship starts down by 41% since the levy began; traineeship starts down by 16%; the FE commissioner telling the Select Committee on Education that funding is "unfair" and "sparse"; the Public Accounts Committee roasting the Government over learndirect; and five sector leaders calling for a major levy rethink in *FE Week*. Will she get a grip on the levy? Will she also ensure that she does not claim that those concerned are running FE down? We are passionate about FE and apprenticeships; it is her party that is split on HE and FE policy.

Anne Milton: I utterly reject the hon. Gentleman's suggestion that the situation is a mess. This is the first time that a Government have really got to grips with this issue. I will be running a training session for Members from all political parties. I suggest that the hon. Gentleman come along to discover that it is very easy to get apprenticeships if we do not care about the quality, but I do care about the quality. It is really important that we raise the quality and raise the numbers, ensuring that young people have the skills they need for the future.

Foreign Language Teaching

5. **Jamie Stone** (Caithness, Sutherland and Easter Ross) (LD): What steps he is taking to improve foreign language teaching in schools. [903580]

The Secretary of State for Education (Damian Hinds): Since 2010, the proportion of pupils taking a language GCSE has increased from 40% to 47%. In December, we outlined plans to improve the quality of language teaching in England, where schools with a good track record in teaching languages will share best practice and pedagogy.

Jamie Stone: I also welcome the Secretary of State to his place. I listened to his answer with great interest. North of the border, Scotland's future economic prosperity will clearly be dependent on young people having the very best language skills. Would the Secretary of State's Department be good enough to share—[*Laughter.*] Would his Department share best practice with the Scottish Government? I think that the Scottish Government would be very grateful.

Damian Hinds: Language skills are important for young people in Scotland, as they are for those in England. In England, we have looked across the world for examples of best practice in various subjects, and we are happy to share that information with others. I am keen to work collaboratively with the Scottish Government, so that we can both see what we can learn from one another.

Mr Speaker: I call Michael Fabricant.

Michael Fabricant (Lichfield) (Con): Vielen Dank, Herr Sprecher. Do you not agree with me—[*Interruption.*] I should not have said, "Vielen Dank, Herr Sprecher"; I have completely thrown myself. I should have asked, does the Secretary of State agree that German is an important language to learn? Not only does German give us the grammatical structures that would otherwise be learnt from Latin, which is rarely taught in schools nowadays, but it is easy for British people to speak German with a convincing accent.

Stephen Pound (Ealing North) (Lab): Thank you, "Herr" Fabricant. [*Laughter.*]

Mr Speaker: Order. May I remind Ministers that there is no obligation to provide multi-sentence replies? There is no prohibition on single sentence replies. In fact, some people think that they are quite desirable.

Damian Hinds: That is very fortunate, Mr Speaker, as I do not quite know where to go after that. My hon. Friend makes a very good and interesting point about the value of languages.

Luciana Berger (Liverpool, Wavertree) (Lab/Co-op): We were all suitably impressed when Emmanuel Macron spoke flawless English in his candid interview with Andrew Marr the other week. That is no surprise given that 80% of children in EU member states start learning a second language in primary school. What is the Secretary of State going to do to ensure that children in the UK do not fall behind their European counterparts?

Damian Hinds: It starts with an international outlook and learning about other countries. Of course, it is also about encouraging more teachers to go into teaching modern foreign languages, and we are working hard on that.

Alan Mak (Havant) (Con): The number of entries for GCSE Mandarin has increased by nearly 50% since 2010. Will the Secretary of State continue to support that language and other languages spoken in the world's fastest-growing economies?

Damian Hinds: My hon. Friend is exactly right about the importance of Mandarin. Of course, this is a hugely important economy. That is why things like the Mandarin excellence programme are so much in focus at the Department for Education.

Childcare Funding

6. **Dr Rupa Huq** (Ealing Central and Acton) (Lab): What assessment he has made of the effect of the Government's policy on funded childcare on the financial viability of childcare settings. [903581]

The Parliamentary Under-Secretary of State for Education (Nadhim Zahawi): By 2019-20, we will be spending about £6 billion a year on childcare support, including £1 billion to deliver 30 hours of childcare and pay the higher funding rates that we introduced in April 2017.

Dr Huq: A recent survey by the Pre-school Learning Alliance has found that one fifth of nurseries do not think they will be financially viable in a year's time. Will

the Minister—I know he likes his parties—therefore commit to review the funding rates before more places rated “good” and “outstanding” by Ofsted close down?

Nadhim Zahawi: I thank the hon. Lady for her question. The Government have always been clear that providers can choose whether to offer parents 30 hours and what pattern of days and hours they offer. Our evaluation indicated that a higher proportion of providers were willing and able to offer 30 hours, with no evidence that financial implications were a substantial barrier to that.

Tracy Brabin (Batley and Spen) (Lab/Co-op): May I welcome the Minister to his place? The Government promised 30 free hours of childcare for all working parents of three to four-year-olds, yet it has been revealed that only a third of providers can offer all the hours for free and that four in 10 do not think they will be able to offer the scheme at all next year. The situation will only get worse if Ministers go ahead with the real-terms cuts in funding of up to £600 a year per child. Will the Minister rethink these cuts, pay providers fairly and keep the promises made to families?

Nadhim Zahawi: We have seen no significant issues with parents gaining places with providers for 30 hours. Of course we keep monitoring the situation, but there are no significant issues. Actually, the numbers are very promising at the moment.

Primary Schools: Academies

7. **Stephen McPartland** (Stevenage) (Con): What progress has been made on converting primary schools into academies. [903582]

The Secretary of State for Education (Damian Hinds): Since 2010, the number of open academies and free schools has increased from 203 to almost 7,500. The numbers of primary schools converting to academies has grown significantly. As of the first day of the year, there were 4,592.

Stephen McPartland: Herts for Learning is the only local authority-controlled multi-academy trust in the country. Records at Companies House demonstrate that the local authority has more than 25% of shares in it and is an organisation of significant control. It has been converting primary schools in my area since September. Will the Secretary of State clarify the Government’s position with regard to local authority-controlled multi-academy trusts?

Damian Hinds: Our position is that we limit local authority representation on academy trust boards to 19.9% to help maintain the independence of academies, while ensuring that boards can benefit from the right mix of skills and experience. I am of course very happy to meet my hon. Friend to discuss whatever concerns and wishes he may have.

Lucy Powell (Manchester Central) (Lab/Co-op): May I welcome the new Secretary of State to his position? Since taking up office, has he had a chance to read and reflect on a letter that the Education Committee wrote to the Minister, Lord Agnew, following our evidence-hearing session with the Minister and the National Schools

Commissioner about what we feel is a lack of oversight, accountability and, critically, transparency with regard to multi-academy trusts?

Damian Hinds: We have a framework in place around multi-academy trusts. Academies have been a fundamental part of the improvements that we have seen in schools. Multi-academy trusts, in turn, are a fundamental part of making sure that good practice can be spread more widely across the system. We have the good practice guidance that is published. There are audited accounts and various processes. Ultimately, as Secretary of State, I am accountable to Parliament for the performance of the schools system. In turn, the regional schools commissioners are accountable to me.

Sir Patrick McLoughlin (Derbyshire Dales) (Con): Will my right hon. Friend, in promoting multi-academy trusts, also show the role that secondary schools can have in leading primary schools that become part of those trusts? That is very important for people attending primary schools and then going on to the secondary school in due course.

Damian Hinds: My right hon. Friend, with his great experience, makes a very important point. The different phases of education, working together, can share a great deal of expertise.

Thangam Debbonaire (Bristol West) (Lab): All the focus on structures is taking us away from the real issue, which is that this weekend even Tory party donors and academy chain heads were talking about real-terms cuts to funding. That is what I am seeing in the schools in my constituency. Will the Government face up to the real crisis, which is the real-terms cut in school funding?

Damian Hinds: There is more money going into our schools in this country than ever before. We know that real-terms funding per pupil is increasing across the system, and with the national funding formula, each school will see at least a small cash increase.¹

Pupil Premium

8. **Michelle Donelan** (Chippenham) (Con): Whether he plans to review the operation of the pupil premium. [903583]

The Parliamentary Under-Secretary of State for Education (Nadhim Zahawi): As with all policies, we continue to monitor the pupil premium for effectiveness and value for money. Through the Education Endowment Foundation, we seek to ensure that schools are confident in using that evidence.

Michelle Donelan: Wiltshire teachers consistently stress their concerns that many parents fear the potential stigma of registering for free school meals, meaning their children do not get the pupil premium. I have stressed that for years. Will the Minister consider introducing an automatic link between the pupil premium and the benefits system, to ensure that all children who need additional funding get it?

Nadhim Zahawi: Let me be clear: we should not allow any stigma to get in the way of parents seeking the best for their children. We will continue to highlight effective

1. [Official Report, 5 March 2018, Vol. 637, c. 2MC.]

practice by schools that have made a great effort to get children registered for free school meals and share that practice with all schools and local authorities.

Dr David Drew (Stroud) (Lab/Co-op): I share the opinion of the hon. Member for Chippenham (Michelle Donelan). In rural areas, there is still stigma, and people will not put their children forward for free school meals and, therefore, for the pupil premium. Will the Minister look again at the criteria, to ensure that those children are not losing out?

Nadhim Zahawi: We want to make it as simple as possible for schools and local authorities to determine eligibility for free meals, and we are exploring opportunities to make the registration process more efficient.

Mrs Anne-Marie Trevelyan (Berwick-upon-Tweed) (Con): In my constituency and across north Northumberland, the pupil premium and the service pupil premium for my military children are valuable additions to the school budget, as targeted interventions for those pupils. However, they are used more effectively in some schools than others. Will the Minister tell the House what plans the Department has to get Ofsted to look more closely at usage and drive best practice across our schools?

Nadhim Zahawi: There are unique challenges for servicemen and women who move around, and the Education Endowment Foundation is looking at that very seriously.

Mrs Sharon Hodgson (Washington and Sunderland West) (Lab): The pupil premium is there to support children from disadvantaged backgrounds and to address poor attainment. Is the Minister as concerned as I am that the Northern Powerhouse Partnership has identified that there is a growing north-south divide, which is impacting on attainment, too?

Nadhim Zahawi: Everything we are about is narrowing that gap.

Angela Rayner (Ashton-under-Lyne) (Lab): I also welcome the new Secretary of State to his place. I wonder whether he will join me in getting a copy of the Conservative party manifesto from the Library, where it is filed under “Political fiction”. He will notice, under the heading “Fairer funding”, a pledge to protect funding for the pupil premium. Instead, it has been cut by more than £100 million in real terms this spending period. Will he now act to keep that promise?

Nadhim Zahawi: I confirm that the figures are the same.

Engineering Careers

11. **Jeremy Quin** (Horsham) (Con): What steps the Government are taking to encourage more young people to consider careers in engineering. [903586]

15. **Mrs Kemi Badenoch** (Saffron Walden) (Con): What steps the Government are taking to encourage more young people to consider careers in engineering. [903590]

The Minister for Apprenticeships and Skills (Anne Milton): The Year of Engineering, this year, is a cross-government national campaign to raise the profile of jobs in engineering for all young people. More than 980 partners have signed up to be part of the year, which includes workshops, toolkits for use in schools and site tours.

Mr Speaker: Yes, but the Minister was seeking to group this question with number 15, from the hon. Member for Saffron Walden (Mrs Badenoch). Ministers seem a tad discombobulated this afternoon.

Anne Milton: Mr Speaker, my very sincere apologies. I believe I did that on another occasion, too. I was answering questions 11 and 15 together.

Jeremy Quin: Students from Collyer’s in my constituency came first in the UK national robotics competition and proceeded to represent their country in Washington. Does my right hon. Friend agree that this is exactly the kind of innovative initiative that gets people interested in STEM—science, technology, engineering and maths—subjects and will persuade them to take them up as careers in later life?

Anne Milton: The national robotics competition must be the subject of young people’s dreams, and I do indeed congratulate Collyer’s. The £406 million put aside in the autumn Budget to improve skills—particularly STEM skills, including a maths premium for 16 to 19-year-olds—will also drive up the interest in engineering.

Mrs Badenoch: I am an engineer, and I started my career as an apprentice. It is the year of engineering, but the industry is facing a shortfall of 20,000 places. Does the Minister agree that apprenticeships are a good, cost-effective way to study engineering, and if so, will she tell me what the Government are doing to promote them?

Anne Milton: They are an excellent way to study engineering, and I would point my hon. Friend to degree apprenticeships. The first graduates in digital and technology solutions graduated from Aston last year, as did those in quantity surveying from John Moores in Liverpool. We have put aside £10 million to help with the development of degree apprenticeships, which is a brilliant way for young people to get skills.

Chi Onwurah (Newcastle upon Tyne Central) (Lab): Engineering is a fantastic career, as I know very well, but because there are so few women engineers—just 8%—it is much harder for girls in particular to see engineering role models. Will the Minister tell me who specifically is responsible for getting more engineers into schools to share their experience and more schools into engineering companies, and how is their success being measured?

Anne Milton: Some 980 partners have signed up, and I would point to the fact that my hon. Friend the Member for South Basildon and East Thurrock (Stephen Metcalfe) is the Government’s envoy for the year of engineering. It is absolutely critical: we are putting real money—I repeat, we are putting real money—into improving the teaching of maths for 16 to 19-year-olds.

This is really important. As I said earlier, we are using further education colleges and local authorities to get engineering companies into schools to talk to children and teach them about the prospects that exist. For any young woman, I would point to the gender pay gap, which they will see is large in engineering organisations, so there is an opportunity out there.

Deidre Brock (Edinburgh North and Leith) (SNP): It is estimated that the UK will require 1.8 million additional engineers by 2025. The Scottish Government have published a STEM education and training strategy. Will the Secretary of State do something similarly concrete to encourage girls into engineering?

Anne Milton: There is a lot of concrete work going on. Going back to the apprenticeship levy, engineering companies with a pay bill of over £3 million are putting money aside—0.5% of their pay bill. Employers want engineers and employers will employ engineers, particularly those doing degree apprenticeships.

Schoolchildren with Autism

13. **Maria Caulfield** (Lewes) (Con): What progress his Department has made on supporting children with autism at school. [903588]

The Parliamentary Under-Secretary of State for Education (Nadhim Zahawi): It is clearly incredibly important that autistic children are well supported in their education. We have funded the Autism Education Trust since 2012 to deliver autism awareness training to education staff in early years, school and further education.

Maria Caulfield: I thank the Minister for his reply. We look forward to welcoming the Secretary of State on Wednesday, when the all-party group on autism, co-chaired by me and my hon. Friend the Member for Bexhill and Battle (Huw Merriman), launches its education report. Will the Minister commit to implementing the recommendations of our report, so that we can improve the educational experience for children with autism in this country?

Nadhim Zahawi: I wholeheartedly welcome the report, and I know that the Secretary of State is visiting my hon. Friend and her colleagues on Wednesday, as she said. I look forward to meeting and discussing the report fully with them.

Ruth George (High Peak) (Lab): My county of Derbyshire is about to cut almost £3 million from children's services, including almost £400,000 from special needs and disability services to support children. Schools are already struggling, so how on earth will these cuts help, and how will the Government ensure that support for special needs children is improved?

Nadhim Zahawi: No local authority needs to cut those services. There is actually over £9 billion being invested in children's services because, as in the case of Hackney, for example, it is seen as a priority, so there is no reason for a local authority to do that.

Mrs Emma Lewell-Buck (South Shields) (Lab): I, too, welcome the Minister to his place. The healthy pupils fund was designed to help pupils with a range of health needs. The Department promised to protect the fund in

full but has cut it, leaving a £200 million gap between income from the sugar levy and its spending commitments. Can the Minister explain why he is content to see funding in this area slashed, and will he guarantee that there will be no more cuts?

Nadhim Zahawi: Not only is the Department spending the £275 million from the sugar levy; we are going over and above that. We are spending over £400 million on making sure that students are healthy.

Ofsted Inspections

14. **Layla Moran** (Oxford West and Abingdon) (LD): What assessment he has made of the effect of Ofsted inspections on teachers' workloads and morale. [903589]

The Minister for School Standards (Nick Gibb): Schools have always been subject to inspection by Her Majesty's inspectors and, from 1992, by Ofsted. Since 2010, we have simplified inspection, reducing graded judgments from 27 to just four. We have freed our best schools from routine inspection and introduced lighter-touch inspections for good schools.

Layla Moran: We face a teacher retention crisis in this country. One head in Oxford recently described to me how she and her staff felt "criminalised" after a devastating Ofsted inspection. What is the Minister doing to change the "culture of fear" caused by inspection, which his own Department's workplace survey identified as one of the biggest burdens on teachers?

Nick Gibb: The workload challenge identified a range of drivers of high workload, including accountability and perceived pressures from Ofsted. We took steps to address that in our 2017 action plan, including through Ofsted's commitment to reducing unnecessary workload around inspections, by dispelling myths about inspection and by training inspectors and monitoring inspection reports. The winter 2016 teacher voice omnibus survey showed that 39% of headteachers had used advice from Ofsted to change practice to reduce unnecessary workload.

21. [903596] **Neil Coyle** (Bermondsey and Old Southwark) (Lab): Morale is low, retention is a challenge and schools face exorbitant agency fees to recruit new staff. St Saviour's and St Olave's School at the Bricklayers' in my constituency spent £100,000 just last year on recruitment alone. When will the Government act to end rip-off agency fees, or introduce their own portal to better link available teachers and recruiting schools?

Nick Gibb: As the hon. Gentleman will know, we are working on introducing a free website to enable schools to recruit teachers.

Children's Services

16. **Mr William Wragg** (Hazel Grove) (Con): What steps his Department takes when children's services are found to be inadequate. [903591]

The Parliamentary Under-Secretary of State for Education (Nadhim Zahawi): All children must be kept safe, and we take tough intervention action when any council fails in its duty.

Mr Wragg: As the case in Rotherham today shows, the introduction of experienced and high-quality leadership is part of the answer. Will my hon. Friend, in his new portfolio, take on board the recommendation of the Select Committee on Education and place a greater emphasis on giving support and guidance to children's services when considering intervention?

Nadhim Zahawi: Many Government interventions provide support and guidance that works within an authority's existing structure. In serious cases, an independent commissioner can provide those recommendations, and of course the ultimate reprimand is to be put in a trust.

Tony Lloyd (Rochdale) (Lab): Clearly, we cannot afford to have failing children's services, but how far do Ministers recognise the massively increased demand on children's services in Britain, because of things such as sexual exploitation of our young people and the range of difficulties caused by poverty in the home? What does that mean for the commitment of funding?

Nadhim Zahawi: I have been to see both Hackney and Doncaster. In Hackney's case, there was a turnaround in 2006; in Doncaster, it was over the last two years. It is about leadership, and a better-quality outcome depends not just on the leaders at the top, but on the social workers on the frontline being able to feel confident in the service that they provide. *[Interruption.]*

Mr Speaker: The sedentary chuntering of the hon. Member for Ealing North (Stephen Pound) would constitute a book in itself, and it might sell rather well.

Topical Questions

T1. [903602] **Emma Reynolds (Wolverhampton North East) (Lab):** If he will make a statement on his departmental responsibilities.

The Secretary of State for Education (Damian Hinds): This Government are committing to providing a world-class education for all our young people, raising attainment and narrowing the gap between the affluent and the disadvantaged. Working with our dedicated teachers and professionals throughout education and beyond, we must continue to raise standards, from early years through to further and higher education, and ensure that the right care and support are always there for society's vulnerable children. I will work to make sure that our education system offers opportunity to everyone, in every phase and in every place. The successes are clear, with 1.9 million more children in good or outstanding schools, and the latest figures showing the attainment gap narrowed by 10%, but there is more to do to spread opportunity, particularly in areas of the country historically left behind.

Emma Reynolds: I recently visited Ashmore Park Nursery School in my constituency, which provides outstanding education, as do 60% of nursery schools across the country. Unfortunately, the future of their funding is now in doubt. Will the Secretary of State guarantee their sustainable funding beyond 2020?

Damian Hinds: I join the hon. Lady in paying tribute to her local nursery school. This Government are spending more on childcare and early years than any previous Government, with not only the 30 hours commitment but the extra provision for disadvantaged two-year-olds, and of course there is also the work being done on the hourly rate.

T4. [903605] **Iain Stewart (Milton Keynes South) (Con):** Figures out today show a worrying rise in the number of hate crimes being committed in schools. Does that not underline the vital role that organisations such as the Holocaust Educational Trust have to play in stamping out these abhorrent attitudes?

Damian Hinds: Yes, it does. Before "Never again" comes "Never forget." Every young person should learn about the holocaust, which is why it is the only historic event that is compulsory within the national curriculum. I commend the work of the Holocaust Educational Trust and other such organisations.

Angela Rayner (Ashton-under-Lyne) (Lab): The Secretary of State's predecessor this morning admitted that they were wrong to abolish maintenance grants, that the student finance system is regressive, that variable fees will punish the poorest and that their review is intended to kick the issue into the long grass, rather than make decisions. Apart from that, she is very supportive. But she is right, is she not?

Damian Hinds: We have a system of higher education finance in this country that means unprecedented levels of disadvantaged people can go to university and our universities are properly funded. In October, the Prime Minister said that we would be taking quick action, raising the threshold for repayment and freezing the top fees for the next academic year. It is also right that we have a full review, looking at all aspects of value for money for young people and others going to university, and at the alternatives to university, such as taking a degree apprenticeship, as we discussed earlier.

T5. [903606] **Fiona Bruce (Congleton) (Con):** What consideration are Ministers giving to implementing the Government's commitment to ending the faith-based admissions caps for free schools?

Damian Hinds: I thank my hon. Friend for that important question. I value greatly the contribution that Church and faith schools make to our education system; they are consistently generally high-performing and popular schools. Every child deserves a good school place, which is why the "Schools that work for everyone" consultation set out proposals to enable a wider group of providers, including the Catholic Church, for example, to set up new schools. I am carefully considering the proposals.

T2. [903603] **Mrs Sharon Hodgson (Washington and Sunderland West) (Lab):** Under the Government's current universal credit plans, 1 million children in poverty in working families are expected to no longer be entitled to a free school meal, including 2,800 in Sunderland. Will the Secretary of State comment on why his Department

is not taking this opportunity to ensure that all children in poverty, including those in low-paid working families, receive a free school meal?

Damian Hinds: Quite simply, the proposals will involve more children being eligible for free school meals than under the previous system. We have a short-term arrangement for the very early days of universal credit, which is different, but we estimate that around 50,000 more children will be eligible for free school meals than under the old system.

James Duddridge (Rochford and Southend East) (Con): What is the Department doing to help children with special educational needs on their pathway to adulthood and, where appropriate, into the workforce?

The Parliamentary Under-Secretary of State for Education (Nadhim Zahawi): We have introduced the supported internship programme for young people with complex needs, which is having a significant impact on supporting young people into work.

T3. [903604] **Mr Tanmanjeet Singh Dhese** (Slough) (Lab): Educational institutions in my constituency have lost more than £1.3 million in the past three financial years as a result of the Government's decision to redirect the underspend in the 16-to-19 education budget away from sixth-form students. Can the Minister confirm whether the review of funding of tertiary education that was promised by the Prime Minister will investigate that underspend and look at returning it to schools and colleges?

The Minister for School Standards (Nick Gibb): I will look into the precise issue the hon. Gentleman raises, but let me point out that we are spending record sums of money on education for ages five to 16 and beyond—£41 billion on school funding this year, rising to £42.4 billion next year and £43.5 billion the year after. We can provide those sums only if we have a strong economy providing the tax revenues to fund public services, which we would not have under a Labour Government.

Gordon Henderson (Sittingbourne and Sheppey) (Con): My constituency has one of the highest number of children with special educational needs in Kent. Would the Minister therefore join me in welcoming the news that the Aspire free school, which will cater for 168 young people with autism spectrum disorder, is due to be built next year in my constituency? Would he also join me in congratulating local people who campaigned for many years for such a school and the Grove Park Academies trust, which has taken up the baton to deliver that school?

Nadhim Zahawi: I congratulate everyone involved in campaigning for and setting up the Aspire free school, including the Grove Park Academies trust, which will oversee the development of the new school.

T6. [903607] **Emma Dent Coad** (Kensington) (Lab): In the aftermath of the Grenfell Tower fire, our bereaved community needs its local education services more than ever. I was pleased to see that the proposed merger between Kensington and Chelsea College and Ealing, Hammersmith and West London College has been

halted and that an overdue consultation on the future of Wornington College is to be opened. Will the Secretary of State act to secure the financial future of a community-led college along with a diverse and locally representative board, if that is what the consultation requests?

The Minister for Apprenticeships and Skills (Anne Milton): I was delighted to meet campaigners along with my colleague from DCLG, and I congratulate the Further Education Commissioner on stepping in and having numerous meetings. I know that he is anxious to keep closely in touch with the hon. Lady to make sure that we get the right solution for this precious college—this valuable resource—which has been around for many, many years.

Luke Hall (Thornbury and Yate) (Con): Schools in south Gloucestershire have welcomed the special provision fund, which is providing targeted support for pupils with special educational needs and disabilities. Can the Minister outline any plans he has to continue that fund beyond 2018, so that south Gloucestershire can continue to improve the standard of provision we provide?

Nadhim Zahawi: The Department has allocated £250 million of capital funding over and above the basic need funding to help to build new places at mainstream and special schools and to improve existing places to benefit current and future pupils.

Wera Hobhouse (Bath) (LD): Schools in the most deprived areas of Bath are losing between £25,000 and £75,000 under the new funding deal. What should be cut in those schools: teaching posts or mental health services?

Nick Gibb: No school will see a cut in funding in 2018-19 or 2019-20. Every single school in the country will see an increase in funding of at least half a per cent., and schools that have been historically underfunded in previous Labour Governments will see very significant rises in their school funding.

Chris Skidmore (Kingswood) (Con): My constituent Mahzia Hart was head of an outstanding multi-academy primary trust in Bath and north-east Somerset. In 2015, she resigned following bullying on social media, which resulted in false accusations that were investigated by the National College for Teaching and Leadership and which were subsequently dismissed. In January 2017, Mrs Hart took the National Union of Teachers to court for defamation and successfully won her case. Two months later, however, the NUT was able to refer Mrs Hart to the NCTL again. Will the Minister look into this case and investigate? How is it right that teachers' lives can be made a misery by repeated malicious referrals to the NCTL, particularly by those who have a vested interest?

Nick Gibb: My hon. Friend raises a very important point. The regulation of teachers is a very important function of the National College for Teaching and Leadership. I will look into the issue that he raised, and I am happy to meet with him.

T7. [903609] **Chris Law** (Dundee West) (SNP): Universities Scotland told the Scottish Affairs Committee after the Brexit vote that the Scottish higher education sector could lose out “big time”, while the Royal Society of Edinburgh has called for the reintroduction of the post-study work visa. I welcome its introduction in Edinburgh and Glasgow universities, but can the Minister confirm when he will roll that out across Scotland, or will he ensure that Scotland will be able to tailor its own immigration policy for students?

The Minister for Higher Education (Mr Sam Gyimah): I thank the hon. Gentleman for that question. As my right hon. Friend the Secretary of State made clear, a lot of work is being done on international students by the Migration Advisory Committee. I am happy to consider the issue of Scottish visas specifically and come back to him on it.

Andrea Jenkyns (Morley and Outwood) (Con): Physical education is a crucial part of the school curriculum. Only last week, I visited Westerton Primary School in my constituency, which has been able to secure a minibus to allow children to attend more sport engagements. That is thanks to initiatives that have increased sport funding in schools, such as the primary PE and sport premium. I have seen the benefits of the policies on the ground. Will the Minister reassure the House that the Government will continue to support sport in schools?

Nick Gibb: My hon. Friend is absolutely right, which is why we introduced the school sport premium, a very important initiative. Sport is very important not only for reducing obesity but for ensuring that children can concentrate in lessons.

Mr Speaker: The mention of sport gives me a heaven-sent opportunity to congratulate the inimitable Roger Federer on his latest triumph. He just gets better and better.

T8. [903610] **Dr Rupa Huq** (Ealing Central and Acton) (Lab): Visiting my old school, Notting Hill and Ealing High, which produced not only me but the ex-Conservative MP Angela Rumbold, I found concern, among staff and students, about political imbalance in the new A-level history syllabus. It completely omits the 1945 to '51 Labour Government, asks candidates for Conservative strengths and Labour weaknesses and stops in 1997. By deleting Labour, are they trying to rewrite history?

Nick Gibb: The A-level history syllabus was widely consulted on before it was confirmed, and the actual detail of the exam board content is determined by exam boards themselves, which are independent, so long as they conform to the subject content, which, as I said, was widely consulted upon.

Justin Tomlinson (North Swindon) (Con): With over 30,000 cardiac arrests taking place outside hospitals every year and a disgracefully low survival rate of just 12%, it is no surprise that there is huge public support to make sure that every child is given a half-hour lesson on emergency life-saving skills, so that we can create a generation of life savers. Will the Secretary of State meet me to talk about how we can make that a reality?

Damian Hinds: My hon. Friend has been consistent in campaigning on this issue for a number of years, and I will of course be happy to meet him to discuss his comments.

Emma Hardy (Kingston upon Hull West and Hessle) (Lab): The desperate rush to convert schools into academies does not appear to be matched by any rush to ensure adequate financial oversight and value for money. Will the Secretary of State please investigate why the academy trust United Learning received £150,000 to support Sedgehill School in south London, despite the school remaining maintained and United Learning not even becoming its sponsor?

Nick Gibb: We trust schools to manage their own budgets, and most do so extremely well. We are spending a record amount on schools—£41 billion—and academies are required to publish audited accounts every year, while their financial health is closely monitored by the Education and Skills Funding Agency. I will look at the specific issue the hon. Lady raises, but United Learning is a very successful multi-academy trust that is raising academic standards in schools, including a school in my constituency.

Tom Pursglove (Corby) (Con): I very much welcome the steps the Government are taking to improve the mental wellbeing of school pupils, but does the Secretary of State agree that extracurricular activities such as sport are also vital in ensuring good wellbeing and mental health and that we should promote them at every opportunity?

Damian Hinds: Mental health among our young people is indeed an issue of paramount importance—and something, of course, the Prime Minister has given particular attention to—and the Green Paper is an important indication of the way forward, but my hon. Friend is also right to mention that active lives and sport play a very important part.

Siobhain McDonagh (Mitcham and Morden) (Lab): Not all children arrive at school equal, and those who are homeless and in temporary accommodation have the worst set of circumstances. Mrs Sheridan, a headteacher in my constituency, recently wrote about her pupil Jack, who has become an absentee student since going into temporary accommodation. What does the Minister's Department say to those children in temporary accommodation?

Nadhim Zahawi: We know that moving into temporary accommodation can mean changing schools, which is strongly associated with poorer attainment. We provide schools with extra resources to ensure that all pupils, regardless of their home circumstances, can go as far as their talent and hard work take them, but I will look at the case the hon. Lady mentions.

Henry Smith (Crawley) (Con): I congratulate the Secretary of State on his position, and I do not apportion blame for the problems at Broadfield House in my constituency, which has had school failure after school failure, but can I ask for a meeting to ensure that this facility is back in educational use for the local community as soon as possible?

Damian Hinds: I will of course meet my hon. Friend.

Margaret Greenwood (Wirral West) (Lab): Wirral Metropolitan College failed to secure funds for non-levied apprenticeships from April this year, despite a positive Ofsted report in October 2017, which highlighted the fact that it is a key player in economic and social development in the region. Concern has been expressed about a number of colleges that are currently meeting the needs of employers but have missed out in the procurement process. Will the Minister ask the Education and Skills Funding Agency to look again at the application

from Wirral Met, to ensure that the college can continue to work with employers to deliver vital skills training in Wirral?

Anne Milton: We are looking into how we can ease colleges and independent training providers through this process. I should point out that we received more than 1,000 bids totalling £1.1 billion. There will always be providers who are disappointed, but we will be working with those colleges to smooth the transition and ensure that they can provide the valuable training that will ensure that young people have the skills that they need.

Leaving the EU: Implementation

3.35 pm

Sir William Cash (Stone) (Con) (*Urgent Question*): To ask the Secretary of State for Exiting the European Union if he will make a statement on the Government's proposals for the implementation of their policy on leaving the European Union.

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker): Just this afternoon, the European Union finalised its directives setting out its negotiating position on the implementation period. On Friday, the Secretary of State for Exiting the European Union made a speech setting out the UK Government's position. Formal negotiations on this very issue are therefore due to start this week.

As the Secretary of State said on Friday, we will be seeking a strictly time-limited implementation period to allow a smooth and orderly exit from the European Union. This builds on the Prime Minister's announcement, in her Lancaster House speech in January last year, that there would be a "process of implementation" once the article 50 period ended. It has been supported by businesses both here and in the European Union, which will have to make only one set of changes as we exit the EU. During this period, the UK will be outside the EU. We will have left on 29 March 2019.

This is an absolute necessity. The EU can only legally conclude our future partnership once we are outside it. Such an agreement on the future partnership will require the appropriate legal ratification, which will itself take time. That will need to happen during an implementation period. However, if such a period is to work, both sides must continue to follow the same stable set of laws and rules without compromising the integrity of the single market and the customs union, to which we will maintain access on current terms. Both sides should approach this period in the spirit of our future partnership. That means each side committing itself to taking no action that would undermine the other.

During the implementation period, we will still make our voice heard. We will have to agree on a way of resolving concerns if laws are deemed to run contrary to our interests, and if we have not had our say. We will agree on an appropriate process for this temporary period, so that we have the means to remedy any issues through dialogue as soon as possible. All that will be provided for in the withdrawal agreement that we reach with the EU, which will have the status of a new international treaty between the UK and the EU. We will no longer be formally part of the EU treaties during this period.

As the Secretary of State said on Friday, we have made it clear that during this period we will be able to negotiate and sign our own free trade agreements. Here at home, we have already announced that we will present a withdrawal agreement and implementation Bill, which will provide for domestic implementation of the withdrawal agreement and the implementation period. We have made it clear that as we leave the EU in March 2019, we will repeal the European Communities Act 1972. That will be done through the European Union (Withdrawal)

Bill, which recently received its Third Reading in the House of Commons and will shortly be discussed in the other place.

Mr Speaker: I call Paul Blomfield. [*Interruption.*] But not before we have heard from Sir William. I was simply seeking to build up an air of anticipation of the hon. Member for Sheffield Central (Paul Blomfield).

Sir William Cash: I am deeply grateful, Mr Speaker.

Given the document to which the Minister has just referred, which was issued by the European Union to the United Kingdom about two hours ago, can the Government reconcile their policy of leaving the European Union with their own implementation proposals during the transitional period? Furthermore, will this apply when EU laws are imposed on us when we will have no say in either the European Council or the European Parliament, and when our courts will be obliged to apply European Court case law without having a judge in that Court?

Do the Government intend to make a new EU treaty? How long is the so-called strict time limit? Given that we are leaving the EU, and therefore the customs union and the single market, and ending the provisions relating to freedom of movement, will the Government reject this new EU ultimatum, including the statement that the European Court of Justice will continue to apply to the UK? Will the Minister reject the idea of the enforcement mechanism set out in the document? Will he reject the suggestion that the European *acquis* will apply in relation to the United Kingdom, as well as the notion in the document that European Union law will continue to apply to the UK during the transitional period with direct effect and primacy?

Under these arrangements, we will be required to remain in the customs union and the single market, with all four freedoms, and to continue to comply with EU trade policy. Will the Government reject the assertion about the European Union *acquis*, so that we will not be made subject to supervision and control proceedings under European Union law?

In short, do the Government reject this Council decision as inconsistent with our leaving the EU, which we are entitled to do under EU law itself and article 50 of the Lisbon treaty and which was achieved through the enactment of the arrangements for withdrawal that was supported by 499 Members of this House?

Mr Walker: My hon. Friend is right to draw the House's attention to the fact that Members on both sides of the House have voted to respect the referendum and that the UK should be exiting the EU in accordance with the vote in that referendum. My hon. Friend is a long-standing champion of this issue, and I make it clear that the UK will be leaving the EU on 29 March 2019. We will then have a strictly time-limited implementation period, which will be as short as is practicable—we currently expect it to be in the region of two years.

The answer to my hon. Friend's first question is yes, but we must make sure that we reconcile these issues through the negotiations to come. He would not, I know, expect me to speak on behalf of the EU and its directives today; I am speaking as a Minister of the Crown, and we enter these negotiations seeking the interests of the UK and making sure that we exit the EU in a smooth and orderly way.

Paul Blomfield (Sheffield Central) (Lab): There is a majority in this House that wants a sensible approach to Brexit, so does the Minister agree that it would be right to reach out to that majority instead of letting the European Research Group call the shots? Will he also confirm, as the Chancellor, Business Secretary and Brexit Secretary said in a letter on Friday, that during the transition period, our relations will “continue on current terms”? Will he also confirm, as the Secretary of State told the Brexit Committee on Wednesday, that he does not see the Court of Justice as a red line and that, indeed, any red lines in the negotiations would be “idiotic”? In that vein, do the Government now recognise that it was wrong to rule out a customs union and close relationship with the single market, and does the Minister agree with the Chancellor that our economies should move only “very modestly apart”?

The Government are too distracted by negotiating with their own Back Benchers to focus on the negotiations that matter with the European Union. They are incapable of setting out a clear negotiating position, as Angela Merkel apparently said in Davos at the weekend. Is it not the case that the extraordinary infighting that we have seen again this weekend is the single biggest threat to a Brexit deal that works for Britain?

Mr Walker: I agree with one thing that the hon. Gentleman said: there is a majority in this House that wants a sensible approach to Brexit. We saw that with the passage through this House of the European Union (Withdrawal) Bill, despite the votes of Labour Front Benchers, who voted against a stable and sensible approach with continuity and certainty as we take this process forward.

Of course we need to make sure that we deliver stability and continuity for our businesses, which was why the Government set out from the start, in the Prime Minister’s Lancaster House speech, the approach of having an implementation period. I am happy to update the House on the beginning of talks on that implementation period today, but we will take no lectures from the Opposition’s Front-Bench team, who have a different position on these issues every day of the week.

John Redwood (Wokingham) (Con): Will the Minister confirm that the Government are making good progress on the failsafe option of leaving under World Trade Organisation terms, in case there is not a good agreement on offer? Does he also agree that we are more likely to get a better offer from the EU if it realises that we have the perfectly good option of just leaving?

Mr Walker: My right hon. Friend is right to say that the Government have to prepare for all eventualities, and I am working closely with the Under-Secretary of State for Exiting the European Union, my hon. Friend the Member for Wycombe (Mr Baker) to ensure that we do just that. However, I am also very clear, as is the Government’s policy, that it is in the interests of the UK and the EU that we secure a partnership between us, and the implementation period is a bridge to that future.

Stephen Gethins (North East Fife) (SNP): We are just over a year away from leaving the EU, yet the only thing we can rely on from this Government is chaos. It has

been said in the past that the Scottish National party is the real opposition to this failing Government, but I have to say that we are being given a good run for our money by Tory Back Benchers at the moment. The Scottish Government have published their analysis of what leaving the European Union will mean, and they have done so publicly. When will this Government publish their analysis?

Mr Walker: If the hon. Gentleman is seeking to provide the real opposition, he might want a few more of his colleagues to turn up for debates in this House. Of course the Government will continue to carry out all the analysis and work that are needed to prepare for this process, but we are going to stick to what this House has repeatedly voted for, which is not to publish anything that would be prejudicial to our negotiating position.

Anna Soubry (Broxtowe) (Con): The CBI, which represents thousands of businesses of all sizes and from all sectors across the United Kingdom, called on the Government just over a week ago to put the interests of the economy over and above ideology. Does the Minister agree with that, and if he does, when are the Government going to stand up against the hard Brexiteers, who mainly inhabit these Benches—there are only about 35 of them—and see them off to ensure that we get a sensible Brexit? If we do not do that, we will be sleepwalking into a disastrous Brexit for generations to come.

Mr Walker: I can assure my right hon. Friend that the Government have always put the interests of the economy at the heart of their approach to Brexit. We are seeking a successful negotiation that delivers for the UK economy and our neighbours in the EU, but of course we need to ensure that we are prepared for all eventualities. The implementation period has strong support from a wide range of business groups and we are therefore seeking to deliver that as swiftly as possible by the end of this quarter.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): Does the Minister agree that the flurry of confusion at the weekend reflects the fact that there are genuinely different views about how Britain should leave the EU that were not resolved during the referendum, especially on issues such as the customs union? Given the significance of the customs union for the future of Northern Ireland, for the issues raised by the CBI and for the future of northern and midlands manufacturers, does he agree that the Government should bring forward a proper vote in this Parliament on the customs union, and not just for the transition period but for the long term?

Mr Walker: The right hon. Lady raises some important points, but her party, like mine, stood on a manifesto that said we would have our own independent trade policy and that we would therefore be leaving the customs union and the common external tariff. I know that Labour Front Benchers have already voted to uphold that, so this issue has been decided by the House, and the Prime Minister has shown real leadership in setting out the way forward.

Sir Desmond Swayne (New Forest West) (Con): What negotiations, if any, will continue into the implementation period?

Mr Walker: We have always been very clear that the benefit of the implementation period will be there when both sides have agreed the shape of the future partnership and we can therefore implement that. We will be seeking to establish agreement on the future partnership before March 2019.

Mr Ben Bradshaw (Exeter) (Lab): Given the damage that the chaos in government is already doing to our economy, if the Minister will not accept the way out that has just been offered by my right hon. Friend the Member for Normanton, Pontefract and Castleford (Yvette Cooper), the Chair of the Home Affairs Committee—incidentally, the vote she proposed should be a free vote—why will he not do as the hon. Member for North East Somerset (Mr Rees-Mogg) suggests and extend article 50?

Mr Walker: I do not recall hearing that suggestion from my hon. Friend the Member for North East Somerset (Mr Rees-Mogg). The Prime Minister has set out a clear approach, saying that the UK can benefit from its independent trade policy and pursue global trade in the future. That is what we are seeking to deliver.

Several hon. Members *rose*—

Mr Speaker: Order. Let us hear from the voice of North East Somerset. I call Mr Jacob Rees-Mogg.

Mr Jacob Rees-Mogg (North East Somerset) (Con): How does my hon. Friend square paragraph 4 of the European Union's guidelines, which requires the phase 1 agreement to be respected in full and implemented in legal terms, with the idea that nothing is agreed until everything is agreed?

Mr Walker: We have already set out our desire to reach that legal agreement with the EU on the withdrawal agreement, but it is of course clear from the terms of article 50 that the withdrawal agreement must have regard to the framework for the future relationship, which we are seeking to establish through the negotiations.

Mr Chris Leslie (Nottingham East) (Lab/Co-op): The Minister will have heard some of the anxieties about Britain during a transition becoming a rule taker rather than a rule maker. May I make a constructive suggestion, because there might be consensus around this point? If we want to get a final trade deal done properly, why does he not explore the option of extending the article 50 timeframe, so that we can negotiate while we are still around the table?

Mr Walker: The Prime Minister has been clear that we do not want to be in some form of indefinite purgatory throughout the process. We need to take the opportunities for the UK that come from having an independent trade policy, and we have set out to provide continuity and certainty for our businesses through the implementation period. That continuity and certainty

will be all the greater if we are clear about the future framework by the time we enter the implementation period.

Mr Bernard Jenkin (Harwich and North Essex) (Con): I commend my hon. Friend and, indeed, the Government for refusing to break faith with the British people by insisting that we shall leave on 29 March 2019 and that, at the end of any implementation period, as the Prime Minister told the House on 11 December, the United Kingdom will have full regulatory autonomy and be free to do our own trade deals with third countries.

Mr Walker: I am grateful to my hon. Friend. It is very important that we respect the referendum, which of course Members of this House voted for in huge numbers and then voted to respect. The challenge for the Opposition Front-Bench team is to reconcile its ever-changing positions with that decision.

Kate Hoey (Vauxhall) (Lab): Every Minister and Secretary of State, and even the Prime Minister, when asked, has said that we will leave the common fisheries policy at the end of March 2019. Whatever else is happening in this so-called implementation period, will the Minister please confirm now that we will be leaving the common fisheries policy at the end of March 2019 and that we can then discuss which other countries we want to work with in our waters?

Mr Walker: It is clear that the UK will be leaving the common fisheries policy, but we now need to negotiate the terms of the implementation period. The EU has already set out some of its approaches and argues that we will not be playing a continuing role in some institutions. The logic of that is absolutely there. We will be leaving the common fisheries policy and taking control of our waters.

Antoinette Sandbach (Eddisbury) (Con): In planning for all eventualities, will the Minister confirm that he is looking at the potential benefits and advantages that the European Free Trade Association might provide us with?

Mr Walker: The Government have of course considered that, but the Prime Minister has set out that she does not believe that a Norway option is the right approach for the UK. It is important that we have control of our future trade policy, which is one of the objectives of our EU negotiation process.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): We can argue all we like about the transition period, but it is fundamentally just a plank off a cliff, and we will have no idea where we are going when we walk off the end of it. Does the Minister agree that it is unlikely that a trade agreement would be agreed before we leave and very unlikely that we would have one by the end of the transition period? The real issue is that the Cabinet needs to sort out where on earth it wants this country to go.

Mr Walker: I do not agree with the hon. Gentleman and do not share his pessimism. We start the trade negotiations from the unique position of our having a high degree of convergence with countries and territories

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that have followed the same rules for a long time. We can therefore be very ambitious about the future trade agreement that we can reach with the EU.

Sir Edward Leigh (Gainsborough) (Con): Until recently, I had thought that *The Beano* was a rather silly boys' magazine; I now understand that it refers to "Brexit in name only". Will the Minister confirm that abiding by Brexit in name only is not Government policy, that we will not move modestly apart from Europe, that we are leaving the customs union, the single market and the European Union and that we will have control of our borders?

Mr Walker: I am happy to reiterate to my hon. Friend that the Government's policy is that the UK will be leaving the EU, and that does mean leaving both the single market and the customs union.

Angela Smith (Penistone and Stocksbridge) (Lab): The Minister stated that the Prime Minister does not want us to stay within EFTA and has ruled that option out, but that position is supported by only a few Back Benchers—the 35-plus—on the other side of the House. Will the Government commit to ensuring that the wishes of the majority of this House, which wants to put the national interest first, are listened to so that we get to the right place in 2019?

Mr Walker: Of course the Government's aim throughout this process is to put the national interest first. We have been clear, as was the hon. Lady's own party in its manifesto at the last general election, that the UK will be leaving the European Union, which includes leaving the customs union.

Crispin Blunt (Reigate) (Con): Our partners have made what seems to be an extremely sensible suggestion that the implementation period should end with the budget period, at the end of December 2020. That is about two years—a year and three quarters, to be precise—so why have we been unable to sign up to it so far?

Mr Walker: My hon. Friend raises an interesting point. The negotiations on that issue are about to begin, and there are reasons why we are confident that we will be able to reach agreement by the end of March. We believe that the implementation period should be, as he says, about two years. We look forward to engaging in those negotiations to reach agreement with our EU counterparts.

Tom Brake (Carshalton and Wallington) (LD): Is it not time that the Minister put the Brexit ultras on the Conservative Benches, and indeed some on the Labour Benches, back in their box and pointed out that every single business sector he has met has asked to stay in the customs union, to stay in the single market and to be subject to the European Court of Justice for at least two years? Otherwise those sectors face chaos, with a huge impact on British jobs and British families.

Mr Walker: I do not agree with the right hon. Gentleman's characterisation. He is right that many business sectors have spoken out for an implementation

period, and they share the Prime Minister's vision of an implementation period that is a bridge to our future relationship, but those businesses also regularly speak about the opportunities they see in the UK having its own independent trade policy.

Mr David Jones (Clwyd West) (Con): My hon. Friend has now indicated twice that he anticipates the implementation period will be in the region of two years. Given that uncertainty is the greatest enemy of business confidence, does he not think it would improve business confidence, and indeed assist in the negotiations, if he were to make it absolutely clear that the implementation period will not exceed two years?

Mr Walker: My right hon. Friend speaks with great expertise on these matters. It will be in the interests of the UK and the EU to reach agreement on the exact period of this implementation period as soon as possible, but it is important that we enter this negotiation by trying to give ourselves sufficient flexibility to achieve success.

Stephen Kinnock (Aberavon) (Lab): Paragraph 17 of the directives for the negotiating team states clearly that "any time-limited prolongation of the Union *acquis* requires existing Union regulatory, budgetary, supervisory, judiciary and enforcement instruments and structures to apply, including the competence of the Court of Justice of the European Union."

Will the Minister please explain what exactly will be implemented during the implementation period?

Mr Walker: Very clearly, as the Prime Minister set out, the aim of the implementation period is to implement the future relationship between the UK and the EU and to allow us to put those structures in place for that future relationship. As the hon. Gentleman so often does, he speaks eloquently in this House on behalf of the EU, but we need to make sure that we are negotiating on behalf of the UK.

Jeremy Lefroy (Stafford) (Con): I thank my hon. Friend for his and this Government's reasonable approach. I stress again that the European Free Trade Association does not require membership of either the customs union or the single market, but it does provide an administrative and legal framework that might be useful at least for the implementation period, if not further forward.

Mr Walker: I am grateful for my hon. Friend's point, and I know he takes a great interest in these areas. We believe that both the UK and the EU have set out a different basis for the implementation period, and it is one that can deliver such continuity and certainty, as we have seen in the negotiations.

Paul Flynn (Newport West) (Lab): If the majority of Members of this House vote against the final deal, what will the Government do then?

Mr Walker: It is very clear that this House has already voted for article 50, which means that we are leaving the European Union. What we want to ensure is that we have a good deal that this House will support.

Stephen Hammond (Wimbledon) (Con): The welcome news on Friday that the UK economy grew more strongly in the fourth quarter highlights the importance of the services and financial services sectors to this economy. In response to a question on a previous occasion, the Secretary of State for Exiting the European Union said he accepts that the future of financial services relies on a closely aligned regime of regulatory equivalence and mutual recognition. Does the Minister agree that that is still the policy of the Government?

Mr Walker: I thank my hon. Friend for his question. Of course it is the policy of the Government to achieve a comprehensive free trade agreement with the European Union, building on the strong relationship we have had over the years to ensure we maintain strong market access for our services industry, including financial services. As he will know, the financial services sector is one of the many that has spoken up for this implementation period we are talking about delivering.

Emma Reynolds (Wolverhampton North East) (Lab): The Select Committee on Exiting the European Union visited Dublin last week, and every Minister and indeed politician we met stressed the need to avoid a hard border on the island of Ireland. Last Wednesday, the Secretary of State told our Committee that regulatory alignment, as agreed last year, applies to only six areas. On Thursday, the Irish Government told us that it would apply to 142 areas, as proposed by the British Government. Which is it, six or 142?

Mr Walker: The hon. Lady makes an important point. It has of course been this Government's position from the start of this process that we will not allow a hard border on the island of Ireland; we want to secure that through the future relationship between the UK and the EU. She refers to commitments in the joint report, and of course we want to protect north-south co-operation, wherever it exists, between Northern Ireland and the Republic of Ireland.

Robert Neill (Bromley and Chislehurst) (Con): As well as on the importance of financial services, does the Minister agree that the Government's objective of maintaining and, if possible, maximising and increasing continuing judicial and security co-operation will also require a continuing very close alignment on regulatory matters, not least in relation to data protection and exchange? Will he confirm that that will remain a priority for the Government, more than artificial or ideological considerations?

Mr Walker: My hon. Friend raises an important point. We set out in our data paper the intention to reach a comprehensive deal between the UK and the EU on data, which I believe will be in the interests of both parties. He rightly points to what the Prime Minister has said, which is that our commitment to European security is non-negotiable.

Kate Green (Stretford and Urmston) (Lab): The Minister rightly says that a priority for the Government should be to serve the best interests of this country. So if progress has been made towards negotiating a deal but that negotiation has not been concluded by late this

year, will the Government consider, in the interests of this country, extending the process of negotiation to secure the ideal deal?

Mr Walker: The hon. Lady raises an important point, but we want to make sure that businesses have certainty both about the implementation period and about where they are headed through it. The benefits to businesses of an implementation period will be much greater if they know the shape of the future relationship to which we are headed, so I do not believe that prolonging this discussion will be in the interests of either the UK or the EU.

Mr Peter Bone (Wellingborough) (Con): Will the excellent Minister confirm that in 424 days' time, when we leave the EU and start the implementation period, we will know what our future relationship with the EU will be after the implementation period?

Mr Walker: I am happy to reiterate to my hon. Friend that that is absolutely our objective.

Stephen Timms (East Ham) (Lab): The jurisdiction of the European Court of Justice in the UK will be ended from March 2019 under the European Union (Withdrawal) Bill, but the Prime Minister has made it clear that the ECJ's jurisdiction will continue into the two-year implementation period to follow. Can the Minister therefore confirm that the implementation and withdrawal Bill, which will come forward in due course, will re-impose the jurisdiction of the ECJ on the UK?

Mr Walker: There is a crucial distinction and difference here, in that the action of the ECJ in the UK currently takes place because we are a member state of the EU, and the withdrawal agreement and implementation Bill will implement the agreement between the UK and the EU. That will recognise that the UK is therefore an independent country, adhering to that agreement, which the Prime Minister said should be under the same rules and regulations that we follow now.

Neil O'Brien (Harborough) (Con): Like my constituents, I support Brexit, but does the Minister agree that, given that we have been in the EU for 40 years, it is essential to have an implementation period, so that we can deliver the huge prize of a smooth and orderly Brexit?

Mr Walker: My hon. Friend makes an excellent point, one that has been made by people on all sides of the referendum debate. We respect the decision made by the British people, including his constituents, and we want to make the greatest success of it. A smooth and orderly exit is the best way to achieve that.

Jonathan Edwards (Carmarthen East and Dinefwr) (PC): Earlier this month, the National Assembly for Wales unanimously—this included Tory and UK Independence party Assembly Members—supported a motion from my colleague, Steffan Lewis, calling for a continuity Bill to protect the Welsh constitution from the power grab inherent in the British Government's legislative proposals for implementing the European Union (Withdrawal) Bill. Now that Wales has spoken, will the British Government listen, or are they intent on forcing a constitutional crisis?

Mr Walker: I do not accept the hon. Gentleman's allegations of a power grab. The Government have listened. We have been clear that we will bring forward amendments to clause 11 of the European Union (Withdrawal) Bill, and we are seeking legislative consent for that Bill from each of the devolved Administrations. We need to make the process succeed for every part of the United Kingdom, and we look forward to doing that for Wales, as for every other part of the UK.

Vicky Ford (Chelmsford) (Con): Will the Minister confirm that from a practical point of view we should not be too worried about new EU law during the two-year transition period, because it takes more than two years for new EU laws to be put in place? Also from a practical point of view, will he confirm that we will set up working groups on important technical issues, such as data exchanges, as soon as possible?

Mr Walker: My hon. Friend makes two important points. She is broadly right about the process of making EU laws, of which she has great expertise from her time in the European Parliament. We want to make sure that the UK has the ability to express concerns when it has them and that we have good technical working between us and the EU. I assure my hon. Friend that, as the discussions move forward to focus on the future relationship, we will be doing exactly that.

Mary Creagh (Wakefield) (Lab): I urge the Minister to resist the siren voices from his own Back Benches that are urging him on to the rocks of a WTO-only deal. Is not the real reason for the Cabinet's policy of destructive ambiguity that it is fatally split on ideological grounds? Ministers are putting the unity of the Conservative party before British jobs, the British economy and British public services.

Mr Walker: I completely disagree with the hon. Lady. The Government have set out a clear strategy to deliver for the British economy through this process, and we will deliver on that strategy. I have seen time and again in votes in this House that the greatest split that exists on these issues is between Labour Back Benchers and their own Front Bench team.

Charlie Elphicke (Dover) (Ind): Will the Government make it a red line that no implementation period will begin until a trade agreement with the EU is concluded?

Mr Walker: As I set out in my answer to the urgent question, it is clear that to put in place the agreement on the future relationship, we need to have left the EU. We need to ensure that both parties are able to ratify the agreement, with the UK as an independent territory outside the EU. I agree wholeheartedly with my hon. Friend that, as article 50 itself suggests, the withdrawal agreement should have regard to the future relationship, which it will be in the interests of both parties to secure.

Andy Slaughter (Hammersmith) (Lab): One in five people resident in Hammersmith and Fulham is an EU27 citizen. Along with, I suspect, the 3.5 million-plus others in the UK, they feel confused and misled by what the Government have said about their future in this

country. Will the Minister confirm that people who move to the UK from the EU during the transition period will be eligible to apply for settled status?

Mr Walker: We have of course already confirmed, and agreed through the joint report, that those people who are already in this country—he refers to some in his constituency—are going to be able to stay. They will be able to apply for a new settled status. We are about to enter into the negotiations on the implementation period. We have been clear that people will continue to be able to come to the UK during that period, but they will need to register.

Paul Masterton (East Renfrewshire) (Con): The British people are, in the main, not ideological but practical and pragmatic. They simply want Brexit to work. Will the Minister assure me that the Government's policy will be dictated not by fringe groups, either in this place or outside it, but by the national interest?

Mr Walker: Yes.

Mrs Madeleine Moon (Bridgend) (Lab): Whether among larger employers or small and medium-sized enterprises, it seems to me that there is currently a consensus that the length of time and potentiality of high costs for the UK in breaking into new markets is going to be devastating, with jobs lost. What change is there in the Minister's response? Will he start to listen to the voices of industry, rather than of 35 Tory Back Benchers?

Mr Walker: Right from the start of this process, we have been listening to the voices of industry and to businesses large and small. When the Prime Minister set out the implementation period in her Lancaster House speech last January, she was responding to some of those concerns. I am delighted that we can now move forward to secure the implementation period, which will help businesses in the years to come.

Edward Argar (Charnwood) (Con): Will my hon. Friend confirm that the Lancaster House speech, coupled with the Florence speech, remains the basis of the Government's approach to implementing Brexit and delivering the orderly and smooth Brexit to which we are committed?

Mr Walker: Yes, absolutely.

Helen Goodman (Bishop Auckland) (Lab): On Friday afternoon, yet another north-east businessman came to see me worried about a cliff edge. Will the Minister now, once and for all, see off the middle-aged swivel-eyed men behind him and make it clear that, in the interests of British industry, he will negotiate a transition period in which British industrialists are on a level playing field with European industrialists?

Mr Walker: I am sure that the hon. Lady will join me in welcoming the fact that the Secretary of State delivered his speech on the implementation period, making it clear that we are seeking an implementation period in the north-east of England.

Martin Vickers (Cleethorpes) (Con): The Minister said that, during the implementation period, we will be able to negotiate and sign trade agreements. Will he

confirm that there will be no compromise on that and that it will not be added to the growing list of concessions that the Government have made?

Mr Walker: My hon. Friend tempts me to pre-empt negotiations—as a number of colleagues have. What I say to him is clearly the position that my right hon. Friend the Secretary of State set out, which is that we will be able to sign those trade agreements, but, as the Prime Minister made clear, what we do not want to do is bring into force trade agreements that would conflict with our responsibilities towards the EU during that period. We want to make sure that this is a bridge to Britain's future as a global trading nation.

Chris Elmore (Ogmore) (Lab): Today, the Welsh Secretary for Finance, Mark Drakeford, said that the Government have still not allayed the Welsh Government's fears of a power grab. Will the Minister set out when he expects to get agreement from the devolved Administrations, because if he cannot get a deal from within the UK, what confidence can we have of him getting any sort of agreement from the EU?

Mr Walker: It is in the interests of all parts of the UK to exit the European Union with continuity, certainty and control, which is why I think it was a missed opportunity for his party not to support the European Union (Withdrawal) Bill, but I look forward to seeing that support in the other place. As I said to the hon. Member for Carmarthen East and Dinefwr (Jonathan Edwards), amendments to clause 11 of that Bill will be brought forward in the Lords.

Mr Philip Hollobone (Kettering) (Con): Prior to the referendum, Her Majesty's Treasury forecast near economic collapse, since when the economy has done well, with manufacturing and exports particularly strong. How can my hon. Friend assure my constituents that Her Majesty's Treasury understands the electoral arithmetic of the referendum and will finally get with the programme?

Mr Walker: I can assure my hon. Friend that our Department has been working closely with Her Majesty's Treasury to ensure that we make a success of this process. He rightly points to the robust growth figures that we have seen from the UK economy. What we all need to ensure is that, throughout this process, we continue to support that economy to grow and deliver the public services that we all want to see.

Carol Monaghan (Glasgow North West) (SNP): Will the Minister confirm that the UK will remain a member of Euratom during the transitional period, and if not, will he inform those working in nuclear medicine where they should be sourcing their radioisotopes?

Mr Walker: I refer the hon. Lady to the paper that we published on Euratom and the Nuclear Safeguards Bill, which the Government are bringing forward. It is not responsible to spread scare stories about radioisotopes, and the point has been clearly made a number of times that they are not restricted by the Euratom treaties.

Richard Graham (Gloucester) (Con): Businesses and many others believe strongly in orderly change to our relations with the EU. Will my hon. Friend therefore

confirm that the implementation period arrangements will include continuity of the UK's role in many organisations such as the Association of Southeast Asian Nations where our role is as part of the EU, so giving us time to negotiate future relations with those organisations both before and during the implementation period?

Mr Walker: My hon. Friend, who is an expert on trade issues, raises a very important point about our existing trade agreements. Of course we want to ensure that we roll those over, so that we maintain the best market access with those third countries and other territories and so that the UK can take up wider opportunities in global trade, so as we enter this implementation period, we will seek to secure both of those points.

Wera Hobhouse (Bath) (LD): Is not the decision about the deal and implementation period separate from that of the original referendum? Is it therefore not appropriate always to refer back to the "will of the people" when we are talking about decisions on the implementation and the deal?

Mr Walker: I am a little confused by the hon. Lady's point. I would have thought that her party might support an implementation period, but she appears to be saying that we need another referendum to have one. I do not agree with that argument. It is important that we go ahead with respecting the referendum—a unique democratic exercise in British history, in which millions of people voted—and delivering on it. Part of that can be a successful negotiation on the implementation period.

Henry Smith (Crawley) (Con): The Minister has spoken about an implementation period of around two years after we formally leave the European Union, if there is to be an implementation period. May I further press him to say that it will be less than two years? I would suggest, as others have, new year's eve 2020.

Mr Walker: I hear my hon. Friend's point and I am sure that it will be heard by others on our team. We want this negotiation to secure the stability and certainty that business wants and that will be good for our economy. It is important to enter that negotiation seeking to bring the position of the UK and the European Union—which, indeed, at the moment seems to be closer to my hon. Friend's position—closer together.

Martin Whitfield (East Lothian) (Lab): Given the challenges that the amendment to clause 11 of the European Union (Withdrawal) Bill gave the Government, will the Minister confirm that he is going to have discussions with the devolved authorities in time, so that we do not come across another problem later?

Mr Walker: I can confirm that the communication with the devolved authorities is ongoing. We have discussed the issues of the Lancaster House speech and the Florence speech with them many times already, and I think they will support us in wanting to secure an implementation period that is good for the whole UK.

Nigel Huddleston (Mid Worcestershire) (Con): I think that our constituents would respect all of us in this place a lot more if we stopped making comments about

[Nigel Huddleston]

people being swivel-eyed just because they have firmly held opinions. Does the Minister agree that the purpose of an implementation period is to demonstrate very clearly that we have a realistic grasp of the scale and complexity of the task ahead of us—not to frustrate Brexit, but to reassure the public and business that we want to conduct Brexit in a disciplined and sensible manner?

Mr Walker: My hon. Friend is absolutely right on both points. We want to make a success of this process for the UK economy, UK business and every part of the UK. I think that our constituents expect us to work together across the House and not to be calling each other names during this process.

Stephen Kinnock: On a point of order, Mr Speaker.

Mr Speaker: I will take this point of order now because I understand that it relates to the exchanges that have just taken place. Let's hear it.

Stephen Kinnock: Thank you, Mr Speaker. As you will have heard during this session, I asked the Minister a perfectly reasonable question. Unfortunately, he chose to respond by impugning my motives and questioning my patriotism. I assure him that I speak only in what I see as the national interest and the interests of my constituents. I therefore ask him to retract those comments and apologise, and we will leave it at that.

Mr Speaker: I said that I would hear the hon. Gentleman. The Minister is not under any obligation to respond, although he may if he wants to.

Mr Walker: I am very happy to give a quick response.

Mr Speaker: Quick is good—much to be said for it.

Mr Walker: I did not mean to impugn the hon. Gentleman's motives. I would only point out that he was reading directly from the EU's negotiating guidelines and that today we are, of course, discussing the UK's policy.

Stephen Kinnock: That is not an apology.

Mr Speaker: No, it is not an apology. It is an explanation. But we will leave it there.

Taliban and IS/Daesh Attacks: Afghanistan

4.18 pm

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): (*Urgent Question*): To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on recent Taliban and Daesh attacks on civilians and humanitarian workers in Afghanistan and on the UK Government's response.

The Minister for Asia and the Pacific (Mark Field): I think that Members on both sides of the House will wish to join me in expressing our deepest condolences to all victims of the recent terrorist attacks in Afghanistan and to their families.

As the Foreign Secretary and I have made clear over the weekend, we have been appalled and deeply saddened by the series of ghastly and cowardly outrages over the past 10 days. The UK Government condemn in the strongest possible terms all forms of terrorism, including the recent attacks claimed by both the Taliban and Daesh. To target humanitarian workers and use ambulances to hide explosives is especially heinous, demonstrating the very lowest disregard for humanity. It is unacceptable that the Afghan people continue to suffer such brutal acts of terror. I pay tribute to the brave work of the Afghan National Defence and Security Forces, and the Afghan emergency services. They deserve our recognition for their swift and professional response in the face of these terrorist outrages.

As I said at the UN Security Council in New York just 10 days ago, the UK continues, and will continue, to stand resolute in its support for Afghanistan against terrorism, and supports those responsible being brought to justice. The UK remains committed to working with the Government of Afghanistan and our international partners to bring peace, security and prosperity to the Afghan people.

I need not remind the House that security remains an ongoing challenge in Afghanistan. The Taliban continue to carry out routine attacks across the country. The Daesh affiliate, largely based in the eastern Nangarhar province, has come under sustained pressure from the Afghan National Defence and Security Forces, with support from the US. The UK is playing its part diplomatically and militarily in tackling this real threat. The UK military, working with NATO allies as part of the Resolute Support Mission, will continue to focus its support on the ongoing development and capacity-building of the ANDSF. I saw for myself the hard work we are doing as part of the mission on my visit to Afghanistan last October. Only last week, I discussed the challenging task facing the NATO mission with its charismatic and committed commander, General John Nicholson, when he was in London.

Our support is not just military. At the Brussels conference in 2016, the UK pledged up to £750 million for development in Afghanistan for the period 2017 to 2020. This is aimed at supporting improving health systems and private sector-led growth, boosting education and taking steps to tackle corruption.

Ultimately, however, a political solution to the conflict is the only way to achieve lasting stability in Afghanistan and the wider region. The UK Government strongly

support the efforts being made towards this goal by the Afghan Government and look forward to further progress at next month's meeting of the Kabul Process for Peace and Security Co-operation. Along with the US, we recognise that our ongoing involvement in Afghanistan must be conditions-based rather than time-limited. The long-suffering people of Afghanistan deserve peace, but also our support and assistance.

Stephen Doughty: Thank you for granting this urgent question, Mr Speaker. I thank the Minister for the strength of his statement, the support he has given to the Afghan security services, and his condemnations of these heinous attacks, as he put it. I totally agree.

We used to have regular updates in this House on Afghanistan, yet the last major debate we had was in March last year, and we have had very few statements, particularly in the past year. Since then, as the Minister pointed out, the Taliban, Daesh and others have carried out a series of horrific attacks killing many civilians, Afghan security personnel, and, in the particularly heinous act last week, deliberately attacking humanitarian workers from Save the Children and civilians in Jalalabad, resulting in seven deaths. Our thoughts and prayers must surely be with all those who have lost their lives or been injured.

UK and global attention to events in Afghanistan has significantly waned in the past year despite the significant ongoing UK military presence, with over 500 troops stationed, plus an additional 85 recently added, as well as our diplomatic, development and non-governmental organisation involvement. The recent horrific events suggest that the situation is becoming increasingly violent and volatile. NGO members of ACBAR—the Agency Co-ordinating Body for Afghan Relief and Development—report to me that over the past year there have been 156 attacks on aid workers, resulting in the deaths of 17 aid workers who have been killed while providing this crucial humanitarian assistance. Only today, 11 Afghan soldiers were killed in Kabul. This week, over 100 people were killed and hundreds more injured when an ambulance filled with explosives was detonated in Kabul. Last week, 22 civilians were murdered by the Taliban in an attack on a hotel. We know that 2017 was a record year for civilian casualties. The Taliban are gaining increasing momentum. Nine million people still need humanitarian assistance. Pakistan has been accused by some of a deliberate campaign to force out 600,000 Afghan refugees. There was a litany of serious and horrific attacks during the course of last year.

What will the Government do about the growing culture of impunity for those breaking international humanitarian law that we see not just in Afghanistan but in so many conflicts across the world? What assessment have the Government made of the involvement of elements from Pakistan, Iran and Russia, in differing ways, in the growing unrest, including very serious allegations of arming the Taliban and/or facilitating attacks? What assessment has the Minister made of the strength of the Taliban and Daesh? What steps are we taking at the United Nations Security Council? What consideration have we given to increasing our military, diplomatic and development contributions? What discussions have we had with our NATO and other allied partners?

In the last written statement on Afghanistan, the then Defence Secretary, the right hon. Member for Sevenoaks (Sir Michael Fallon), who I see in the Chamber, said:

“The UK will never forget the sacrifice made by the 456 members of the armed forces who died during operations there. They helped protect our country...and, through our continued support to the mission, we are working to protect their legacy.”—[*Official Report*, 29 June 2017; Vol. 626, c. 19WS.]

I agree. It is completely vital that that that legacy of bravery and sacrifice is protected, for our own and regional security and for the safety and security of the Afghan people.

Mark Field: I thank the hon. Gentleman. He has made a very worthwhile contribution. I very much agree; we have to recognise not only that we work collectively in the region but that the international counter-terrorism network is now so extensive that for us simply to leave Afghanistan is not an option.

While the insurgency remains persistent—the hon. Gentleman catalogued some of the dreadful events of the past 10 days—the Government of Afghanistan remain determined to build a better future for Afghanistan, and there have been some notable successes by the security forces against Taliban forces over the past year. The attacks in Kabul that we have seen over the past 10 days garner, I fear, more international publicity than they would if they were in other parts of the country and reflect the manner in which the ANDSF has depleted the insurgents' capabilities outside the capital city.

I work closely with international partners, not least in the United Nations, as the hon. Gentleman rightly points out. I also believe that regional partnerships are crucial to achieving long-term peace and security. As I say, I spoke 10 days ago in a debate that was initiated by the Kazakhs, who have the presidency this month of the UN Security Council. It was in their interests to talk about the way in which central Asian states can make some genuine and sustainable progress. I welcome the efforts to improve links between Afghanistan and its regional partners in south and central Asia. There is a tendency for us to look upon Afghanistan alongside either Pakistan or Iran without recognising that there are other near neighbours, many of which can play an essential part in improving the long-term future for all Afghans.

Sir Michael Fallon (Sevenoaks) (Con): Does my right hon. Friend agree that the tragic severity of these attacks underlines the threat that these terrorist groups continue to pose to the state of Afghanistan? There would be huge implications for western Europe, and indeed for us, if that very fragile democracy, which we have done so much to sustain, were allowed to collapse, and therefore however grim these attacks are, it is all the more important that Britain and NATO stay the course.

Mark Field: My right hon. Friend has a particular knowledge of not only Afghanistan but Syria, Iraq and elsewhere, and he recognises the interlinked network of criminality and terrorism that is involved. There is no doubt—I very much agree with him—that security remains an ongoing challenge in Afghanistan. The ungoverned space for terrorist groups remains persistent. The Taliban, I fear, remain capable of attack across the country, and in Helmand province they remain the single biggest challenge for the security forces.

[Mark Field]

My right hon. Friend touches on the issue of democracy. We are very keen to see both presidential and parliamentary elections take place over the next 18 months or so in Afghanistan. It is important we have a Government in Afghanistan that is legitimate and widely regarded as such. However, those elections and that progress must be Afghan-led, and we very much hope to see progress towards democracy continuing. As I said, there will be yet another peace conference in Kabul on this issue, which will bring neighbours from the region together. I very much hope we will see steps forward that will take some attention away from the rather woeful headlines of recent days.

Emily Thornberry (Islington South and Finsbury) (Lab): Thank you, Mr Speaker, for granting this urgent question. I thank my hon. Friend the Member for Cardiff South and Penarth (Stephen Doughty) for securing it.

Saturday's attack on Kabul's Chicken Street area was one of horrific savagery and soullessness. To use an ambulance as a weapon of terror against innocent civilians shows—not for the first time—that there are no depths of depravity and evil to which the jihadis will not sink. It is part of a calculated strategy to show that even the best-guarded areas of the country are not safe and to worsen the political instability already gripping Kabul.

In the space of the last week, we have seen similar deadly attacks on the Intercontinental Hotel in Kabul, the Save the Children office in Jalalabad and the Marshal Fahim military academy, otherwise known as “Sandhurst in the sand”. At least 142 innocent people have been killed in total and hundreds more injured. We send our deepest sympathies to all those victims and their families, and we send our solidarity to all the people of Afghanistan.

Let me ask the Minister three questions. First, what are the Government doing to urge President Ghani to reach a settlement with his political opponents, so that all the country's democratic forces can present a united front and stable defences against those who want to destroy this fledgling democracy? Secondly, amid reports that humanitarian agencies are having to review their presence in the country, given the increased threat to their staff, what are the Government doing to support the British aid agencies working in Afghanistan, particularly in improving their security?

Finally, the Minister knows the concern felt all across this House about the Afghan interpreters who have worked with our forces and who face a constant threat from the jihadis. Last month, the Government said that not a single interpreter had been relocated to Britain under the so-called intimidation scheme, and they also said that

“the changing security position...is kept under careful review.”—
[*Official Report*, 12 December 2017; Vol. 633, c. 11WS.]

Given the rapid deterioration of the security position since then, will the Minister advise us what plans he has to bring more of our former interpreters to safety here in Britain?

Mark Field: I thank the right hon. Lady for her thoughtful comments. We obviously very much hope that next month's Kabul peace process will be part of

bringing all sides together, with democracy in mind, in Afghanistan. Having met President Ghani, I have to say that I have been impressed by his resilience in the face of great difficulties. As the right hon. Lady will know, with a national unity Government, there are inevitably ups and downs. Broadly speaking, however, things have held together, and that is to the great credit not just of Ghani, but of all the people who have been playing their part and recognising the importance of this process.

The UK Government remain very committed to a diplomatic presence in Kabul, to support the Afghan Government in their efforts to secure peace and stability. The support the UK provides to the Afghan Government, along with our NATO allies and partners, in improving security, development and governance is in my view crucial to ensuring stability and reducing the terrorist threat to the UK.

If I may, I would like to pay—I am sure the right hon. Lady would join me in paying—the warmest possible tribute to all our courageous staff on the ground in Kabul. As I said, I was there in October, and I realised the great difficulties and the very challenging conditions under which they work. It is very dangerous not just to leave the green zone, but even to live within it. The esprit de corps of our embassy in Kabul—this applies to other high-profile places such as Mogadishu—is something of which all of us here can be incredibly proud.

On the issue of the interpreters, the right hon. Lady will appreciate that I cannot comment on the individual cases that have made it into the press, but I am very happy to say a few words. Our local staff policies were developed having regard to the then Afghan Government's concern to retain their brightest and best citizens to help build a more stable and secure Afghanistan. Afghan local staff who are eligible for the ex gratia scheme but not for relocation are entitled to appeal such a decision, and MOD staff will assist individuals where the Department holds the relevant evidence. If the right hon. Lady or other Members have specific cases that they would like to bring to my attention, my door remains open and I am very happy to take up such cases.

Rightly, this country takes very seriously the cases of those who are putting themselves at grave risk—as grave as, if not more grave than, the risk to our embassy staff abroad—and they should be properly protected. I would obviously be very disturbed to hear if that were not the case. The right hon. Lady will recognise that there is a procedure and a protocol that needs to be gone through on such matters, but if there are specific issues to be raised, I hope she will do so.

Crispin Blunt (Reigate) (Con): I note the Minister's remarks about the threat in and outside Kabul, but what should one make of current reports that the Taliban control 40% to 50% of Afghanistan's 400 districts, which is the most since the NATO intervention in 2001? Will the Minister give us his assessment of the rather surprising resilience of both the Taliban and ISIS in the face of everything we are trying to do to assist the force in Afghanistan in taking them on, and will he also give us his assessment of the resilience of Afghanistan's armed forces in the face of this threat?

Mark Field: Others will have observed that, as I have said, the solution for long-term peace and stability lies not just with the military, but in a broader peace process.

Although my hon. Friend is right to identify the fact that the Taliban have clearly not gone away, equally they have not been able to take any major cities during the past two or three years. That means that large, relatively ungoverned parts and open spaces of Afghanistan may well be under Taliban control, for want of a better phrase, but most of the larger towns and cities are assuredly not.

I can appreciate the concern of my hon. Friend, who has great experience in these matters, that perhaps our efforts in Helmand are perceived as wasted. It is certainly an argument put by some—I am not trying to put words into his mouth, but that is an increasing concern. Without doubt, UK personnel served with great commitment in Afghanistan, and our forces could play an important ongoing role in training the Afghan security forces to help to create the conditions for a more viable state moving forward. My assessment is that Afghanistan remains a dangerous place, but I am optimistic for its longer-term future. It is the view of the UK and our NATO allies that we have to look upon our presence as conditions-based rather than time-based.

Chris Law (Dundee West) (SNP): We are appalled to witness the surge in deadly attacks in Kabul. Such indiscriminate attacks against civilians are a complete violation of human rights and humanitarian laws, and we strongly condemn them. Our thoughts are with all those who are affected. As we have heard, at least 11 soldiers have been killed today in the attack on an army post in Kabul, and just two days ago an ambulance packed with explosives killed more than 100 people in a busy shopping area. Last Wednesday, an attack on the Save the Children office in Jalalabad killed at least five people, while 22 people were killed in a Kabul hotel on 20 January.

Can the Minister set out how precisely the UK Government's counter-Daesh strategy is addressing the situation in Afghanistan? What steps is the UK taking to bring an end to the attacks? Will he tell us what more the UK Government can do to provide humanitarian assistance to those affected? Lastly, what have the UK Government done to provide assistance to humanitarian workers who were affected by the horrific attack on Save the Children?

Mark Field: I thank the hon. Gentleman for his comments. Let me touch on the issue he raised last, that of humanitarian aid and the NGOs on the ground doing incredibly important work in difficult circumstances. Although the UK Government do not pass on information on threats to NGOs or other project partners directly—due to our security rules, we can pass on only what is on the Foreign and Commonwealth Office travel page, although he will appreciate that in many districts there will also be an opportunity for ongoing dialogue—we do require NGOs receiving official development assistance to manage their security, and an assurance process is required as part of that due diligence. He will therefore appreciate that there is a lot of ongoing dialogue, and we remain open to providing assistance to any humanitarian organisation on the ground there that has UK connections or may have UK employees. However, I appreciate that the parents and other relatives of those working out in such difficult circumstances must be increasingly alarmed by what they have seen in the headlines over the past 10 days.

From the UK's perspective, we feel broadly speaking that progress is being made. It is sometimes very slow and painstaking progress, and when such events happen,

particularly in quick succession, one is inclined to think that the Taliban and others have suddenly decided to do what they are doing in part because of the peace process conference taking place in February.

If I may respond to a point that my hon. Friend the Member for Reigate (Crispin Blunt) made earlier, it is our understanding that, according to the Special Inspector General for Afghanistan Reconstruction, only 13 districts are under Taliban control. Although that is still 13 too many, I hope the hon. Member for Dundee West (Chris Law) will recognise that that provides some evidence of progress. However, some of that progress is slow and painstaking, and we have to be patient.

John Redwood (Wokingham) (Con): Is the insurgency in part being reinforced and supplied from outside Afghanistan? What action are the Government and their allies taking to try to tackle that aspect of the crisis?

Mark Field: While I agree that there is clearly some of that taking place from outside groups, my right hon. Friend will recognise that a lot of it is subject to close intelligence that I would not wish to comment on at this stage. He is right to say that we are doing our level best to try to ensure that any assistance to terrorist groups from outsiders is kept to a minimum. However, he will also recognise that, as I have said, there are now, I am afraid, global networks of terrorist groups. The Taliban have received co-operation not just from the Pakistan side but from other sides of the Afghanistan border, and Daesh or so-called Islamic State are a global network and can utilise help from beyond the Afghan borders.

Tom Brake (Carshalton and Wallington) (LD): I join the Minister and others in condemning these senseless attacks, particularly the attack on Save the Children, which has been active in Afghanistan for 42 years. Will he take this opportunity to confirm that the UK will maintain its spending on overseas aid and will not allow it to be diverted to military activities?

Mark Field: As the right hon. Gentleman is well aware—not least because it was his party that, as part of the coalition Government, put this into statute—there are already strict rules about where overseas aid can be utilised through the OECD, and our own legislation makes the whole issue of official development assistance even more complicated. However, I hope that he will recognise that where projects can involve UK aid through the Department for International Development alongside the military, it makes sense to do so. There are strict rules in UK and international legislation that prevent vast sums of money being transferred away from aid, but the reality of the situation, as we all know, is that the proper resurrection of a state such as Afghanistan requires development work on a tremendous scale, much of which will require making the country more secure, and that means co-operation with the military.

John Howell (Henley) (Con): Does my right hon. Friend accept that we have a long way to go to build a better future for Afghanistan given that the vast majority of Afghan refugees who return home have to flee violence again very shortly afterwards?

Mark Field: I very much agree. None of us is under any illusions; there is a long way to go before Afghanistan's Government and people achieve their goal of building a more stable and prosperous country. But we will continue

[*Mark Field*]

to play our part, and not just in terms of expenditure. One of the most important things that our non-combat troops are doing on the ground is working closely to help train some 3,000 Afghan cadets, who are Afghanistan's military leaders of the future.

John Woodcock (Barrow and Furness) (Lab/Co-op): What is the Government's estimate of the number of Daesh operatives who have transferred into Afghanistan from Iraq and Syria, and of those how many do they estimate are British?

Mark Field: The hon. Gentleman will recognise that these are sensitive issues. I will try to reply to him in writing, in as transparent a way as I can. Clearly there is a concern that the porous borders on all sides of Afghanistan are open to Daesh or so-called Islamic State, and obviously there is a risk that some of the many hundreds of UK nationals who have been fighting in Syria and Iraq might find their way to Afghanistan.

Rehman Chishti (Gillingham and Rainham) (Con): My thoughts are very much with the people of Afghanistan. The Minister talked about Pakistan. I chair the all-party parliamentary group on Pakistan. Can he confirm that Pakistan has lost 40,000 civilians and 5,000 military personnel to acts of terrorism by the Taliban? Pakistan has put in place effective border management controls on its side, but it needs co-operation from Afghanistan so that everyone can see where the problem is coming from—from which country to which country. What steps are being taken to work with groups such as the quadrilateral co-ordination group and the tri-ministerial group to help achieve that?

Mark Field: It is entirely fair to point out, not just as a friend of Pakistan, which I regard myself to be, that a huge price has been paid by the Pakistani civilians who have died. However, what has traditionally been a porous border along the Durand line has often been open for terrorist groups to co-operate—I do not think that anyone would deny that. It is also fair to say that the Pakistani authorities are not only aware of that but continue to do their level best to try to ensure that the porous border is corrected.

Let me just clarify, in answer to an earlier question from my hon. Friend the Member for Reigate (Crispin Blunt), that we believe some 13% of Afghan territory is currently under Taliban control.

Paul Flynn (Newport West) (Lab): Although there was universal approval in the House for the invasion of Afghanistan in 2001, by 2006 we had lost five British soldiers in battle and a decision was taken on the firm promise by the Government that no shot would be fired. We went into Helmand and the result was the deaths of 450 of our brave British soldiers. Do we not have to challenge the idea that force always produces peaceful results and have an inquiry into why we went into Helmand in 2006? If we do not understand our past mistakes, are we not in danger of repeating them?

Mark Field: I agree with the hon. Gentleman that essentially, there has only to be a political and diplomatic solution. The military cannot be enough and we recognise

that in our relations with Afghanistan. In fairness, he slightly misquoted Lord Reid in talking about the idea of not firing a shot. That was felt to be an ideal, but we all recognised that by going into Afghanistan we would be in a dangerous place. Anyone who is as keen a student of history as the hon. Gentleman will recognise that Afghanistan has been a difficult place for—I was going to say for a couple of hundred years, but I suspect that it is rather longer than that.

The United Kingdom has an enduring commitment to Afghanistan. We will continue to support the defence forces there to help to prevent it from becoming a safe haven for terror and to keep space open for a politically negotiated solution to the conflict. In truth, whether we like it or not, a safer Afghanistan is the only guarantee of a safer United Kingdom. A peaceful, prosperous Afghanistan is crucial for wider regional stability and the dismantling of global terrorist networks.

Mr Philip Hollobone (Kettering) (Con): There have been attacks on foreigners in hotels, attacks on aid workers and bombs in ambulances. None of that is new, but perhaps the recent attacks in Kabul have taken this to a new level. To what extent should we be concerned that Afghanistan is an incubator for new terrorist techniques that then disseminate around the world's trouble spots?

Mark Field: To be honest, I think it would be somewhat premature to suggest that Afghanistan is somehow an incubator for new terrorist events. Unfortunately, as has been pointed out, humanitarian workers have been targeted, not just in Afghanistan, but in many other parts of the world. We keep an eye open and have as much intelligence on the ground as we can to determine whether there are new terror techniques. Although we all very much hope that my hon. Friend's somewhat apocalyptic claims about new terror are incorrect, we will keep an eagle eye on progress on the ground. When I speak to my counterparts in Afghanistan, I am always struck by the fact that a lot of very good people who have other options, who have spent much of their lives living elsewhere, have returned to Afghanistan because they have a strong commitment to that country. That gives the best possible push not only for peace, but for prosperity and stability in that country.

Mr Geoffrey Robinson (Coventry North West) (Lab): I thank the Minister for his statement. Although it is probably right that our commitment in Afghanistan should be conditions-based and not time-based, it cannot be left to go on forever. Mercifully, no British troops are in combat missions there, and therefore, we shall not add to the 450 combat troops who died when we were engaged in our role there, but evidence from the past few days—13 provinces, or 13% of the territory—shows that the Taliban are still a very potent force. The only solution in the end must come from the Afghans reaching some sort of political accommodation. Is the Minister sure that we will always indefinitely contribute to that?

Mark Field: The hon. Gentleman will recognise that there is a very complex tribal history in Afghanistan. We want the entire process of moving towards democracy and more stability to be Afghan-led and Afghan-owned. He is right: in the long term, the ideal would be that we will not have to have large numbers of troops there. However, as we saw in the past, putting a date on that

simply allowed the Taliban and others to go to ground, as they did for a period of time essentially waiting for the clock to run down. That clearly was not a sensible or viable strategy for Afghanistan or for the safety of us here in the UK. We are a P5 nation in the UN and have a proud record of playing our role on the humanitarian stage, and part of that role is to ensure that we leave a safer Afghanistan going forward. As much as we would all like to think that that moment will come sooner rather than later, even to speculate as to a date would be unwise at this stage.

Jonathan Edwards (Carmarthen East and Dinefwr) (PC): The current US strategy seems to be based on ramping up troop numbers and bombing the insurgents to the negotiating table. What can the British Government do to encourage a more comprehensive strategy based on nation building, including in respect of some of the very valid points the Minister himself has made today?

Mark Field: I am sorry the hon. Gentleman feels that that is the current NATO or US strategy; it simply is not. As I say, the process in Kabul taking place in the coming weeks will try to bring all parties together. There is a sense of commitment to a democratic Afghanistan, with full parliamentary and presidential elections coming in over the next couple of years. All these things do, I fear, take time, though, and we have to be patient. He is right, however, to this very limited extent: clearly, those who would do harm to that process—those who are set on terrorism—are being eliminated, not just by NATO forces but by Afghan security forces. We have seen the dreadful impact on the civilian population in the past 10 days, which makes it very clear that there needs to be an opportunity at least to hold those people properly to account on the battlefield, if they choose to carry out military work. As I say, I am not of the view that we are there simply for a military solution. If there was ever a military solution to Afghanistan, the lessons of history—even relatively recent history—have made it clear that nowadays we need an approach that is very much focused on nation building, and that has to be an Afghan-led and Afghan-owned process.

Contaminated Blood Inquiry

4.52 pm

Diana Johnson (Kingston upon Hull North) (Lab) (*Urgent Question*): To ask the Minister for the Cabinet Office if he will make a statement on progress establishing the inquiry into the contaminated blood scandal.

The Parliamentary Secretary, Cabinet Office (Chloe Smith): The contaminated blood scandal of the '70s and '80s was an appalling tragedy that should never have happened. The victims and their families have endured so much pain and hardship and deserve answers as to how this could have happened. I am grateful to the hon. Member for Kingston upon Hull North (Diana Johnson) for bringing this issue to the House today. I am also grateful for her leadership and for the leadership of right hon. and hon. Members across the House on the all-party group on haemophilia and contaminated blood, which has done such consistent and constructive work on the issue. As she will know, I myself have been part of that group and have worked for my constituents, as I know all right hon. and hon. Members in the House have done.

As the House will know, following the Prime Minister's announcement last July of an inquiry into these terrible events, the Department of Health launched a consultation on what the form and scope of that inquiry should be. I would like to thank all those who contributed to that process. We understand how difficult and painful describing these events must have been. The responses to that consultation were carefully considered by Cabinet Office officials and we listened to victims' concerns. As a result, we confirmed that the inquiry would be statutory and established under the Inquiries Act 2005, and we moved sponsorship for it from the Department of Health to the Cabinet Office.

Before Christmas, we went further and announced that the inquiry would be chaired by a judge. We have asked the Lord Chief Justice to provide us with a nomination, and we hope to announce the name of that judge very soon. Once the appointment has been announced, the Cabinet Office will have early discussions with the chair about setting up the inquiry and will encourage them to quickly hold further consultations with the affected communities over the inquiry's terms of reference.

I would like to add my personal commitment, and that of all my Government colleagues, to seeing this happen. This is a vital issue. We are all fighting on the same side to ensure justice for the victims of this terrible tragedy and scandal.

Diana Johnson: Thank you, Mr Speaker, for granting me the urgent question. I also thank the Minister for her response and, of course, welcome her to her new post. I know that one of her constituents was affected by this scandal and that she understands what the issue is about.

Six and a half months have passed since the announcement of the inquiry. The previous Minister for the Cabinet Office, the right hon. Member for Ashford (Damian Green), set out his intention to appoint a chair before Christmas. That did not happen. We were then promised a statement in the new year, but, after nearly a month, there has been no further progress. It took precious months, and an intervention from the former

[Diana Johnson]

Bishop of Liverpool—and chair of the Hillsborough inquiry—to persuade the Government to move the inquiry from the implicated Department of Health. That was achieved by working with all those affected in a unifying way and it concerns me that the same approach has not been adopted in recent consultative meetings with the Cabinet Office.

Not only have we seen a change of Minister, but we understand from press reports that the senior civil servant responsible for the inquiry is due to leave the Cabinet Office. I therefore have three questions for the Minister. First, will she publish a clear timetable setting out when she intends to appoint a chair and agree the terms of reference and specifying the date on which those conducting the inquiry will meet? Secondly, will she commit herself to a “families first” inquiry, with evidence taken in regional hubs across the United Kingdom and with a public-facing inquiry secretariat working with all those affected? It is essential for the inquiry chair to adopt that approach and to be able to work alongside a panel of experts. Finally, will the Minister confirm that the terms of reference will be set independently by the chair, following a consultation with all those affected, and that they will cover the aftermath of the scandal rather than just the run-up to it?

This is a treatment disaster of huge proportions, in which the Government are implicated. It has already taken the lives of 2,400 people and has blighted the lives of many more. For those who have died in the last six months, justice delayed is justice denied. The lack of progress is causing huge distress and upset to the families affected. The Minister must take immediate steps to secure for this community the truth and the justice that they have been denied for far too long.

Chloe Smith: I have seen a copy of the letter that the hon. Member for Kingston upon Hull North (Diana Johnson) sent you this morning about the urgent question, Mr Speaker, and I have therefore come prepared with responses to the points made in that letter. I hope to be able to deal with them now.

Let me begin by reiterating that we intend to make a further statement about the chair very shortly. I take the hon. Lady’s point that there should be no further delay. The Government are committed to getting this right and to getting it done as quickly as possible, for all the reasons that she has already given.

The hon. Lady suggested that this could have been done more quickly. It was important for the consultation launched by the Department of Health to be allowed to reach its conclusion, so that all who wished to contribute had a chance to do so. As soon as that was complete, an early decision was made to transfer the sponsorship to the Cabinet Office, in line with the strong feeling of respondents. I think it important that we listened and acted accordingly.

Following the written ministerial statements made by the Cabinet Office in November, the Prime Minister made a further statement before Christmas confirming that the inquiry would be judge-led, which reflects the gravity and complexity of the issues to be considered. Again, we listened to the respondents who had asked for it to be judge-led and agreed. We now understand the importance—the absolute, imperative importance—of

getting the inquiry under way as soon as possible, and as I have said, we will make a further statement as soon as possible as well.

The hon. Lady asked about regional hubs and asked whether the inquiry would put families first. The Government will ensure that the inquiry has the resources that it needs to complete its work. It will, of course, also be independent of the Government, which was another theme that featured in her questions. I am therefore not in a position to answer every single one of her questions. It would be for an independent chair to answer all the questions she has asked: for example, her question about the fine detail of the terms of reference. However, given the sensitivity of the issues under consideration, the chair will no doubt be focused on ensuring that all those affected have every opportunity to participate in the inquiry process.

As the hon. Lady mentioned, the former First Secretary of State held a number of meetings with representatives from the affected communities. The Government will of course be more than happy to continue that engagement if it is necessary and, moreover, I am confident that the chair of the inquiry will take that up and want to hear views and testimony from all those affected across the UK.

The hon. Lady asked explicitly about the terms of reference. I expect that the chair will want to consult the affected community on those terms. Once the chair has done so and has made a recommendation to the Minister for the Cabinet Office, there will of course be a further statement to this House setting out what the scope of the inquiry will be.

I reiterate that I want to ensure that those affected get the answers they deserve as quickly as possible and that they receive what many have been asking for. This is a judge-led inquiry that will be independent and, I hope, effective in getting answers.

Mr Philip Hollobone (Kettering) (Con): My hon. Friend the Minister is new in post and has a phenomenal reputation in her previous Departments for getting things done. Will she now take a personal grip on this issue and give it the kick-start it needs?

Chloe Smith: I am grateful to my hon. Friend for some, I think, undeserved compliments, but he is absolutely correct that I do personally wish to see this done. As the hon. Member for Kingston upon Hull North has mentioned, like many other Members, I have constituents affected by this. I think this is a national disgrace and I want to see it put right. I do therefore bring the personal passion that has been asked of me to this and I have pressed my officials to move on this as quickly as we possibly can.

Cat Smith (Lancaster and Fleetwood) (Lab): I thank my hon. Friend the Member for Kingston upon Hull North (Diana Johnson) for raising this important issue and echo the concerns that she and others colleagues in this House have raised.

The victims of this appalling tragedy have been waiting decades for answers and for justice, and it is unacceptable that they are now having to wait even longer as the Government miss their own deadlines. That is simply not good enough. It has been over six and a half months since the Government first committed to an

inquiry into this tragedy. Can the Minister today finally commit to a clear timetable for action, including for the appointment of a chair and setting the terms of reference, because “as soon as possible” is not going to be good enough for the families and victims who are listening to this statement, who have seen the issue kicked into the long grass for too long? Can the Minister also explain why the Government have failed to do so to date?

It is vital that families are put first and that the Government avoid the failings that have plagued the ongoing inquiries into child abuse and Grenfell, with the resulting loss of confidence in both. Will the Minister outline what lessons have been learned from these inquiries and how she intends to ensure that the voices of families and victims are heard throughout the inquiry process?

Chloe Smith: I believe I have already answered those questions in answer to the hon. Member for Kingston upon Hull North, but I reiterate that the Government expect to be able to announce the name of the judge leading this inquiry as soon as possible—very shortly indeed. Mr Speaker, you have already heard me refer to my personal interest in seeing this happen and the same goes for every member of this Government. This is too important an issue to play party politics with, which I am sure the hon. Lady on the Labour Front Bench was not doing. None the less, let me reiterate that I, too, want to see this done for the sake of victims and for the sake of those who have asked that this should be a judge-led inquiry. That means getting it right and taking the necessary time to do this properly—not more time than is necessary, but the right amount of time that is needed. I want there to be confidence that the inquiry will get to the root of the answers.

Rebecca Pow (Taunton Deane) (Con): I welcome the Prime Minister’s decision to set up a full inquiry and allocate a judge. There were 800 responses to the recent consultation, so can the Minister assure me that those people will all get an individual response and that families and victims will always be at the heart of this because they have waited for far too long for answers?

Chloe Smith: I thank my hon. Friend for her impassioned and thoughtful contribution. I would prefer to answer her question about individual responses once the Government have had a chance to discuss the matter with the chair of the inquiry. It is important that that person, once appointed, should be able to properly engage with victims and with those who have responded to the consultation, and indeed to do a small amount of further consultation, including on the terms of reference. That much was made clear in the Prime Minister’s written ministerial statement to the House. I will return to my hon. Friend with a specific answer to her question, but I do expect the chair, once appointed, to take a close interest in properly answering those who have taken the time and effort to respond to the consultation, including those who are quite ill. As I said earlier, we are grateful to them for taking the time to do that, and I certainly want to see them well treated and respected in this process.

Martyn Day (Linlithgow and East Falkirk) (SNP): I thank the hon. Member for Kingston upon Hull North (Diana Johnson) for asking this urgent question and I pay tribute to her work in continually pressing for justice for the victims and families affected by this tragic scandal. As others have pointed out, campaigners were told that the chair of the inquiry would be in place

before Christmas, yet we are still waiting. When will this actually happen? Can we define “shortly”? After finally doing the right thing and taking the inquiry away from the Department of Health, will the Government now ensure that the inquiry looks into all matters, including documents, patient records and things that were altered and hidden? Will they also ensure that anything hidden behind public interest barriers will be opened up, so that light can be shed fully on this whole matter? Lastly, will the inquiry have broad enough terms of reference to allow those in Scotland to give evidence as well?

Chloe Smith: I thank the hon. Gentleman for making those points on behalf of his party. I mentioned earlier that I expect the chair to be able to take evidence all the way around the UK, so I hope that that answers his last question. I also said earlier that the Government will of course ensure that the inquiry has the resources it requires. I will come back to him on the specific list of types of information that he just mentioned. Finally, to be absolutely clear, I am saying to the House today that we expect to be able to announce the name of the judge shortly. I am not able to give it greater definition than that, but I know that that will answer his first question, which others might also put. We expect to be able to announce that name shortly.

John Howell (Henley) (Con): The Cabinet Office taking responsibility for this inquiry is a good thing. Will it also mean that the Department of Health can really be investigated fairly and rigorously?

Chloe Smith: Yes.

Jessica Morden (Newport East) (Lab): Can the Minister reassure families such as the Smiths, who lost their son aged just seven and who have fought tirelessly for justice and answers for decades, that the Government truly mean it when they say that there will be no further delay and that the public inquiry will get it right this time? These families have been through so much and we just cannot let them down again.

Chloe Smith: The hon. Lady speaks for many of us in our roles as constituency MPs. We all feel for those families and we can all relate their experience to other tragedies that we know of in our constituencies. I would very much like the word to go out to the Smith family and others who might be listening that, yes, we mean every word of what we are saying here today and that we all wish to see this inquiry completed with no further delay, as effectively as possible, so that they can get the answers they deserve and perhaps be able to move on from there.

Rachel Maclean (Redditch) (Con): I thank the Minister for reaffirming in the House today her commitment to, and personal interest in, this issue. I also represent a constituent who has been suffering for decades, and I am sure that she will welcome the fact that this is a priority. Will my hon. Friend confirm that it is also a priority for the Government as a whole, including her senior Cabinet colleagues, because I am sure that that message would be very welcome?

Chloe Smith: I most certainly can provide that reassurance to the House. Hon. Members will know from the fact that it was the Prime Minister herself who laid the written ministerial statement that the passion for resolving

[Chloe Smith]

this issue and being able to move an inquiry forward goes right to the top of the Government, as should absolutely be the case. We are all agreed that this is a tragedy that should never have happened, and we are determined to see it put right.

Clive Efford (Eltham) (Lab): I commend my hon. Friend the Member for Kingston upon Hull North (Diana Johnson) for her tenacity in following up this issue. I do not doubt for a minute the Minister's commitment to wanting to see the situation resolved, but she has been sent here today, after the matter had been kicked into the long grass, to tell us that the Government are deliberating what lawnmower to use. The Department of Health's interference in the terms of reference was wholly unwelcome, and if the inquiry is to be independent, the judge leading it must set the parameters regarding what happened prior to the incidents and how people were treated afterwards. The judge must set their own terms of reference.

Chloe Smith: Indeed, and that was why I was unable to answer the question of the hon. Member for Lancaster and Fleetwood (Cat Smith), who asked me to provide the terms of reference to the House or to provide a timetable for when I would do so. The hon. Gentleman is exactly right that it will be for an independent judge to do all those things, and rightly so.

I dispute the hon. Gentleman's analogy about cutting grass—in fact, I think it makes light of the situation. The fact is that we have listened and responded to the concerns of those who thought that the Department of Health was not the correct body to run things. We have listened and responded to those who have said that they would like a judge to lead the inquiry. We are doing the right things in response to what victims have asked for, and while it will take a little time to put all that in place, I hope that the correct answers will be delivered.

Nigel Dodds (Belfast North) (DUP): The Inquiries Act 2005, under which this inquiry will be established, imposes legal obligations on the Government to consult with the devolved Governments. The Minister has recent experience in Northern Ireland, so how will that happen there while there are no Ministers? It is all very well to consult civil servants, but there is a legal obligation to consult Ministers, so I would be grateful if she clarified the situation.

Chloe Smith: I am extremely grateful to the right hon. Gentleman for making that important point. He will have heard me say that the inquiry and the judge who leads it will, of course, want to engage with victims from all over the UK, but it might be simplest if I write to him with the specific legal answer that he seeks regarding how that would be properly carried out in respect of the Northern Ireland Executive and Assembly.

Alison McGovern (Wirral South) (Lab): I pay tribute to my hon. Friend the Member for Kingston upon Hull North (Diana Johnson) for asking this urgent question and to you, Mr Speaker, for granting it. Despite losing their son many years ago, my constituents Maureen and Les Dodd were only able to come and see me thanks to

the intervention of Mr Andy Burnham, the former Member for Leigh. They said that their son, Graeme Jonathan Dodd, was

“courageous, witty, funny and inspirational”.

I know that the Minister will be thinking of all those who have lost someone. Has she read Bishop James Jones's report into the experience of the Hillsborough families? There are many lessons to be learned, so will she ensure that a copy is distributed to all the officials who work on the forthcoming inquiry?

Chloe Smith: I have not yet had a chance to read that report, but I am happy to look at it and to share it with officials.

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): There are nearly 300 sufferers of the scandal in Wales. Given that health is a devolved matter, will the Minister commit to ensuring not only that there is a voice for Welsh families, but that full consideration is given to the aftermath of the inquiry and the implications for health services in Wales?

Chloe Smith: I welcome the fact that the hon. Lady raises that point because, along with the comments of colleagues from Scotland and Northern Ireland, it allows us to begin to get the full picture of what is required across the devolved nations. I do not think that I can speak for the judge in saying how he or she will constitute the inquiry or select those who will conduct the inquiry alongside him or her, so I am unable to answer the question whether there will be a Welsh voice. However, I reiterate that I certainly expect the judge to be able to listen to Welsh victims, and I say that with no hesitation whatsoever, because it is absolutely the right thing to do. As I have said to other colleagues, if it would be helpful, I will be happy to get back to the hon. Lady should there be more detailed questions about the relationship with the devolved nations.

Gordon Marsden (Blackpool South) (Lab): Like the Minister, I have constituents who are affected by this terrible situation. I welcome the letter I received today from the Prime Minister confirming, as the Minister has today, that the families will be consulted on the terms of reference before they are set.

A constituent, whom I had not met before but who had written to me, stopped me in the street back in the autumn and tellingly said, “We have been victims once. We don't want to be victims again because of prevarication or other circumstances.” Will the Minister take that on board and, particularly thinking of my constituent in Blackpool, will she take on board the need, as some have suggested, for regional hubs so that people who either are not able to come to London—or, frankly, are not capable of coming to London—will have a proper opportunity to have their voice heard?

Chloe Smith: I very much sympathise with the hon. Gentleman's point, and I am glad his constituent has been able to have his voice echoed in the Chamber today.

The hon. Gentleman makes his point for many of us. We can all think of constituents who are too ill to travel and have been too ill for too long. It has taken too much time to put this right over the many years since the 1970s and '80s. It is a good thing that it is now being put

right and that there will be a judge-led inquiry. I will ensure that the judge who is appointed hears that reflection from the hon. Gentleman's constituent.

For the benefit of the House, I reiterate what was in the Prime Minister's written ministerial statement:

"We can assure...everyone who contributed that the findings will be passed to the proposed chair to help inform the discussions regarding the draft terms of reference, on which we expect there will be further consultation."—[*Official Report*, 21 December 2017; Vol. 633, c. 63WS.]

I reassure the House that there will be that further level of involvement, which is appropriate and important.

Mr Geoffrey Robinson (Coventry North West) (Lab): Is the Minister aware that this is a matter that affects the whole House? I would not think there is an MP whose constituents have not been affected one way or another. Is she also aware that this goes back to the mid-1970s—as far back as Callaghan's Government and perhaps even Wilson's—and that what is effectively a cover-up has been carried on under all Governments since? This is an all-party issue.

To this Government's credit, we finally have an inquiry that I believe we first called for during the very first Backbench Business Committee debate—you were in the Chair, Mr Speaker. Coming now to the present, having taken this initiative, it is vital that the Minister now sees to it that the inquiry is genuinely independent and that there is no withholding of documents, because the prevailing attitude that we have come up against is of the retention of sensitive documents by both the Department of Health and the NHS itself. No public indemnity certificate or anything of that kind should be used to prevent us from getting at the truth of what happened.

Mr Speaker: I remember that first Backbench Business debate on the matter well, including, if memory serves me correctly, a Government Whip rather impertinently rebuking me for the non-selection of a Government amendment. I do not think he quite realised at the time that we were into new territory. The clue is in the title: Backbench Business. There was no requirement to select a Government amendment, especially a wrecking one.

Chloe Smith: I, too, remember speaking on behalf of my constituents in a Backbench Business Committee debate, as many of us have done.

I thank the hon. Member for Coventry North West (Mr Robinson) for his contribution, and for his recognition that this is a cross-party affair. It has been because of the length of time—decades—it has taken to get to today. I particularly welcome his recognition that the Government are now acting and that they, in his words, deserve credit for doing so.

As I said to the hon. Member for Linlithgow and East Falkirk (Martyn Day), there are certain categories of documents that will be desirable when executing this inquiry. As I said before, the Government will give the inquiry all the resources necessary, so that it can complete its work. We would all wish to see an inquiry that is comprehensive, independent and effective for the families who need answers after too many years.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): I have spoken before about the experiences of my constituent David and others who have been affected

by this tragedy, and this is also of great interest to members of the all-party group on HIV and AIDS, given the number of individuals who were infected by HIV, some of whom of course went on to develop AIDS and to die from it, in a national disgrace. I must press the Minister further: can she say whether we are talking about days, weeks or months until the judge is appointed and the inquiry gets under way?

Chloe Smith: We are talking about this happening very shortly—it certainly will not be months—and I look forward to being able to make an announcement to the House.

David Hanson (Delyn) (Lab): My constituents just want this over, so that they can get their lives back on track. Will the Minister confirm that when she does appoint the judge, they will be working full time on this? Does she anticipate when recommendations will finally be made?

Chloe Smith: Unfortunately, I am not able to answer that question, as I do not have the answer with me today, but I will make sure that either I or the Secretary of State writes to the right hon. Gentleman.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): On behalf of my party, I welcome the Minister to her post. I recognise the constructive nature of her answers. Will she guarantee that groups such as the Haemophilia Society, the Hepatitis C Trust and TaintedBlood will be fully consulted on the contaminated blood inquiry?

Chloe Smith: As I have said, the Government have already committed, through the statement that the Prime Minister made to the House in December, to further consultation with those affected, so that the terms of reference can be set and the chair can commence their work. I certainly expect that that will involve individuals affected—or, indeed, family members—and representative groups.

Catherine West (Hornsey and Wood Green) (Lab): As the Minister is aware, there is a two-tier approach for the families affected. Will she be able to look at the postcode lottery that exists for different people now? As she has said, many people are very ill right now and there are differing patterns across the UK. Will she look at bringing those approaches into alignment, perhaps even in advance of the review?

Chloe Smith: I am grateful to the hon. Lady for that question. I shall pass it to my colleagues in the Department of Health and Social Care who remain responsible for the policy on victims and the funding, as it operates today. The inquiry, about which I am answering today, is about how the situation came about and the more historical nature of things, but I shall ensure that her questions, which are of course in the minds of many hon. Members in relation to constituents who are suffering now, are heard by the Department, as it might be able to provide her with an answer.

Mrs Madeleine Moon (Bridgend) (Lab): The Minister must be tolerant if there is a cynicism about the "shortly". An urgent question asked by my hon. Friend the Member for Kingston upon Hull North (Diana Johnson) brought

[Mrs Madeleine Moon]

us here in July, when we asked urgently for the inquiry to be moved into the orbit of the Cabinet Office, but that took four months to do. We were promised a judge in December, but we are still waiting. Given that we are now at the end of January, does “shortly” mean before the end of February? Can we at least give ourselves some hope that we will not need another urgent question from my hon. Friend to bring us back here again, nagging for a decision?

Chloe Smith: Mr Speaker, I do not think we will need to trouble either you or hon. Members for another urgent question. I do expect us to be able to return promptly to the House with an update—the update that the House rightly asks for and our constituents and the victims of this scandal rightly require. We are working hard and fast so that victims come first and can be served by a judge as quickly as possible.

Andy Slaughter (Hammersmith) (Lab): With respect, the Minister has said nothing to advance this matter today. I have been supporting affected constituents with declining health for eight years, which sounds like a long time but is a fraction of the time that victims have waited for justice. Does she now regret the four-month delay in moving the inquiry from the then Department of Health to the Cabinet Office, which my hon. Friend the Member for Kingston upon Hull North (Diana Johnson) asked for last July?

Chloe Smith: I am not sure that the hon. Gentleman’s tone is helpful. I have endeavoured to answer every question as constructively as I possibly can. I think I have made clear my personal commitment, as well as the Government’s, to ensuring that the matter is brought to a conclusion as quickly as possible for the benefit of the victims, for whom every hon. Member present wishes to speak. The Government have listened and responded by making the inquiry judge-led, which is the right thing to do. They have listened and responded by removing responsibility for the inquiry from the Department of Health and giving it to the Cabinet Office. It has been important to take what little time has been needed to get that right, so that we can have a better inquiry that better responds to what victims have been asking for.

ARMED FORCES (FLEXIBLE WORKING) BILL [LORDS] (PROGRAMME) (NO. 2)

Ordered,

That the Order of 30 October 2017 (Armed Forces (Flexible Working) Bill [Lords] (Programme)) be varied as follows:

1. Paragraphs (4) and (5) of the Order shall be omitted.
2. Proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion two hours after the commencement of proceedings on the Motion for this Order.
3. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion three hours after the commencement of proceedings on the Motion for this Order.—
(Mr Ellwood.)

Armed Forces (Flexible Working) Bill [Lords]

Consideration of Bill, not amended in the Public Bill Committee

New Clause 1

REPORTING OF ARMED FORCES PERSONNEL SERVING PART-TIME

“(1) The Secretary of State must include the number of personnel who are serving part-time in the UK armed forces quarterly service personnel statistics.

(2) The Secretary of State must include the number of personnel who are serving part-time in the UK armed forces biannual diversity statistics.”—(Gerald Jones.)

This new clause would require the number of UK armed forces service personnel working part-time to be reported regularly, and to be included in the UK armed forces biannual diversity statistics.

Brought up, and read the First time.

5.26 pm

Gerald Jones (Merthyr Tydfil and Rhymney) (Lab): I beg to move, That the clause be read a Second time.

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

New clause 2—*Review of level and impact of part-time and geographically restricted working in the armed forces*—

“(1) Within twelve months of section 1 of this Act coming into force, the Secretary of State must commission a review of the impact of measures contained in that section.

(2) The review must consider—

- (a) the number of requests for part-time or geographically restricted working which have been granted,
- (b) the number of requests for part-time or geographically restricted working which have not been granted, and
- (c) the effect of the measures contained within this Act on armed forces recruitment.

(3) The Secretary of State must lay before each House of Parliament the report of the review under this section within three months of its completion.”

This new clause would require a review covering the number of requests for part-time or geographically restricted working that have been accepted and declined and the impact of the Act on armed forces recruitment.

Amendment 1, in clause 3, page 2, line 21, at end insert—

“(3A) Prior to making any regulations under subsection (3), the Secretary of State shall commission an independent evaluation into the impact of part-time and geographically restricted working on recruitment to the armed forces and shall lay the report of the evaluation before each House of Parliament.”

This amendment would require an evaluation of the impact part-time and geographically restricted working has on recruitment to the armed forces.

Gerald Jones: New clause 1 would ensure that the armed forces personnel numbers and diversity statistics are as accurate as possible and that there can be proper scrutiny of the new flexible working measures. It would require that the personnel statistics and the diversity statistics include details of how many personnel work part time. It is vital that there is transparency about the personnel numbers, so that there can be scrutiny, accountability and informed debate.

The recent change in how personnel statistics are reported—moving from monthly to quarterly publication—reduced the opportunities to scrutinise the figures. As I said

in Committee, in their consultation on the change the Government made clear the purpose of reporting the figures. The consultation said:

“The main purpose of these statistics is to measure the performance of the MOD against government and Parliament targets, and also to inform general debate in government, Parliament and the wider public.”

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): I wholeheartedly agree with the approach that my hon. Friend is setting out, and with the new clauses and amendments before the House. He will recall that I have been trying on a monthly basis to get from the Government many statistics on the crucial issue of recruitment, and they have shown some serious gaps in recruitment. Does he agree that it is crucial that we get the figures on part-time working because they are often used to inflate the overall size of a force, particularly the Army. When we hear about the crazy proposed cuts to the Army, we need to have the full facts in front of us.

Gerald Jones: I agree wholeheartedly with my hon. Friend that it is essential to have transparency and clarity on the figures. If the Government do not give the full picture, they are not fully informing the public debate or allowing us to see a true picture of the Ministry of Defence’s performance. Indeed, they are potentially encouraging a debate based on inaccurate information.

The Government have been accused of trying to fiddle the numbers before. Later in my speech, I shall talk about the mystery that is the Government’s armed forces targets. New clause 1 is an opportunity for them to show that they are committed to transparency and clarity when it comes to the size of our armed forces and the ways in which personnel are serving. It would not be right to suggest that the Army, or any of the services, is at a greater strength than it actually is by failing to separate part-time from full-time personnel, so the personnel statistics must include specific details about the number of personnel who are working part time. I appreciate that the new flexible working practices in the Bill will require personnel to deploy on operations should the need arise, but the Government must admit that it may take time to recall personnel, so it will build a clearer picture of our capabilities if we know how many personnel are serving part time.

Let me turn to the biannual diversity statistics. The Government have been clear that one reason for the introduction of this Bill is to improve the number of women in our armed forces. On Second Reading, the former Defence Secretary, the right hon. Member for Sevenoaks (Sir Michael Fallon), said that

“we are committed to see women account for 15% of our new recruits by 2020, and evidence suggests that they see greater opportunities for flexible working in the services as particularly attractive.”—[*Official Report*, 30 October 2017; Vol. 630, c. 624.]

It is good that the Government are taking steps to get to grips with this because, unfortunately, at present, the situation leaves a lot to be desired.

5.30 pm

The latest diversity statistics were not out when we last discussed the Bill, in Committee. Now that they are out, we can see that progress remains slow. In the latest statistics published at the end of November, female representation made up 10.3% of the regular forces,

which represents an increase of just 0.1% in 12 months; and just 3.6% of officers ranking OF-6 to OF-9 are female.

It is disappointing that the Ministry of Defence is now without any female Ministers, especially in the light of the fact that the Department has a very capable female Parliamentary Private Secretary, the hon. Member for Berwick-upon-Tweed (Mrs Trevelyan), with a long-standing interest in defence issues whom the Prime Minister could easily have promoted during the recent reshuffle.

The picture is similarly disappointing for black, Asian and minority ethnic personnel, who now represent 7.5% of the regular forces.

Mr Kevan Jones (North Durham) (Lab): Does my hon. Friend agree that the reason why the female intake is so important is that we have a pretty atrocious record of females getting to senior positions in all three services? If we are to change that, we need young women joining now.

Gerald Jones: My hon. Friend is absolutely correct, and I wholeheartedly agree with him.

This highlights more than ever that active steps need to be taken if we are to reach the targets that are in place. The new advertising campaign for the Army is a good example of that. In spite of the negative reaction in some parts of the press, we welcome this new campaign and think that it is quite right that the Army does not limit its recruitment pool, but looks to get the best people from across society.

Toby Perkins (Chesterfield) (Lab): On the subject of diversity, particularly the number of BAME and African personnel in the Army and the geographical spread among our armed forces, is he as surprised as I was that when I asked a written question about the geographical split in our armed forces—the number from each local authority area and from each constituency—the MOD was unable to provide an answer? Would it not be useful to have those statistics so that each Member of Parliament could take pride in the number of their constituents who were joining our armed forces?

Gerald Jones: My hon. Friend highlights my point that we do need absolute clarity and transparency in the figures, not only on diversity, but across the board.

As I have said, diversity is a strength; it minimises the risk of groupthink. As operations take place in varying locations, a diverse force offers different ways to connect with local populations. If the purpose of the Bill is, in part, to increase the number of female personnel in particular, including through greater retention, why do the Government not see the logic in including information about part-time working in the statistics to show how progress is being made in the numbers of female personnel?

I simply cannot see a good reason for the Government not to adopt new clause 1. The Under-Secretary of State for Defence, the right hon. Member for Bournemouth East (Mr Ellwood), told us in Committee:

“The number of applications...is likely to be low in the early stages, so collating and reporting information on a monthly or biannual basis on the number of regular personnel undertaking new forms of flexible working would not provide significant or beneficial data.”—[*Official Report, Armed Forces (Flexible Working) Public Bill Committee*, 14 November 2017; c. 27.]

[Gerald Jones]

How long does that remain the case? Is there a plan for the Government to bring in reporting when the number of personnel reaches a certain percentage of all personnel? If so, what would that figure be?

Moreover, even if the number of applications is low initially, if there is a data from the initial implementation of the scheme then we could look at trends over time. Of course, the monthly personnel statistics are now quarterly and the diversity statistics are published only once every six months. It does not seem too difficult an ask to include within these statistics the number of those who are serving under the flexible working scheme. Indeed, the Minister told us in Committee how important monitoring would be, saying that

“it will be crucial to ensure that all cases of flexible working are properly recorded and monitored to provide personnel and commanding officers with a record of all the discussions and agreements, so that they can understand the impact and success of the entire process.”—[*Official Report, Armed Forces (Flexible Working) Public Bill Committee*, 14 November 2017; c. 27.]

If there will be a clear record from the outset, why will this not be added to the statistics? It seems that there will be no undue work or additional cost placed on the Department as a result of the new clause. If the Government are confident that this will see a reduction in outflow and even a boost to recruitment, what good reason is there to not include this information?

I hope the Government will see that this new clause is about ensuring transparency and allowing scrutiny and will accept it into the Bill.

Carol Monaghan (Glasgow North West) (SNP): The Scottish National party welcomes the measures in the Bill that aim to address some of the issues around recruitment and retention of personnel. However, we are concerned that they do not go far enough to tackle the crisis. Unless some evaluation of these measures is carried out, we run the risk of this simply becoming a paper exercise.

The most recent figures show that there was a net outflow of 2,740 personnel from the UK regular forces in the 12 months to the end of September 2017. The MOD said that this difference has increased compared with the 12 months to the end of September 2016, when there was a net outflow of 1,930. According to the 2017 armed forces continuous attitude survey, 35% are dissatisfied with service life in general, and the impact of service on family and personal life remains the top reason for leaving.

There are a number of operational pinch points, which are areas of expertise

“where the shortfall in trained strength...is such that it has a measurable, detrimental impact on current, planned or contingent operations”.

Data on operational pinch points are published in the MOD’s annual report and accounts. The latest report shows that the total number of pinch points, as at April 2017, is 30. Broken down by service, there are four pinch points in the Army, relating to logistical roles; 15 pinch points in the Navy, in engineering and specialist warfare; and 11 pinch points in the RAF, in engineering and intelligence roles, with emerging shortfalls in aircrew.

New clause 2, which is in my name, would ensure that a review is carried out allowing Parliament to monitor and evaluate whether the provisions in the Bill are

having a positive impact on recruitment and retention. It would allow Parliament to hold the Government to account, and to monitor whether the measures are addressing the underlying crisis in recruitment and retention.

According to the explanatory notes to the Bill, clause 1(4) will give a commanding officer

“the ability...to vary, suspend or terminate the arrangement in prescribed circumstances, for example: national emergency or some form of manning crisis”.

I do not believe that anyone has a problem with the suspension of the agreement during times of national emergency—we discussed this point on Second Reading and in Committee—but we know that there are long-standing shortages in key areas and that the operational pinch points are increasing. We are concerned that a large number of service personnel will not benefit from the provisions in the Bill. The SNP amendment would allow Parliament to keep a close eye on the uptake of flexible working in the armed forces.

We welcome measures that could have a positive impact on recruitment of women, but it is clear that the Government need to do more to meet their 2020 target. The 2015 strategic defence and security review stated that by 2020 at least 15% of the intake into the UK regular forces would be female. In the 12 months to 31 March 2017, only 9.4% of the total intake was female. With women making up just 10.2% of the armed forces, more effort needs to be put into attracting female applicants. What impact does the Minister think the measures in the Bill will have on recruitment of women to the armed forces? What more do the Government intend to do to meet their target for 2020, because on current statistics we are a long way off?

As I said, the SNP welcomes the measures in this Bill, but we believe that this was the opportunity to do far more for service personnel and their families. Although the Bill aims to tackle some of the issues around dissatisfaction, unless personnel are properly represented among defence policy decision makers, it runs the risk of being a paper exercise. I do not think that any of us in this place want that to be the outcome. Having an armed forces representative body on a statutory footing is the norm in many countries. Recognised representation is a key way that the UK Government could better understand the needs and requirements of our armed forces and their families. If the UK Government are serious about improving the lives of our armed forces, they should look at putting an armed forces representative body on a statutory footing.

Ruth Smeeth (Stoke-on-Trent North) (Lab): May I say how wonderful it is to see you back in your place, Mr Deputy Speaker?

I speak in support of the new clause and the wider provisions in the Bill. We have spoken before in this House about the challenges that we as a country face, and how vital it is that our armed forces have the capabilities that they need to tackle the threats that we are confronted with. Much of that discussion has understandably centred on funding, equipment, and having the right number of platforms. However, it really does not matter how many platforms we have and what their capabilities are if we do not have the skilled service personnel trained and retained in enough numbers to staff them.

We currently face a personnel deficit of 5%, with no fewer than 38 operational pinch points across the three services. Clearly, therefore, recruitment and retention is a real problem, and it is beginning to undermine our ability to deploy. While there are multiple issues that we need to address in this area, we know that flexible working offers the chance to begin to rectify the problem. As I have mentioned previously in this House, 46% of service personnel within the Royal Navy cite the lack of flexible working as a reason why they would consider leaving the military. Conversely, a third of all our armed forces cite flexible working as a reason why they would stay. So there is a very real and genuine demand in our military for provisions of the sort that this Bill brings forward.

However, for flexible working to succeed, it is vital that recruitment numbers increase, so that flexible working is a real option afforded to all service personnel. After all, introducing more flexible working at a time of static recruitment would risk exacerbating the problems we face, as we lack the numbers to fill the gaps, and people will not be able to take the options available. It will be important to monitor how many service personnel are working part-time, to identify and fill potential gaps in capacity, and to assess the effectiveness of this Bill's aims. That is why I welcome my Front Benchers' new clause requiring this information to be included in the armed forces biannual diversity statistics.

While a lack of flexible working is often cited as an obstacle to recruitment and retention, it is by no means the only one. There are challenges to be addressed in all four areas being looked at in the new employment model—pay and allowances, accommodation, terms of service, and training and education. In the case of accommodation, the recent collapse of Carillion—as everyone in this House knows, a major partner in the delivery of appalling service accommodation—means that these conversations are now even more urgent, and reassurance is a necessity.

On the matter of pay and conditions, little will change until we know what the pay review body is going to recommend this year to move us away from the appalling 1% pay cap. We also need certainty about the other terms and conditions offered to our personnel. Future pay rises cannot be funded by cutting tour bonuses or other allowances.

As chair of the all-party parliamentary group on the armed forces covenant, I am profoundly aware of the debt we owe to the men and women of our armed forces. Their commitment to our country is unwavering every day. Our commitment to them, to their families and to their welfare should be unwavering, too. I fear that the message the Government are sending on this front remains mixed. Nevertheless, I welcome the Bill as an attempt to tackle some of the problems we face and a good start on the work of improving recruitment and retention in our armed forces.

5.45 pm

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): May I say at the outset that I fully support the thrust of the Bill? It is before us for the very best of reasons, which I think is recognised in all parts of the House.

I would like, in my brief contribution, to comment on the two new clauses. I am attracted very much by the idea of a breakdown of the stats by either local authority

or constituency areas. That would be extremely useful to all of us as Members of Parliament and would mean we know where we have a shortfall that we ought to be tackling. That is very attractive.

The hon. Member for Glasgow North West (Carol Monaghan) is correct that it is a changing scene. This is only the start of a story, and we need to evaluate where we have got to. That is a wise suggestion.

The hon. Member for Stoke-on-Trent North (Ruth Smeeth)—this sounds a bit like a summing-up speech, which it is not supposed to—displays, as ever, a deep knowledge of the subject, which is to be recognised.

I am sorry to do this again, but I should have reminded the House that my daughter is a serving officer with the armed forces. [HON. MEMBERS Hear, hear!] You are very good to me.

As the hon. Member for Glasgow North West said, it is a moving situation. Mention has been made of accommodation and what the fall of Carillion means for that. We have work to do on the accommodation front. It is a gripe and a source of unhappiness among our armed forces personnel. I merely put down a marker at this stage that there is unfinished business there, but the Bill is worthy, and I applaud the Government for bringing it forward.

Toby Perkins: I support new clause 1, which would allow us to examine how those delivering the recruitment contract will adapt their working practices to promote the new working practices and take advantage of the new recruitment opportunities they present.

It is very important that we hold to account those who are recruiting on behalf of the MOD. There has been significant criticism of the role they have played and their performance so far. There have been a number of amendments to the way they have done that in recent months, which I hope brings about the intended improvements. It would be worth while to examine the way they are delivering on that contract. The intentions behind the Bill are entirely positive and should be supported, as I am glad they are by those on the Labour Front Bench.

I would like to expand on the point that I raised in my intervention about my disappointment and my urging of the Minister to examine how successful we are in recruiting on a geographical basis. Members right across the House take tremendous pride in not only our armed forces generally but their local regiments and the contribution that people in their constituencies make to the armed forces. When I am on the armed forces parliamentary scheme, I am struck by how Members in Northern Ireland want to meet up with the Irish regiments. It is similar for Members in Scotland and for people like me; I have wanted to meet up with those in the Sherwood Foresters—or the Mercian Regiment, as it is now—to recognise the local contact that we have with the armed forces.

Bob Stewart (Beckenham) (Con): It is great to see you back, Mr Deputy Speaker. I thank the hon. Gentleman—my friend—for his speech. The worry for me is that the more we try to recruit locally, the more we realise we have made a mistake in not actually keeping local regiments local. For example, my hon. Friend—in inverted commas—mentioned the Sherwood Foresters, who are

[Bob Stewart]

now part of the Mercians, which covers a big area. People I know would much prefer regiments to be much more local, and local normally means good recruiting.

Toby Perkins: I could not agree more with the hon. Gentleman. I am too much of a traditionalist to call him an hon. Friend in this place, but he knows I call him a friend elsewhere. I agree entirely with what he says about the importance of locality. We could have a wider debate about whether the Sherwood Foresters should have been put into the Mercian Regiment. When I was on the armed forces parliamentary scheme, we talked about our local regiments, and it became clear that the Mercian Regiment is considered to be the local regiment for people over an incredibly diverse geographical split.

All the more reason, therefore, where information about the original home address of all the new recruits clearly exists, for that information to be made available. That would enable MPs to be part of the programme of trying to drive recruitment and to take pride in the level of recruitment in their area. Just imagine, if we had three MPs all within a few recruits of each other as we approached the end of the year, how much we could be driving such a programme. It would be a real force for good.

If geographical challenges were thrown up in relation to communities—religious or race communities—or areas where the Navy or the Air Force particularly recruit, and the figures were available to all of us, it would put positive pressure on the Government to take action on such things. We talk about diversity, and it seems to me that this is one of the ways in which we could drive it. To sum up, I would be very interested if the Minister would consider the idea of making the information that currently exists publicly available.

Mr Kevan Jones: As I said in Committee, I broadly welcome the proposals. At the top of the armed forces and obviously at ministerial level, there is a recognition that society is changing and that if we are not only to attract people to the armed forces but to retain them, we need flexibility in the way in which they are employed.

The new clause moved by my hon. Friend the Member for Merthyr Tydfil and Rhymney (Gerald Jones) is very clear, and I cannot understand what the objection to it could be. We need to ensure that one of the main aims of flexible working is to attract more women into our armed forces, but without being able to monitor that through the Department producing reports, I am not sure how we can gauge whether it is a success. The Minister may say that we could rely on tabling parliamentary questions, but I have to say that the quality of the answers from the Department recently has not been great, and it takes two or three attempts to elicit any answers. I do not see anything wrong with how the new clause is structured. It is a matter of making sure that we monitor what is going on.

The same applies to the new clause tabled by the hon. Member for Glasgow North West (Carol Monaghan). The other side of this issue is about knowing why part-time or flexible working is refused. In other workplaces, people refused this type of thing have a course of redress. It is important to be able not only to see whether

flexible working proposals are being used, but the reasons why they are not being implemented, which could lead to a lot of dissatisfaction. It will be important to have some oversight to ensure that we know if, for example, people leave because at a certain level in the Army or other armed service they decide that they do not like it.

On the broader issue of armed forces recruitment, my hon. Friend the Member for Chesterfield (Toby Perkins) raised some interesting points. We are failing on recruitment, and the MOD is now reverting to the usual answer, which is to say, “The reason why we are not attracting people is the economic upturn and we are in a very competitive environment.” That is an old chestnut, and I think I even used it on some occasions when I was a Minister. I am sorry, but that is not the reason. The fundamental issue is that the privatisation model used for recruitment has failed and, as was mentioned earlier, it has also broken the link to local areas.

My hon. Friend the Member for Stoke-on-Trent North (Ruth Smeeth) raised the important point that flexible working is part of a bigger package, which is not only about career opportunities for individuals, but about accommodation. In Committee and when we debated the Bill previously, the Minister talked about the future accommodation model. I must say that he is going to have to get on with it, because anyone who reads today’s National Audit Office report on Annington Homes will find that it does not make for very pretty reading. This was one of the worst decisions ever taken by—I have to say—a Conservative Government in 1996, and the legacy it leaves for not just this Government but future Governments is quite frightening.

Ministers think that the future accommodation model is the way out, and I hope it is, but it will have to be done creatively. To look at one statistic alone in the report, if the discount the MOD currently gets is reduced from 58% to 38% when it comes up for renegotiation in 2021, that will cost the MOD and the taxpayer an additional £84 million from a budget that is already very restricted. There will have to be some very creative thinking about how to extract the Government from that contract, but it should not be done at the expense of servicemen and women who rely on accommodation as part of their package. As I said in Committee and the last time we discussed this in the House, I am not opposed to a new accommodation model, but there are two issues: one is that it will take time to introduce; and the other is that it will cost money.

I do not know whether the issue of accommodation will be a priority in the current MOD review, but I ask Ministers to consider it an important part. As my hon. Friend the Member for Stoke-on-Trent North rightly said, we concentrate a lot on equipment and it is quite right that we should have the equipment that people need. However, we can have all the equipment in the world, but if we do not have skilled, highly trained personnel behind the equipment—if we do not retain people and keep them, and more importantly their families, happy—we are not going to be successful.

To finish, I would urge that personnel are seen as an important integral part of our defence effort, and nothing should detract from that. The Government have created their own mess with the budget for it. I wish them and the Defence Secretary well in trying to sort this out and in pleading for more money from the Treasury. The current

Chancellor was the Defence Secretary when some of these decisions—chickens that are now coming home to roost—were taken. At the end of the day, these are the people we rely on to keep us safe, and the men and women of our armed forces and their families are the ones we should always bear in mind.

The Parliamentary Under-Secretary of State for Defence (Mr Tobias Ellwood): It is a pleasure to be in the Chamber for the Report stage of the Armed Forces (Flexible Working) Bill and to see again right hon. and hon. Friends and colleagues who have been on this journey from the very beginning. I have listened carefully to those speaking in support of new clauses 1 and 2 and amendment 1, which I will come on to specifically in a moment. Lots of views have been put forward that are technically beyond the scope of a Report stage, but that does not prevent hon. Members from raising such points, which are all valid. It reflects the House's commitment to understanding and indeed scrutinising defence matters as a whole, as well as matters being considered on Report.

There has been much talk about recruitment on a geographical basis and understanding the numbers. I am pleased to be joined on the Front Bench by my right hon. Friend the Minister for the Armed Forces, who is responsible for this issue and is looking at it very carefully indeed. I say this as a former infantryman. The history of our armed forces—indeed, the Army—across Britain varies depending on whether the unit in question is a corps, a service, or indeed an infantry regiment. There are some huge and wonderful geographical connections, including with my own regiment, the Royal Green Jackets, going back to the Rifles and the Ox and Bucks regiment and so forth. Then there is the RAF and the Royal Navy, which recruit nationally.

6 pm

We will listen carefully to what people say. There is an interest in understanding what goes on in each constituency. I very much hope that hon. Members will take advantage of the forthcoming Armed Forces Day to make sure that their constituency and local authority can promote and recognise what our armed forces do in this country.

Much was also said about the membership of the Front-Bench team. The Minister for the Armed Forces asked how many Ministers there had been from Labour, going back over its entire history, in Defence and indeed how many there had been in No.10. We can both play that game, but we are all here for the right reasons.

Pay was also mentioned, as it is regularly on these occasions. We have made it clear that the 1% pay freeze has been lifted by the Chief Secretary to the Treasury. It is up to the Armed Forces Pay Review Body to do its due diligence and to make its recommendations, which will be coming our way shortly.

On targets for women and ethnic minorities, we absolutely need to work on this, and that is partly why we have an armed forces people programme to recognise exactly the challenge we face. We want to achieve the percentage changes we are aiming for, which is why these changes are being introduced. I hope the House would agree that one of our success stories across the armed forces is recruitment and retention and the work done by our cadets, of which there are now 126,000 across the country. That number is growing, and it is growing in key areas. These are people who have already bought into and understand what the armed forces ethos is all about. Whether they

go on to become reservists or regular members of the armed forces, they buy into the importance of supporting those in uniform, which is very important indeed.

Jim Shannon (Strangford) (DUP): I apologise that I was not here at the crack of the Minister's speech. As he and other hon. Members will know, the cadet force plays a significant cross-community role in Northern Ireland, in both the nationalist and the Unionist communities, and the force has grown. I am proud to be the spokesperson for the cadet forces in Northern Ireland in this House, and I would reiterate what he has said. What happens in Northern Ireland helps us to move forward as a country.

Mr Ellwood: My hon. Friend, if I may call him that, makes an important point. I had the opportunity to visit Belfast recently for Remembrance Day, which was very moving indeed, and I know that the Minister for the Armed Forces is to visit Belfast shortly.

Let me turn to the group of new clauses and amendments we are debating. I welcome the opportunity to speak again about whether there is benefit to imposing a statutory requirement to evaluate and report on the impact of the new flexible options on the armed forces. The size and strength of our armed forces is of course important. It has been a recurring theme in recent debates, most recently in Westminster Hall. I congratulate my hon. Friend the Member for Aldershot (Leo Docherty) on securing that important debate, and I pay tribute to all who contributed. The Minister for the Armed Forces said in that debate that we must do everything we can to persuade our young people that the armed forces remain a great place to work.

Recruitment remains a challenge for the armed forces, as has been reiterated today. We face strong competition from other employers. We acknowledge that, but we also acknowledge that we can do more to encourage our people to stay, so that we do not lose their valuable skills and experience. That is why we are responding with a range of short and long-term initiatives to ensure that the offer of a career in the armed forces remains competitive. This Bill will help by enabling us to make the changes necessary to enable our armed forces to work flexibly, reflecting the realities of modern life.

The amendments and new clauses in this group revisit the theme of placing various obligations on the Ministry of Defence to publish reports on the effects of flexible working measures on the armed forces. These measures involve a major change of approach to the terms under which some of our brave armed forces serve this country and are an important part of how we modernise our armed forces. The changes are as important as some of the other modernising steps taken in recent years, such as our change in policy on homosexuality, introduced in 2000, and our decision in 2016 to allow women to serve in close combat roles. The measures we are considering are another positive step in the right direction and are aimed at making serving in the armed forces a more attractive proposition, both for those who already serve and those considering serving.

What we propose in this Bill lies at the heart of our armed forces covenant. For that reason, Earl Howe committed during the Bill's passage through the other place to report on the impact of the new measures in future armed forces covenant annual reports. I commend this to hon. Members as an appropriate place for reporting

[Mr Ellwood]

on the impact of the new measures. Indeed, the latest report, published in late December 2017, trailed the introduction of the measures in this Bill. In debates and in the information we have published, we have been clear that the introduction of these measures is not a silver bullet that will instantly resolve the recruitment and retention challenge that we face—and that the hon. Gentleman who is about to intervene has raised.

Mr Kevan Jones: The publication of that information is obviously a welcome step. The Minister says that the report will talk about progress, but will it produce the statistics or, more importantly, the numbers declined and the reasons for that, as would be required under new clause 2? If the good intentions behind this Bill are not followed through, we could have people declined flexible working, which could lead to more disenchantment rather than success.

Mr Ellwood: If I may, I will come to how we recognise and acknowledge the impact of the Bill, which I think will answer the hon. Gentleman's question.

We believe that these measures, along with a range of others that the Department is introducing, will impact on recruitment and retention, not immediately but in the longer term. We should also be clear that we are competing with other, wider societal factors that are affecting our ability to recruit and retain, such as record youth employment and a smaller number of 16 to 24-year-olds entering the workforce over the next few years. This is an ongoing journey of change, which will be undertaken at a steady rather than a high-speed pace, against a background of continuing societal change. However, we fully recognise the importance of maintaining effective metrics following the introduction of these measures, to enable us to judge how well they are working and whether we need to make other changes.

Kevin Foster (Torbay) (Con): The Minister is rightly dwelling on how these measures could help with recruitment in other areas, but this is also about looking at capabilities, particularly in cyber. The Bill provides a different opportunity for people to serve and bring skills into the armed forces that we may need in the new online space.

Mr Ellwood: My hon. Friend makes an important point, which I will perhaps touch on in more detail on Third Reading, when we come to it. It is important to recognise that the conduct of wars is changing. The type of people we need to recruit is also changing, and he gives an excellent example of the need for us to improve our cyber-capability. A great example of that is not necessarily to train in-house, but to recognise that there are high-end skills in the civilian sector that we can introduce through greater use of reservists.

Mr Kevan Jones: Let me ask a clear question: what is the resistance to producing these statistics? The Minister talks about a matrix, whatever that means in civil service-speak, but this is a pretty straightforward question.

Mr Ellwood: It is a straightforward question, and I did tell the hon. Gentleman that I would get to it shortly. I then gave way to another Member and he

asked me the same question again. If I can make a little progress, before he asks me a third time, I am sure we will get to where we want to be.

We absolutely recognise the importance of keeping the effect of these changes under continuous review, in terms of the benefits to our personnel and the impact on recruitment, retention and diversity. I remind hon. Members that the overall number of personnel taking up the new opportunities will initially be small and that flexible working is but one of several initiatives aimed at improving recruitment and retention in the longer term. It would therefore be extremely difficult to isolate the impact on recruitment and retention that is due solely to the Bill. Introducing a system of measurement would be difficult and would delay what we are trying to achieve.

Mr Kevan Jones: That is complete and utter nonsense. I accept that the numbers might be smaller as the system gets going, but surely there must be a way of logging this. I do not know why the Ministry is so opposed to producing these statistics. Clearly, in the early days, it could say that the system was bedding in. The Minister is going to get freedom of information requests and parliamentary questions about this, so he might as well produce the information.

Mr Ellwood: I fear that unless I say something to win the hon. Gentleman over, we might go around this merry-go-round many times. I will certainly look at this, but in Australia and other countries that have successfully gone down this road, the initial take-up has been so small that introducing a measurement system would delay the initiative's introduction, and the numbers will be so small that it would be difficult to determine whether the effect is the result of the initiative or others that are being introduced. To discourage him from intervening again in two minutes, let me say that I will be more than happy to look at this and discuss it with him in the future.

The Ministry of Defence meets its obligations under the public sector equality duty to provide information on the workforce in relation to the protected characteristics identified by the Equality Act 2010, through the disclosure of information relating to the gender, ethnicity, nationality, religion and age of personnel. Our new UK armed forces quarterly service personnel statistics will, like the monthly publications they replace, provide detailed information and analysis on the number of service personnel by strength, intake and outflow, and detail is provided for both the full-time armed forces and the reserves. The number of people who take up the new arrangements will be significant to us, because obviously they are the people we want to retain, but it will be modest at first—somewhere between 0.5% and 1% of the armed forces. We therefore judge that collating and reporting information on a cohort of such a size would not provide significant or beneficial data, particularly in the early stages.

Mr Jones *rose*—

Mr Ellwood: Before the hon. Gentleman intervenes again, let me say that as the system grows and develops, I will certainly consider whether introducing such a thing would be worthwhile.

The principal long-term aim of the Bill is that we attract, recruit and retain people from a more diverse cross-section of society with the knowledge, skills and experience that we need to deliver operational capability. Let me be clear that we will not see results overnight. We are proposing good, positive steps in the right direction, but this is one of several proactive initiatives that we are introducing as part of an ongoing journey of change. We need to modernise our armed forces if we are to attract and retain the right mix of people and skills, which is why we are introducing these measures alongside others, collectively managed under the armed forces people programme. That programme includes the future accommodation model, which has been touched on, and the enterprise approach.

The MOD has been transparent about the challenging recruitment and retention climate in which we are operating. British society is changing and, if we are to compete in the jobs market, so must defence. Shortages in our traditional recruiting grounds and record youth employment mean that we must modernise and make our offer more attractive to those who are already serving and those we want to recruit. These measures will benefit a small but significant cohort, such as women and men starting a family, those with caring commitments and those who wish to undertake long-term studies. We have a good body of evidence on the demand for such ways of working that has been derived from external reports, internal surveys and focus groups. Our ongoing flexible duties trial shows that providing our people with modern choices will help us to retain highly skilled personnel who might otherwise leave.

I should reassure hon. Members that intake and strength by rank, trade and specialisation are regularly monitored and managed at service level and centrally by the MOD. Commissioning an external body to evaluate the early impact of the flexible working measures would serve only to delay their introduction in 2019.

6.15 pm

Stewart Malcolm McDonald (Glasgow South) (SNP)
rose—

Mr Ellwood: I welcome the hon. Gentleman to the Chamber.

Stewart Malcolm McDonald: I remember the Minister bringing the Second Reading debate to a conclusion 40 minutes early. I just want to touch on what he said about looking at evidence. The 2015 peer review body highlighted in its evidence that people sometimes join the forces to get skills before moving on to better-paid jobs elsewhere. One of the ways around that would be to give them a decent pay rise. Will he commit to that?

Mr Ellwood: If the hon. Gentleman had been here at the start of the debate, he would have heard me say that a pay rise is being considered by the Armed Forces Pay Review Body. The 1% pay freeze has been lifted, which is good news, and we look forward to the recommendations that will be made in March.

The MOD already gathers evidence on the impact that new forms of flexible working will have on our people. We think that that will provide more value than any evaluation from an independent contractor. We do not need to introduce more evaluation, further levels of statistics or additional reporting. It remains our view

that imposing new statutory obligations would be unnecessarily costly, delay the introduction of the new measures and benefits for our people, and add little value to what we are trying to achieve. As I have said, we recognise the importance of keeping the effects of these changes under continuous review, in terms of the benefits to personnel and the impact on recruitment and retention.

Mr Kevan Jones *rose—*

Mr Ellwood: I give way to the hon. Gentleman for a fourth time.

Mr Jones: If after one year the Minister gets a parliamentary question or an FOI request on this, how will he respond?

Mr Ellwood: If the hon. Gentleman asks the parliamentary question or makes the FOI request, I will respond.

I said earlier that the introduction of the new flexible working opportunities falls firmly within the scope of the armed forces covenant, which I think the whole House can be proud of. I assure the House that we will monitor the introduction of the new measures during the first year of implementation from 2019, and report on the impact in future armed forces covenant reports. Given the reassurances that I have offered, I hope that the hon. Member for Merthyr Tydfil and Rhymney (Gerald Jones) will withdraw new clause 1.

Gerald Jones: I thank the Minister for his response. We tabled the new clause largely for probing reasons. If he will not accept it, I hope that he will reflect on our debate and that the Government will publish the information available. I do not think that arguments about cost and delay stand up when the evidence is already there and no additional work would be required. However, I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

Third Reading

6.19 pm

Mr Ellwood: I beg to move, That the Bill be now read the Third Time.

As the Secretary of State and the Prime Minister have said, we have the best armed forces in the world, as I believe is illustrated by their standards, commitment, training and actions. We need only look at what they have achieved in defeating Daesh in Syria and Iraq, at the training they are providing with troop-contributing nations in Somalia and at the humanitarian support they provided in the Caribbean last summer. They help to define our international reputation and how we are seen across the world. That crucial hard power sits behind the soft power that we utilise so well, so we equip our armed forces well and train them well, but their professionalism comes from our ability to recruit and retain the best.

The work of our armed forces in defending our shores and interests, and in working with our allies, is all the more important to provide capable, visible and enduring hard power, given the more dangerous chapter that the world is experiencing, as is illustrated by various threats to the international rules-based order that we helped to create after the second world war. As I said on

[Mr Ellwood]

Report, the conduct of war has changed as technology and tactics have advanced. We ask different things of our armed forces—our soldiers, sailors and air personnel—than we did even just a decade ago.

The Bill completes its passage through Parliament much as it started its journey last year. That is testimony to the wide support given to the new flexible working arrangements here and the other place, where the Government agreed that any regulations made under the new provisions that the Bill will insert into the Armed Forces Act 2006 will be subject to the affirmative procedure. It shows, too, the willingness to ensure that we all do what is right for our armed forces.

I am very grateful for the positive engagement and support from hon. Members on both sides of the House. I thank the Public Bill Committee for its excellent work in thoroughly examining the Bill and how it will support our armed forces. I also thank its Chair, my hon. Friend the Member for Mid Bedfordshire (Ms Dorries), for keeping all members of the Committee in good order.

I particularly thank the hon. Member for Merthyr Tydfil and Rhymney (Gerald Jones) for his involvement in Committee and his careful probing of the Bill. Of course, I thank the hon. Member for North Durham (Mr Jones), who has a long history of involvement—as well as interventions—for his positive contributions at the Bill's various stages. I also thank the hon. Member for Glasgow North West (Carol Monaghan) for her interest in and concern about the Bill.

We all recognise the challenges that we face in recruiting and retaining our people. The Bill is a small but important step towards improving opportunities for our armed forces. I make it clear, as I said on Report, that it will not lead to sweeping changes, but it is the right thing to do. It will help to modernise our approach and make us more competitive in the jobs market. We believe that the Bill will help in the long term, and improve recruitment and retention.

While the new measures will be made available to all regular service personnel, we believe that they will be particularly attractive to women and those with caring responsibilities. We hope that the Bill will make a difference by providing our people with an alternative to having to choose to leave the service that they love. It will make a difference to our success in helping to keep the skills, knowledge and experience that we need in defence.

We have made it clear throughout the Bill's passage that operational capability is our red line and that this is not about creating a part-time armed forces or, indeed, saving money. The vast majority of our people will remain in full-time regular service. The Bill has the support of the service chiefs and, more importantly, of the services and the families federations. We are immensely proud of the achievements of our armed forces. They work hard for us and we owe them and their families a great deal. This flexible working Bill will provide our servicemen and women with an opportunity for some respite from their full-time commitment when they need it most. The Bill is for them.

I will end on a personal note by saying what impact I think the Bill will have on our armed forces. In the history of our armed forces, seismic moments have changed things for good or bad, and for ill or positive.

They have changed the conduct of war. Going back to Agincourt, for example, the introduction of the longbow changed how war moved forward, as did the introduction of the tank at the battle of Cambrai. The introduction of the first aircraft carrier—HMS *Hermes*—in 1919 was another critical moment for our armed forces. However, with less fanfare, I believe that this Bill, which I hope will gain Royal Assent, will make its mark by changing the way in which our armed forces are perceived and our ability to retain important people in them. It sits next to two other major changes—they will not be as big as those procurement changes that I mentioned—with the opening up of all roles to women in our armed forces and the change on rules regarding homosexuality.

In closing, I thank General Richard Nugee, the Chief of Defence People, and his team for their work on putting the concept forward and seeing it all the way through to the end stages. I also thank the Minister for the Armed Forces, who, in the role that I have today, pioneered this approach. It has been a real honour to take the Bill from Second Reading through to today, and I hope that it will have the House's support.

6.25 pm

Nia Griffith (Llanelli) (Lab): I pay tribute to the unstinting work of our armed forces. The Opposition will support the Bill on Third Reading this evening because we want to see greater flexibility for our armed forces personnel to serve in ways that are compatible with the demands of modern family life. We also want to attract the widest possible pool of people to the excellent careers that the forces offer, including those who may require flexible working conditions to serve.

I thank my noble Friend Lord Touhig for his work on the Bill in the other place, including the important amendment that he secured to ensure that the Bill's finer details that are introduced through regulations will be subject to the affirmative procedure, as the Minister confirmed, meaning that both Houses will have to vote on them. That will give further opportunity to explore and address some issues that we have raised today.

As I have said, we welcome the Bill and hope that its provisions will make a meaningful difference to personnel who may need temporary periods of flexible or part-time working and/or limits on separated service. The reality is that any of us could find ourselves requiring this kind of flexibility in our work, particularly as the complexities of modern life mean juggling work and home responsibilities, and when often both parents work full time and a complex set of arrangements is in place for childcare and the care of elderly relatives.

Family arrangements can be all the more complex for members of the services, with the expectations of constant readiness and deployment. In these circumstances, it is understandable that some service personnel may look for greater flexibility by moving into civilian sectors. However, it makes no sense to lose highly skilled and dedicated service members simply because they need a more flexible working arrangement for a specified period of time. That is where the Bill comes in. If the flexibility encourages more potential recruits to consider a career in the forces, that is a very good thing, because the services will benefit from being able to draw from the brightest and the best, from all backgrounds and communities.

Of course, the Bill is not a silver bullet to address the real crisis in recruitment and retention that is facing our armed forces. Every one of the services is running below the stated targets and numbers are down year on year. I know that the Minister shares my concern about this state of affairs. There is a strong feeling across the House that personnel numbers cannot be allowed to slide still further. Perhaps the Minister will explain whether the Government are still committed to an Army of 82,000. If so, how does he propose to achieve that, when the latest statistics show yet another fall in the trade trained strength of the Army, with just 77,444 personnel serving?

It has become increasingly clear that the Government's decision to outsource recruitment services to Capita lies at the heart of this issue, as the company has delivered neither value for money to the taxpayer, nor an increase in personnel numbers. In fact, the Army's recruiting partnership project with Capita has completely failed to deliver the savings that were promised. Capita is already charging the public purse £54 million more than anticipated at this stage. In all, the Government have spent more than £1 billion of taxpayers' money on recruitment in the past five years, yet personnel numbers in all three services have fallen dramatically in that time.

Many of us have heard worrying accounts of recruits being unable to sign up because of failures in IT programmes. In that context, it is not at all clear what possible benefit the contract with Capita is providing. It is time for Ministers to seriously consider whether the contract could be delivered more effectively back in-house by experienced officers as opposed to civilian staff, who no doubt do their best, but are being hamstrung by Capita.

As well as addressing problems with recruitment, we must consider the difficulties with retaining personnel across all three services. It is deeply worrying that the Armed Forces Pay Review Body has found an

“over-riding sense of uncertainty and an increasing” —

perception among the forces —

“that the offer will only get worse”.

The Minister mentioned the lifting of the pay cap, but we know that there are delays and considerable uncertainty about what it will actually mean. Satisfaction with basic rates of pay and pension benefits are at their lowest levels ever recorded—barely one third of service personnel are satisfied with their basic pay—and after seven years of below-inflation pay rises, it is high time to take decisive action and give our personnel a meaningful pay rise.

We learned last week that the Government would be carrying out a fresh defence review due to report in the summer. This represents a unique opportunity to address some of the real challenges we face around personnel numbers. Despite widespread speculation about further cuts to our defence capabilities, including to the Royal Marines, I sincerely hope that the Government will take the opportunity afforded by the review to invest in our armed forces and ensure they have the resources they need. They will find considerable support on the Opposition Benches if they are successful in this endeavour. Returning to Third Reading, however, I reiterate our support for the Bill.

6.31 pm

Sir Michael Fallon (Sevenoaks) (Con): I rise briefly to support the Bill and to congratulate my right hon. and hon. Friends on its successful passage, which I hope the House will support in a few minutes' time.

As my right hon. Friend the Minister said, this is a modest Bill, but sometimes the smaller steps are the most important. Like him, I too believe that in time the Bill—soon an Act, I hope—will be seen to have had quite radical consequences. Of course, as he said, it is part of a series of wider reforms, but it is an important part. Seven years ago, only 8% of our serving personnel were women, for example. That is not right for our country, but it also was not right for our armed forces, which were missing out on all the talent and expertise that might otherwise have been available to them. That is why we set a new target of 15% female participation among each new intake by 2020, and we are now, I understand, well on the way to meeting that target. The Bill will help. It will show anybody—male or female—considering a career in the armed forces that they are now modern employers able to recognise people's changing expectations over the lifetime of their careers. It will enable employees, for the first time, to apply to work for the days and hours that suit them best.

I make three final comments on the Bill. First, we will have to do more to attract women leavers back into the armed forces. We will have to find ways of working harder at not missing out on the experience they had and which they might have had to give up, perhaps to start a family or move elsewhere with their spouse. I believe—my right hon. Friend might want to respond to this—that we will have to look at how women coming back into the armed forces can quickly recover the rank and entitlements they would otherwise have achieved.

Mr Ellwood: It was remiss of me not to acknowledge the work of the former Secretary of State in this area and in pioneering the Bill. He has long been passionate about this subject, as is reflected in his speech today. Does he agree that the line pursued during his time of allowing those who leave the armed forces well to rejoin well after perhaps a spell in civilian life is worth pursuing?

Sir Michael Fallon: It is definitely worth pursuing, but we need then to focus particularly on women who have left the armed forces and look at further ways of encouraging them to rejoin at a later stage of their lives or careers.

Secondly, women and recruits from the black and ethnic minorities still need more role models: it is not just about seeing other women or other members of the black and Asian communities alongside them; it is about seeing more senior officers who have built successful careers who they can look up to. We need to see more women and ethnic minority candidates reaching three-star and—one day, I hope, in the fullness of time—even four-star rank. If we are to attract more people from outside to areas where we are short, we have to show them that they can not only have worthwhile careers but get to the very top.

Finally, of course, that applies to the Government themselves, as was pointed out a little earlier, I think. I, too, regret that after the recent reshuffle—I will not

[*Sir Michael Fallon*]

comment on how successful or not that reshuffle was—there is now no female Defence Minister. As the matter has been raised, the House might wish to know that when the Prime Minister formed her first Administration, back in June 2016, and was moving my right hon. Friend the Member for Portsmouth North (Penny Mordaunt), I made it very clear that we needed at least one woman Minister on the team, and I was delighted that my hon. Friend the Member for West Worcestershire (Harriett Baldwin) was appointed a Defence Minister. I congratulate her, of course, on her promotion to the Foreign and Commonwealth Office, but that does leave a gap, and it is a mistake—if I may put it as boldly as that to the Treasury Bench—to have five Defence Ministers and for them all to be male. If we are to get more women and—in the fullness of time—more people from the ethnic minorities to join up, we have to show that this kind of change is embedded from the top.

That said, I support the Bill, and I congratulate my hon. Friends on getting it through.

6.36 pm

Carol Monaghan: I thank the Minister for his work on the Bill around which there has been much consensus across the House, and I pay tribute to those involved in drawing it up.

I am disappointed that the Minister has not committed to publishing the statistics called for in the amendment and new clauses tabled by the Opposition and the SNP. No doubt, however, we will return to this issue, through parliamentary questions, freedom of information requests and so on, to ensure we are properly capturing the picture. I understand what he says about the small uptake initially, but we need to know that there is a small uptake initially and that it is increasing, and without the statistics, that is not possible.

The SNP has some concerns about the housing that armed forces personnel and their families are expected to live in. I repeat some of the comments about pay. It is imperative that we get the pay correct for members of the armed forces if we are to recruit and retain the best. I have raised leave entitlement several times. It is not enough that it can be carried forward and carried forward; safeguards must be in place to make sure that people can take their leave when they need to. There must also be safeguards in place for families to make sure they are supported when spouses are deployed and when they are on base and that the education of their children is considered when they join up.

The SNP will continue to call on the Government to set up an armed forces representative body. It was in our manifesto, and we will continue to raise this issue. The Police Federation is able to liaise with the Government. The armed forces and armed forces personnel do not have similar abilities. It would give a voice to those affected by the issues raised today—issues that affect retention and recruitment, not simply flexible working. I call on the Minister to look seriously at the issue of a representative body, but I thank him once again for his work on the Bill.

Madam Deputy Speaker (Mrs Eleanor Laing): I call Kirstene Hair.

Bob Stewart (Beckenham) (Con): Did you call me, Madam Deputy Speaker?

Madam Deputy Speaker: For the sake of clarity, I will say it more loudly: Miss Kirstene Hair.

6.39 pm

Kirstene Hair (Angus) (Con): Thank you, Madam Deputy Speaker, and I thank all Members who have already contributed to this important debate.

Those of us who are fortunate enough to have armed forces personnel stationed in our constituencies will know of the tremendous effort, both physical and emotional, that those men and women put into their work every day, and will also know of the impact that the Bill will have on people who, whether in times of conflict or in peacetime, are determined to provide us with the greatest protection possible.

In my constituency, the distinguished servicemen of RM Condor are a constant reminder to residents that they can rest safe in the knowledge that world-class professionals are nearby. Although most of those who serve in 45 Commando come from hundreds of miles away, the Royal Marines are rooted in the community. Locals are incredibly proud of the base, which is, quite simply, an integral part of the fabric of Angus.

Given the sacrifices that armed forces personnel are prepared to make, not only in risking their own safety but during the difficult extended periods away from their friends and families, it is morally right for us to do everything in our power to help them in their chosen career. I am therefore delighted that the Bill has received support from Members on both sides of the House. As has been said before, it is a Bill for families. Long periods previously separated parents from children and partners from each other, and personnel were unable to be with ill relatives. That need not continue, because the Bill offers balance.

The changes will benefit those who currently serve, and will also support recruitment in the future. Like other Members, I am particularly hopeful that more female personnel will be attracted to such roles—or, perhaps, attracted back to them, if they have previously left. We have said that we want to recruit the best, but that means that we must offer the best, and the working practices proposed in the Bill are more in line with structures that are commonplace throughout the private and civilian public sector in the United Kingdom.

The Bill is a small but significant step. It deals with an issue that has been much considered and debated, with the needs of our troops measured against the necessity of maintaining our country's security and national defence at all times. Much has been said in the other place about the term “part-time”, which has been granted a note of derision and scorn that it does not deserve. The Bill relates to hours of work, distance from families and the question whether increased flexibility will help soldiers and their loved ones to lead better, more balanced lives. Its benefits are part of the commitment that the Government have made to transforming the armed forces into the modern, diverse and more effective organisation to which the Secretary of State again outlined his commitment in the House last week: a military in which personal circumstance or background is not important—unlike commitment to professionalism, skill, and making the people of the United Kingdom so incredibly proud and undoubtedly safe.

6.42 pm

Mr Kevan Jones (North Durham) (Lab): I welcome the Bill. I was trying to work out how many armed forces Bills I had dealt with over the past 16 years, either as a Minister or as a Back Bencher. *[Interruption.]* As the Minister says, I am a veteran.

This, I think, is one of the simplest Bills I have encountered, but, as the Minister has said, it is important. It is intended to ensure that working practices in our armed forces are modern, but also attractive to those who are thinking of joining. The Minister may think me pedantic in wanting to know how its implementation will be monitored. However, I think we need to ensure not only that the armed forces are offered these opportunities, but that the information is cascaded down the chain of command, so that people are aware that they can ask for flexible working arrangements, and those who are in a position to make the decisions recognise that they can use them.

Training will be needed, and, in some cases, attitudes must change. I have no problem with the senior levels of the armed forces, who have, I think, bought into this, but the Bill must have an effect in practice, throughout the chain of command. That is why I think it important for us to monitor the number of people who take up these opportunities, and also when and why they are refused. Is there a good reason for that? I know that civil servants have convinced the Minister that such monitoring would be an onerous task, but I do not accept that for one minute. As the system beds in, the information will obviously need to be produced internally in the Department, for monitoring purposes, and I find it difficult to understand why it cannot subsequently be published. I think that in future, as a result of freedom of information requests or parliamentary questions, the Minister, or his successor, will have to publish it anyway. I also think that it would be positive to project the fact that the forces are introducing flexible working by giving examples.

Mr Ellwood: I am grateful to the hon. Gentleman for giving way. This is the first of five interventions that I intend to make.

The hon. Gentleman has raised an important point about the need to trickle information down to commander level to ensure that people are aware of the opportunities. That will be incentivised and supported by local commanders, but there will be a higher approvals authority. It is all based on operational capability, which we must not lose sight of. I hope that that clarifies the way in which the system will work.

Mr Jones: I accept that. I do not question for one minute what the armed forces will do in trying to ensure that the information is instilled in the chain of command, but this is a new way of working for them. I am not criticising them, because it is inevitable that when such a change is introduced in any company or other organisation, some people will not get it, and some will positively resist it. Some people will see it as a radical change. I think we should ensure that those who ask for flexible working are given good reasons why, in some cases, it cannot be implemented. I accept that there will be operational reasons.

Sir Hugo Swire (East Devon) (Con): Does the hon. Gentleman agree that when we are considering introducing a new element of flexibility into service in the armed forces, we should look again at the maximum enlistment time? Although the military have moved towards extending the retirement age in view of our ageing population, perhaps it is time to revisit that as well. People who are well into their 60s, and even 70s, are quite capable of doing some of the modern jobs in the armed forces, which would not have been the case 20 or 30 years ago.

Mr Jones: I think it is a fact of life that the pool of 18-year-olds is becoming smaller. I hope the right hon. Gentleman was not suggesting that the hon. Member for Beckenham (Bob Stewart) should be brought out of retirement; I do not know whether that would be a good thing or a bad thing for the armed forces, but it would certainly be interesting for them. However, he has raised an interesting point. When I was a Defence Minister, people who could have made a further contribution were leaving the forces in their early to mid-50s, for reasons connected with, for instance, pensions. Given that that pool of 18-year-olds is getting smaller, we should also revisit the idea of recruitment from Commonwealth countries, which has been successful in the past. It has made a tremendous contribution to our nation's defence over the last few years.

Ruth Smeeth: My hon. Friend has referred to serving personnel of a slightly more mature aspect. Might not the most effective way to ensure that flexible working proceeds as the Bill proposes be to ensure that at least one one-star officer takes the opportunity to sign up for it?

Mr Jones: That is an interesting concept, which returns me to an important point made by the right hon. Member for Sevenoaks (Sir Michael Fallon). We need new role models, and not just in the context of flexible working. We need, for instance, to see a senior general who is a woman. We can do all the talking we like about trying to encourage women to join the armed forces and take an active part in advancing their careers, but unless there is a career path that will help them to progress, many will assume that that will never be achievable. We need only look at our US counterparts and others, where female officers have attained the highest rank. I agree with my hon. Friend the Member for Stoke-on-Trent North (Ruth Smeeth): why can these provisions not be open to senior managers and others in the military and other armed forces? That would send a positive message that it is important.

I welcome the Bill, but disagree with the Minister in that I do not think it is a silver bullet, because people join our armed forces and are retained for reasons not only to do with work-life balance, but because of pay and other things such as career breaks, which other armed forces in the world offer, enabling people to leave the armed forces and then come back. That does two things: it gives the expertise that those individuals have learned in the armed forces to business, charity and other sectors, and brings a wealth of knowledge back into the armed forces, which is needed. Career breaks are not unusual in the United States and other countries. This Bill is a start in terms of flexible working, but I hope that that will develop through career breaks and other initiatives.

Carol Monaghan: Some countries make far better use of reservists for that same reason. They bring their armed forces skills into civilian life and vice versa. Some countries' armed forces have huge numbers of reservists making up their ranks, as opposed to UK armed forces which have only a very small number.

Mr Jones: The hon. Lady makes a good point; reservists do add something, but I am talking about regular members of the armed forces being able to leave for a certain period of time on the understanding that they will come back. In the United States, many on senior military courses leave to do doctorates or work in business and do other things and then come back into the armed forces, and doing that is not seen as a black mark against their career; on the contrary, it is seen as enhancing both the armed forces and those individuals' careers.

This Bill is a start, therefore, and I assure the Minister I will be scrutinising how it works in practice and the uptake of its provisions. I also join him in thanking the Clerks and everyone involved in the Bill on making sure it has gone through both Houses with a degree of consensus from all sides and with additions to the offer that we can now give to people who want to join our armed forces.

Several hon. Members *rose*—

Madam Deputy Speaker (Mrs Eleanor Laing): I call the hon. and gallant Bob Stewart.

6.52 pm

Bob Stewart: Thank you, Madam Deputy Speaker. I am very grateful for colleagues' full support for my re-joining the armed forces; the uniform would probably be a bit bigger, but I remind Members that Blücher was much older than I am when he effectively won the battle of Waterloo by turning up and helping Wellington. *[Interruption.]* Late? He was just in time—which was the system used for equipping the Army about 20 years ago.

I will make three quick points. First, I support the hon. Member for Stoke-on-Trent North (Ruth Smeeth), who made the very good point that flexible working works best when units are fully recruited. If they are not fully recruited, the numbers available to carry out the jobs are much lower and consequently the units will be less efficient. So there is a direct link between recruiting and flexible working.

My second point is a damascene conversion. I was always until recently against women serving in close combat roles. I had to be convinced, but society has changed, which was crucial to that change in me, and perhaps my full support for it has come from within my own family. My wretched but beautiful daughter has said she will only join the armed forces if she can serve in a combat role. I applaud her for that and right at this moment she is on selection.

My third point is something on which my hon. Friend the Member for Aldershot (Leo Docherty) and I fully agree: the move to return recruiting to regimental unit level. Commanding officers—as I was once, when Blücher was a lad—have always had, and should always have, a responsibility for recruiting their units. This has diminished recently. I understand that the MOD intends to bring back regimental recruiting teams; some have never gone

because they have always been on-strength. The other form of good recruiting practice is keeping the Army in public eye-type arrangements, where they march through the county. That is a good way to demonstrate our armed forces' presence.

I summarise by saying that this is a jolly good Bill and I fully support it.

6.56 pm

Stewart Malcolm McDonald: It is a pleasure to speak on Third Reading. I am slightly concerned that there will be a diminution now in the regularity of what seems to be our weekly defence meetings, as this was the only Defence Bill in the Government's Queen's Speech for this two-year Parliament. However, it has been a good Bill and I thank the Minister for his kind words about my hon. Friend the Member for Glasgow North West (Carol Monaghan) and the way she has engaged with it on behalf of the SNP. He and the House know of her long association with the armed forces, of which she is rightly proud, and she better informs all of us whenever she takes part in these debates.

I wish to pick up on what the former Secretary of State, the right hon. Member for Sevenoaks (Sir Michael Fallon), said about the fact that there is now no woman in the ministerial team. There are no women serving as heads of the armed forces of course, and there is unlikely to be one any time soon. Only three of the 12 senior managers who make up the senior civil servants at the MOD are women. I think I am right in saying that that makes the MOD the only all-male-run Department in terms of ministerial faces. I invite the right hon. Member for Sevenoaks or one of his esteemed colleagues to intervene on me to save a recommendation, which I fear might have the opposite effect, that I made last time for the promotion of the hon. Member for Berwick-upon-Tweed (Mrs Trevelyan). I fear my recommending her promotion is perhaps the kiss of death, so I invite the right hon. Gentleman or someone else on the Conservative Benches to redeem that recommendation, if not now, certainly behind the scenes.

I feel as though I am repeating myself—forgive me for this—but I want to pick up on some of the things the Government have not brought forward. If they do bring them forward, however, they will find 35 Members of the SNP willing to support them. One of those things is an end to the Capita contract, as mentioned by the shadow Secretary of State. It is a rip-off and it is farcical. We largely agree across the House that it is farcical and it needs to come to an end. It does a disservice to those who serve in uniform.

I mentioned the issue of housing to the Minister at the recent Defence Question Time. The housing is in a dreadful condition. Carillion receives 1,500 calls a day in complaints from people living in the CarillionAmey estate up and down the country. We can read all about that. It goes beyond broken lightbulbs. We are talking about boilers remaining broken down for weeks on end and people moving into accommodation whose kitchens have no units or cookers. They deserve so much better. Frankly, some of the standards would not pass the social housing standards of the 1970s and 1980s. If the Government were minded to resolve that issue, they would have the support of 35 SNP Members of Parliament, of many on their own Back Benches and of many, if not all, on the Labour Benches.

My last point relates to pay. I accept that there is an independent pay review body and that the 1% cap has been lifted. That is to be welcomed. However, the review body only makes recommendations to the Government and the Government can of course go much further. I understand that they could go further right now and that they do not need to wait any longer.

It is regrettable that members of the armed forces and other public sector workers across the board have had a real-terms pay cut because of the freeze and because of inflation. It would show a bit of goodwill to give those people a decent pay rise. If the Government were minded to do that, they would have our support.

Mr Jim Cunningham (Coventry South) (Lab): There are a lot of good things in the Bill, but one of the tests to determine whether the Government value the public services and the armed forces will be whether they award them a decent pay rise. Obviously that has to be negotiated. The hon. Gentleman is right to say that a recommendation from the pay review body is simply for a minimum and that the Government could go a lot further.

Stewart Malcolm McDonald: The hon. Gentleman is absolutely correct. We have previously had a debate on pay. I accept that it is not the dominant issue for members of the armed forces, but we would be kidding ourselves on if we did not accept that it was a major factor in recruitment and retention, as the pay review body's own evidence suggests.

Kirstene Hair: Does the hon. Gentleman not agree that it is regrettable that the Scottish Government increased the income tax for servicemen and women?

Stewart Malcolm McDonald: I am amazed that it took the hon. Lady so long to make that point. As she knows, because she attends these debates—sometimes—the changes in taxation have actually brought in a tax cut for the vast majority of serving personnel in Scotland, including some in her own constituency. They are among the lowest-paid members not only of the armed forces but of the public sector across the UK. By contrast, the pay freeze for someone on, say, £21,000 represents a cut of £400. I am willing to engage in a debate on pay, and I am happy to defend my Government's record, but would she accept that it is time for the pay cut imposed by her Government to go? Nothing?

Madam Deputy Speaker (Mrs Eleanor Laing): Order. The hon. Gentleman cannot really ask questions across the Floor of the House if the hon. Lady is sitting there being quiet and well-behaved.

Stewart Malcolm McDonald: I think there was some looking at the feet there, Madam Deputy Speaker, but I take your point.

It has been mentioned that members of the armed forces do not have a body like the Police Federation to advocate on their behalf, so it falls to Members of this House to do so. Some Members of the party of government—albeit a minority—seem unwilling to take on Ministers about this, although I commend Conservative Members who are not backward in coming forward in that regard. We do our armed forces a disservice if we do not do that. So let us be radical and follow the good practice that we see elsewhere. Let us give them a body on a statutory footing to make sure that they are represented around the table.

Mr Ellwood: I could not resist intervening on the hon. Gentleman. To suggest that Ministers are not making the case, along with Back Benchers on both sides, for funding for the armed forces in the defence budget is to misunderstand and indeed to be asleep in the debate that has been taking place over the past couple of months. He is also completely ignoring the banding and the progressive pay scales that are in place. It is absolutely right to have a debate about pay, but he must recognise that the banding does not mean that there is a pay freeze. He is missing out a chunk of understanding about armed forces pay.

Stewart Malcolm McDonald: I almost do not know where to begin with that. As I have mentioned, there was a debate in this House specifically on armed forces pay, and I am well aware of the banding that is in place, but the Minister has the power to offer a pay rise. He does not need to wait for a recommendation or to take the recommendation from the pay review body. It is after all only a recommendation. I know that he fights his hardest for cash for his Department and for the armed forces—I read about it in *The Times* newspaper on a daily basis—but let us be honest: the defence review has been kicked into the later part of the year, the Government have apparently removed its fiscally neutral element, and from what I can see, three of the four announcements made by the Secretary of State on Thursday are going to amount to more cuts in capability elsewhere. I do not doubt that he and other Ministers do their best to take on what the right hon. Member for Rayleigh and Wickford (Mr Francois) described as “the pinstripe warriors at the Treasury”.—[*Official Report*, 24 January 2018; Vol. 635, c. 128WH.]

However, it is about time that we started to see some of the fruits of their labours and of those who sit behind them on the Back Benches.

7.5 pm

Jim Shannon: It is always a pleasure to speak in these debates. I commend the Minister and his Department for their hard work and for the support that they have managed to gain on both sides of the Chamber for the Bill, which represents a step forward for our armed forces personnel. Service in uniform in my constituency is normal and recruitment levels are high. These debates resonate closely with the people back home. Recruitment is also at an all-time high for the part-time services, and it is good news to be able to report that in the Chamber tonight. Government policy is obviously going in the right direction, not only in my constituency but across the whole of Northern Ireland.

I welcome the Bill as an appropriate set of measures that will better reflect the needs of 21st century service personnel and their families than the arrangements that we have previously had. However, I would like to highlight an anomaly about the appeals process. I am not sure whether the Minister will be able to respond to this point tonight, but, if not, I would be happy to hear from him at a later date. There does not seem to be anything about it in the Bill. It is not an earth-shattering matter, but it has been brought to my attention by soldiers who have asked me to raise it here.

The system outlined in the Bill will involve going through the ombudsman if a service person wishes to appeal. However, it has long been a securely held view that the ombudsman experience is not a good one,

[*Jim Shannon*]

and that it probably involves too lengthy a process for the sort of events for which this measure is designed. I know that the Minister is keenly interested in introducing a measure that will help soldiers, and if we can introduce one that will improve the appeals process, we should do that. There are families who need help and resolution, and the ombudsman appeals can often run for months, if not years. The management of that caseload represents a considerable burden.

The present process does not seem to have been terribly successful in bringing about resolution in a timely manner, and it is my opinion and that of others outside the House that the opportunity presented by the Bill to change the system has not been fully utilised. I look to the Minister for a response when he is able to give me one, if he does not mind, and I respectfully ask that the matter be given further consideration. Would it not be more appropriate and in keeping with the spirit of the Bill, which seeks to empower the service to be a better employer, to refer appeals to the immediate chain of command? I personally would like to see that happen and I believe that many others would as well. It would be much more in keeping with how almost all other personnel issues are managed.

The Minister referred to the excellent work of the cadet forces across the whole United Kingdom. I commend the Government for the way in which we are building up the cadet forces not only on the mainland but back home in Northern Ireland. When both communities there see the cadet forces as an option for younger people, it enables us to achieve cross-community involvement and integration in a way that is also helping us to move forward politically, now and further down the line. I commend the Minister for his commitment to extra reserve forces in Northern Ireland and to the capital build, which will enable us to grow. The Minister

has given us that commitment. The confidence and supply agreement we have in partnership with the Government has sought to achieve that as well. We look forward to it being delivered.

I also welcome the commitment to the recruitment of and elevation in the ranks for women and those from black and minority ethnic groups. On a recent visit to Shrivenham and in other visits, it was clear from our discussions that there is a strategy in place and that the Minister and the Department have committed to making these changes, which are starting to work, with recruitment figures already starting to rise. We obviously recognise that there are other things that must be done, so it is good to have this continued recruitment strategy.

I gently ask the Minister to consider the ombudsman issue and the appeals process because that could lead to a smoother operation for our armed forces, and the Bill is designed for that. I commend the Minister, the members of the Public Bill Committee, the *Hansard* staff and all the Committee staff who do such hard work behind the scenes to make these things happen.

Question put and agreed to.

Bill accordingly read the Third time and passed, without amendment.

AUTOMATED AND ELECTRIC VEHICLES BILL (PROGRAMME) (NO. 2)

Ordered,

That the Order of 23 October 2017 (Automated and Electric Vehicles Bill (Programme)) be varied as follows:

1. Paragraphs (4) and (5) of the Order shall be omitted.
2. Proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion two hours after the commencement of proceedings on the Motion for this Order.
3. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion three hours after the commencement of proceedings on the Motion for this Order.—
(Jesse Norman.)

Automated and Electric Vehicles Bill

Consideration of Bill, not amended in the Public Bill Committee

New Clause 1

TRANSMISSION OF DATA RELATING TO CHARGE POINTS

(1) Regulations may make provision for the purpose of ensuring the ongoing transmission of charge point data to a prescribed person or to persons of a prescribed description.

(2) “Charge point data” means prescribed information relating to a charge point (which may include information about energy consumption and geographical information).

(3) Regulations under subsection (1) may impose requirements—

- (a) on operators of charge points that are public charging points, and
- (b) in relation to charge points that are not public charging points, on prescribed persons or persons of a prescribed description.

(4) Regulations under subsection (1) may make provision about when, how and in what form charge point data is to be transmitted.’—(*Jesse Norman.*)

This new clause confers power to make regulations for the purpose of ensuring the transmission to specified persons (who could include the National grid and electricity distribution network operators) of certain kinds of data relating to charge points. The data could include, for example, data relating to energy consumption and geographical data.

Brought up, and read the First time.

7.11 pm

The Parliamentary Under-Secretary of State for Transport (Jesse Norman): I beg to move, That the clause be read a Second time.

Madam Deputy Speaker (Mrs Eleanor Laing): With this it will be convenient to discuss the following:

New clause 2—Public facility operators: provision of public charging points—

(1) Regulations may impose requirements on owners and operators of public facilities falling within a prescribed description, in connection with the provision on their premises of public charging points.

(2) Regulations under subsection (1) may, for example—

- (a) require owners and operators of public facilities to provide public charging points;
- (b) require owners and operators of public facilities to work with local authorities on the provision of public charging points;
- (c) require public charging points to be available for use at prescribed times; and
- (d) require services or facilities prescribed by the regulations to be provided in connection with public charging points.

(3) In this section “public facilities” means—

- (a) supermarkets;
- (b) public car parks;
- (c) airports;
- (d) train stations; and
- (e) such other public facilities as prescribed in regulations.’

This new clause would provide the Secretary of State with the power to make regulations requiring owners and operators of certain public facilities to work with local authorities to provide public charging points and to ensure that public charging points are maintained and easily accessible to the public.

New clause 3—Charging points strategy: public transport and commercial vehicles—

(1) The Secretary of State must, within 12 months of this Act receiving Royal Assent, lay a report before Parliament setting out a comprehensive UK charging points strategy for public transport and commercial vehicles.

(2) The report must, in particular, consider the establishment of charging points for—

- (a) buses;
- (b) electric bikes and other mobility vehicles;
- (c) haulage vehicles;
- (d) commercial vehicle fleets; and
- (e) such other public transport and commercial vehicles as considered relevant by the Secretary of State.’

This new clause would require the Secretary of State to set out a strategy for establishing charging points for public transport and commercial vehicles.

Government amendments 1 to 3.

Jesse Norman: Following a fruitful debate in Committee, the Government decided to table new clause 1 to part 2 of the Bill. Smart charge points will play a vital role in managing the demand on the grid created by charging electric vehicles. Estimates from the national grid suggest that the increase in peak demand caused by electric vehicles could be significantly reduced by smart charging. Less electricity generation and fewer network upgrades would be required, thereby reducing energy costs and costs to bill payers. Smart charging can not only ensure that vehicle owners receive the required amount of electricity within the time required, but adapt power flow to meet the needs of consumers and various parties in the energy system.

Sir Greg Knight (East Yorkshire) (Con): I support the new clause because smart charging is the way forward. Filling station owners currently need to display the price per unit of their petrol, diesel and liquefied petroleum gas on a large sign, so that motorists can decide whether to go to that particular station before they enter the forecourt. Does my hon. Friend agree that it is essential that electric charging points are required to display similar information?

Jesse Norman: I certainly agree that consistency in the presentation of information is important, and I take my right hon. Friend’s wider point about whether such information should be displayed in the same way as petrol prices. He makes a valuable contribution to the debate.

Sir Hugo Swire (East Devon) (Con): One of the most frustrating aspects of filling up a car is the tax on top of the cost of the fuel itself. Do the Government have any intention to levy any form of taxation on electricity bought at petrol stations?

Jesse Norman: My right hon. Friend will be aware that we have already wandered quite far outside these narrowly defined amendments to a tightly defined Bill. I am not going to comment on future Government policy.

Mr Jim Cunningham (Coventry South) (Lab): Jaguar Land Rover builds its cars in my constituency, and Geely, which makes black cabs, has also invested a lot of money. What sort of consultation has the Minister had with those companies and, more importantly, with people who run small garages?

Jesse Norman: The hon. Gentleman refers to a variety of groups. I met the chief executive of Jaguar Land Rover only a few months ago. My colleagues are regularly in touch with representatives of fuel retailers, and the same is true for the other group that he mentioned.

7.15 pm

The information provided by smart charging also helps to predict future demand on the grid and local network hotspots, so that infrastructure can be planned as efficiently and cost-effectively as possible. Clause 12 gives the Secretary of State the power to introduce regulations to stipulate that all new charge points must have smart functionality. However, as was pointed out in Committee, it stipulates that smart functionality must only be operational at the point of sale or installation, and the policy intent is that smart functionality would not be turned off once operational. Consumers will be encouraged to keep their smart functionality switched on through incentives such as cheaper time-of-use electricity tariffs and the ability to monitor and manage their vehicle's energy consumption.

However, as was discussed in Committee, if the Bill is not amended, there is a chance that data from a domestic or public charge point may not be transmitted to the specified persons after the installation is completed. That could mean that bodies such as the national grid and distribution network operators do not receive information that would help to plan for demand on the grid.

Helen Goodman (Bishop Auckland) (Lab): I understand the purpose of new clause 1, which has good intentions. I am sure that the Minister has considered the implications for privacy and personal data, so will he explain how that will be secured under this system?

Jesse Norman: A considerable amount of work is being done in the United Nations Economic Commission for Europe on how data is to be handled in terms of safety on the autonomous vehicles side. As for the electricity side, there is no reason to think that the protocols that are being developed will impinge upon privacy, but that remains a matter for definition in future secondary legislation.

Sir Oliver Letwin (West Dorset) (Con): I am grateful to the Government for bringing forward this new clause, for which I argued in Committee, and I think the drafting is appropriate. The answer to the question asked by the hon. Member for Bishop Auckland (Helen Goodman) is that the data transmitted will be highly aggregated and will be used by the grid and DNOs to manage the system better. It is important that the Government persist with this change, because it alone provides the basis for the kind of interactivity that we need between electric vehicles, as a latent battery for the country, and the grid.

Jesse Norman: As I am sure the Secretary of State will say on Third Reading, we are all in the debt of my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) for his excellent work in Committee, of which this change is a good example.

New clause 1 addresses concerns raised in Committee by introducing a requirement for the continuing transmission of data from charge points to prescribed persons, who could include the national grid and distribution network operators. Consumers will be still

encouraged to keep the smart functionality operational once installed, with regulations taken forward only if the information required for effective energy infrastructure planning is not made available. Full consultation will be carried out before regulations are brought forward.

Jim Shannon (Strangford) (DUP): Some people may be worried about whether the grid can cope with the demand from electric car charging. Are there are enough charging points across the whole United Kingdom of Great Britain and Northern Ireland? Is the infrastructure in place so that we can move forward and get the benefits of this sector? There is a skeleton, but are the bones ready?

Jesse Norman: This country is publicly recognised as being at the forefront of a group of nations that is leading the way on electric car infrastructure. Something like 11,500 charge points have already been installed, and the Bill provides plenty of scope to encourage and support further installations.

Two further consequential amendments are required to clause 14, which concerns the Secretary of State's power to create exceptions in regulations and to determine that regulations should not apply to certain persons or things. The amendments ensure that the new clause is fully operative within the Bill.

This change is illustrative of the rigorous and constructive discussion of the Bill in Committee, the members of which I thank again for their time and dedication, which has resulted in a better product.

Dame Cheryl Gillan (Chesham and Amersham) (Con): I did not have an opportunity to serve in Committee, but I am privileged to be the chairman of the all-party group on electric and automated vehicles. Would the Minister care to comment on the latest apps, such as that which allows Tesla drivers to plug in their vehicle when renewables are being used, thereby reducing the cost of electric motoring even further and, more importantly, making electric motoring very, very green?

Jesse Norman: My right hon. Friend will be aware that one of the purposes of a smart grid is precisely to allow people to recharge their car at the most cost-effective time. I recently had the opportunity to drive a Tesla, and it is extraordinary how the car is continually updated with patches that can reduce its impact on the atmosphere and improve other aspects of driving in a very green way.

Mr John Hayes (South Holland and The Deepings) (Con): As my hon. Friend knows, the new clause was tabled at my behest, having been prompted by my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) in Committee. Ruskin said

“when we build, let us think that we build for ever.”

What we build in respect of electric charging points is vital. The Minister will be familiar with the RAC Foundation's analysis in “Ultra-Low-Emission Vehicle Infrastructure—What Can Be Done”, which shows that, although the number of charging points is growing reasonably quickly, the number of rapid charging points is growing much more slowly. Is it not vital that, in his work to build this infrastructure so that it is fit for purpose, account should be taken of the need for more rapid charging points?

Jesse Norman: We must all thank my right hon. Friend—I am sure the Secretary of State will want to echo my thanks—for the careful, judicious and wise way in which he has hitherto steered this Bill and its predecessor, including in Committee. He quotes Ruskin to good effect, and secondary legislation under the Bill will allow us to reflect changes in the market. My right hon. Friend’s general point is absolutely right and, as he well knows, it is part of the purpose of this Bill.

Amendment 1 to clause 13 will provide more clarification about the enforcement of regulations under part 2 of the Bill. It provides for an appropriate civil enforcement regime to ensure that any requirement under the power can be properly enforced so that the desired effects are achieved. The clause gives explicit examples of the expected elements of such a regime, including details about identifying failures of compliance. The amendment adds further detail to what one should expect to be included in regulations to assist inspectors in determining whether a breach of the rules has taken place.

Examples of that detail include taking photographs or removing materials from a site to provide evidence of compliance or non-compliance when inspections are carried out. In general, the Government aspire to be as transparent as possible regarding what they intend to include in regulations, and the amendment adds further clarity on what will be included in the inspection regime.

Richard Burden (Birmingham, Northfield) (Lab): Any initiative to try to expand smart charging has to be good news, but I put it to the Minister that if there is to be a step change in certainty for many drivers, it will be through the expansion of on-street charging outside people’s homes. What initiatives will the Government take to expand that, particularly with regard to the holy grail of wireless charging?

Jesse Norman: At the moment, there are many mild yet reducing impediments to buying an electric car, such as range anxiety and the resale amounts that might be achieved. The hon. Gentleman is right to point out the importance of the charging network. As he will know, the Government have put in place substantial funding not merely for the plug-in car grant, but for a £200 million commitment, to be matched by a private commitment, to create a charging infrastructure investment fund that is dedicated to addressing precisely the issues he describes.

New clause 2, which was tabled by the hon. Member for Bath (Wera Hobhouse), understandably highlights many other locations, such as supermarkets and hotels, where it might be appropriate to require the installation of charging facilities. We want people across the country to have the opportunity to make the transition to buying and using an electric vehicle. The vast majority of electric vehicle drivers choose to charge their car at home overnight, but appropriate and adequate provision of public charging is still vital to supporting thousands more electric vehicles.

We understand that regulating for provision in the wide range of areas contemplated in the new clause will not always be the right approach—sometimes the carrot is more important than the stick. The Government already offer a variety of grants, schemes and policy measures to support the installation of charge points, where they are needed, in the types of locations identified. For example, we are committed to placing more emphasis

on the delivery of charge points at railway stations as part of the franchising process. Planning policy, and the national planning policy framework in particular, is proving to be an important tool in leveraging infrastructure and future-proofing developments.

Wera Hobhouse (Bath) (LD): That is precisely what we have been saying about making it widely practical for people to consider buying an electric car. New clause 2 would work as not only a carrot but a stick. Given that we need to move forward so quickly, it is important that the Government consider new clause 2.

Jesse Norman: By tabling new clause 2, the hon. Lady has placed the issue firmly and properly on the public record. The new clause would require owners and operators of “public facilities,” which is a wide term, to provide public charging points. Those public facilities would include:

“supermarkets; public car parks; airports; train stations; and such other public facilities”.

That is a very wide definition, and it does not specifically address the issue of range anxiety. The attraction of targeting large fuel retailers and motorway service stations, as we have done, is that doing so precisely addresses concerns about range anxiety.

Jim Shannon: The hon. Member for Bath (Wera Hobhouse) refers to charging at supermarkets and public places. What has been the response from the supermarket chains? Has the system had private buy-in? Do we have figures indicating that the supermarkets want to be part of this system, and will the Government encourage them?

Jesse Norman: The key point is that we must allow the market to operate and require installation only in places where we can be certain that it will serve a public purpose. That is the balance that the Bill is designed to strike. Many supermarkets, of course, will regard fitting charging stations and charging points as a competitive advantage, and the same will be true of the other locations set out in new clause 2.

In addition to the measures I have described, enhanced capital allowances have also been introduced as a tax relief for companies that support the development and installation of charging equipment for electric vehicles. The first-year allowance of 100% allows businesses to deduct charge point investments from their pre-tax profits in the year of purchase. As a result of those measures, and because of the opportunities in this new market, the private sector is increasingly taking the lead, with chargers going in at destinations including hotels and supermarkets.

Dame Cheryl Gillan: I appreciate that the Minister wants the market to apply, but London Underground owns the car parks at my stations in Chesham and Amersham. What incentive can he give London Underground and the Mayor of London to install more charging points in those car parks? My constituents do not have a single vote for a member of the London Assembly or for the Mayor of London. Without a carrot or a stick, there is no reason for them to install the charging points. Can the Minister help?

Jesse Norman: My right hon. Friend is talking about a democratic deficit as much as a failure of public policy to seize the opportunity. Unfortunately, as she knows, the Mayor of London is outside my Department’s

[*Jesse Norman*]

policy remit and has separate devolved budgets. She makes the wider point well that there is a democratic gap that means that the Mayor of London cannot be held to account for such actions.

As a result of the measures that I have described, the private sector is taking the lead. Further to our consultation, we have suggested that it would be more appropriate to mandate provision at sites, such as fuel retailers and service areas, that are already invested in providing services related to vehicle refuelling. By that means, we can address concerns about range anxiety without placing regulation on others that might be unnecessarily burdensome and expensive to comply with.

7.30 pm

The hon. Members for Warwick and Leamington (Matt Western), for Kingston upon Hull East (Karl Turner) and for Middlesbrough (Andy McDonald) have proposed a new clause to require the Secretary of State to bring forward a strategy specifically on electric vehicle charge points in the UK. I agree that it is important that the Government take a strategic approach to encouraging the uptake of electric vehicles, and that is precisely the intent behind this Bill. Indeed, in 2013, the then Government published a strategy entitled “Driving the Future Today”, which set out a path that they planned to take to achieve their aims. Of course, much has changed since then. Although many of the aims of that strategy remain relevant today, it is right that we reconsider our approach to delivery. We need to reflect on the automotive sector’s much more positive approach towards electric vehicles, on progress in battery technology and on the upturn in consumer confidence that saw more than 10 times more electric cars bought in the UK in 2017 than in 2013.

I am therefore pleased to confirm that, as was made clear by my right hon. Friend the Member for South Holland and The Deepings (Mr Hayes) on Second Reading and in Committee, we plan to publish an updated strategy for promoting the uptake of all electric vehicles well within the next year—indeed, we expect it to be published by the end of March. This will comprehensively address issues relating to charge points for all electric vehicles, not merely cars. Inserting a requirement for a strategy in primary legislation at this stage would be disproportionate and unnecessary, especially given my assurance that we will set out our plans on an earlier timescale than that set out in the new clause.

Let me conclude so that I do not take up any more time than is necessary. I hope that right hon. and hon. Members will be able to support new clause 1 and amendments 1 to 3, but I urge them to not to press the other new clauses, which I do not believe are required.

Karl Turner (Kingston upon Hull East) (Lab): The Opposition Front-Bench team are supportive of the Government’s new clause 1 and the consequential amendments. In Committee, some of my colleagues and I tabled amendments to ensure that planning and consultation between the Government, National Grid and electricity distribution operators took place in order for this policy to work. The new clause enables regulations to be made for the transmission of charge point data, for example, on energy consumption levels and geographical data, to be given to “specified persons”, such as National Grid. As we set out during earlier stages of this Bill, the

sharing of specific data such as that on energy consumption and geography will be fundamental in enabling and encouraging the uptake of electric vehicles, which I am sure Members on both sides of this House want to achieve.

Labour has been working to improve this Bill to ensure that the UK remains at the forefront of research and development in this important and fast-moving industry. The sharing of data is necessary to grow the number of charge points and to ensure that the relevant agencies can monitor and plan for energy demand and consumption at charging points. I wish to pay tribute to the former Minister, the right hon. Member for South Holland and The Deepings (Mr Hayes), who gave me a “binding assurance” in Committee that the Government would come back to Parliament with more detail and specific proposals. The Bill originally did not include much detail on regulations for the distribution of data relating to charge points, so I am grateful that the Government have listened to the Opposition on this point.

Sir Hugo Swire: Is the hon. Gentleman reassured about the transmission of data relating to rural petrol stations, which may not use much electricity—they may not be used very often? Is he assured that the transmission of such data elsewhere may lead to a tendency for such petrol stations not to maintain that service in the way that they might, thus discriminating against more remote areas?

Karl Turner: The strategy has to address the issue of remote areas—that is essential. In Committee, the then Minister gave assurances that it would. We now know, of course, that the strategy will be published in March. I would like to press this Minister on how security will be ensured in regards to the transmission of data from charge points. That issue was brought up repeatedly in Committee, and the Government’s new clause does not seem to address it head on.

The Opposition are also supportive of Government amendment 1, which relates to enforcement. It expands Clause 13 so that the requirements allow for the inspection or testing of “any thing” to do with charge points rather than just allowing the person “to enter any land”. That position was ambiguous and we welcome any tightening up of the wording in the Bill. The original subsection gave prescribed persons permission to enter land but did not include much else. The Government amendment extends the scope of enforcement and defines what documents and other important data and information can be investigated in order to inspect whether the proper regulations have been complied with when it comes to charge points.

We are also supportive of new clause 2, which was tabled by the hon. Member for Bath (Wera Hobhouse). Currently the Bill regulates for the provision of public charging points at large fuel retailers. The new clause would mean that owners and operators of public facilities such as supermarkets, public car parks and airports would also be required to provide charging facilities. Such locations would already have the service areas for vehicles to park up and be placed on charge. Having accessibility to charging points is vital to promoting the use of electric vehicles, and the new clause seems a sensible way of doing just that. The objective of the new

clause is commendable, and I trust the Minister will bear that in mind when he is devising the Government strategy on this.

Dr David Drew (Stroud) (Lab/Co-op): I refer to my declaration in the Register of Members' Financial Interests. At the moment, electricity charging points at motorway service stations are separate from petrol stations. Does my hon. Friend anticipate that when we have fully accessible electricity charging point provision they will be one and the same, on the same location—or will they remain separate?

Karl Turner: I think they will be an integral part of these sites. That is how things would have to work in order to be practical.

I congratulate my hon. Friend the Member for Warwick and Leamington (Matt Western) on tabling new clause 3 and put on record my personal support, and that of our Front-Bench team, for the new clause. New clause 3 focuses on public transport and commercial vehicles, but it raises many of the issues I was hoping to speak to in relation to new clause 4. For uptake to be encouraged, electric vehicles need to be practical, affordable and convenient for users, which means putting in place the necessary infrastructure. There are currently nearly 12,000—11,862, to be precise—charging points for electric vehicles in the UK, but there are multiple charging point operators, each with their own plugs, software, customer charges, billing systems and payment methods. These are also unevenly distributed, with more charging points available on the Orkney Islands than in Blackpool, Grimsby and my own fair city of Hull combined. New clause 3 would ensure that the Secretary of State assesses the costs, benefits, location and feasibility of charging points to enable the promotion of a national network of sustainable charging points for commercial and public transport.

Stephen Kerr (Stirling) (Con): Does the hon. Gentleman agree that the visibility and recognisable features of the charging points will be a spur to the take-up of electric vehicles?

Karl Turner: I very much agree with the hon. Gentleman. There were many suggestions in Committee that we call the charging points Hayes hooks. The former Minister, the right hon. Member for South Holland and The Deepings, was keen for schools and colleges to get involved in some sort of national competition on the design.

Mr John Hayes: As I have been mentioned by name, I feel obliged to intervene to thank the hon. Gentleman for his earlier complimentary remarks and to say that I know that the competition is indeed envisaged. One of the last acts that I commissioned in the Department was to sort out the detail of who would judge what and when. I am sure that the Minister will want to enlighten the House on the progress that has been made, what day the competition will begin, when it will end and what the criteria will be.

Karl Turner: I thank the right hon. Gentleman for his intervention. In Committee, we discussed making the charging points as recognisable as telephone boxes. That is essential. I hope that the Minister has taken on

board what was said in Committee and appreciates the work that the right hon. Member for South Holland and The Deepings did on the Bill.

It would be eminently sensible for the Government to promote a national network of sustainable charging points for private vehicles. We welcomed the announcement in the Budget of £200 million of public money to be invested in charging infrastructure. Of course, that matched Labour's manifesto commitment to invest £200 million to support ultra-low emission vehicles.

This Bill was an opportunity to set out a long-term plan for building the infrastructure needed to encourage the uptake of automated and electric vehicles, and it is a little disappointing that it has failed to do so fully. The Bill could have been a major step forward in taking high-emitting vehicles off our roads. We know that air pollution is linked to the premature deaths of around 50,000 people in the UK each year. That is a staggering number and the Government need to do an awful lot more to address that.

Electric and alternatively-fuelled vehicles are key to reducing air pollution and meeting the UK's climate change objectives. In Committee, the then Minister said:

"It is very important that we monitor closely how charge points are rolled out. We have spoken about workplaces, local authorities, service stations and so on and so forth, but we need to get a clear view about where the concentrations of charge points are and what needs to be done to fill in any gaps that emerge."—*[Official Report, Automated and Electric Vehicles Public Bill Committee, 14 November 2017; c. 186.]*

Sir Oliver Letwin: I remind the House of my interest in the Faraday Institution.

Given that the whole House agrees, roughly speaking, with what the hon. Gentleman said and that the Minister has announced that he is going to produce the strategy that the Opposition Front Bench team very sensibly want, may I beg the hon. Gentleman not to press his new clause to a vote? Were he to do so, it would have the sad effect of dividing the House on an issue on which we really do not need to divide and on a Bill on which we are all agreed.

Karl Turner: I assure the right hon. Gentleman that I do not intend to push anything to a vote.

We agree with what the right hon. Member for South Holland and The Deepings said in Committee, which I just read out, and believe that the Government should take this opportunity to set out in the Bill their strategy for doing that.

Iain Stewart (Milton Keynes South) (Con): I am happy to support Government new clause 1 and the consequential amendments.

I rise to make one point only on a matter that was discussed in Committee, particularly when we took evidence from witnesses before line-by-line consideration commenced. It follows on from the point the shadow Minister, the hon. Member for Kingston upon Hull East (Karl Turner), made about the need for the charging network to be as accessible and easy-to-use as possible, so that we can encourage the uptake of electric vehicles. One of the key requests was that we have a simplified payment system for use of the charge-points. There is evidence from Ireland and the state of California that

[Iain Stewart]

some Government intervention was required to achieve a harmonised payment system, before which users were having to carry around a multiplicity of payment cards to use the system. New clause 1, in conjunction with clause 9, will give the Government sufficient powers to nudge the industry to achieve that. I just wanted to put on the record that that requirement will be integral to making the charging system and the uptake of electric cars as complete as we would like.

7.45 pm

Helen Goodman: Thank you, Madam Deputy Speaker; I was not expecting to be called to speak so early as I have not tabled an amendment.

I did not serve on the Bill Committee, but I spoke on Second Reading about charging points. Just before Second Reading, I purchased a Nissan Leaf. Three months on, I have a little more experience, and I am afraid that I am slightly less enthused of my Leaf than I was in October. My experience has highlighted some policy issues. If Ministers want people to make the transition to electric vehicles, the issue of charging points and their availability is fundamental. We need more charging points.

New clause 2, tabled by the hon. Member for Bath (Wera Hobhouse), is absolutely spot on. Along with all public car parks, I would add to the list in her new clause hospitals, public buildings, local authority buildings, schools and libraries. All are places where people park. We do not just go between shops and our homes; we go to many different places.

Wera Hobhouse: Does the hon. Lady agree with my experience, which is that we need a carrot and a stick?

Helen Goodman: The hon. Lady is absolutely right. I have the slightest suspicion that those people who wrote the strategy and who have worked on the Bill may not yet have electric cars themselves. It all seems to be good in theory, but how does it work in practice?

Mrs Sharon Hodgson (Washington and Sunderland West) (Lab): I am curious as to whether my hon. Friend has, in the three months she has had her Leaf, attempted to drive from her wonderful constituency in Bishop Auckland down to Parliament? If she has, what was it like? If she has not, why not?

Helen Goodman: I certainly would not dream of driving to Westminster because it is far too far—it is way beyond the range. I shall talk about how far I can get in my car when I have finished my remarks on charge points.

Michelle Donelan (Chippenham) (Con): Does the hon. Lady share my disappointment that only five councils in the UK have taken advantage of the Government's on-street residential charging point scheme, which offers to fund 75% of the cost of creating charging points?

Helen Goodman: That is very interesting. I think local authorities have not taken up that offer in the way people hoped because there are no resources for the upkeep of the charging points.

On Second Reading, I asked whether planning permission for new housing developments should require charging points. I am disappointed that that has not been mentioned

by the Minister or in any of the new clauses or amendments. I also sent a rather long letter to the Department, to the right hon. Member for South Holland and The Deepings (Mr Hayes) who was handling the Bill extremely well. I am also disappointed that I have not had a reply to my letter, as the then Minister told me that he was going to discuss the planning issues with the Ministry of Housing, Communities and Local Government. It is no good Ministers relying on people charging their car at home, because to do so, people must have off-street parking. A third of this country lives in terraced housing or flats without off-street parking, which is why we need charge points along residential roads everywhere.

Mr Hayes: I do not want to anticipate my long and fascinating speech except to say that I did initiate discussions and I am confident that my successor will perpetuate them.

Helen Goodman: Good. I am very pleased to hear from the right hon. Gentleman, and I look forward to a positive response from the Minister on this issue of planning permission.

To some extent, new clause 3 covers my next point, which is that we need one system not just for paying when we go to the charge point, but for interconnections. When trying to charge up a car at a public point, it is incredibly annoying for a person to find that they have the wrong kind of plug. It is as absurd as if we had an electricity system in which some houses have three-point plugs, some five point plugs, and others two-point plugs. We have gone way beyond that. Although we want to encourage the private sector—when it comes to manufacturing the cars and the great work that Nissan and Toyota do, we are all in favour of it—the infrastructure for charging is a natural monopoly. It is obvious that the Government should be taking control of it. I am also slightly concerned that there has been systematic mis-selling and over-inflation on the range of electric cars.

Paul Girvan (South Antrim) (DUP): I appreciate the issue associated with the difference in the types of plugs that are required, but is that not going to demand an international standard to be set and agreed not just by this Government but worldwide, to ensure uniformity of connections with each make of vehicle and the grid?

Helen Goodman: The hon. Gentleman is absolutely right; I had not thought of that point. When I go on holiday, I normally hire another car, rather than driving from the UK, but, of course, many people want to take their own car overseas, so he makes a very fair point. It would be interesting to know whether the Government have initiated any discussion in the European Union, for example, on this point.

Let me come back to the point about range, and what I think is a serious breach of consumer rights and trade descriptions. I bought my Leaf from Bristol Street Motors in Darlington, and I was told that it had a range of 125 miles. As I was about to explain to my hon. Friend the Member for Washington and Sunderland West (Mrs Hodgson), I thought that that was fine because it meant that I could travel from my constituency to Newcastle, when I visit the regional organisations for the north-east, and get back again on one charge, but when I collected the car, it was charged up to only 75 miles. I said, "This is 30% less efficient! It is like buying a box of six eggs, but finding when you open the box that there are only four eggs. This is really not acceptable."

The garage people tweaked it around a bit, but they still could only charge it up—I have never charged it beyond this—to 85 miles. That is very different from the 125 miles that I was told. Indeed, having looked at the Nissan website, I found that the over-emphasis not only came from the dealer to whom I spoke, but was on the website itself. The guy who came round to fit my pod point and to whom I explained this problem said, “Oh, I hear it all the time. People are constantly disappointed that their cars don’t have the range that they were sold as having.” This is pretty fundamental. People need to know what they are buying and what they are getting. A 30% reduction in the capacity of what the car can do is a significant difference.

Mrs Hodgson: As my hon. Friend knows, Nissan is in my constituency, so I am very interested in her point. When I took a Leaf for a test drive—I do not have one yet; I am not as lucky as she is—I was told that the number of miles that people can get depends on how they drive. Is that the issue to which she is referring, or is it something different?

Helen Goodman: I do not think it can be that, because when I charge up the car, it does not even reach the amount. Sometimes when I am driving along, the charge seems to go down much faster than the number of miles that I am actually covering, but I cannot charge it to the level that is claimed.

Richard Burden (Birmingham, Northfield) (Lab): A number of people recognise that the first version of the Leaf—my hon. Friend got one of the last ones—did not have a great range. A new model is now out, which at least says that it has a much higher range, and I have no reason to doubt that. What this actually highlights is that the Government need to do more to incentivise plug-in hybrids. Although pure electric is fine for the short journey, it is likely that, for a while yet, the car needs another technology for the longer journey. Getting clear incentives for plug-in hybrids might make a contribution towards that. In fact, the way that grants have been structured, we have gone rather in the other direction.

Helen Goodman: My hon. Friend makes a very fair point. It is also related to the issue that the right hon. Member for South Holland and The Deepings raised about the importance of having fast charge-up plugs—I am not sure what one calls them—rather than the ordinary slow-speed ones. Last week, for example, I wanted to charge up the car while I went to the supermarket. In the half hour that I was in the supermarket, it had only increased its charging by 8 miles. That is pathetic by anybody’s standards. That is just not what one would expect. If that is the rate at which people are charging up on motorways, it really is not working. The technology needs to be improved with respect to the measurement inside the car. Last Thursday night, I set off to go home with 22 miles on the meter, but at 14 miles the car conked out in the dark. Not only was I extremely inconvenienced by this, but it was extremely dangerous, because somebody else could have driven into the car. It is also a problem for the police, and so on. It is incredibly important that we get this right. I would like the Minister to be far more ambitious. We need a really big strategy. I know that the Minister loves markets, but I am a Keynesian, and I think that this would also be really good for the British economy.

Mr Hayes: I want to contribute briefly to this debate. I have enjoyed the scrutiny of the Bill over what seems most of my recent life. I have spent more time speaking about automated electric vehicles than I care to count, having shared that endeavour with a number of hon. Members in the Chamber.

The amendments introduced by the Minister are a direct consequence of the scrutiny that we enjoyed in Committee. That Committee, like its predecessor—the Committee that considered the Vehicle Technology and Aviation Bill, which also considered these matters—was conducted in a positive, constructive, collaborative and wholesome way and I believe that the Bill can genuinely be said to have been improved as a result of the endeavours from Members from all parts of the House.

The infrastructure for electric vehicles is one of the critical elements of their gaining wider acceptance. It is not the only one, but it is salient. As has already been said, that requires us to think broadly about how and where people will want to charge. The hon. Member for Birmingham, Northfield (Richard Burden) made the very good point that most people will want to do that as close to their home as is conveniently possible and on-street charging is vital. The work with the local authorities, which has been recommended from a number of places in the Chamber, is critical to achieving that. The planning system also needs to recognise it, in respect of new developments. I go further and say that the Government have already taken steps and can take more on local authorities that are laggards—if I can put it that way—about putting into place the necessary measures to bring about on-street charging.

8 pm

Neil Parish (Tiverton and Honiton) (Con): Will my right hon. Friend give way?

Mr Hayes: I happily give way to my former Parliamentary Private Secretary.

Neil Parish: I pay tribute to the great job that my right hon. Friend did as Transport Minister and in his many other ministerial roles.

It is very much the charging points—their accessibility and the ability to charge vehicles quite quickly—that will really encourage people to have electric vehicles. At the moment, only about 1% or 2% of vehicles are electric. We really need the infrastructure if we want that figure to be 25% or 30%. Until we get the infrastructure right, we will not necessarily get everybody to sign up to having an electric car. We have to be absolutely certain to get the infrastructure right.

Mr Hayes: I am grateful to my hon. Friend, who has been not only a student, but a mentor to me as my PPS and as my great friend. He is right, as he often is on this subject. It is right that we build an infrastructure that is accessible. It also needs to be affordable and recognisable. The arguments that have prevailed so far have focused on those points—that the infrastructure must be easily recognised by anyone who wants to charge their vehicle.

Michelle Donelan: Does my right hon. Friend agree that another aspect that could hold back the industry is the skills shortage in the science, technology, engineering and maths sector? That is why schemes such as the Year of Engineering are so vital to companies in my constituency and in Wiltshire, such as Dyson and AB Dynamics, which are leaders in the sector.

Mr Hayes: Yes. When we speak of infrastructure, we often think of physical infrastructure. But it is also a matter of human infrastructure, and skills are critical to the success of this industry. I recommend to my hon. Friend the report by the Institute of the Motor Industry that addresses exactly those points. It highlights the accreditation system that it has put in place and recognises that, so far, only a small proportion of the technicians and people who service cars more widely have achieved the necessary competences to work on electric vehicles—of course, autonomous vehicles are yet to come. It will be vital that that understanding and those competences are widely spread. If I might make a point particularly on that, I am anxious that they are not simply owned by large corporate companies. We do not want to see the disappearance of local garages and start-up businesses. The spread of the ability of those who can repair and service these new types of vehicles needs to be sufficient not only to seed those competences in the way I have described, but to make them available to people in rural areas as well as in urban centres. My hon. Friend is absolutely right to draw attention to that human aspect of this technological challenge.

As well as the charge points being recognisable—and I am delighted that the shadow Minister has confirmed that they are going to bear my name, which I expect the Minister will also confirm—I am delighted that there is a determination to ensure that there is some consistency about the charge points. One needs to be able to drive down a road in an electric vehicle and immediately recognise a charging point, as we recognise a telephone box, a pillar box and many other things. And it should be beautiful, by the way.

Stephen Kerr: I agree with my right hon. Friend about the importance of recognisability and that a charging point should be a thing of beauty that adds to the landscape of our towns, cities and rural areas. There has again been mention in the Chamber tonight of the competition for a beautiful design that the Government will sponsor. Will my right hon. Friend—and, perhaps, the Minister—comment on whether the design competition will be for a UK design, rather than just an England, or England and Wales, design?

Mr Hayes: Well, that would certainly be my wish. It will be for the Minister to confirm or otherwise whether that is the official position. I no longer speak in official terms, but happily endorse the view of my hon. Friend that we should have a UK-wide design and competition. When Gilbert Scott designed the red telephone box, of course he recognised that it was a functional item, as it remains. But he was also determined to make it something of elegance and style—something that, in the words of my hon. Friend, added to the built environment. And so it should be with these charging points.

The third important element of charging points, as well as their accessibility and recognisability, is their affordability. It is absolutely right that we should have a single means by which people can pay. It is preposterous that people might arrive at a charge point, ready to charge their vehicle—perhaps even desperate to do so, if the remarks of the hon. Member for Bishop Auckland (Helen Goodman) hold true—and then find that the means by which they have to pay does not fit their expectation and that they need some card or prepayment system. We need to ensure that all charge points conform

to a single means of payment, or at least a number of means of payment that suit every circumstance. What we cannot have is different charge points with different technologies, different modes of payment, and a different look and feel. That would be preposterous and I know that the Government will not want anything preposterous to happen.

Craig Mackinlay (South Thanet) (Con): I am grateful to my right hon. Friend for giving way; he is being very generous with his time. As he got the Bill to its current state, did he consider that perhaps we have started the whole basis of the electrification of cars and batteries at the wrong point? The trouble is we are beyond this point already, as we have a Tesla-style battery, a Lexus-style battery and batteries by other manufacturers. Would it not have been more sensible and better if the current network of petrol stations had been places where we could simply change the battery? That could have been done in an instant, or within a minute or two, rather than waiting for this long charge system. I am concerned that the manufacturers have started us off on the wrong basis. Perhaps it is not too late to get us back on track.

Mr Hayes: Innovation and change often initially result in a multiplicity of systems. One thinks of the industry that I was once in—the IT industry. It took some while before MS-DOS, and subsequently Windows, emerged. Of course, there are still Apple computers with a different system altogether, but at the birth of the personal computer, all kinds of technologies co-existed. It was a while before standards became certain, adapted and adopted, widely recognised and used. I suspect that the same applies in this area of innovation and change. As the technology beds down, I expect that there will be greater consistency, but the Government must play their part too.

Although I am sure that the market will normalise around a set of standards, the Government can—by what they do both legislatively and in terms of the kind of incentives I mentioned earlier that might be provided to those who are developing charge points such as local authorities—help that process along the way and that will build consumer confidence. Recognisability, affordability and accessibility are critical if people are going to buy electric cars without the uncertainty that the hon. Member for Bishop Auckland described to us. She was a bold early adopter who entered the marketplace with a degree of optimism and hope. I hope that her hope has not been too tarnished by subsequent experience because the trailblazing spirit that she personifies is important if we are to get the momentum we want for this change in the way we drive and what we drive.

I welcome these amendments. As I said at the outset, they reflect sensible scrutiny of important legislation, although of course there is more to be done. In establishing this national infrastructure, I am confident that the same spirit of conciliation, collaboration and co-operation that has characterised our considerations so far will continue.

I begin the end of my remarks where I started—with Ruskin. Ruskin said:

“The training which makes men happiest in themselves also makes them most serviceable to others.”

Further to the comments of my hon. Friend the Member for Chippenham (Michelle Donelan), the change that I recommend will not work unless we have people ready

to make it work. That requires skills and training that is serviceable to others. It requires building a human infrastructure fit to do the job to make the physical infrastructure as effective as it can be. I know that there will be more consideration of that during the rest of this debate.

In the short time that I have been on the Back Benches, I have learned that one of the virtues is that one does not have to stay for the whole of a debate. To stay longer, in any case, might attract more plaudits, and even I would begin to become embarrassed. In the interests of the whole House, not just my own, I am now going to end this brief contribution, sit a moment longer and then proceed to my dinner, safe in the knowledge that I pass the baton to others still more capable of continuing the debate in the spirit in which it began.

Madam Deputy Speaker (Mrs Eleanor Laing): I call Matt Warman.

Matt Western (Warwick and Leamington) (Lab): Thank you, Madam Deputy Speaker. May I start by—

Madam Deputy Speaker: Order. I beg the hon. Gentleman's pardon. In being carried away by listening to the right hon. Member for South Holland and The Deepings (Mr Hayes), I called him by the wrong name. Mr Western.

Matt Western: Thank you, Madam Deputy Speaker. It was not an issue.

I start by thanking the right hon. Member for South Holland and The Deepings (Mr Hayes), the former Minister, for conducting what was my first Bill Committee. I found his style particularly remarkable, welcoming and friendly, and very constructive.

I wish to speak to new clause 3, which is in my name, but also to reference new clauses 1, 2 and 4. When I spoke on Second Reading and in Committee, I highlighted what I thought was perhaps an omission—the Minister picked up on this earlier—with regard to making sure that the Bill is viewed by the public, but particularly by consumers, manufacturers and authorities, as setting the right framework, or groundwork, to bring about a change in our mobility. Critical to all this is why we are looking to make this move and why it is happening not just here in this country but globally. Part of that is looking to address the targets for reducing carbon dioxide that are set out in the Paris accord. Transport is of course an important contributor to CO₂ emissions, particularly with regard to petrol vehicles.

There is also the issue of air quality. In my constituency of Warwick and Leamington, we suffer from poor air quality, particularly as a result of the topography of the towns, but also by virtue of our medieval streets. This is brought about by old vehicles—old buses, old lorries, old vans and old cars. It is not an issue with new vehicles. We have some terrific vehicle manufacturers, as has been mentioned. We have highlighted the investment of Nissan, but we should also consider the likes of Mini and Jaguar Land Rover, which is in my constituency. Jaguar Land Rover is making a move to hybrid vehicles, but its current diesel vehicles are very clean, with such things as particulate filters. The responsible manufacturers have moved very quickly on this already.

8.15 pm

I want to highlight the opportunity that exists. The Society of Motor Manufacturers and Traders and KPMG have forecast that the overall economic and social benefit of electric, connected and autonomous vehicles could be in the region of £51 billion per year and 320,000 additional jobs. There is therefore a fantastic opportunity for us all and for our economy. However, as we have heard, the matter of charging points is something of a postcode lottery. The Bill attempts to reduce that risk. It is clearly a problem that a place such as Orkney has more chargers than Grimsby, Hull and Blackpool combined. I pick up on the point that was made earlier about the Government's initiative. Clearly, cash-strapped authorities are not even finding the 25% of money to start investing.

Stephen Kerr: Is there not a danger that the lack of these charging points and their lack of visibility in our landscape will drive earlier adopters such as the hon. Member for Bishop Auckland (Helen Goodman) out of the market? It is therefore very important that this Bill and all that comes from it are set in motion, because if we are not careful, we will miss the tide.

Matt Western: I thank the hon. Gentleman for his intervention. This is always the issue when an early adopter picks up on a product in any sector. I remember the first smart products such as the mini-computers of yesterday—PalmPilots and all those things. If one was not careful, one bought the wrong product and got caught out. The crucial part of this is ensuring that Governments take the lead, but there is also an international drive about pushing the agenda and making sure that there is commonality and the upfront investment that pulls manufacturers and consumers along with it.

Carol Monaghan (Glasgow North West) (SNP): I would like to correct slightly what the hon. Gentleman said. I hope that he will be gracious in accepting this. The problem is not that Orkney has more charging points; it is that Grimsby does not have enough. Rural locations, particularly around Scotland, will, by their nature, need more charging points.

Matt Western: I accept the hon. Lady's point. What I said was factually correct; I was just trying to point out the disparity between areas. Good for Orkney, but this is about getting other areas to come along and invest to set up these infrastructures as well.

At present, there are multiple charging point operators across the UK, each with their own plugs, software, customer charges, billing systems and payment methods. That is clearly one of the issues that we are trying to address in the Bill and new clause 1. Critical to that is that the Government need to standardise charging infrastructure to make the network far more accessible. To draw a parallel, it is rather like the old mobile phones of the early days that some of us will remember. Mobile companies started moving into the sector and establishing their networks, with the investment that had to go with that. We realised that without a Government lead or a national infrastructure, pylons were starting to cluster in certain areas when in fact one pylon would have done, but with a different antenna fixed to it. We must try to avoid that sort of thing, so that we do not have little clusters on our streets or in our town centres when one will do.

[*Matt Western*]

It is crucial to ensure not only that we have charging points, but their interoperability for all types of vehicle. By way of parallel, I cite the fantastic thing that is the USB. We all know what it is like when we forget the charging cable for our mobile phones and find we have no means of recharging our phone, because we happen to have a product of a particular brand and a plug does not fit that phone. It is crucial that we not only legislate but work with other countries to ensure there is interoperability. Often when we have these debates, we are thinking about cars, but we also need to think about all the other sectors. That is why it is vital that we have a comprehensive approach to the electrification of all sectors relevant to mobility.

Those of us in London recognise just how much the bus network has improved over recent years. I was amazed to discover that a third of our famous red buses are now hybrid. Something like 73 are electric and about 10 are hydrogen buses. Those hybrid buses are super-quiet and relatively clean, with 30% or 40% less emissions. That has made a noticeable difference to air quality, as I remember how poor that was 30 years ago when I lived in London.

One of the businesses in my constituency is Volvo Buses, which has done a lot of work on electric vehicles and has had all sorts of issues. For example, it has invested heavily in trying to establish a network in Harrogate. The costs of getting the DNO connection have varied considerably, and the project has been extremely difficult. We have to recognise that these businesses are the first adopters. They are the ones trying to get new technologies established, so we need to make the process as easy as possible.

One issue with commercial vehicles and buses is the need for pantograph-type systems to charge vehicles from above. European manufacturers, including Mercedes, Fiat, Renault and Volvo, are looking at how to recharge those vehicles when they are at a bus stand or in a garage. We need to ensure that such infrastructure is generic and standardised across all manufacturers.

Iain Stewart: I absolutely agree that we need to look at the technology for charging buses and other vehicles en route. May I invite the hon. Gentleman to look at the pilot scheme that has been running in Milton Keynes with an induction charging system for a bus route that is wholly electric? That could represent the technology for recharging, rather than expensive overhead line equipment.

Matt Western: I thank the hon. Gentleman for his invitation, and I would certainly be delighted to take him up on it. That is one for the future.

Mr John Hayes: I have no desire to prolong the hon. Gentleman's speech unduly, as the Financial Secretary to the Treasury is waiting for his dinner. However, on the hon. Gentleman's point about buses and local support for electric vehicles, he will know that the Government have done a great deal to support the provision of low emission vehicles by bus companies. Indeed, workplace charging has also been supported strongly by the Government. Does he agree that perhaps we need just to broadcast that more, so that more people know they

can benefit from the support that is available? The Government have done their bit, and I am extremely grateful for the great work that my officials did on that in my time. Does he think it is about more publicity?

Matt Western: It is. It is about motivating and encouraging change through consumers.

I would like to move on finally to electric bikes and mobility vehicles. That might seem like a less glamorous or glossy sector of the market, but we have some terrific bike manufacturers in this country. We have Pashley and Moulton, and Brompton here in London. Brompton's first e-bike is about to roll off the production line. However, our sales of electric bikes are way behind those of other countries. We are something like seventh in Europe, with 5% of its total sales, way behind Austria, Italy, France, Belgium, the Netherlands and Germany. Germany has 36% of the total sales for Europe.

In 2016, the city of Munich started a subsidy scheme for electro-mobility that includes electric bikes. The subsidy for the purchase price is granted to private companies and non-profit organisations, with a contribution of, say, €500 for electric bikes or €1,000 for electric cargo bikes. In Sweden, there is a 25% Government subsidy for all e-bikes until 2020, which has led to a 50% surge in electric bike adoption in the country. It has been hugely successful in the past 12 months, and that shows what leadership can do to change consumer behaviour, which the right hon. Member for South Holland and The Deepings referred to. The same thing applies to commercial vehicle fleets, whether they be for haulage or local delivery.

I urge the Government to adopt new clause 3, which is simple and straightforward. It puts forward a framework to identify all the vehicle sectors that need to be considered, so that we ensure that they are very much in the front of our minds.

Wera Hobhouse: I shall speak to new clause 2, which I tabled. We have already had a good discussion about making it as easy and quick as possible for consumers who are considering buying electric vehicles to do so. That is why I very much encourage the Minister to reconsider whether new clause 2 should be included in the Bill.

Let me set the scene for this urgency. Air pollution in the UK is a big killer, contributing up to 40,000 deaths a year and costing the NHS £15 billion. As a country, we have been slow for a long time to comply with EU limits on pollution. We have been very slow at tackling high levels of pollution in the past.

These issues are incredibly relevant to my constituency. Bath is officially one of the most polluted areas in the country. Bath and North East Somerset was named among 29 local authority areas with high levels of nitrogen dioxide. According to the council's own data, 92% of air pollution in Bath is caused by traffic. The swift take-up of electric vehicles is therefore very important.

I welcome the Government's proposal to create universal charging points, which was also a Liberal Democrat manifesto commitment. However, as we have said several times, the Government should be more ambitious. The Bill must go further to ensure that it is as convenient as possible for people to own electric cars and to help consumers to make decisions that will benefit the environment and, particularly, public health.

New clause 2 would give the Secretary of State the power to make regulations requiring owners and operators of certain public facilities to work with local authorities to provide public charging points and to ensure that public charging points are maintained and easily accessible to the public. Again, a number of points have already been made about why local authorities have not picked up voluntary schemes. I believe that the carrot and the stick is the right approach, and I again say that the Government must consider using a little bit of stick.

The Bill allows the Government to regulate petrol stations and motorway service stations to provide electric charging points. The new clause would ensure that people with electric cars could easily charge their cars on shorter journeys as well as when travelling longer distances. I am considering whether I should buy an electric vehicle, but I do not fancy sitting around for eight hours in a service station on the motorway to charge my car.

Local authorities should have powers to require new commercial and industrial developments to provide electric charging points and, for example, to pilot the use of lamp posts as charging points in residential areas where homes do not have driveways. All this is about encouraging creative ways of making sure that charging our vehicles is as convenient as possible and increasing take-up among people who want to acquire electric cars.

If the Government are serious about reducing transport emissions, far more radical measures will be needed, but this Bill is a step in the right direction. I believe that new clause 2 would improve the Bill even further.

8.30 pm

Mrs Hodgson: I am last, but by no means least, I hope. We still have the Minister's closing remarks to come, so I am not altogether last.

As colleagues will know—if they do not, I am going to tell them now—the Nissan plant is in my constituency of Washington and Sunderland West. *[Interruption.]* Yes, it is. Many will also know that the Nissan Leaf is manufactured there. If I know Nissan, I am confident that it will have been following this debate closely, and I have no doubt it will get in touch with my hon. Friend the Member for Bishop Auckland (Helen Goodman) to discuss her Leaf experiences further. As she said, it is very important that consumers who make the leap to a Leaf—do you like what I did there?

Chris Bryant (Rhondda) (Lab): Is it all like this?

Mrs Hodgson: No, I am just trying to lighten the mood. It is very important that such consumers have a good experience if society is ever to make the transition to electric vehicles that we all hope to see.

I rise to raise briefly some points about three areas of part 2 of the Bill—clause 10, clause 9, and clauses 11 and 12—each of which I will address quickly. From speaking with Nissan, I know it is welcome that the Bill intends to impose requirements on large fuel retailers and service area operators “within a prescribed description” to provide public charging points. However, it is important, for all the reasons we have heard expressed so eloquently tonight, that this prescribed description is as ambitious as possible and is used in such a way as to deploy the

electric vehicle charging infrastructure to its maximum potential. I therefore hope the Minister will elaborate further on how the Government plan to make sure that the expansion of this infrastructure is done in a sustainable, sensible and joined-up manner that does not hinder future growth.

Another aspect of ensuring that this important infrastructure works in the right way is ensuring that electric vehicle charging is open access and not restricted to members of charging schemes only or, as we have heard, to people with certain types of plugs. It is important as this infrastructure rolls out that it does not become a patchwork of varying payment methods, membership schemes and plug points, but instead is accessible to all to help encourage more people to make the move or the leap to electric vehicles. Will the Minister assure me that this will be considered as the Bill progresses to the other place?

The last point I want to touch on is smart charging as it is considered in the Bill. Smart charging is a new and exciting innovation and, as the Minister will be aware, Nissan has been pioneering work on vehicle-to-grid technology, where an electric vehicle's battery can support the grid network at peak times when it is not charging. The Bill makes positive commitments in this area, but it would be welcome if the Minister committed throughout the Bill's progress to ensuring that the continued development of these new technologies is supported.

Overall, this is a very welcome Bill that I know will have significant effects on Nissan in my constituency and on the wider electric vehicle industry. I hope that as the Bill progresses we will see further strengthening to make sure that, as we go into the future, electric vehicles become more and more accessible to drivers and, as we so desperately need to be doing right now, that this helps to reduce pollution. With those few remarks, I will end, and I look forward to the Minister's response.

Jesse Norman: Let me thank all Members present in the Chamber and those who have spoken for their very helpful contributions to this debate on Report. This is another stage in the extremely constructive process of putting the Bill together. It is pretty clear that the House is united in its ambition to ensure that the UK has world-leading infrastructure to support the roll-out of electric vehicles. Many great points have been raised, and I will try to respond to as many of them as I can in the time available.

The hon. Member for Kingston upon Hull East (Karl Turner), who is not in his place, mentioned security and the importance not just of data security, but of prescribed persons in the Bill. I share the concern he raises, and as my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) said, there are provisions in the Bill for anonymised and aggregated data on the model of smart data used elsewhere. It is also worth saying that the Bill has tightened the security for prescribed persons. Such investigations must be done in accordance with the regulations. Those are defined and will be further defined in secondary legislation.

On interoperability, let me reassure the House that there is scope in the Bill to require all new charge points to offer pay-as-you-go services. My right hon. Friend the Member for South Holland and The Deepings (Mr Hayes), who is no longer in his place, raised the question of the design competition—and rightly so,

[Jesse Norman]

in this, the Year of Engineering. Let me confirm that it will cover the whole UK, as he and colleagues mentioned.

My right hon. Friend the Member for East Devon (Sir Hugo Swire) pointed out the importance of rural infrastructure. As the Member for Hereford and South Herefordshire, I entirely share that view. He will know that we have made significant investments—in the electric vehicle home-charge scheme, the workplace charging scheme and, as I have mentioned, the charging infrastructure investment fund—to support roll-out, but this is an important issue, and the Government will remain vigilant in ensuring that there is no discrimination against rural owners or potential owners of electric cars.

The hon. Member for Bishop Auckland (Helen Goodman) told us a horrifying story about her own experience. All I can say is that she raises some issues that are related to the particular product she purchased, the Nissan Leaf. I have no doubt that that is being followed very closely in Sunderland as we speak. Whether it is correct or fair to describe the car as having “conked out”, I cannot comment, but as no one would believe the hon. Lady to be a speed demon, there may be a question as to whether there was proper and adequate disclosure. We have seen companies take measures to disclose range, but there may well be scope for greater transparency, of the kind we have seen in other areas. I can also reassure her that the head of the Office for Low Emission Vehicles drives a Nissan Leaf herself.

To answer the hon. Member for Warwick and Leamington (Matt Western), the updated strategy to promote electric cars, which I have mentioned, will come in March. That strategy will, I hope, do much if not all of everything he described and more, and it will of course do so on a considerably faster timetable than the ones contemplated in his new clause.

Let me pick up another couple of points. My right hon. Friend the Member for South Holland and The Deepings characteristically foreswore his natural shyness to give us a tour d’horizon of his time in office once again. He was absolutely right to say that, although we have done quite a lot already, local authorities can go further and also to emphasise the importance of human infrastructure. I would simply mention the work of the Institute of the Motor Industry in formatting and creating level 1 to 3 qualifications in electric vehicle maintenance and repair.

Finally, the hon. Member for Washington and Sunderland West (Mrs Hodgson) asked me whether the Government would consider charging for open access. The answer is absolutely, and that is already being discussed, as I have described. She also asked whether the Government recognise the importance of vehicle-to-grid. Yes, that is absolutely at the centre of what the Bill is trying to achieve.

We have given due consideration to the proposed new clauses in this debate. Although I understand the importance of the issues raised, for the reasons outlined, I do not believe that the new clauses proposed by Opposition Members should be included in the Bill, which I commend to the House as it stands.

Question put and agreed to.

New clause 1 read a Second time and added to the Bill.

Clause 13

ENFORCEMENT

Amendment made: 1, page 8, line 12, leave out subsection (3) and insert—

- (3) The provision referred to in subsection (2)(a) includes—
- (a) provision authorising a prescribed person to enter any land in accordance with the regulations;
 - (b) provision for the inspection or testing of any thing by a prescribed person, which may for example include provision about—
 - (i) the production of documents or other things,
 - (ii) the provision of information,
 - (iii) the making of photographs or copies, and
 - (iv) the removal of any thing for the purpose of inspection or testing and its retention for that purpose for a reasonable period.”—(Jesse Norman.)

This amendment removes the requirement that entry on to land must be for the purpose of inspecting a public charging point; and ensures that regulations under Part 2 may make provision, in connection with determining whether there has been a failure to comply with a requirement or prohibition imposed by regulations, about the production, removal and inspection of documents and other items.

Clause 14

EXCEPTIONS

Amendments made: 2, page 8, line 19, leave out “or public charging points” and insert “or devices”.

This amendment, which is consequential on NCI, enables exceptions from requirements or prohibitions imposed by regulations under Part 2 to be made in relation to devices that are not public charging points.

Amendment 3, page 8, line 22, leave out “or public charging point” and insert “or device”.—(Jesse Norman.)

This amendment, which is consequential on NCI, enables the Secretary of State to make a determination that a requirement or prohibition imposed by regulations under Part 2 does not apply to a device that is not a public charging point.

Third Reading

8.39 pm

The Secretary of State for Transport (Chris Grayling): I beg to move, That the Bill be now read the Third Time.

I would like to take this opportunity to thank my right hon. Friend the Member for South Holland and The Deepings (Mr Hayes) for all his work and for the dedication he has shown to the Bill, including in his contribution tonight, which he made with customary good cheer. He brings great knowledge to the subject and I commend him for all that he has done. On Second Reading he referenced Henry Ford, who said:

“Coming together is a beginning; keeping together is progress; working together is success.”

He has certainly exemplified those sentiments in his work on the Bill.

I am grateful to all right hon. and hon. Members who have participated throughout the passage of the Bill, particularly in Committee. I thank the Committee’s Chairs, the hon. Member for West Bromwich West (Mr Bailey) and my hon. Friend the Member for Gainsborough (Sir Edward Leigh), for guiding the Bill skilfully through its scrutiny.

The Government are committed to maintaining the UK’s position as one of the best places to research and develop modern transport technologies, such as automated and electric vehicles. Despite our differences in this

House, I think we all share that ambition. We have some fantastic automotive centres in this country—the hon. Member for Washington and Sunderland West (Mrs Hodgson) referred to one in the north-east, which I have visited and know is a fantastic plant. We all want to see the automotive sector grow and develop, and this is a fantastic opportunity for it to do so. The Bill is designed to help keep the UK ahead of the curve.

Automated vehicles will revolutionise the way we travel and deliver better journeys, making journeys safer and improving mobility for more road users. It is estimated that the market for autonomous vehicles will be worth £28 billion or more each year to the UK. The Government want to see fully self-driving cars, without a human operator, on UK roads by 2021, and I believe that is entirely realistic. The Bill sets the legislative groundwork for automated vehicle insurance. When you drive your car, Mr Deputy Speaker, it is you who is insured, not the vehicle. As a result of the Bill, in future the vehicle will equally be insured. That will give people confidence that they can purchase these vehicles and have the insurance cover they need.

We have plans for further ways in which we can take advantage of this groundbreaking technology, with amendments to existing legislation. For example, we are already holding an open consultation on the safe use of remote control parking systems—a form of advanced driver assistance technology that is becoming very visible and real now. We will be updating our world-leading code of practice for testing automated vehicles to allow developers to apply to test their vehicles in the UK. We will also be working with the Law Commission to set out proposals for a long-term regulatory framework for self-driving vehicles.

Richard Burden: I am sure that Members on both sides of the House share the enthusiasm for these new technologies, but has the Secretary of State seen KPMG's "Autonomous Vehicles Readiness Index", which compares the readiness of different countries for taking up these technologies? The UK performs fairly well on technology: we are ranked fifth, behind Germany, Sweden, the Netherlands and the United States. Interestingly, we drop to 10th place when it comes to readiness of infrastructure, the road system and the availability of 4G. Can he give any indication of how we can start to turn that around?

Chris Grayling: The hon. Gentleman makes a valid point. This legislation is part of the process of keeping us as close as possible to the top of that league table. Clearly the presence of 4G and 5G networks is immensely important. He will know that this week my right hon. Friend the Secretary of State for Digital, Culture, Media and Sport has talked about the Government's achievements and ambitions for our broadband network and our 4G and 5G networks. It is absolutely essential, if we are to maximise this technology's potential in the UK, that we have state-of-the-art IT systems. That is what the Government will continue to work towards.

To harness the revolution and take advantage of the potential of electric vehicles, we must continue to build the infrastructure they need. It needs to be ubiquitous and fast-charging, and this legislation will help secure that. Of course, that is backed by Government funding. In the Budget last November, the Chancellor announced a new £400 million electric vehicle charging infrastructure

investment fund, £100 million of new funding for the plug-in car grant to help consumers purchase these vehicles, and of course we will play our part too by ensuring that 25% of cars in the central Government departmental fleet will be ultra low emission by the end of this Parliament. Through the Bill, we want to make it easier to recharge an electric vehicle, and that will be one of the consequences of what we have all debated today.

Alan Brown (Kilmarnock and Loudoun) (SNP): The UK Government have committed £200 million towards the roll-out of infrastructure. Previously, the Secretary of State for Business, Energy and Industrial Strategy agreed with me that any allocation to Scotland has to be based on needs, including geography, rather than on population. Can the Transport Secretary confirm that he shares that view?

Chris Grayling: This has to be a United Kingdom-wide effort. Scotland is no different from the rest of the United Kingdom: it has rural areas, remote rural areas and busy urban areas. We will need to make sure that all those who seek to buy these vehicles have access to the appropriate charging points. This legislation will help to do that, as will Government funding. The Barnett consequential of the Government funding announced in the Budget will enable the Scottish Government to play their part, along with private investment.

Taken together, the measures in the Bill will ensure that the UK is at the forefront of this profound technological shift. It will provide cleaner vehicles, easier travel and safer roads—all part of a transport system that works for everyone in this country, both today and in future. I am grateful to everyone who has been involved in working on the passage of the Bill. I hope that it makes a genuine difference. I am grateful to the whole House for uniting behind the Bill's principles. Let us go forward and make sure that this country is a real success story in this field.

8.46 pm

Andy McDonald (Middlesbrough) (Lab): Mr Deputy Speaker, I do not know whether you remember Raymond Baxter and James Burke all those years ago on "Tomorrow's World", saying that vehicles would connect and talk to one another—you are too young, I am sure, but seemingly that day is dawning.

I thank the Government Front-Bench team for the spirit of co-operation in which they have handled the Bill. Had the right hon. Member for South Holland and The Deepings (Mr Hayes) been in his place, I would have thanked him and told him that if Carlsberg did legislation, they would probably do it this way. However, I cannot say that to him because he has gone for his dinner.

As these clauses were largely included in the Vehicle Technology and Aviation Bill, which was dropped following the Prime Minister's decision to call a snap general election, they have been scrutinised in Committee in the Commons twice. I place on record my thanks to all those who have been involved so far in improving the legislation. The Transport Secretary is correct when he describes the potential for electric and automated vehicles to transform transport in the coming years. It is right that a Bill is brought forward to allow those technologies to be facilitated and encouraged.

[*Andy McDonald*]

It is necessary to address certain issues successfully, including questions of insurance and what powers are necessary for the development of charging networks, for the UK to stay ahead of the curve on transport. It is right to legislate to encourage research and innovation that will shape how we travel in future and create the highly skilled jobs that our economy needs, as well as tackling the environmental and climate change challenges that confront us. Sadly, road deaths are at a five-year high, but there is considerable potential for automated vehicles vastly to improve road safety, not just by avoiding the errors that lead to so many crashes, but by using the information gathered to aid the design of safer roads and infrastructure in future.

The UK is in the midst of an air pollution crisis that the Government have failed to address. Recent studies show that 50,000 deaths in the UK last year were attributable to air pollution. This is a higher proportion than in Germany, France, Spain and many other European countries. For that reason, I welcome the Government's commitment to an electric charging infrastructure, as announced in the autumn Budget, and the continuation of limited subsidy schemes for ultra low emission vehicles. The UK is also in a strong position to become a world leader in the production of automated and electric vehicles and to enjoy the greater economic benefits that will flow therefrom, although we may have to cope with the new condition of range anxiety.

The Bill alone does not add up to the wider policy framework that is required for the UK to take advantage of the opportunities presented to us, but it is an important Bill, which we support. Labour wishes to continue to work constructively with the Government in pursuit of these objectives. Creating the insurance frameworks needed to allow automated vehicles on our roads is a necessary step but not itself sufficient. The Transport Secretary has announced that driverless cars will be in operation on UK roads by 2021. Although the Bill is needed if that is to be the case, it is the pace at which the technology develops that will determine whether that target is met.

It is disappointing that the Government chose not to support our amendment in Committee to require a consultation prior to devolving the definition criteria for automated vehicles, which we regard as an unaddressed issue with the Bill. Although road-ready, fully-automated vehicles are still some years away, there has been a significant increase in assistance systems and partial automation over recent years, and those advances are in operation currently. The Bill assumes a clear distinction, but it is not apparent that one exists, and it is important that the Government draw on the available expertise to avoid inaccurate or confusing definitions in the future.

We are also concerned that the Bill does not require the provision of charging points to be distributed across the country more evenly, but I welcome the Minister's commitment to publishing the Government's strategy by the end of March—I just hope that that is March of 2018, not of some future year. As my hon. Friend the Member for Kingston upon Hull East (Karl Turner) stated earlier, however, the Government have acknowledged the need to monitor closely how charge points are rolled out and the need to get a clear view of where the concentrations of charge points are and what needs to be done to fill in gaps that emerge.

To conclude, when the Bill is debated further in the other place, the noble Lords will in all likelihood look for greater clarity from the Government on their strategy for electric charging infrastructure and how they will ensure a fair geographical spread, so that the benefits of these technological developments can be felt across the country. If we are to secure the opportunities that these exciting technologies present, this is a necessary Bill, and we are happy to support it.

8.51 pm

Craig Tracey (North Warwickshire) (Con): I would like to make a brief contribution to the Third Reading debate of a Bill that I was pleased to be involved with in Committee. Given that quite a lot has already been said, my contribution has been getting briefer by the minute.

It is fair to say that the Bill has widespread support from manufacturers, enthusiasts and insurers alike. Interestingly from my perspective, it has also captured the imagination of my constituents, particularly the young people, as it has recently become the most talked about topic at my regular school visits, which is great news as we look to inspire the engineers of the future. On top of that, official research indicates that the market for automated vehicles will be worth around £28 billion by 2035—so it is set to become a key part of our future economy.

I want to focus on part 1 of the Bill, which covers insurance and liability. As such, I need to declare an interest as chair of the all-party group on insurance and financial services and having previously run my own insurance brokerage for 20 years before being elected. The Bill extends compulsory motor vehicle insurance to cover the use of automated vehicles in automated mode. In view of this, I would like to raise two points with the Secretary of State that I think still need clarification and which do not seem to have been addressed in the amendments. First, given that the users of automated vehicles have to be able to demonstrate that their vehicle was in fully automated mode to exercise their rights under the Bill, what commitments can he give that data confirming the status of the vehicle at the time of the crash will be made available to the insurer? It will be needed not only to establish liability but to prevent delays in paying claims.

Secondly, as I pointed out in Committee, there are concerns in the industry about the software updates. I believe that there is a strong case for making these the manufacturers' responsibility, particularly where they are of a safety critical nature. Under the Bill, the onus still falls significantly on the insured to carry out software updates, which could be unfair in a number of scenarios. The simple solution—and one that I understand the technology is available for—would be to not allow a vehicle to enter automated mode unless the required software is up to date. I ask the Secretary of State for reassurance on this particular point.

The Bill provides a stepping stone for the future of travel in this country. Automated vehicles will help to reduce the number of accidents and will possibly reduce congestion, while electric vehicles will provide a cleaner environment for the next generation. We know that the environment is a major topical issue for many Members, and for the wider public. We must provide the infrastructure to support electric vehicle owners and to encourage more and more people to join them by removing the

barriers that currently exist—particularly in respect of charging, an issue that is raised regularly by my constituents. The challenges that the Bill seeks to address are not just for the future; they are right here and right now.

As I have said, I am very supportive of the Bill, but I look forward to hearing the Minister's response to the points that I have raised.

8.55 pm

Carol Monaghan: The Scottish National party broadly supports the Bill and the opportunities that it presents. Autonomous and electric vehicles have the potential to spark technological innovation in the United Kingdom.

Let me begin by being self-indulgent, and—as chair of the all-party parliamentary group on photonics—highlight the role of photonics in autonomous vehicles. Autonomous vehicles require high-quality optical sensors which can cope with all the weather conditions that we experience in the UK, including snow, rain, driving winds and hail. The sensors must be able to “see” the road, and vehicles, in all those conditions. They currently cost about £150,000 a go, which is 10 times the price of a car that someone might wish to buy, and we need to think about how we could lower the cost.

The UK is the world leader in optical sensor technology. A company called Barr and Stroud, which was established close to my constituency, in Byres Road in the west end of Glasgow, evolved into Thales, which is now based in Govan. We also have Leonardo, based in Edinburgh. Those defence companies are looking at optical sensor systems, but proper investment in photonics companies would allow optical sensors produced by them to be at the forefront of autonomous vehicle technology.

Annually, 1.7 million cars are made in the UK. If the cost of an optical sensor system for a driverless car could be brought to a reasonable cost—£1,000, say—that would produce a UK market of £1.7 billion. Let us expand that, and look at the worldwide annual requirement for cars. Given that 95 million cars are made annually, there is a real opportunity for UK optical sensors to compete in a £100 billion market. I hope that the Government will be able to support that, both through the Bill and through the industrial strategy.

Electric vehicles, which have been discussed extensively this evening, have great potential to clean up city centres and improve air quality, but that should not be done in isolation. It is erroneous to say that electric vehicles are clean, given that the method of generating electricity in the first place is dirty. We are simply moving the pollution from one location to another. I urge the Government to consider supporting the renewable sector, so that electric vehicles truly can be clean. We also need to recognise the wider economic and social benefits—jobs and air quality, and associated health benefits. In Scotland alone, a low-carbon economy supports 58,000 jobs and is estimated to be worth £10 billion.

A number of Members have mentioned charging points. Scotland has one of the most comprehensive charging networks in Europe, involving domestic properties, urban and rural settings, and, of course, the vast road network. I call on the United Kingdom Government to work with the Scottish Government to ensure that the whole UK benefits. The funding must be needs-based: it must not simply be about population share and sector share.

In Committee, we had assurances on consultation regarding working with the Scottish Government on grid management, a charging point strategy, locations of charging points and ensuring that rural locations were not left out. It would be useful to hear a little more about that. Management of the grid has been talked about, and Government new clause 1 on monitoring data makes perfect sense to avoid spikes. Grid management, where data captures can be considered, already allows buildings to operate in a smart manner, and hopefully charging points can operate similarly. But losses from the grid have not been mentioned. The grid operates with ancient copper cables at some points, and the resistance in the copper cabling leads to great energy losses. There is developing technology in superconductors, which would reduce the losses greatly, but again that would need Government investment. I hope as part of this Bill, and in the next few years, the Government look seriously at supporting not just renewables for electric cars, and not just the photonics industry, but the superconductor industry to allow efficient charging and energy transfer.

9.1 pm

Iain Stewart: It has been a pleasure to serve on the Bill Committee and the predecessor Bill Committee and I agree with the comments made: this is an exemplar of how Committees should work. I thank the shadow Front-Bench team and all my colleagues in the Committee for what was a very constructive session.

As we prepare to send the Bill to the other place, I would like to say that the Government approach on the Bill is right in setting the general frameworks on issues such as insurance and the charging network. We do not yet know the full details of where the new technology will take us, so having the broad outline—we can fill in the details later—is the correct approach.

Although important in itself, the Bill and the role of the Department for Transport are only one part of the broader picture. This issue covers many different Departments. It involves the Department for Business, Energy and Industrial Strategy: we must make sure that the grid has the capacity and that we have the skills base in the country to make the most of this technology. It covers the Ministry of Housing, Communities and Local Government: we must make sure that local government involvement is correct and that when we plan our smart cities the Bill is part of a much broader framework. We also have to pick up some of the more detailed issues, such as the one my constituent Mark Nicholas raised. At present in Milton Keynes, there is an abuse of the parking spaces with charging points. He wants to see a higher penalty for drivers of combustion engines who use those spaces.

The issue involves the Home Office and the security services as they must consider data privacy issues and cyber-security. These automated networks will only be as secure as their weakest link. It also involves the Department for Environment, Food and Rural Affairs and its broader clean air strategy and the Department for Digital, Culture, Media and Sport: we must make sure that we have the digital framework that will support the connectivity of all these vehicles.

This is a good Bill. I am proud to have been a part of its passage through this place and I wish it every success in the other place.

9.3 pm

Alan Brown: Like many other Members. I pay tribute to the work done by the right hon. Member for South Holland and The Deepings (Mr Hayes) and the way he conducted himself in the Bill Committee; he worked with everyone in a consensual manner.

I welcome the Bill as far as it goes. Sometimes people say that electric vehicles, particularly electric cars, will be the panacea for the UK's current air quality issues, but electric cars themselves are not going to make that huge change to air quality, which is contributing to 40,000 premature deaths a year. We are going to need to look at tackling heavy goods vehicles, including the transport refrigeration units that many HGVs use, as they are powered by secondary diesel generators, which are more polluting than the lorry's main diesel engine. That is the crazy position that we are in. We also need to look at construction vehicles, which also contribute greatly to diesel pollution in city centres, as well as at buses and taxis. The UK Government's 2040 target for the elimination of carbon-based vehicles needs to be more ambitious. The Scottish Government have set a target of 2032 and I suggest that the UK Government should at least be able to match that.

Many hon. Members have agreed that there needs to be uniformity in the roll-out and type of infrastructure, as well as clarity on the costs. People will need clear information on the availability and type of chargers throughout the UK. If we are going to address range anxiety, that information will need to be clearly available and understood. The previous Minister committed to ensuring that there would be a rural roll-out strategy and that rural areas would not be left behind. I welcome the fact that the Secretary of State also seemed to indicate that that would be the case. It is really important that we start work on that rural roll-out strategy and that rural areas are not left behind in the way that they have been with 4G and 5G network coverage. As I said earlier, the Business Secretary has agreed that funds must be allocated on the basis of need. I reiterate that point to the Transport Secretary. The allocations must be needs-based, not population-based. This is not about Barnett consequentials.

Another issue that will need to be addressed involves the competence, skills and qualifications required for technicians to be able to service and work on electric vehicles. Given the high voltage of the batteries installed in them, those people will need to understand what they are doing when they open the bonnet and start work on them. As we look towards the smart grid set-up that everyone keeps talking about, it is clear that Government energy policies will need to be more coherent. The UK Government will need to review their funding of renewables. They should not continue to throw money at nuclear energy. They also need to review transmission charging, so that electricity generation can be located in the most suitable areas.

We look forward to the roll-out of automated vehicles, but trials need to be undertaken in Scotland. The Government have funded four trials so far, but none of them has been in Scotland. I suggest that they need to address that point quite quickly. We look forward to an increased uptake in electric vehicles and to seeing autonomous vehicles on the roads. It was suggested in Committee that the roll-out of autonomous vehicles will open up opportunities for disabled and elderly people

and for others who might be housebound and trapped or who rely on other people to provide their transport. The vehicles could therefore provide opportunities to address equality issues, and I welcome the innovation as the vehicles are rolled out.

9.8 pm

Craig Mackinlay: It looks as though I am bringing up the last of the Back Benchers, Mr Deputy Speaker, and it is a great pleasure to do so. I shall limit my observations to the part of the Bill that deals with autonomous vehicles. To my mind, what gets discussed in the corridors and the Tea Room should probably stay there, but this is an important Bill so I shall break my own rules of discretion to relate to the House an important discussion that took place with the then Minister of State for Transport, my right hon. Friend the Member for South Holland and The Deepings (Mr Hayes). The subject turned to the personal private transport of the future. The Bill encompasses that brave new world. The basic automation technology is already with us and it is rapidly evolving.

Among other things, the Bill attempts to resolve issues relating to software and insurance, and it is the software part that I would like, perhaps wryly, to comment on this evening. If other Members' computers are anything like mine, they will know that the "not responding" message features all too commonly. It is followed by frustration on my part as I press ctrl+alt+delete to try to stop the offending application. Just imagine that at 70 mph in a 1 tonne vehicle of the future. Will software updates be regular, perhaps hourly, via an in-built mobile SIM card? The interpretation of the never-seen-before accident involving perhaps an errant sheep, a drunken cyclist and tin of paint falling from a white Transit van on the Thanet Way would need to be fed into the artificial intelligence algorithm that is doing the clever stuff and running the software.

Two Arnold Schwarzenegger films come to mind: "Total Recall" and the "Terminator" series. "Total Recall" featured the automated JohnnyCab and, while some Members scratch their head and try to remember it, I want to compare it with the current flexibility of Uber and the other similar apps that we live with today. As we take the inherently illogical human being behind the wheel out of the equation, I wonder what the point will be in the future of maintaining one's own vehicle—a vehicle that spends 95% of its time completely unused. I use a free GPS navigation software called Navmii—Google Maps does the same thing—and people who use it will have noticed the red and amber on the screen telling the driver that there is traffic ahead, information which is based on the shared GPS speeds of the software's myriad users. As a human, I can probably then make a rather sub-optimal decision as to whether to press on or to find an alternative route, and some navigation systems will already suggest an alternative route.

I ask Members to extrapolate things forward a few years to where the potential use of even more refined and extensive data will get us. Assessment could be made of car usage and times of travel, and hold-ups could be minimised through clever routing. With appropriate computer-generated tweaking of travel times, it could be determined for any particular town that x number of vehicles are required, with a bit to spare. That pool of autonomous vehicles could be available 24/7 either on a

pay-as-you-go or fixed-price basis via an app, and personal car ownership could become a quaint memory of a bygone era. The physical number of cars would obviously be massively reduced, leading to implications for the car industry. Might the new JohnnyCab—the autonomous private vehicle of the future—be given a new name? Perhaps it could be called the Hayes or Norman after its ministerial fathers. Will domestic conversations of the future involve something like, “I will just finish the vacuuming, then let’s call our personal autonomous vehicle so we can go out.”? I would rather that they go something like this: “I’ll just finish the Hoovering, then let’s call a Hayes so we can go out.”

I will finish with Arnie’s “Terminator” films. Perhaps the end of the human race will come not at the hands of robots connected to Skynet looking to terminate us all in an orgy of violence, nor from a yet-to-be-mutated bacterium or an asteroid strike, but from future JohnnyCabs or Hayes or Norman vehicles, controlled in the cloud by “Taxinet”, deciding that we do not deserve what they do for us and crashing simultaneously into walls and trees. However, it is more likely—this is the serious part—that the crashes could be caused by an aggressive computer virus from a hostile nation. In future, beware those countries where the people simply prefer to drive themselves.

This is a great Bill, and I fully support it.

Question put and agreed to.

Bill accordingly read the Third time and passed.

Business without Debate

DELEGATED LEGISLATION

Mr Deputy Speaker (Sir Lindsay Hoyle): With the leave of the House, we shall take motions 5 to 8 together.

Motion made, and Question put forthwith (Standing Order No. 118(6)).

INVESTIGATORY POWERS

That the draft Investigatory Powers (Codes of Practice) Regulations 2018, which were laid before this House on 18 December 2017, be approved.

That the draft Investigatory Powers (Interception by Businesses etc. for Monitoring and Record-keeping Purposes) Regulations 2018, which were laid before this House on 18 December 2017, be approved.

That the draft Investigatory Powers (Review of Notices and Technical Advisory Board) Regulations 2018, which were laid before this House on 18 December 2017, be approved.

That the draft Investigatory Powers (Technical Capability) Regulations 2018, which were laid before this House on 18 December 2017, be approved.—(*Nigel Adams.*)

Question agreed to.

PETITIONS

National Admission Policy for Faith Schools

9.14 pm

Lucy Allan (Telford) (Con): I present this petition on behalf of 155 residents of my Telford constituency.

The petition states:

The petition of residents of Telford,

Declares that the national admissions policy for faith schools is discriminatory; further that the Department for Education should abolish its current policy of a 50 per cent cap on faith-based school admissions; and, further, that a petition on this matter has gathered 155 signatures.

The petitioners therefore request that the House of Commons urge the Department for Education to remove the 50 per cent cap on faith-based admissions, so that every child of faith can have access to faith school education.

And the petitioners remain, etc.

[P002101]

Cross-border Contracting of Taxis

9.15 pm

Nicky Morgan (Loughborough) (Con): I rise to present a petition on behalf of 124 taxi drivers in Charnwood borough, five of whom I met on 5 January.

The petition states:

The petition of residents of Charnwood Borough,

Declares that the taxi drivers in Charnwood Borough Council seek an end to the practice of cross border contracting; further that taxi drivers in the area believe that this practice has affected the industry in a negative manner; further that cross border contracting poses a risk to public safety, takes work away from local drivers, is a crime that is difficult to prosecute and is the reason for a decline in the standard of service that the public expects.

The petitioners therefore request that the House of Commons urges the Government to review its policies relating to cross border contracting.

And the petitioners remain, etc.

[P002102]

Same-sex Marriage: Bermuda

Motion made, and Question proposed, That this House do now adjourn.—(Nigel Adams.)

9.16 pm

Chris Bryant (Rhondda) (Lab): The relationship between the United Kingdom and the overseas territories is an important but complex one. In large measure, the overseas territories are independent of the UK. They make their own decisions and draw up their own laws, which are ruled on by their own courts, but that is not the end of the story. Their constitutions have been drawn up in consultation with Her Majesty's Government; their Governors are appointed by Her Majesty's Government; and their external affairs, defence, internal security and policing remain the responsibility of the Governor, acting on behalf of Her Majesty's Government.

The UK Government often step in, sometimes with financial and military support, as happened recently in the Caribbean following the terrible hurricane season. At other times, the UK Government take a different line on a matter of important policy, such as when I, as a Minister, had to suspend the Government in Turks and Caicos because of corruption, or when David Cameron pushed the overseas territories to implement public registers of preferential ownership, to end some of the secrecy that attends the financial provisions in those territories, which have sometimes brought the British financial system into disrepute.

That is as true for Bermuda as it is for any of the other overseas territories. I honestly have no desire to upset the delicate balance, but it is my firm belief that British citizens should enjoy the same freedoms in Bermuda as in England or Wales or, for that matter, Northern Ireland.

Bermuda has made significant strides in recent years on lesbian, gay, bisexual and transgender rights. Immigration law has been changed to allow immigration rights for non-Bermudian same-sex partners of Bermudians. Gays and lesbians, either by themselves or as a couple, are now able to adopt, and its anti-discrimination legislation includes protection on the basis of sexual orientation.

Another positive step came last year. On 5 May, the Supreme Court in Bermuda ruled in a case brought by Winston Godwin and his Canadian fiancé, Greg DeRoche, that

“the Applicants were discriminated against on the basis of their sexual orientation...when the Registrar refused to process their Notice of Intended Marriage...The Applicants are entitled to an Order of Mandamus compelling the Registrar to act in accordance with the requirements of the Marriage Act; and...A Declaration that same-sex couples are entitled to be married under the Marriage Act”.

It was clear that the then Bermudian Government were not very happy with the ruling. They had held a very poorly attended referendum on the matter the year before, on 23 June 2016—that was quite a day for referendums. It was a referendum that no lesbian or gay organisation or individual had ever called for, but which the Government insisted on. That referendum suggested, on a turnout of less than 50%, that Bermudians opposed both same-sex marriage and same-sex civil unions by roughly two to one, which was why Justice Charles-Etta Simmons made the following clear in her summation:

“The politicians failed, the referendum failed, so I will step in and protect the rights of a minority”.

Many people in Bermuda, and in many other overseas territories and countries around the world, rejoiced at that moment.

There were two sensible, non-confrontational courses that the Bermudian Government could have taken: abide by the ruling of the Court; or appeal to the Privy Council in this country—that is the standard process for appealing a decision. In fact, the Minister of Home Affairs announced on 9 May that the Government would not appeal, and on 31 May, the first same-sex marriage took place in Bermuda. There have now been eight such marriages in total and four further publications of bans of marriage.

Then came a new Government, after an election, who decided to draft a law to abolish same-sex marriage and replace it with “domestic partnerships”, albeit allowing those same-sex marriages that had already been celebrated to stand, rather in a position of limbo. It is a deeply unpleasant and very cynical piece of legislation. It sounds quite nice on the face of it, as if it is just the same as civil partnerships in this country, but it is not. It seeks to keep marriage officers separate from domestic partnerships officers, as if to protect them from some kind of infection. It allows a domestic partnership to be voided on the sole grounds of “venereal disease”. It was introduced by a Government whose members have openly declared that they are opposed to civil unions of any kind whatsoever and pretended not even to know that same-sex couples have regularly been denied the right to make important medical decisions on behalf of their sick and dying partners in Bermuda.

Section 53 of the law states:

“Notwithstanding anything in the Human Rights Act 1981, any other provision of law or the judgment of the Supreme Court in *Godwin and DeRoche v The Registrar General and others* delivered on 5 May 2017, a marriage is void unless the parties are respectively male and female.”

In all the history of legislation, I have never seen a measure that so clearly declares from the outset that it is inconsistent with all the other laws in the land, including the Human Rights Act, the constitution and the judgment of the Supreme Court. It is almost begging the Supreme Court to come to exactly the same decision as it did last year. Unfortunately, this Bill was agreed by both Houses in Bermuda on 8 December, but it cannot become law unless and until the UK-appointed Governor, John Rankin, signifies Royal Assent on behalf of the Government, which so far he has not done.

I believe that the Governor is entirely within his rights to delay a final decision or, if he chooses, to refuse Royal Assent, as the Bermudian constitution states at section 35:

“unless he has been authorised by a Secretary of State to assent thereto, the Governor shall reserve for the signification of Her Majesty's pleasure any bill which appears to him, acting in his discretion—

- (a) to be inconsistent with any obligation of Her Majesty or of Her Majesty's Government in the United Kingdom towards any other state or power or any international organisation;
- (b) to be likely to prejudice the Royal prerogative;
- (c) to be in any way repugnant to or inconsistent with the provisions of this Constitution;
- (d) to affect any matter for which he is responsible under section 62 of this Constitution; or
- (e) to relate to currency or banking.”

On the basis of least two of those limbs, the Governor has very good cause not to grant Royal Assent.

As section 12 of the constitution expressly guarantees freedom from discrimination and the Bermudian Human Rights Act 1981 also expressly prohibits discrimination on the grounds of sexual orientation on at least seven different points, it is difficult to disagree with the Supreme Court, and therefore equally difficult to see how the Governor could agree Royal Assent. There are other reasons why the Governor should withhold assent. It would have been one thing if the Bermudian Government had introduced civil partnerships as a forward step when there was no such provision in law in Bermuda, but this is a retrograde step—it is taking a step backwards—that deliberately limits the rights currently enjoyed by many Bermudians.

Incidentally, this is not just a matter of marriages contracted in Bermuda. The law also applies to Bermuda-registered ships, including many cruise liners that used to be registered out of the United Kingdom, so the service of marriage at sea that Cunard and P&O offer, such as on the Queen Mary 2, the Queen Victoria and the Queen Elizabeth—there is some irony in this—is currently available to same-sex couples. I understand that there was a great big party on one P&O liner when the Supreme Court decision was announced—considerable amounts of champagne were drunk—and there have since been three same-sex marriages on board P&O cruise liners. If the proposed law goes ahead, those marriages will cease. Cunard believes it is likely that Bermudian law will not permit a same-sex wedding ceremony on board its ships after the end of this month, adding:

“We are very unhappy about this decision and we do not underestimate the disappointment this will cause those guests who have planned their weddings.”

I am certain that those people will be taking new cases to the Supreme Court in Bermuda.

I have received a great number of emails, tweets and messages about this issue. Some of them have been quite pleasant, but others have not. Some have told me in very robust terms to butt out, saying this should just be up to Bermuda, but I disagree. This matter impinges on how Britain is viewed around the world, and I take just as active an interest in the human rights of LGBT people in Moscow, Tehran and Beijing as I do in the human rights of those in Hamilton, because the thing is that human rights are, to use a Biblical phrase, a seamless garment. We cannot divide them up. As one Bermudian put it in an email to me,

“all people have the right to be equal under the law and the right to exercise their full range of human rights, without exception. This is how I live my life and this is what I encourage others around me”

to do.

Black and white, man and woman, gay and straight, Russian, Iranian, American, Canadian and Bermudian—it is all exactly the same. We are all human beings and our human rights should not differ. To the person who told me not to interfere because we have not yet sorted out Northern Ireland, I should add that when the Labour Government legislated in favour of LGBT rights in England and Wales, we decided to advance that legislation in Northern Ireland as well, even when Northern Irish politicians objected. The Government here in Westminster need to look hard at the situation in Northern Ireland and implement equality. It is unfair that our Northern Irish brothers and sisters are unable to enjoy the same rights as everybody else.

Some people say, “You change hearts and minds first, and then you change the law.” I profoundly disagree with that. There is clear evidence that changing the law helps to change people’s hearts and minds. For two centuries and more, people—including people who considered themselves to be good upstanding Christians—considered slavery to be just part of the natural order. It was laid down and allowed. Indeed, many bishops had large plantations and many slaves. We now know that that was a cruel and despotic belief. Today, we find it unthinkable that people could conceive of slavery as acceptable.

It is my profound belief that in 100 years’ time, people will wonder what on earth people were thinking when they condemned homosexuality as a sin, when they barred gay and lesbian couples from declaring their love for one another in marriage and when they fought tooth and nail to say that marriage had to be exclusively between a man and a woman. Because, really, what harm does it do anyone else if two men are allowed to marry? Has the sky fallen in in Bermuda? Have straight husbands suddenly abandoned their wives, or have heterosexual wives run off with each other? Have straight marriages lost their sparkle? Of course they have not.

If anything, straight couples should be rejoicing that so many people want to form long-lasting, stable relationships and to get married, because marriage is a thing of beauty. The public declaration of love between two people—from this day forward, for richer, for poorer, in sickness and in health, to love and to cherish, till death us do part—binds people and families together. It gives a safe home to thousands of children and to elderly parents as well. It enriches life and gives hope, and often it banishes the loneliness that for generations and generations gay men and lesbian women thought would be their lot.

For many gay men and lesbian couples, same-sex marriage provides a public affirmation that chases away the ghosts of shame and self-loathing that so many grew up with, thanks to the hateful judgmentalism of others. Why on earth would anyone want to deny that to anyone else? Why on earth would a Christian want to deny that to anyone else? Why on earth would we perpetuate the homophobia that has left youngsters emotionally bruised by hateful taunts in the playground, or physically battered almost to death outside gay bars because they were in the wrong place at the wrong time?

Of course I would much prefer it if the Governor did not sign the Domestic Partnership Bill into law—if he did not grant assent. I hope he does not, and I hope that the Foreign Secretary does not instruct him to do so. If necessary, I hope he just lets it lie on the table until the Supreme Court has another go, as it almost certainly will. What would be even better, if I am honest, would be if the Bermudian Government thought again, respected all their fellow citizens, embraced the principle that the first rule of equality is to protect minorities and withdrew the Domestic Partnership Bill. I say to the Minister for Home Affairs in Bermuda, the Hon. Walton Brown, “If you withdraw the Bill, it will one day be the single action in your political career of which you will be most proud. One day it will be, and your children, grandchildren and great grandchildren will say, ‘That is what he did.’”

To the Premier, the Hon. David Burt, I would add, “You are a very clever man. You graduated cum laude from George Washington University and you led the

[Chris Bryant]

Progressive Labour Party very successfully to power in the elections last year. You have said publicly that homosexuality is not a lifestyle choice, and that this is not really about your religious beliefs, and yet you hold that same-sex marriage is just not culturally acceptable. Those are your words.” I am sorry, but that is just cruel. If this is an innate part of some people’s personality—some would say that God created them that way—it is simply cruel to deny an opportunity that everybody else would want for themselves. It is not rational and it is not progressive—it is just naked prejudice.

The Labour party of which I am a member has always supported LGBT rights, even in the dark days of the Victorians, the Edwardians and the Georgians, right up to legislating to get rid of the horrible legislation in the 1960s. I say to Bermuda and to the Premier of Bermuda, “I hope you change your mind.” I hope Bermuda changes its mind, and I hope the Government do not sign this legislation into law.

9.32 pm

The Minister for Europe and the Americas (Sir Alan Duncan): May I start by personally welcoming you back to the Chair, Mr Deputy Speaker, after a difficult period over Christmas. We offer the congratulations of the House on your knighthood.

I am very grateful to the hon. Member for Rhondda (Chris Bryant) for securing this debate. I appreciate that he raised this issue in business questions on 11 January, and I am delighted to have the opportunity to discuss it now at greater length.

The United Nations declaration of human rights makes it clear that human rights and freedoms are “interrelated, interdependent and indivisible”. They are the guarantors of freedom, non-discrimination and the innate dignity of every human being. They apply equally to all humankind. When lesbian, gay, bisexual and transgender people demand their rights, they are not asking for anything unique to them; they are simply asking to be accorded the same rights, dignity and respect that really should be given to everybody as a citizen in the world.

This Government are committed to promoting and protecting the rights of LGBT people, not only because it is the right and just thing to do, but because we believe that the strongest, safest and most prosperous societies are those that are the most open and inclusive. They are societies in which all citizens can live freely without fear of discrimination and can play a full and active part in national life.

Last year marked 50 years since the partial decriminalisation of homosexuality in England and Wales. Since then, the hon. Gentleman and I have shared and championed this cause over many years, from the equalisation of the age of consent through to the introduction of civil partnerships—from which both of us have benefited—to the introduction of the Gender Recognition Act 2004, and the recognition, here at least, of gay marriage. In our lifetimes and, indeed, in our parliamentary lifetime, attitudes to homosexuality have been transformed, barriers to opportunity have been broken down, and this country now has one of the strongest legislative frameworks in the world for preventing and tackling discrimination.

This Government, like the Government who preceded us, are committed to promoting LGBT equality globally through projects, partnerships and persuasion. Today, we are spending more than £1.5 million over three years through the Magna Carta fund to promote and protect the rights of LGBT people where they are under threat. We are working with like-minded countries to promote our expertise through international organisations and through bodies such as the Equal Rights Coalition. Where we find discrimination, we work publicly and privately with Governments and civil society to change attitudes and improve legal protection.

However, it is important to recognise that, even in our own society, the transformation in attitudes did not happen overnight. Indeed, our Marriage (Same Sex Couples) Act 2013 passed into law four only years ago. This knowledge influences how we handle progress in other countries. It is not reasonable to expect or demand sudden change in other countries when it took so long to happen in our own. We must also recognise that this kind of change of attitude cannot be imposed from the outside. It must emerge from within as old prejudices are exposed, argued against and set aside.

We can of course help to encourage change, but in doing so we must be aware of the local situation and be respectful of individual democracies. This is also the case in relation to our overseas territories. The British overseas territories are separate, self-governing jurisdictions with their own democratically elected representatives. I am pleased—as, I am sure, is the hon. Gentleman—that the British Antarctic Territory, the British Indian Ocean Territory, the Falkland Islands, Gibraltar, the Pitcairn Islands, St Helena, Ascension, Tristan da Cunha, and South Georgia and the South Sandwich Islands have all taken steps to recognise and legally authorise same-sex marriage.

In places where that progress has not been mirrored, we believe our best approach is to encourage, persuade and, if necessary, cajole through engagement with both Governments and civil society. Our relationships with the territories are best served if they are based on partnership and consensus. That is why this Government have no plans to impose same-sex marriage in the overseas territories. However, Ministers have been clear with overseas territory Governments that they must respect applicable international obligations.

In Bermuda, public opinion on same-sex marriage and civil unions is split. Bermuda’s non-binding referendum in 2016 on this very issue failed to attract the 50% turnout required by legislation to answer the question definitively. The majority of those who did respond were actually opposed to both same-sex marriage and civil unions; 69% opposed same-sex marriage and 63% opposed civil unions. In May last year, the Bermuda Supreme Court found that the established definition of marriage, as only being between a man and a woman, was inconsistent with Bermuda’s Human Rights Act 1981. The court therefore declared that same-sex couples should also be entitled to be married. As a result, the first same-sex marriage in Bermuda took place that same month.

Following Bermuda’s election last year, the governing party introduced the Domestic Partnership Bill. This would withdraw the entitlement for same-sex couples to marry and replace it with a provision for domestic partnerships for all couples, regardless of gender. The intent of the Bill is to provide those who are described

in Bermuda's law as "domestic partners" with the same benefits as married couples, including provision for pensions, inheritance, healthcare, tax, and immigration. We are obviously disappointed about the removal of same-sex marriage rights, but any intervention in the legislative process in any British overseas territory without its consent would be an exceptional step. Therefore, the Secretary of State is considering the implications of the Bill very carefully.

There are three important points that I urge the House and the hon. Gentleman to bear in mind. First, if the Bill receives assent, it ensures that Bermudians who have been legally married in Bermuda since the Supreme Court decision will retain their married status and enjoy the same legal rights as those in domestic partnerships, putting this on a clear statutory footing.

Chris Bryant: I am aware of that fact; indeed, I referred to it in my own comments. However, the problem is this. Just imagine living in a society where at one point to be same-sex married was allowed and the marriage was allowed to stand but nobody else's in society was allowed to do so. That is a pretty effective way of demeaning that relationship and that marriage contract. I see why it has been done, but I do not think it is a saving grace.

Sir Alan Duncan: There is no doubt, in terms of the hon. Gentleman's argument, that that does create a slightly unusual anomaly for what I understand to be eight couples. In that sense, he has a point. Whether it is demeaning depends on how one regards the alternative that is being offered.

The second point is that the European Court of Human Rights has consistently held that there is not yet a right to same-sex marriage, but there is a requirement to provide some legal recognition of same-sex relationships.

The final point worth bearing in mind is that less than a year ago same-sex couples had no legal recognition at all under Bermudian law. Now they have the equivalent of recognition through civil partnership, if the Domestic Partnership Bill goes through. While I would not wish to do anything but express regret over the backward step following the Supreme Court ruling, we should acknowledge that the Bill does represent progress by comparison with the situation just a year ago and does extend—albeit a step short of marriage—equal rights and recognition to a legal partnership between same-sex couples.

Sandy Martin (Ipswich) (Lab): Does the Minister not accept that the UK itself is open to international judgment as a result of the policies of its overseas territories, and that given that Britain has a Governor in Bermuda and retains responsibility to ensure good government, we should use our powers and influence to secure human rights, which involve equal treatment—indeed, equal treatment for LGBT people as well as everyone else?

Sir Alan Duncan: I do not accept the hon. Gentleman's interpretation of our liability in the sense that he has expressed it. As I explained, the human rights legislation, as we understand it, does not involve, as he would have it, the right to recognition in quite the terms that he suggests. There will be, if the law goes through, civil partnership, which is what we had just a few years ago. It is a law that extends rights that the mere recognition of marriage did not extend in terms of pensions, inheritance, tax, and other such equalities. The Government are giving careful consideration to Bermuda's Domestic Partnership Bill to assess its implications in relation to our collective international obligations and our constitutional relationship with Bermuda. I will update the House when the Government have had time to finalise their position on that.

Nick Herbert (Arundel and South Downs) (Con): Before my right hon. Friend finishes, will he say what his assessment is of the likelihood that the Supreme Court in Bermuda will revisit this position? As he has suggested, a very anomalous position is being created between the rights of some gay couples who were married under the existing provision and those who will not be allowed to do so in future. Did not the Supreme Court itself say that this historic and insular perspective on marriage was "out of step with the reality of Bermuda in the 21st century"?

Sir Alan Duncan: I am not in a position to know what the Supreme Court is likely to be asked to do or will do. All we know at the moment is what lies on the table—the passage of the Bill.

I will end by reiterating this Government's absolute commitment to promoting equal rights and fighting discrimination across the globe. We are fully committed to striving for a safer, fairer, more tolerant world where everyone has the opportunity to achieve their potential and live the life they choose.

Question put and agreed to.

9.46 pm

House adjourned.

Westminster Hall

Monday 29 January 2018

[MR CHARLES WALKER *in the Chair*]

Fireworks

4.30 pm

Susan Elan Jones (Clwyd South) (Lab): I beg to move,

That this House has considered e-petition 201947 relating to fireworks.

It is a pleasure to serve under your chairmanship, Mr Walker.

I discovered that a past Member of the House of the Lords from my area was the first peer to smoke in the House of Lords. I assure you, Mr Walker, and other Members present that I have no plans to become the first Member of either House of Parliament to light a firework in the course of the debate, not even a sparkler.

The petition is a serious one. It wants to

“Change the laws governing the use of fireworks to include a ban on public use”,

and states:

“Fireworks cause alarm, distress and anxiety to many people and animals. We call on the Secretary of State to make appropriate provision to secure that the risk of public use is the MINIMUM that is compatible with fireworks being used, as stated in Fireworks Act 2003 sect 2.

Noted in debate of firework petition 109702 statistics are not recorded. We ask government to collect statistics. We ask the Sec. of State to issue a full regulatory impact assessment in accordance with section 2(4) Act; 2004, consider statistics gathered by FireworkABatement (FAB) as stated in Fireworks Act 2003 sect 3b., ‘as an organisation which appears to the Sec. of State to be representative of interests substantially affected by the proposal’, Shown by this petition and past petitions.”

As of today, 111,717, a very large number of people, have signed the petition. On behalf of the House of Commons Petitions Committee, I thank Julie Doorne, creator of the petition, and all its signatories. I also thank the 5,700-plus members of the public who left a range of thoughtful comments reflecting a diverse range of views on the Committee’s Facebook page.

I like fireworks. I mean, I really like fireworks, and I grew up with little, informal community firework displays on bonfire night. We had rockets, Roman candles, Catherine wheels, snowflakes and traffic lights, as well as those magical sparklers to scribble away with in the night air. There was the big bonfire in which the jacket potatoes were cooked, and there was hot soup, cakes and sweets, and of course a crowd of people.

I appreciate that all that is starting to sound like a cross between Laurie Lee’s “Cider with Rosie” and Dylan Thomas’s “A Child’s Christmas in Wales”, or a child’s bonfire night in this case. Idyllic—a happy community coming together across the age divide to enjoy a joyful time together, with pets firmly kept indoors enjoying tracks from the Bay City Rollers, or whatever else was listened to in the ’70s that was enough of a noise to minimise the sound of the bangs outside. After all, it was only on one night of the year.

Norman Lamb (North Norfolk) (LD): Does the hon. Lady agree with the view of the Royal Society for the Prevention of Cruelty to Animals that private use should be restricted to certain key dates, such as 5 November, new year’s eve, Diwali and Chinese new year? Does that make sense to her, because of concern about the fear caused to animals?

Susan Elan Jones: There is a very strong case for that. At the very least, the Government should launch a public consultation on the issue.

In June 2016 a Minister, the hon. Member for Orpington (Joseph Johnson), stated that the fireworks industry is worth £180 million and directly employs 250 people, and that thousands of others in the supply chain would be affected by new legislation. So there we have it, a Conservative Minister making the economic case for the status quo, and a Back-Bench Labour MP waxing lyrical about bonfire nights in north Wales.

Should that not be the end of the debate, especially when we consider how important fireworks are in bringing people together and in their use across a whole range of multicultural festivals? Can we not just agree that spontaneous communal gatherings with fireworks are such a nice phenomenon and bring such local joy that the only problem is that we do not have more of them? Should we not just recognise that, with the first documented use of fireworks in this country being way back in 1486, it is simply something that we do at local spontaneous gatherings as well as large organised displays? The answer to that is no—the movers of the petition and others have a very valid case to make, and it is supported by a range of people across society.

Dame Caroline Spelman (Meriden) (Con): I should declare an interest as the chair of the all-party parliamentary group for the horse. Does the hon. Lady agree that it is not only the when, to which the right hon. Member for North Norfolk (Norman Lamb) just referred, but the where? Given the proliferation she is talking about, the proximity of fireworks to horses has cost 15 horses being killed and 60 injured since 2010, and those are just the ones we know about, not to speak of the humans involved, such as when a horse crashes through a fence and into the windscreen of a car. The location of firework displays becomes very important, not only the extended period during which fireworks are let off.

Susan Elan Jones: I agree with the right hon. Lady. For those of us who represent rural or semi-rural seats, that is a particular issue.

Tonia Antoniazzi (Gower) (Lab): I noted my hon. Friend’s words, including about spontaneous gatherings. Following on from talk of horses, for five years, my constituent Fiona Hohmann owned a horse, Solo, which died on the night of the fireworks. The vet informed her that the horse had twisted his gut in the panic caused by the noise and distress. Given the unnecessary distress and pain to all animals, we should limit the private use of fireworks and, as the right hon. Member for Meriden (Dame Caroline Spelman) said, not just the when but the where.

Susan Elan Jones: My hon. Friend from Wales makes a strong case.

[Susan Elan Jones]

I mentioned earlier the 5,700-plus comments reflecting different views on the Facebook page. I cannot talk about all of them but I will quote one: Facebook user Stephanie Daisy shared a moving video about her daughter, Maisie, who suffered serious injuries after a small home firework display went wrong on 5 November 2016. A stray flare became stuck in her scarf before exploding. She suffered full thickness burns to her head, neck and shoulders, and had five separate operations. In response to the post on Facebook, Stephanie said:

“My thoughts are, and always will be, that fireworks can be devastatingly dangerous even when used safely and as such should only be allowed at organised displays”.

Stephanie is not alone in her views. In fact, many others seem to share them, including veterans with post-traumatic stress disorder.

For such veterans, fireworks can be an unwelcome trigger for upsetting and frightening memories of conflict. The veterans’ charity, Shoulder to Soldier, runs a campaign to raise awareness of the negative effect that random fireworks can have on veterans who live with PTSD. That can be a particular problem nowadays as we do not only “Remember, remember the fifth of November”, but scores of other days throughout the year, with much random letting off of fireworks.

Chris Williamson (Derby North) (Lab): Would my hon. Friend care to comment on a scenario that happened in my constituency? The home of Mr and Mrs Bagshaw was destroyed after a random firework entered the roof space and caused a fire which devastated their home. I asked if any consideration was being given by Ministers to lowering the explosive content of fireworks available to the general public, but the response was that there was no such plan. Will my hon. Friend comment on that aspect of this debate?

Susan Elan Jones: My hon. Friend makes a good point and there are similar examples in other constituencies, although the one he refers to is especially serious.

People who wear hearing aids have concerns, too. According to *The Independent*, the petition organisers claim that random fireworks can be a nuisance to those who wear hearing aids. Individuals with those devices can turn the volume down or remove the hearing aid completely if they have prior notice of fireworks events. However, when fireworks are not expected, the noise they produce can cause significant pain and discomfort to hearing aid users.

Tracy Brabin (Batley and Spen) (Lab/Co-op): My hon. Friend is making a very fine argument. I was approached by a constituent who went to an organised event and she and her husband were subjected to an attack by young people with fireworks. Although there is a £5,000 fine for selling fireworks to under-18s, it would be good to collate the numbers, to find out how many people have been fined for selling fireworks to underage people. Does she agree that people should be able to enjoy a community event without having to worry about being under attack when they leave?

Susan Elan Jones: I agree with my hon. Friend. The petitioners refer to the lack of proper statistics as an issue.

Unorganised, spontaneous firework displays are worrying for many children and adults with health concerns. Many of those who care for children know that the loud noises generated by random firework displays can distress children who live with autism, hearing difficulties and certain mental health conditions. Some families can—and do—find it difficult to explain to affected children why the displays occur so often and without warning, especially throughout the winter months and not just on bonfire night and new year’s eve, and during the spring and summer, when it seems that any event can be marked with a sudden loud volley of firework sounds. For some people, that can be very disconcerting.

Dr David Drew (Stroud) (Lab/Co-op): My hon. Friend is probably horrified, as I am, that there is a shop in my constituency that is open virtually every day of the year, which advertises Gloucestershire’s cheapest fireworks. I do not know the limitations on that shop’s selling fireworks, but at the moment it appears that anyone can go in and buy fireworks whenever they want to. Does she agree that that needs to be looked into?

Susan Elan Jones: I suspect that trading standards may like to pay them a visit, as that may not be entirely in keeping with current legislation, let alone any future plans that the debate may bring.

There are many concerns about domestic animals. The 2005 report by the RSPCA, “Firework fears and phobias in the domestic dog”, which was based on extensive research, informs us that almost half the owners questioned—49%—reported that their dog was frightened of loud noises. Forty five per cent. of owners reported that their dog showed fearful behaviour when it heard fireworks. It is widely accepted that cats and other domestic animals can be significantly affected by firework noises. The right hon. Member for Meriden (Dame Caroline Spelman) and my hon. Friend the Member for Gower (Tonia Antoniazzi) mentioned the issues concerning horses: reported incidents in 2017 rose by 243% compared with 2016, and 15 horses died and 60 were injured according to reported statistics—clearly not all incidents are reported to the British Horse Society.

Let us not forget farm animals. Farm animals and livestock can also suffer from distress injury. That can mean livestock bolting in distress, which may cause danger to humans and vehicles if the livestock are near a public highway. Fowl have been known to smother each other in their attempts to hide from the noise in their environment. Animals have been known to go into premature labour and lose their offspring. Similar distress to animals from jet engine noises has previously been noted, too.

In 2016, just before a parliamentary debate on fireworks, the National Farmers Union issued the following statement:

“Farmers care deeply about the welfare of their animals, and are rightly concerned about anything that could jeopardise their wellbeing. Fireworks, especially when used at unpredictable times of year, have the possibility to frighten livestock, which can lead to lower production and even stock loss. Poultry especially are at risk of a ‘smother’, where birds huddle together which can result in some birds dying. In addition fireworks can pose a fire risk if hot embers land on barns or in fields of standing crops. This is particularly an issue during the summer when crops are more likely to be dry.

While the NFU does not have a position on when it is appropriate for fireworks to be let off we would call on everyone using fireworks to consider the safety and wellbeing of their neighbours and neighbours' animals."

The statement continues:

"It is important to let farmers know beforehand that you are planning on letting off fireworks so they can take necessary precautions to protect their animals. Fireworks should always be used safely, and pointed away from buildings, standing crops, and fields with animals in them."

I know that hon. Members representing rural or semi-rural constituencies will join me in agreeing with every word expressed by the NFU in that statement. Many of us will also have heard local horror stories about fireworks. Last autumn in my constituency, a kitchen was destroyed within minutes when a young child set off a firework. After the incident, which could have been much worse, the child's mother said:

"We were lucky to escape from the property unharmed this morning and my advice to everyone would be never store fireworks in the house."

Those words are well worth sharing in our debate today.

On a totally different note, there are also those who feel that, at a time when we are constantly reminded to be more vigilant about the ever-present threat of terrorism, loud explosions from fireworks at random times of the year can be unsettling for a lot of people. One example that comes to mind is from November 2017, when an altercation between two men in Oxford Circus tube station caused a mass panic that resulted in several injuries. There are examples every year that show that bonfire night seems to be an opportunity for a special and criminal night of arson and disorder, with its own very real dangers for emergency service personnel. I suspect that my hon. Friend the Member for Halifax (Holly Lynch), who is present, will mention that if she speaks in the debate.

Alex Sobel (Leeds North West) (Lab/Co-op): On that note, in Yorkshire, prior to bonfire night we have mischief night, when young people in particular misuse fireworks, throw them at other people—I have had a firework thrown at me—put them through people's doors and attack firefighters in west Yorkshire. We need action, not just around bonfire night but mischief night.

Susan Elan Jones: I had not heard of that particular custom but it sounds as if that is the case.

Having said all that, many would argue that fireworks are pretty well regulated across the UK. There are separate, stricter regulations for Northern Ireland, but even for the rest of us, there are a good number of statutes that relate to firework use—I will not go into all of them.

The Fireworks (Amendment) Regulations 2004 are designed to tackle the antisocial use of fireworks. Since January 2005, the sale of fireworks to the public has been prohibited except by licensed traders. However, fireworks can be sold by unlicensed traders on Chinese new year and the preceding three days, on Diwali and the preceding three days, for bonfire night celebrations between 15 October and 10 November—I assume those buying them at the end are having a late bonfire night—and new year celebrations between 26 and 31 December. A licence costs £500 and is issued by a local authority, subject to strict criteria. The penalty for operating without a licence is an unlimited fine and/or up to six months in jail. Under the 2004 regulations, it is an offence to use

fireworks after 11 pm and before 7 am without permission, except on bonfire night, when the cut-off is midnight—it certainly was not in the case of the child in north Wales I mentioned—and on new year's eve, Chinese new year and Diwali, when the cut-off is 1 am.

Fireworks are categorised from F1 to F4. Category F1 fireworks are

"fireworks which present a very low hazard and negligible noise level and which are intended for use in confined areas, including fireworks which are intended for use inside domestic buildings."

Category F4 fireworks are

"fireworks which present a high hazard, which are intended for use only by persons with specialist knowledge and whose noise level is not harmful to human health."

In other words, they are professional fireworks for use in large open spaces.

Regulation 8 of the 2004 regulations prohibits the supply to the public of category F3 fireworks whose noise exceeds 120 dB. According to Age UK, damage to hearing can be caused by noise of 85 dB. The illegal use of fireworks can result in prosecution and a fine of up to £5,000 and/or a prison sentence of up to six months. A £90 on-the-spot fine may also be levied. The penalty for committing an offence of supplying a category F2 or F3 firework to any person under 18, or supplying a category F1 firework to any person under 16, is a fine of up to £5,000 and up to six months' imprisonment.

In addition, under section 31 of the Pyrotechnic Articles (Safety) Regulations 2015, an "economic operator"—a retailer—must not sell: a Christmas cracker to anyone under 12; F1 category fireworks to anyone under 16, or F2 and F3 category fireworks to anyone under 18. They also must not sell F4 category fireworks to members of the public, as those may be supplied only to a person with specialist knowledge.

Fireworks, including sparklers—those were my favourite—can be bought for private use only between 15 October and 10 November, between 26 and 31 December, and in the three days before Diwali and Chinese new year. Storage of fireworks of less than 2 tonnes requires a licence from the local authority; storage of more than 2 tonnes of fireworks requires a licence from the Health and Safety Executive. Both bodies may inspect storage facilities if they wish. The Explosives Regulations 2014 state that a licence is required to store fireworks except where their quantity is less than 5 kg. That strikes me as pretty extensive.

At the start of the debate, I spoke about my positive childhood experiences of local community bonfire nights, so it is both instinctive and subjective for me to say that I am cautious about a total ban. Others with less positive experiences will of course take a different view.

Chris Williamson: My hon. Friend went through the extensive regulatory safeguards in detail, but they are only as good as their enforcement. We hear every bonfire night, and on other occasions, of examples such as the appalling incident in my constituency where two vile sadists strapped two rockets to a cat and set them on fire. We clearly need better enforcement. I wonder whether she will comment on the fact that cuts to local authorities, to police services and so on make it difficult to enforce the regulations, which should provide safety to the general public.

Susan Elan Jones: That is probably true, and I know what I would quite like to do to some perpetrators, but it is worth noting that some countries have far tougher

[Susan Elan Jones]

rules for spontaneous local firework displays. Last November, a fascinating piece on the BBC website noted how, in the American state of Delaware, someone can get a shotgun without a licence but it is totally illegal for an individual to buy a firework. It struck me as interesting that the right to bear sparklers is governed by tougher laws than the right to bear arms. Some other states relent on sparklers—I am conscious that my emphasis on sparklers reflects a certain subjectivity—but ban all other fireworks. In all seriousness, that is an interesting comparison.

I give that example because I think we need more objective evidence—and not primarily from other countries. The petitioners refer to the need for proper statistics about firework-related incidents. A related newspaper article states that petitioners found it impossible to get the relevant information through freedom of information requests. I agree with the petitioners that to debate this issue properly and to consider the extent of the problem we need full and accurate data. We do not have that at the moment, and I believe that the Government should provide it.

It is also time that the Government launched a proper, comprehensive consultation on this issue. We cannot discuss all this by anecdote alone. We cannot seriously have a grown-up discussion about what the law should be when all we have to go on is the subjectivity of lawmakers who have happy childhood memories of small informal firework displays and those who, for equally personal reasons, do not. We need evidence, statistics and a proper debate, and we need the Government to launch a formal consultation on this issue.

Several hon. Members *rose*—

Mr Charles Walker (in the Chair): Order. Colleagues, 12 of you want to speak. I have worked out that, if you each speak for eight and a half minutes, we should get everyone in and leave 10 minutes each for the three Front Benchers to make their winding-up speeches. I call Jim Fitzpatrick.

Jim Fitzpatrick (Poplar and Limehouse) (Lab) *rose*—

Mr Charles Walker (in the Chair): Sorry, I got that wrong. I call Bill Grant. I do apologise, Jim; you will be next.

4.56 pm

Bill Grant (Ayr, Carrick and Cumnock) (Con): Thank you, Mr Walker; it is a pleasure to serve under your stewardship. I apologise to my colleague the hon. Member for Poplar and Limehouse (Jim Fitzpatrick), whom I know well, and I thank the hon. Member for Clwyd South (Susan Elan Jones) for introducing the debate.

I have a background of some 31 years in the Strathclyde fire and rescue service. Way back in 1974—44 years ago—bonfire night was inevitably busier than any other night of the year, and that remains the case. It is indeed important to “Remember, remember, the fifth of November”, because it stretches the resources of all emergency services, not just the fire and rescue service. Colleagues in the ambulance service treat people injured by flying embers or by fireworks, and regrettably, police officers often have to accompany other emergency services workers to ensure their safety from attacks.

We must bear in mind that the greatest costs are the human costs—the costs of burns that may scar or disfigure someone for life, of loss of sight and, as we heard, of the triggering of PTSD, which often happens to members of the armed forces who have served this country well. Albeit that fireworks often provide a colourful spectacle at small private displays and large public events, many humans and animals find them very distressing, particularly given their noise, even if they do not inflict physical injury.

As a member of a pet-owning and pet-loving family, I am acutely aware of the stress that fireworks cause many domestic pets. There are products on the market—CDs and garments with pressure pads, for example—that claim to afford pets relief and desensitise them, but it is impossible to assist livestock in fields. The light and noise from fireworks may spook sheep and cause them to crowd in the corners of fields and risk suffocation, and cattle may bolt from their field and become distressed, or worse. We heard horrific figures about the deaths of horses resulting from the irresponsible use of fireworks, and we must never forget assistance dogs, such as guide dogs, hearing dogs and companion dogs, which may be unnecessarily distracted from their important duties.

Of course, many domestic pets are simply unnecessarily petrified by the noise of fireworks, which is often not simply a bang but a screech or a whine. Their hearing is distinctly different from ours. Given the more frequent use of fireworks, we inflict that experience on man’s best friend more than just one day a year. Those pets, who are much loved, including by many in the Chamber, are simply inconsolable.

I appreciate that quieter fireworks are available on the market, but, according to a recent report commissioned by the City of Edinburgh Council, they lack the propellants that give the height and burst of colour for those viewing at a distance. In other words, they are second-rate fireworks and not particularly acceptable.

There is a raft of UK-wide and Scottish-specific categorisations and legislative controls for fireworks, including on their production, storage, sale and use, ranging from the Explosives Act 1875—slightly before my time—to the Fireworks (Scotland) Regulations 2004 and, more recently, the Pyrotechnic Articles (Safety) Regulations 2010. However, the question, which has been asked before, is whether they are fully understood by those enforcing them, such as trading standards and the police, and by the public, who indiscriminately activate them.

Mr Jim Cunningham (Coventry South) (Lab): I certainly would not comment on what happens in Scotland, but in England one of the big problems, as mentioned earlier, is policing. In the west midlands we have a particular shortage of police and a shortage of trading standards officers, and that—I am trying not to be too political—is because of local government cuts. Over the past 26 years I have listened to debates about fireworks like nobody’s business, but nothing positive happens. This time round we should have a commission to take a good look at it.

Bill Grant: The hon. Gentleman is partly correct. We should have a good look at this issue and get the statistics. I do not know whether there is an association with cuts, because when we were in the land of plenty I do not think the laws were well understood or policed. I do not link cuts to the tragedies that occur.

In my view, such categorisations and controls alone are not sufficient. It is important to minimise potential physical injuries and psychological distress further to both humans and animals.

I will take a wee look at statistics. The website of the Royal Society for the Prevention of Accidents tells us that in 2014-15—this an unbelievable figure—4,506 people visited accident and emergency departments in England having suffered a firework injury. On that one night, 114 were admitted to hospital, of whom 44 were under 18 years of age. That includes 11 admissions involving children under five. For the benefit of fun and gratification from fireworks, should we be doing that to our children? Should we have that risk, or should we mitigate it? I think we should mitigate it.

In Scotland in 2017, 5 November resulted in 330 bonfire incidents, and on 11 occasions crews faced missiles and fireworks not for entertainment but fired towards them. They needed police assistance each time. Is that ignition of fireworks necessary on a bonfire night for the gratification of the public? In addition, 800 calls were received during that night.

I fully acknowledge that the Government have highlighted themselves and through other agencies the dangers of fireworks and taken steps to promote safety advice and guidance. However, even one life-changing incident is one too many. For that reason, and because of the distress, injury and deaths caused to animals we heard about earlier, I advocate a ban on the sale of fireworks to individual members of the public. I believe firmly that the sale of fireworks should be restricted to professionals with health and safety training and qualifications who have permission to undertake an organised display for specific commemorative events at pre-arranged dates and times. Fireworks should not be used just at someone's whim, whenever they want to frighten the life out of a neighbour's cats and dogs, or when someone in a remote cottage wants to frighten the life out of nearby horses or farm animals.

Some may be fearful about potential job losses in the United Kingdom from such a ban. However, as I understand it few people are employed here in the manufacture of fireworks—no more than double figures—as most fireworks are imported. As an inadvertent consequence of banning the sale of fireworks, we might reduce our trade deficit with some of the countries from whom we import them.

I am not an advocate of state intervention. However, look at the success of seatbelt and crash helmet legislation and the long-term success of the smoking ban. Let us not ban organised events but end the retail sale of fireworks, and make that a success, too. As colleagues have said, we need to gather evidence from all corners of the United Kingdom, and I think the evidence will show that such a ban would be good for our children and future generations. On that night, I am sure they do not know what they are celebrating.

5.5 pm

Jim Fitzpatrick (Poplar and Limehouse) (Lab): It is a pleasure to see you in the Chair, Mr Walker, and I am pleased to follow the hon. Member for Ayr, Carrick and Cumnock (Bill Grant). I thank the Petitions Committee for bringing the debate forward and my hon. Friend the Member for Clwyd South (Susan Elan Jones) for her comprehensive introduction to it. I am grateful to the

Firework Abatement campaign, the Dogs Trust and Battersea Dogs and Cats Home for their briefings on the debate. I will keep my contribution brief.

I am pleased to follow the hon. Gentleman. It demonstrates the privilege of rank that the senior officer from the fire brigade gets priority over a humble firefighter, but hey, that is life and how it has always been in the fire service. He made some telling points, and I will not disagree with him much.

When I was in the fire service in London, for 364 days of the year people—especially kids—would knock on the door, wanting to come into the fire station to see the appliances and fire engines. The one day of the year they did not want to see us was Guy Fawkes day, when the bonfires were up and there were fireworks. This might be a romantic view of the past, but then it was only one day a year—fireworks are now 365 days a year. I do not know when the extension took place, and I guess we saw them at other times, but there is no way that the prolific use of fireworks was as prevalent then as it is now. At one point in my career I might have been worried about being called a member of the nanny state or a killjoy, but I am now pleased to claim membership of the grumpy old person's club because my constituents are not happy about how fireworks are used in east London. Many will be happy that I am making this contribution.

Illegal fireworks are imported, especially from China, and their power and the noise they generate are different from anything we have had before. Fireworks are also used as weapons against passers-by and members of the public, and especially against the emergency services. I have seen YouTube videos of my constituency where the police turn out to a 999 call and find kids with rocket launchers, firing rockets at police cars. It is totally unacceptable.

The Firework Abatement campaign gives an excellent briefing, covering hospital admissions and the increasing number of A&E attendances. Statistics in its brief include 47 serious eye injuries, with 53% requiring surgery, and eight patients having to have their eyes removed. It also mentions antisocial behaviour right across the piece, such as that I mentioned in my constituency.

I have the highest regard for the Minister, so this is not an attack on him. However, we must question Government policy. We look to him to be our champion in Government and to make the case that the regulations on fireworks are not as strong as they ought to be.

The Government's response is that we need to "strike a balance". I understand that, but, at the moment, I do not think we are. Not a day of the year might be firework-free, because, as colleagues have said, they can turn up at any time, and the stress they cause to people and animals is well documented. The hon. Gentleman raised the question of data collection, and it would be useful to identify the nature of the problem.

The Government say that sales are highly regulated and restricted. The campaign says that there are restrictions on supply, storage, possession and misuse, but there are no regulations to prevent use 365 days a year between 7 am and 11 pm. Trading standards is also limited in its ability to keep track. There is an expectation that the curfew can be enforced by police, but I think most of us across the House will say, "Good luck with that," especially in London, where we see 2,000 fewer police officers and 2,500 fewer police community support officers.

[*Jim Fitzpatrick*]

The pressure on the police service, and last week's statistics on the increase in violent and knife crime, mean that it has far higher priorities to attend to.

Communities have rights, and there should be a requirement to get a licence for fireworks, according to particular specifications, and especially with reference to noise and certain days of the year. There should be stronger control over sales, time restrictions and inspections, and the ability to audit-trail those who breach the regulations. I, like the hon. Member for Ayr, Carrick and Cumnock, am totally in favour of public displays; but we have seen that even they can go wrong, with people being injured. However, the more opportunities are available for people to go to a public display, the more chance there is that the events will be safe and therefore attract the public. There should be stronger penalties for misuse; if there were stronger controls the opportunity to abuse the privilege could be restricted.

People are worried about fireworks. We are not giving the subject enough attention and it deserves more attention from the Government, even if that is only in the form of stronger messages to retailers and users. The situation is already out of control in many places and will not improve; it will only get worse. We need Government action.

5.11 pm

Peter Aldous (Waveney) (Con): It is a pleasure to serve under your chairmanship, Mr Walker. I congratulate the Petitions Committee and the hon. Member for Clwyd South (Susan Elan Jones) on their roles in securing the debate.

Several constituents have written to me to ask me to participate. Generally I was of the view, beforehand, that the current legislation strikes the right balance, which accords with the Government's response to the petition. However, in view of the concerns that were put to me, I obtained the views of Suffolk County Council, which is responsible for public safety. The issues that I am going to highlight are the ones that it has brought to my attention, and I want to thank Nigel Howlett, the council's senior fair trading officer. He leads on fireworks and explosives and is also the east of England trading standards authority's representative on the fireworks enforcement liaison group.

The sale and use of fireworks is an emotive issue that concerns many people. There are four areas of concern: noise, safety, unsafe storage and sales, which I shall briefly consider in turn. First, as to noise, while there are restrictions on letting off fireworks, the biggest issue is enforcement. It is not a high priority for most police forces, and unless someone is caught in the act, it is probably impossible to identify where and by whom the firework was let off. In tests conducted by the National Trading Standards Board safety at ports and borders team in 2016, 50% of the fireworks tested failed the noise tests. However, those tests are expensive to carry out. They were previously funded by the Health and Safety Executive and Health Service Laboratories, but as no funding was available this year, no tests have been conducted. If there were specific funding for the testing of fireworks, it is possible that some of the noisier ones could be removed from the market.

With safety, the main problem, again, is one of expense, in that the cost of fully testing fireworks can run into several thousand pounds, which makes it impossible for

many local authority trading standards departments to carry out tests. With regard to accidents arising from fireworks, while the NHS publishes data on hospital admissions and their nature and cause, it does not appear that there is any other record of accidents in relation to their cause. It is therefore difficult to determine whether accidents are caused by innocent use or misuse. Every year there are reported incidents of injuries attributed to fireworks, many of them leaving permanent scars or involving the loss of limbs. However, since 2010 the UK has not reported any unsafe fireworks to the European RAPEX rapid alert system for non-food products, while during that time there have been 113 reports from the rest of the EU. It is possible that many of the injuries could be down to misuse—particularly those involving animals, and incidents occurring in public places—and there are videos online clearly showing people misusing fireworks, although it is impossible to know whether they were purchased from licensed premises, or whether they were bought by people under 18, the legal age for purchasing fireworks.

There is also potential for injury from not following the instructions printed on the fireworks. One of those instructions relates to the safe distance that spectators should stand from fireworks. It is natural for people to want to buy the biggest and best fireworks in their budget; yet many of those bigger fireworks will be in the F3 category and subject to a safety distance of 25 metres.

Dr Drew: The hon. Gentleman obviously has better eyesight than mine. The printing is often very small and sometimes in another language. The idea that people could make sense of it is somewhat arbitrary.

Peter Aldous: The hon. Gentleman makes a good point, which I was not going to raise, but it is pertinent, and it is right to make it, so I thank him.

There do not appear to be figures for the average length of the UK garden, but it has been suggested that the typical British garden is 50 feet long. If that is correct, many modern houses will not have gardens of the required size to ensure the safety of spectators when F3 fireworks are let off. Obviously, the consequences, should anything go wrong with the fireworks, are likely to be greater the closer the spectators are to them.

Trading standards and the fire service can have control over the storage arrangements at sites only if they are aware of those sites, which means only if they are licensed. Recent guidance to those bodies has encouraged them to be more proactive about storage conditions and quantities at licensed premises. In Suffolk the number of small independent retailers storing fireworks has dropped considerably in the past 10 years. It is unclear whether that is because of a lack of demand or an increase in the number of major supermarkets selling fireworks. Also in the county, trading standards continues to find minor issues with storage arrangements, with the occasional more serious problem being found on unannounced inspections. However, there have not been any major storage issues resulting in prosecution since 2010. In general, Suffolk County Council believes that the controls and powers that are in place are appropriate and sufficient to ensure that where unsafe storage issues are found they can be rectified without the need to resort to more formal measures.

In recent years the number of allegations about sales via social media such as Facebook has increased nationally and in Suffolk. Such sites are difficult to control as they are often promoted through private selling groups and thus they are not visible to all users. The sites often require investigators to “friend” the seller or join the group to determine how or where the fireworks are being sold. The Regulation of Investigatory Powers Act 2000 requires local authorities to obtain approval from magistrates courts before formal intervention can be contemplated, and that makes investigating allegations difficult, especially given the short time constraints of the firework season. The control of sale is currently limited to restrictions on age and on period of sale—generally between 5 October and 5 November—and controls on the quantity supplied. In the UK we limit the sale of F2 and F3 fireworks to those aged over 18. In many parts of Europe F2 fireworks can be purchased by anyone over 16.

It is also appropriate to raise an issue that links sales, storage and safety. It concerns the current exemptions for the storage of less than 5 kg net explosive content. I am advised that in some places in the north of England it has been reported that some businesses are trying to get round the need to hold a licence by restricting their onsite storage to less than 5 kg NEC while keeping their remaining stocks hidden. There is concern that some fire authorities would therefore not know of the existence of fireworks on a property, which could put both firefighters and the public at risk. Some in the fire service would like to remove that exemption, but that would need careful consideration, because if it were not implemented properly many other businesses that store less than 5 kg NEC perfectly legitimately could be affected.

Suffolk County Council also makes suggestions on how existing regulations could be improved. First, it touches on insurance. The issue of public liability insurance was raised by my hon. Friend the Member for Stafford (Jeremy Lefroy) in a debate on 18 November 2016, when he highlighted the case of a fire at SP Plastics in Stafford in 2014. The business suffered financially due to neither the individual business nor the licensee having appropriate cover in place. While health and safety legislation does not require public liability insurance, it is now recommended that those manufacturing or storing fireworks should hold it. That advice has been added to the Health and Safety Executive website and to the “Guidance to Applicants” section on the licence application form.

Suffolk trading standards receives information from Her Majesty’s Revenue and Customs on all firework imports. That information is then disseminated to the relevant district council and the HSE where the consignment is destined. While in theory that allows the council and HSE to monitor the amount of fireworks being stored at their licensed sites, the information provided by HMRC can be sketchy at times and there is little or no enforcement of the requirements. Even where the information is provided, many authorities have suffered cuts to their budgets that restrict their ability to monitor imports adequately.

I sense that I have probably stretched my time a little. I have more to say, but I will come to my conclusion, which is that the Government should adopt a systematic approach to the collection of the statistics. Having considered the extremely helpful information put together

by Nigel Howlett at Suffolk trading standards, I believe that, on balance, there is a case for amending the current regulations, although it is vital that a full consultation and regulatory impact assessment take place before any changes are made. That should include all those businesses in the supply network; we must remember that the vast majority of them are responsible, and it is vital that their views are heard. Thank you for bearing with me, Mr Walker.

Mr Charles Walker (in the Chair): I thank the hon. Gentleman for his self-discipline. Others had been shorter, so he was not in danger of eating up anyone else’s time.

5.21 pm

Tommy Sheppard (Edinburgh East) (SNP): I congratulate the Petitions Committee on bringing this debate before us today.

I have the great privilege of representing the city of Edinburgh, the capital city of Scotland, which is second to none when it comes to the organisation of large-scale public fireworks displays. Like the mover of the debate, the hon. Member for Clwyd South (Susan Elan Jones), I am a big fan. I love fireworks, particularly the large displays.

Our biggest display, of course, is not on bonfire night nor indeed at new year, but in August every year at the culmination of the world’s largest arts festival: a fantastic firework display using the backdrop of Edinburgh castle, which is really quite spectacular. The majesty and power of that display, and the excitement and thrill of it, provide entertainment to audiences in excess of 100,000 people each year. I welcome it as a highlight of the cultural calendar, but that display is executed by highly trained pyrotechnic engineers. It is regulated completely from a health and safety point of view, and complete precautions are taken to ensure that the display can be conducted in a safe way that brings no harm to animals or to the many people who enjoy it.

When I then look at the situation governing the private use of fireworks, none of that really applies. Yes, we have the Fireworks Regulations 2004, but let us be honest: if someone is over 18 and they do it before 11 o’clock at night, they can let off as many fireworks as they want for as long as they want, irrespective of the inconvenience it causes to their neighbours or to animals living locally. That is something that we must look at again.

We had a particular problem in my constituency in November last year. I suppose we should wait a few more years and be careful of making predictions, but it seems to me that the problem is increasing. One of the people who signed the petition sent me an email at the time, saying:

“I’m all for organised professional displays. But I don’t think members of the public, with no fire safety training should be in charge of explosives.

My father was a firefighter and I used to dread him being on shift on fireworks night, due the abuse and assaults our fire crews receive, this included having fireworks aimed at them as they tried to put out, out of control bonfires.”

She also says:

“We have a beautiful, gentle German Shepherd who is terrified of the fireworks. I’ve spent the evening trying to calm him down having had 5 hours of fireworks being set off around us. As I write this email to you the odd firework continues to go off—it’s now 10.45 at night.”

[Tommy Sheppard]

That person lives in Brunstane in my constituency, where there was no particular problem. In the Lochend area of my constituency, there was a big problem, which resulted in a major Police Scotland investigation. In an eyewitness statement, Sam Thomson, one of the residents affected in Lochend, says:

“I saw two groups of young people of various ages standing at either end of the street firing fireworks at each other like they were guns—they were holding the wooden launching sticks, lighting them and pointing them at each other.

I saw one young child being hit in the head with a firework. Fortunately it didn't explode—if it had, it could have caused very serious burns.

I saw kids firing fireworks at passing cars and windows in my block broken by stray fireworks. I felt sick with worry—it felt like my home was under attack, in the middle of a warzone.”

We need to respond to people who find themselves in that situation. I have spoken with Police Scotland in my constituency; although it is taking action, it is constantly frustrated by the fact that the regulations are not sufficient.

We have a particular problem in Scotland, because there are two sets of competences on controlling firework use. The Westminster Government have the authority to regulate the sale and possession of fireworks, and the Scottish Government in Holyrood have the responsibility for regulating the use of fireworks. The Fireworks (Scotland) Regulations 2004, which parallel those in Britain, are of a similar nature. They regulate the times at which fireworks can be used, they say that users have to be over 18, and there is a regulation on the strength of the firework, but there is nothing that says, “You need permission to have a firework display in the first place.”

I believe we need to look at going down the route of saying, “If you want to let off fireworks in public, you have to have a licence to do so.” It is unclear to me how we would do that in Scotland without close co-operation, and perhaps an adjustment of the balance of regulation, between the Scottish and UK Governments.

I will give an example. Suppose that the Scottish Government were to say, “Yes, we want to move toward a licensing regime where you can let fireworks off in a public place only if you have a licence.” The police officers I spoke to told me that they saw people over 18 walking around with rucksacks they knew to be full of fireworks, to engage in the activity that has been described, but there was nothing they could do to apprehend them, because no offence was being committed.

Of course, that would still be the case even if the Scottish Government tried to bring in a licence, because the sale and possession of fireworks would be regulated by Westminster. It seems to me that we might need to review that aspect of the devolution settlement to prevent public concern falling through the gaps in the regulatory network as competences overlap.

The time has come to look at going toward a licensing route. I am not saying we must do it now, but we need to investigate it, look at the facts and evidence, and prepare the case carefully. I am also mindful that some people will say, “It's not the fireworks that are at fault; it is the people misusing them.” It is true that some of the people who have been apprehended for those offences relating to last November are some of the same people who commit other offences against the community, such as riding off-road motorbikes through estates.

I accept that that is true, but at the same time we need to look at the regulations, because we should not make these things available for people to use.

We have to be careful that we are not killjoys. If we moved towards a situation where public displays of fireworks were licensed, we are not saying there should not be fireworks or that people should not enjoy them. We are saying, “If you want to enjoy fireworks, do it properly.” That means that we can regulate and check that the people who are organising the display have the required competence and training, that it is being done properly and that public safety and animal welfare are being taken into account.

There is a lot of work to be done, so I very much welcome the debate. The Scottish Government have now said they will review the regulations that they are operating under, which I very much welcome. However, if, as part of that review, it is determined that something in the UK regulations prevents things from being improved by the Scottish Government, will the Minister commit to reviewing the relationship between the two Governments, in terms of the balance of responsibility in this matter, and if necessary to amending the legislation to allow the Scottish Government the competence to move forward in this area? It seems that the more coherence we have on our approach to public policy, the better the result we will be able to get for our communities.

5.30 pm

Angela Smith (Penistone and Stocksbridge) (Lab): It is a pleasure to serve under your chairmanship, Mr Walker. I am slightly thrown because I thought you were going to call a Government Member, but I thank you very much.

Mr Charles Walker (in the Chair): There are more Opposition Members than Government Members down to speak, so I am just trying to balance it out before the end.

Angela Smith: I appreciate that. I am not used to such favours. It is a pleasure to contribute to the debate, which was very ably moved by my hon. Friend the Member for Clwyd South (Susan Elan Jones).

This issue has been repeatedly debated in Parliament and has been the basis of more than one petition. Some 158 signatures to this petition were secured in my constituency, which is higher than average. That does not surprise me, because I receive regular correspondence on the topic from constituents, and with very good reason. On 6 November last year, just after bonfire night, the local newspaper, *The Star*, reported:

“Fireworks thrown at police officers and fire engine attacked as more than 500 incidents”

of irresponsible use of fireworks were reported across South Yorkshire in the space of a few hours.

I have to say that, although the irresponsible use of fireworks and how they are sold are matters of great concern to many people, like many others—I think everybody who has spoken so far—I make it clear that I am not opposed to public firework displays. Indeed, I have enjoyed the new year's eve display across the river near the London Eye, I have enjoyed firework displays in Madeira and I have enjoyed much smaller displays in my constituency, such as at the Waggon & Horses in Langsett, which does a wonderful “Mr Fox” night every year on the night of the hunter's moon. Let me be clear: I enjoy a good firework display.

However, while displays such as those I described are magnificent spectacles, there are many times when the—particularly private—use of fireworks is not only a nuisance but downright dangerous. The latest figures, which have already been cited but are worth repeating, show that, between bonfire night and new year's eve in 2017, there were 221 reported incidents of firework misuse. Those range from reports to the RSPCA in Wales about distressed and unwell stray dogs on new year's eve to a report of a large group of teenagers, with some wearing masks, running in front of cars and setting off fireworks. The cars had to swerve away from them or execute emergency stops.

Of more concern, according to the Firework Abatement campaign, is admissions to hospital owing to firework accidents, which have risen year on year over the last few years. That is also of particular concern to me, because I do not think any right to enjoy the private use of fireworks is worth the serious risk of injury and harm to people and animals. We have all seen pictures of children who have been permanently disfigured by the misuse of fireworks, and I think there is a responsibility on the House to consider the balance between regulation and the rights of individuals because of the increasing risk of injury.

In addition, many animal welfare charities have for a number of years been concerned about the effect of the use of fireworks on animals. The British Horse Society has reported year-on-year rises in horses either injured or killed because of fireworks, as was mentioned earlier. The RSPCA has long-standing concerns about the effects of fireworks on dogs, with almost half of all dogs showing signs of distress. Many cats also show distress when fireworks have been used nearby. The Dogs Trust did a very interesting survey of 3,750 pet owners on this matter. The results showed that two thirds of dogs are worried by fireworks, and that 93% of owners alter their routine during firework celebrations to try to minimise the trauma on their pets.

That is all evidence that something needs to be done and that we really need to start taking this seriously. All the organisations I have referenced would like to see changes made to the law to secure further restrictions on the use of fireworks, and I think they have a strong case. As the law stands, regulations derived from the Fireworks Act 2003 dictate that fireworks must not be let off between 11 pm and 7 am, except at Chinese new year, Diwali and new year's eve, when the period is extended until 1 am, and bonfire night, when it is extended to midnight. That means that fireworks can be legally used by private citizens 365 days a year—every day—between 7 am and 11 pm. That is an incredibly liberal regime.

The Government response to that, and to the petition in particular, is to argue, as they have done for some time, that the best way to deal with the problem is through education. I have to disagree. That policy is weak in the face of the evidence, which, although it is not as robust as one would perhaps like, indicates increasing antisocial use of fireworks, and that more damage to people, animals and property is taking place than ever before.

I am not here to call for a complete ban on the private use of fireworks, much as I would like to. My hon. Friend the Member for Poplar and Limehouse (Jim Fitzpatrick) said he was a fully paid-up member of the grumpy old persons' club, and I would also like to

subscribe as a fully paid-up member. However, as much I would personally like a complete ban on anything other than public displays—I absolutely agree with the hon. Member for Ayr, Carrick and Cumnock (Bill Grant) on this—I recognise that that would probably be a step too far at this stage. What we need are further restrictions, to allow fireworks only on agreed traditional dates, such as 5 November, new year's eve, Chinese new year and Diwali.

We also need further restrictions on the noise levels allowed. The current regime allows fireworks to make noise up to a 120-dB limit, which is the equivalent of a jet aircraft taking off. That is far too loud and a cause of great concern, particularly to the many animal welfare charities that have contacted us on this. I also take the point made by the former Secretary of State, the right hon. Member for Meriden (Dame Caroline Spelman), about the need to be more careful about where public displays take place. The Government ought to have more regard to that.

The law as it stands does not protect vulnerable people, as my hon. Friend the Member for Clwyd South pointed out. The available evidence suggests that private firework use also has an extremely detrimental effect on both domestic and wild animals. It is disappointing that the Government appear unwilling to open up this area of legislation for review, given the year-on-year increase in antisocial use that I described earlier.

As I said earlier, no right to let off fireworks in the back garden, to buy those fireworks or to organise family gatherings in private places, is worth the significant risk of injury to children, animals and adults that we see year on year. Something needs to be done. A change in the law would certainly have public support, with online petitions gaining more than 100,000 signatures each year for the last three years. I therefore ask the Minister—I agree with earlier comments that he is a very reasonable and competent person—to take on board these concerns, to re-evaluate firework use and to consider introducing new restrictions and guidelines on the use of fireworks by private citizens.

5.39 pm

Mrs Kemi Badenoch (Saffron Walden) (Con): I start by recognising the role of the FAB—Firework Abatement—campaign in raising awareness and bringing this issue to Parliament again. I also echo the comments of my hon. Friend the Member for Ayr, Carrick and Cumnock (Bill Grant) about how it affects not only animals, but people with post-traumatic stress disorder. When people have returned from serving with our armed forces or have been through unimaginable experiences, the sudden and intrusive noises, the smell and a racing heartbeat can cause flashbacks to memories best left forgotten. Many more people are affected who are simply not listened to and whom we need to recognise.

I am at the debate on behalf of the 189 of my constituents who have signed the e-petition, as well as others who have written to tell me how their animals, especially dogs, are affected by firework explosions, which are intolerable. Notably, my constituents Liz Storey of Stansted Mountfitchet and Janet Harris of Great Leighs gave moving accounts of how disruptive it can be to live in the vicinity of a place where fireworks are frequently let off. A particular problem is the random displays unrelated to public celebrations. My constituents

[Mrs Kemi Badenoch]

talked about horses being sedated and, when left in fields, no fence being able to contain them; Christmas meals at 4.30 pm ruined as explosions go off next door; and dogs requiring frequent medication in advance—work that is undone by random and unexpected fireworks. Dogs become so frightened that it can take months for them to rehabilitate, and even to settle when it begins to grow dark and they think that danger is imminent. In some horrible cases, they go missing, or worse.

The use of fireworks has spread from traditional celebrations to random parties in otherwise quiet neighbourhoods. Fireworks set off between close houses only amplify the noise and damage done. There are reports of accidents and even of our brave emergency responders being attacked by stray bursts. We need to remember that fireworks can cause harm in untrained hands.

At the root of the issue is how we can ensure responsible enforcement. Many in my constituency would like to see fireworks only at public displays. Currently, the police and local authorities do not have the powers that that would require. Alternatively, the Italian town of Collecchio passed in 2015 a law that allows only quiet fireworks. “Quiet fireworks” sounds like a contradiction, but we already see them year in, year out, in displays of, for example, comet tails or flying fish, and they are still aesthetically pleasing, so there clearly are steps that can be taken to innovate in the interests of our pets and children.

I should mention that I love fireworks. However, they must be used responsibly. My constituents are asking not for a ban, but just for more controls on private displays, and I think that there are grounds for looking into the legislation.

5.42 pm

Mohammad Yasin (Bedford) (Lab): It is a pleasure to serve under your chairmanship, Mr Walker. It is an honour to be here to voice the concerns of my constituents who have signed the petition asking for a change in the laws governing the use of fireworks to include a ban on public use.

From time to time, we all enjoy fireworks. Just 28 days ago, we saw the most fantastic display lighting up the Houses of Parliament. New year’s eve, bonfire night, Diwali and Chinese new year would not be the same without them, and they are a wonderful part of our cultural heritage. However, fireworks are no longer used or heard just at significant events such as those, but throughout the year. The occasions that I just mentioned span more or less half the year, so the sale of fireworks around those occasions offers the public the opportunity to buy fireworks through the entire dark nights period. That means that around this time of year, although the nights are getting lighter, we can hear fireworks going off from as early as 4 pm to the early hours of the morning.

In addition to the dangers of fireworks in relation to public safety, they have become a real antisocial menace—a menace and a real problem for pet owners; a menace for parents whose young children are woken by loud bangs and whistles; and a menace to the elderly, who can be frightened by the loud bangs. Restrictions on sales are not working, not least because fireworks are readily

available to buy on the internet. That is a separate concern, because fireworks obtained in that way may not comply with EU safety regulations and because they may be easily bought by minors—I need not spell out the dangers of that.

The 2004 regulations allow penalties to be levied for antisocial behaviour involving fireworks, but enforcement of the power is very poor. I think that if the existing laws were enforced, that would solve many of the issues, but if the laws are not being enforced, or cannot be, we will have to consider other means of controlling the problem.

The National Fire Chiefs Council has campaigned to stop the sale of fireworks to the general public, as have the Royal Society for the Prevention of Accidents and other collaborative partners interested in public safety. Clearly, the vast majority of people who use fireworks do so responsibly and in accordance with the law; and when distress is caused to animals—domestic pets, wildlife or livestock—that is likely to be because of ignorance and thoughtlessness rather than deliberate misuse.

The most effective way to reduce the suffering of affected animals may be through education instead of legislation. We should let people know about the time limits and the regulations, so that they can be more thoughtful not only about pets but, of course, about people in their environment. However, fireworks are a real source of distress for many people and pet owners. One of my constituents, whose dog shivers under the duvet whenever it hears a firework, told me:

“It’s possible to plan ahead and try and manage the situation for pets on planned evenings, like Bonfire Night. However, when fireworks are let off without warning, it’s a real problem for our dogs, who are terrified.”

Mr Philip Hollobone (Kettering) (Con): I am listening with great interest to the hon. Gentleman’s comments, and he has mentioned bonfire night a couple of times. Does he agree that the problem is that bonfire night is not restricted to bonfire night? We now have bonfire fortnight: these things are let off the week before and the week after, so pet owners are placed in an impossible position.

Mohammad Yasin: I agree. The hon. Gentleman raises a very important issue, which needs to be tackled. The quotation that I read out also makes the point. Most of us are tolerant and respectful of others, and we all recognise that fireworks can mark a special event. Although many pet owners dread bonfire night, they can plan for it and ensure that their pets are safely in the house, but now, the use of fireworks is frequent and random. It takes only one person setting off a firework at 2 am to wake the whole neighbourhood, and set car alarms off and dogs barking.

I hope that the Minister will look again at enforcement of the 2004 regulations and review them to test whether they are strong enough and whether our police have the capacity to enforce them. If not, perhaps tighter restrictions along the lines recommended by the petition should be considered.

5.48 pm

Eddie Hughes (Walsall North) (Con): It is a privilege to serve under your chairmanship, Mr Walker. I am delighted that the hon. Member for Clwyd South (Susan Elan Jones) has brought this debate to us today. I feel

that I am speaking as an advocate on behalf of the approximately 8.5 million dogs in the United Kingdom and—not to forget them—the 8 million cats. I understand that there is some contention between the two with regard to their ability to hear. In preparing for the debate, I understood that the dog has 18 muscles in its ear, whereas the cat has 30, so I think the cat wins, in terms of its ability to hear. We should give consideration to that when setting the legislation.

I imagine that last night, Mr Walker, you were lying in bed, soundly asleep—deep in slumber. Imagine that you were disturbed from that sleep by a noise somewhere in your house. You are awake, your heartbeat is slightly elevated and you start to breathe slightly more quietly because you are troubled by that noise. Now imagine you suddenly hear a glass smashing in the kitchen. All of a sudden you become disoriented. You feel slightly panicked. Has somebody broken into your house? You are very concerned. Now imagine, on top of that, you suddenly smell a gas that you are not familiar with. Imagine the sort of state you would be in at that point. I imagine you would be very anxious. That is what we put our cats and dogs through every time they are subjected to fireworks, because they do not have the benefit of knowing, when the firework displays suddenly appear in the Asda and other shops, that they are likely soon to hear many more loud bangs. They do not have any warning, or understanding, of Diwali or new year's eve, so it comes as a complete surprise to Fido when he is enjoying his bone of an evening and all of a sudden there are crashes and bangs all over the place.

At what sort of level is the noise? The figure of 120 dB has been mentioned. I do not know, Mr Walker, if you know what 120 dB is, but it is approximately the noise level of a chainsaw. You might say, "Hang on a sec, a chainsaw would annoy me, if it went on for a few minutes, but I would probably be okay with intermittent bursts of chainsaw", and you may well be, but you do not have the hearing of a dog or a cat, which is four times as perceptive as that of a human. They feel the noise with greater force than we do. Imagine there are fireworks in the distance. They are not too troubling for us, but obviously a dog or cat, with its enhanced hearing, will be troubled by firework noise from further afield. As a nation of animal lovers, it is imperative that we consider the hearing not just of the humans inhabiting this great island, but of our dear beloved pets.

I met a Chihuahua called Flo because, in the run-up to bonfire night, I wanted to put a leaflet through doors in my constituency to alert people to be considerate to pet owners. I am advocating on behalf of not just millions of dogs, but specifically Flo, who must weigh about 2 lb, bless her. She is paralysed with fear every new year's eve and bonfire night, and millions of her fellow dogs and cats across the country feel the same.

I do not ask for a change in the law, but I suggest that the millions of pounds that we hear are made from the sale of fireworks could be targeted, through social media or other appropriate media—I understand, for example, that on Facebook, pet owners can be specifically targeted—to ensure that people are aware of the things they can do to placate and prepare their animals for the onslaught of bonfire night, or bonfire fortnight and the weeks it goes on for, and to educate the general public to be slightly more considerate not just of their neighbours, but of pets as well.

5.53 pm

Alison Thewliss (Glasgow Central) (SNP): Thank you for fitting me in to this debate, Mr Walker. There are 171 signatures from Glasgow Central on this petition and I am glad to speak on behalf of those and other constituents. Like other hon. Members I am a big fan of public displays of fireworks. I have an ongoing dispute with my wee brother, who much prefers to use fireworks himself. He is a lot more confident with that than I am, but I am slightly older than he is and remember all the terrifying adverts on television in the '80s, which made me think that my hand would melt off if I touched a sparkler.

This is a serious issue in my constituency. People in Pollokshields in particular have raised concerns about fireworks being thrown in the streets. Last year Glasgow South East police reported that five under-18s were charged with possession of fireworks. That puts those young people at risk of a criminal record, so this is a serious matter. I have had many constituents contact me about the impact that fireworks have had on their daily lives. I would like to highlight and read some of those. Kate Tough said,

"Powerful fireworks are causing untold misery (and danger) to peaceful residents due to a minority of young people with no sense of safety or consideration."

Siobhan McGurk lives on Kenmure Street and has found

"gangs of 10-20 boys running up and down the streets at night throwing fireworks at each other and at cars driving past."

It is incredibly dangerous, not least because it is an area with tenement flats—it is a high-density area of housing. If a firework was to go up a close, that could cause untold danger for all the residents. She is also concerned that fireworks are "being used as weapons," as other hon. Members have reported.

Other constituents in Pollokshields feel that this is just another factor of the antisocial behaviour that already exists in some communities, and the boys who are causing trouble and harassing other people in Pollokshields library use fireworks to do so at this time of year. As my hon. Friend the Member for Edinburgh East (Tommy Sheppard) highlighted, this is a real danger for those young people and for the community as well. As the hon. Member for Waveney (Peter Aldous) said, we often cannot tell who let fireworks off or where they came from, but they cause fear and alarm to passers-by and local residents.

Heather Alexander from Thorncliffe Gardens has concerns, which others have raised as well, about the regulations being out-and-out flouted—that the law is not being enforced in any meaningful way. There are issues of police numbers and trading standards and all those kinds of things, but if the regulations are unenforceable, they are pretty meaningless. Heather Alexander mentions fireworks being set off in Queen's Park and youngsters

"throwing them at fire service personnel".

She also raises concerns, as hon. Members have done, about private citizens being able to buy explosives at a time when the security level is often at "severe". It seems rather incongruous that we allow explosives to be sold over the counter with no real concern as to who buys them, where they end up and what they will do with them once they have them in their possession. There is a real concern in Pollokshields that they are being passed

[Alison Thewliss]

on to younger members of the community. It is not responsible adults who are using them; children are using them, at a range of ages.

One of the local councillors, Jon Molyneux, has been compiling some of the work on this. The police officer present at a meeting at Pollokshields Community Council advised that during firework season, police were attending on average 20 to 30 call-outs per night. They apprehended children as young as six lighting fireworks in the street. The officers were routinely targeted by fireworks being aimed at them and older relatives of children were caught being complicit in concealing the identities of the children and young people involved to the police. This is a very serious set of concerns. Children are being put in positions of danger by people who should know better. That is not being enforced in the law either.

One point that has not been raised so far is the mess that fireworks leave behind for communities to clear up. I see that right across my constituency: the remnants of fireworks lying around for weeks on end after events. I am lucky to have two large organised displays at different times of the year in my constituency: one in George Square, for which the tickets are like gold dust, and the other, a public event on bonfire night, in Glasgow Green. The residents who live around Glasgow Green, where many people go and walk their dogs and enjoy the green at all times of the year, were concerned to find the green littered with sparklers and debris long after bonfire night. A Dr Shields contacted me to say,

“as the owner of 2 dogs and someone who works using risk assessment it is currently my view that it is completely unsafe for children, pets or any sports just now due to the many hundreds of used sparklers lying on the ground.”

There is a cost to local government of clearing that up afterwards and making the park safe for everyone to use. That has not been considered much, but when these things are sold, little consideration seems to be given to where they end up. That is something the Government ought to take into consideration as well. If we are going to recycle, and look at plastic and other types of waste, we should perhaps consider what happens to fireworks after use as well and the impact that has.

[DAVID HANSON *in the Chair*]

I echo the comments by many hon. Members that we need to look at this issue seriously, and we need to review the rules and licensing of these items, because it is clear to me that the situation at the moment is not adequate and it is putting young people and other residents, as well as animals, at risk.

5.59 pm

Mr Simon Clarke (Middlesbrough South and East Cleveland) (Con): I congratulate you on your smooth transformation into the Chair, Mr Hanson. It was seamlessly done.

I want to pay tribute to the large number of my constituents who encouraged me to attend today's debate and made really passionate cases about why this issue matters and why we, as parliamentarians, should be concerned about it. I want to start by stating that I am not hostile to fireworks. Indeed, rather like the hon. Member for Clwyd South (Susan Elan Jones), I have

many happy memories of my own father going out bravely into the Teesside air to hammer a Catherine wheel to a tree. Memories such as those are important, and fireworks are a spectacular way of bringing people together in common celebration.

As an economic and social liberal, I did not come into politics to ban things; however, I also appreciate that when used irresponsibly and away from the main festivals, such as bonfire night and new year, fireworks can be a source of harm and distress. What my hon. Friend the Member for Walsall North (Eddie Hughes) said about Flo is true for so many, and he amusingly and powerfully set out why we should be engaged in this and why we should think considerably about other people and our pets.

I have had lots of constituents setting out their deep concerns about fireworks and the effect that they have on the elderly, young people, military veterans and livestock. Mr Geoff Peirse from Coulby Newham, for example, wrote to me saying that his concern relates to people's ability to use fireworks in an antisocial and sometimes criminal way. He highlighted the effect that they have on the police, hospitals and fire service. Meanwhile, Jane Dunn from Guisborough told me after Guy Fawkes night that

“it has been like a war zone... with fireworks being lit for days. My 86-year-old mum, who remembers hiding under the stairs during WWII air raids, was woken after midnight last night by an extremely loud bang,”

and in her disturbed and confused state,

“she thought it was a bomb going off. The gentle fireworks and sparklers we remember from our youth have been overtaken by bombs.”

As we know, controls on the use and sale of fireworks are already in place, and I welcome that; however, some of those controls might be extended without unreasonably diminishing the enjoyment people derive from fireworks. For example, the noise level on fireworks, as we have heard, is 120 dB. I am pleased that limit exists, but 120 dB is still extremely loud. To put it in context, a motorcycle is 100 dB and an emergency vehicle siren is 115 dB—120 dB is something more akin to a clap of thunder. In his reply, will the Minister touch on whether 120 dB really strikes the right balance—a proportionate balance—between enjoyment and relative peace for local people?

Firework-related antisocial behaviour also causes my constituents grave concern. Late last year a gang of youths sent fireworks shooting into a number of flats in central Middlesbrough. One of the rockets entered a disabled woman's living room, filling the room with smoke and scorching her carpet. She said that the noise was so loud that she subsequently had problems with her hearing. That was one of a flurry of incidents across the town, with reports of lit fireworks being thrown at cars, people and even supermarkets in Pallister Park, Grove Hill and Coulby Newham.

I would therefore be grateful if the Minister committed today to reviewing the number of antisocial behaviour incidents linked to the use of fireworks, and set out what measures could, or indeed should, be undertaken to prevent such incidents. That information is not currently collected; instead, it is part of the general statistics classified as antisocial behaviour. We therefore have no reliable data, as we have heard, on the improper use of fireworks and no understanding of where in the country the problem is greatest or at what times of year it peaks. I think that should change.

In that regard, and in summing up, I want to pay particular tribute to my constituent Julie Wright, who came to my surgery in Guisborough earlier this month. It was she who really convinced me to come here today. She is particularly upset about the impact on her pet dog, and says:

“I have every lotion, potion, anxiety wrap, noise CD, cosy den bed known to man, but only tranquilizers will work. When fireworks go off it is a dilemma as to whether to administer them—is this a random firework, is it a full blown display, how long will it last, is it worth doping up my poor animal if it’s going to stop soon? What effect is all this medication having on my dog’s system and his lifespan?”

It is for people like her that I want to see that data collected—to understand the nature and scale of the problem we face, and to inform further debate.

6.3 pm

Holly Lynch (Halifax) (Lab): May I say what a pleasure it is that you have joined us and taken over in the Chair this afternoon, Mr Hanson? I also join hon. Members in thanking my hon. Friend the Member for Clwyd South (Susan Elan Jones) for opening this important debate with a characteristically insightful and balanced speech on behalf of the Petitions Committee.

Much like my hon. Friend and colleagues across these Benches, I want to stress that I have fond memories of growing up and spending time with my family setting off fireworks in the back garden over the course of bonfire night. So it is with great sadness that the instances of irresponsible, antisocial and at times dangerous misuse of fireworks have brought me here today to call for much tighter regulation around the sale and use of fireworks.

There has been a long-running problem with fireworks being used at all times of the day and night in my constituency and causing tensions within communities, as I will return to later in my speech. However, as predicted by my hon. Friend, my greatest cause for concern is the way in which fireworks were used to attack the emergency services over bonfire weekend. I saw that for myself when I went out with West Yorkshire fire and rescue and West Yorkshire police on Saturday 4 November last year. Both myself and my hon. Friend the Member for Bradford South (Judith Cummins), who wanted to be here for this debate but is otherwise detained owing to her responsibilities on the Trade Bill, spent time with the emergency services on the frontline in Bradford.

Several crews working out of fire appliances and fire cars as part of the joint fire and police operation across West Yorkshire that night were subject to attacks involving fireworks. The crew of one of the fire appliances based at the station I was attached to had fireworks aimed at them that exploded just inches away from their faces and where they were working. The fire car in which my hon. Friend was shadowing officers and firefighters also had missiles and fireworks thrown at it.

I launched the “Protect the Protectors” campaign, which I am pleased to say the Government are supporting, having seen and heard too many harrowing incidents of emergency service workers coming under attack. Yet even I was surprised to learn that every instance of fire resources being deployed to calls over that bonfire weekend in Bradford had police officers co-deployed alongside them, as the risk of fire crews being attacked was so high.

We had anticipated that the Saturday night would be the busiest of the weekend; however, bonfire night on the Sunday evening proved to be worse. There were 18 attacks on fire crews over the bonfire weekend in West Yorkshire alone, with the vast majority involving fireworks. That was twice as many as the year before. So we know that the current rules and regulations simply are not effective, as the situation has deteriorated.

In Leeds, gangs barricaded streets in Harehills and Hyde Park, setting fire to bins and anything else they could find. When the emergency services arrived to put out the fires, they were met with fireworks fired at them. Youths were putting fireworks in drain pipes, which they used as rocket launchers to aim and fire at firefighters and police officers. Those incidents were deliberately orchestrated to lure emergency service workers into an area in order to be attacked, with the weapon of choice being fireworks, which made the attacks particularly sinister. In those instances, the police were left with no choice but to wear full protective equipment, including shields and helmets, in order to secure the area so that fire crews could tackle the blazes.

Chief Superintendent Mabs Hussain of West Yorkshire police hit the nail on the head when he was quoted in *The Yorkshire Post* as saying:

“Over the weekend, we had reports of fireworks being directed at moving vehicles, properties and emergency service crews... Many of the people doing this wouldn’t arm themselves with a knife or a gun, but don’t realise that using a firework as a weapon isn’t mischievous, it is highly dangerous.”

He was exactly right.

While I sincerely hope that the “Protect the Protectors” Bill being championed through Parliament as a private Member’s Bill by my hon. Friend the Member for Rhondda (Chris Bryant) will make a difference by being a tough deterrent against such attacks, I hope that when considering the merits of further restrictions the Minister will reflect on the role of fireworks as a deliberate weapon of choice used by certain individuals specifically to attack emergency service workers at seasonal times of the year.

In Halifax, we have increasingly seen fireworks used as a means of celebrating weddings, making them a year-round occurrence. The geography of the area worsens the problem, as loud explosions echo around the valleys. Last summer, one single explosion at 1 am woke residents up to 4 miles away. I can confirm that, as I was one of those residents woken around 4 miles away from the source of the initial firework. It was not until the following morning, having returned to my office to see many emails in my inbox giving me an indication of the epicentre of the activity, that I realised the noise had travelled so far.

I wish that was an isolated incident; however, I regularly receive emails from tired and frustrated constituents on this issue. Those demonstrate that literally thousands of people are being affected, often in the middle of the night, by the actions of a few individuals, whose purpose for using fireworks is specifically to let everyone know that their fireworks are bigger and louder than everybody else’s.

One constituent contacted me last April to say that fireworks had started just past midnight on a Sunday night and continued non-stop until 2.30 am. The fireworks were not part of a seasonal celebration, and that highlights how, for many people, this is now a year-round problem.

[Holly Lynch]

The constituent was rightly concerned about the impact of the sleepless nights on people's health. During the same incident last year, residents took to Facebook in the early hours to express their frustrations. One resident who lived close to where the fireworks were being set off commented:

"Me and my son were up till 2am, he was so scared, we slept on the living room floor."

I have been trying to find a resolution to this problem and have been in regular contact with the local police and the council's environmental health department. It is clear that because of the nature of fireworks, it is difficult to take enforcement action after the event, when the evidence will literally have gone up in smoke in seconds. So I hope that the Minister will reflect on all the ways in which we can close down the irresponsible and antisocial use of fireworks at the point of sale.

If I may, I will highlight some points in relation to the Government's response to the petition. As we have heard from other hon. Members, the current limit of 120 dB is still quite high. By some estimates, that is comparable to a rock band, a police siren or, as we have heard, a chainsaw or jet engine. The RSPCA believes that the maximum noise level should be reduced to 96 dB, and has raised concerns about the impact of such loud noises on animals. As we have heard, there are reports of horses dying from the shock of sudden explosions, so there are strong animal welfare arguments for reconsidering decibel limits, as others have said, including my hon. Friend the Member for Gower (Tonia Antoniazzi).

The Government's proposed solution for tackling the emotional distress caused by fireworks is problematic. The Department says:

"The Government is aware of concerns about the distress noisy fireworks can cause...Therefore, the Government urges those using fireworks to be considerate to their neighbours and give sufficient notice...to those who are vulnerable".

The list includes

"older people, children, those with mental health issues such as post-traumatic stress disorder".

I am glad that Ministers acknowledge that those with PTSD, for example, can be distressed by fireworks, but if they really think that people setting off explosions at 1 am that carry for four miles will be diligent enough to notify an entire constituency in advance, I am afraid that I do not share their optimism.

I started this speech by reliving my own fond memories of fireworks as a child; we all remember the odd mix of horror and excitement on realising that a firework had leaned precariously in our direction, leaving everyone rushing to get inside to watch that particular firework from the safety of the kitchen window. This is not about being anti-fireworks—the display by the Thames at new year was absolutely spectacular, as was the bonfire and display organised by West Yorkshire fire and rescue at its Birkenshaw headquarters—but about proper regulation. It is about ensuring that fireworks are not used in the middle of the night in residential areas, it is about ensuring that the noise does not carry for four miles and it is certainly about ensuring that fireworks are not put in drainpipes and fired at emergency service workers. The existing laws are not preventing any of those things, so I hope that the Minister might take this opportunity to reflect on what changes to those laws might bring about the changes in behaviour that we would all like to see.

6.12 pm

Patricia Gibson (North Ayrshire and Arran) (SNP): I am delighted to take part in this debate on the e-petition calling for a change in the law to include a ban on the public use of fireworks. I thank the hon. Member for Clwyd South (Susan Elan Jones) for setting out a comprehensive case and the Petitions Committee for selecting it.

I do not think that anyone here has argued against the fact that used correctly, fireworks are an enjoyable spectacle. They are enjoyed by some 10 million people across the UK each year, and they have become a feature, as has been mentioned several times, of publicly organised events in November, weddings and all sorts of other celebrations. Anyone fortunate enough to have attended a publicly organised firework display will no doubt have enjoyed it immensely, and no one here would want to interfere with that. However, we are also here to take account of the alarm, distress, danger and anxiety that fireworks far too often cause to too many people and animals, and the disruption that they can cause to communities when purchased and used irresponsibly by individuals.

I found myself agreeing with the hon. Member for Ayr, Carrick and Cumnock (Bill Grant), which I particularly wanted to mention because it is such a rare event that I felt it should be put on record. He gave us the perspective of a senior fire officer, which is certainly worth listening to. I agree with him wholeheartedly, so I shall hang on to that for future reference.

Every year from October to January, I receive complaints, as I am sure we all do, from constituents whose neighbourhoods are disrupted and plagued by the irresponsible use of fireworks at all hours of the dark evenings. Under cover of darkness, too many people set out to cause mischief, thinking that it is funny to set off fireworks near housing where children or whole families are shocked from their slumbers, pets are scared half to death and elderly people are driven into a state of fear and alarm. The right hon. Member for Meriden (Dame Caroline Spelman) also pointed out the effect on horses.

People who want to set off fireworks do not care a jot about the time restrictions mentioned by some Members in this debate. They do not care whether it is legal to set off a firework at that time of day or night, and it seems that such irresponsible people do not care a jot about safety. I have been contacted by constituents in a state of great distress after a particularly alarming and noisy night of fireworks, which can take place for no apparent reason other than that it is October, November or December and people have fireworks left over or they are still available for sale.

On such occasions, constituents tell me that the onslaught of fireworks has had a profound effect not just on their quality of life but on their pets, which undergo trembling fits and become withdrawn and very frightened. It cannot really be prepared for, as it comes out of nowhere whenever someone has fireworks and thinks that they will have a bit of fun. Some people think it is great to set them off in the middle of the night up closes or in the shared entranceways to flats.

The situation in Scotland is nothing short of bizarre. The use of fireworks is a devolved matter, but the sale of fireworks is reserved, as my hon. Friend the Member for Edinburgh East (Tommy Sheppard) explained. It does

not take a genius to work out that unless we tackle the sale of fireworks and who can get their hands on them, we have lost any meaningful influence over who uses them. As the hon. Member for Coventry South (Mr Cunningham) pointed out, it is extremely difficult to police.

I know that on a local level, environmental health and perhaps even antisocial behaviour teams can and do work hard to tackle the misuse of fireworks in our communities, as my hon. Friend the Member for Glasgow Central (Alison Thewliss) pointed out, but that seems to be dealing with the consequences of the wide availability of fireworks, when what we need is to tackle the fear, alarm, distress, fire risks and safety hazards that fireworks cause. We need to tackle the real issue of the sale of fireworks to individuals; we need to tackle the problem at source.

As I have mentioned, the time restrictions for fireworks are regulated by law. They cannot be set off between 11 pm and 7 am, with a few exceptions for special occasions such as the new year and so on. However, that does not go far enough. A particular type of individual who wishes to buy fireworks to cause fear and alarm, and to have a bit of fun because they find it entertaining to cause destruction to their neighbourhood or use them as weapons of choice, as my hon. Friend the Member for Glasgow Central and the hon. Member for Halifax (Holly Lynch) pointed out, will set off those fireworks whenever and wherever they choose.

Restrictions on when fireworks can be set off afford no comfort to communities plagued by them. The fact is that the regulations cannot be enforced, as has been said repeatedly in this debate. Once they are on sale to any individual over 18, all control is lost over irresponsible behaviour, which is sadly all too common in some of our neighbourhoods. The hon. Member for Clwyd South suggested a consultation on where to go in terms of the sale of and restrictions on fireworks. That is a good idea, but any consultation on the issue cannot be used as an excuse to kick it into the long grass. It needs action.

I know that fireworks cannot currently be sold to anyone under 18, but so what? We know that children are able to get hold of them, as my hon. Friend the Member for Glasgow Central pointed out. We also know that often, those using fireworks irresponsibly are perfectly entitled to buy them under the law as it currently stands. The irresponsible use of fireworks is not confined to those who get hold of them illegally. That is why more needs to be done to protect communities, the elderly, pets and a range of people in our communities, as we have heard today from a host of elected representatives who have been contacted repeatedly over the years by constituents whose lives are made a misery for several months of the year.

The current situation is not working and is not sustainable for the health, wellbeing and safety of our neighbourhoods. We can all look back nostalgically, as many Members have done in this debate, to bonfire nights when we were growing up, but that cuts absolutely no ice with communities that currently and regularly must tolerate the awfulness of misuse of fireworks for several months of the year.

As my hon. Friend the Member for Edinburgh East pointed out, the problem appears to be growing. The only sensible solution is to tackle it at source: fireworks should be sold only for licensed, organised public displays that are well advertised in advance and that take place

within a publicised time span. That would allow people who wish to enjoy fireworks to do so safely and, importantly, it would also allow local residents to plan ahead and make arrangements to protect their pets.

The Dogs Trust says that where public displays are organised, 93% of pet owners—a high figure—alter their plans during the display time to minimise their pet's trauma, which protects pets' welfare. I listened carefully to the hon. Member for Walsall North (Eddie Hughes), who spoke about helping pet owners to prepare for the use of fireworks in their neighbourhoods, but that is not often possible because fireworks go off randomly with no warning.

I agree with the hon. Member for Poplar and Limehouse (Jim Fitzpatrick) that if we ban the sale of fireworks to all and sundry over 18 years old, organised public firework displays—a much safer option for all our communities—will become the accepted norm. There is a consensus across the Chamber that it is time to ban the free sale of fireworks except for public licensed displays. That would mean that we could still enjoy fireworks in our communities at new year and at celebrations such as weddings, but that they would be out of the hands of those who, by accident or design, put the fear of God into our communities, shake our children and whole families awake in their beds, alarm older people, cause real suffering to our pets and even cause injury.

We need to get the balance right. No one is asking for fireworks to be banned altogether, but I urge the Minister to consider banning them from being sold freely so that we can all be sure that they will be used sensibly, safely and responsibly.

6.22 pm

Gill Furniss (Sheffield, Brightside and Hillsborough) (Lab): It is a pleasure to serve under your chairmanship, Mr Hanson. I congratulate my hon. Friend the Member for Clwyd South (Susan Elan Jones) on her eloquent and balanced introduction to this important debate.

We, too, should approach the debate in a balanced way. I sympathise with the backers of the campaign in that I recognise the stress and anxiety that fireworks can cause to vulnerable people, including children and people with certain mental health issues, and to pets and livestock. There is a particular issue for animals because of the unannounced nature of fireworks, which can leave animals vulnerable. Dogs often stop eating or self-harm to avoid the perceived threat of the noise.

I also recognise that most fireworks are used responsibly and provide great enjoyment for many people. Fireworks at special festive events such as Diwali, Chinese new year and new year's eve are seen as a crucial part of cultural celebrations.

As other hon. Members have noted, the legislation is 13 years old. It is important to have this debate and see if the legislation is up to date and fit for purpose. Strict rules about the quality, quantity and sale of fireworks are relevant to this debate, such as the Fireworks Regulations 2004 as amended by the Fireworks (Amendment) Regulations 2004, which were designed to tackle the anti-social use of fireworks.

Since January 2005, the sale of fireworks to the public has been prohibited, except by licensed traders. However, fireworks can be sold by unlicensed traders for Chinese new year and on the preceding three days,

[Gill Furniss]

for Diwali and on the preceding three days, for bonfire night celebrations between 15 October and 10 November, and for new year celebrations between 26 and 31 December. That period around bonfire night is rather long. Will the Minister consult on that and whether it should be reduced?

Under the 2004 regulations, it is an offence to use fireworks after 11 pm and before 7 am without permission, except on permitted fireworks nights when the times are extended. The regulations allow fireworks to be used by a person employed by a local authority to put on a display that the local authority has permitted, or for a national public celebration.

Other relevant legislation includes the Explosives Regulations 2014, which relate to the storage of fireworks; the Pyrotechnic Articles (Safety) Regulations 2015, which deal with the safety of fireworks as a consumer product; the Animal Welfare Act 2006, which makes it an offence to cause suffering to animals; the Environmental Protection Act 1990, which gives local authorities the power to investigate a complaint about excessive noise and to take necessary action; and the Anti-social Behaviour Act 2003, which tackles noise coming from homes or gardens between 11 pm and 7 am.

On the whole, I am satisfied that there is a significant amount of regulation around fireworks, and that for the large part, people buy and use fireworks responsibly. However, I wish to press the Minister on a couple of issues. First, local trading standards bodies tend to enforce the laws surrounding fireworks, but deep Government cuts to local authority budgets have reduced their staffing by up to 56% since 2009, according to National Audit Office figures published in 2016. In this case, and in other areas of consumer protection, it is difficult to imagine that their reduced resource capacity is not having a direct effect on their ability to properly enforce the laws already in place. I ask the Minister how his Department can ensure that trading standards bodies are sufficiently resourced.

Secondly, much of the law, particularly around the quality of fireworks, derives from European directives. Much of the consumer protection framework comes from the EU and we rely on EU bodies for many enforcement mechanisms, including, crucially, cross-border consumer protections. Following the UK's exit from the EU, what enforcement mechanisms will be in place to ensure that UK consumers can be confident that they are buying safe goods?

Although we do not support a change in the law at this time, I agree that the Government should gather statistics on the sale and use of fireworks, and on complaints made about their public use, so that we can better understand whether more needs to be done to restrict fireworks in future. The statistics are not centrally gathered, but it is important to ensure that we have that data about the use of fireworks so that we are better informed. It would also be useful for people working in trading standards, the police, and enforcement. Does the Minister recognise the importance of centrally monitoring that data?

We know one set of statistics, however. In 2016-17, hospital admissions due to the discharge of fireworks were at their highest since 2006, with 184 recorded instances. Since we do not have the data on the sale of

fireworks, we cannot make a direct assumption, but there may be a link between firework sales and the reduction in enforcement capability.

One way to mitigate the disturbance of fireworks is through communication, which could encourage people who wish to use fireworks to make their neighbours aware well in advance to give them time to prepare for any disturbance. Equally, fireworks exceeding 120 dB should not be sold to consumers. Many consumers may not know that low-noise fireworks are available, and perhaps there should be greater encouragement of the use of such fireworks.

Animal charities such as Blue Cross already produce information on animals and fireworks, with advice on the best ways of reducing stress for animals when fireworks are set off. The RSPCA and the Kennel Club also do a great deal of work to communicate how best to reduce the impact of fireworks on animals.

Has the Minister considered bringing together concerned groups and charities for a public awareness campaign to raise awareness about the danger of fireworks and ways of dealing with them, in particular at times of steep use such as on new year's eve or during other festivals? Greater communication is important to allow those who enjoy fireworks to do so responsibly. It would also give greater assurance to those who are concerned about the impact of fireworks on the vulnerable.

6.30 pm

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Andrew Griffiths): It is a pleasure to serve under your chairmanship, Mr Hanson. This is my first opportunity to respond to a Westminster Hall debate, so I trust that you will be gentle with me.

I pay warm tribute to the hon. Member for Clwyd South (Susan Elan Jones), not only for introducing the debate on behalf of the Petitions Committee, but for her interesting and well-rounded perspective. I commend her for her thoughtful and at times humorous speech. I also pay tribute to all right hon. and hon. Members who have contributed to the debate—I think I counted 25 in the Chamber. We have heard a huge number of interesting and well-informed speeches. That is not a rarity, but it shows the great level of interest in the issues, and the work that hon. Members have put into understanding them on behalf of their constituents. As Minister responsible for consumer protection, I understand the effort that has gone in, and I put great weight on the speeches that have been made.

We have heard today not only from the hon. Member for Poplar and Limehouse (Jim Fitzpatrick)—a former firefighter who has been decorated with the Fire Brigade Long Service and Good Conduct Medal and who now serves as secretary of the all-party fire safety rescue group—but from my hon. Friend the Member for Ayr, Carrick and Cumnock (Bill Grant), a firefighter with some 31 years' service who ended his career as deputy commander of Strathclyde fire and rescue service. As my dad would have said, you can't teach your granny to suck eggs. It is not the first time that I have sat in a debate thinking, "There are people here who know a lot more about this than I do," but that is guaranteed to be true today.

I thank the huge number of people who have signed the petition and made the debate possible, particularly the Firework Abatement campaign. A lot of people get

petitions together and try to raise issues, but it is clear that Firework Abatement has done a lot of groundwork to understand the issue. It speaks not only for the more than 111,000 signatories of the petition, but for many of our constituents. With my three weeks' experience as a Minister, I can tell the House that a huge number of my letters have been about fireworks, so it is clearly an issue that concerns constituents. This is our second petitions debate on it in recent years; the first, in June 2016, focused more specifically on the impact on pets and animals, which I shall address later.

Hon. Members have made some compelling speeches. No one could fail to be moved by the tragic stories we have heard. The hon. Member for Derby North (Chris Williamson) described somebody seeing their house destroyed as a result of fireworks. We have heard some really distressing and disturbing anecdotes about animals, including pets, horses, cows and other livestock, suffering not just distress but death from the misuse of fireworks. Of course, we also heard about Flo from my right hon. Friend—sorry, my hon. Friend, but it is just a matter of time—the Member for Walsall North (Eddie Hughes). He made the case for pets in his constituency with his usual passion and aplomb, and I am sure that many pet lovers will be pleased that he is raising their concerns in this place.

I recognise the effects that fireworks can have—the pleasure that they give to many of our constituents, but also their negative impact on many people, including those who are vulnerable or have pets or livestock. The hon. Member for Sheffield, Brightside and Hillsborough (Gill Furniss) said a number of times that many fireworks are used responsibly. That is true: there are many examples of law-abiding people who use their fireworks safely, responsibly and in a caring and considerate manner towards their neighbours. However, as we have heard, there are others who do not use them in that way, and they are the people with whom we are concerned.

It is for the Government to ensure that we have a system that allows for the enjoyment of fireworks but protects those who might be harmed or inconvenienced, including the young, the elderly and those with mental health issues. As a former trustee of a service charity for veterans in the criminal justice system, I understand the impact that post-traumatic stress can have on veterans. Fireworks also have an effect on wildlife and livestock, as we have heard.

The Government's aim is to ensure that people who enjoy fireworks can do so safely, but that we minimise the risks, noise and distress that can be an unwelcome by-product of their use. Even in this debate, in which the same concerns have been raised consistently in almost every speech, there has been a difference of opinion about how we should tackle the issue. Some advocate an outright ban, some want a consultation and some want tighter legislation. It is for the Government to consider all those arguments in the round, form an opinion and ensure that the legislation meets those challenges.

I will not go into great detail on the laws that govern the sale and regulation of fireworks, because other hon. Members have already outlined them. The controls on supply, sale and use reflect the level of risk posed by the four different categories of firework. Those controls include a curfew on their use; restrictions on when they can go on general sale; restrictions on their sale to

minors; and noise limits and penalties for their misuse. The controls restrict the general availability of fireworks for public sale to certain times of the year, such as bonfire night, new year's eve, Diwali and Chinese new year. Outside those traditional periods, retailers who wish to sell fireworks must obtain a licence from their local licensing authority. It is worth noting that local authorities have the power to restrict such licences if they so wish. A local authority can refuse to issue a licence for the sale of fireworks outside seasonal celebrations, so hon. Members who have concerns about such sales may wish to raise them with their local authority.

Another way in which the current system seeks to lessen the distressing impact on vulnerable groups is by controlling the times at which fireworks can be used. As we have heard, there is a strict curfew of 11 pm, with exceptions for bonfire night, new year and Diwali.

My hon. Friend the Member for Saffron Walden (Mrs Badenoch) raised Collecchio, the Italian town that has banned noisy fireworks. In the UK, there is already a limit on the noise levels of fireworks that can be bought for general sale. That is, as has been said, 120 dB. However, I think there is a disagreement in this House about whether 120 dB is a jumbo jet, a chainsaw, a rock band starting up or a number of other very noisy things. Also, quieter fireworks are increasingly being developed by manufacturers, and they are increasingly available from retailers, so that consumers can have more choice and a better chance of acquiring lower-noise fireworks, to help them to avoid disturbing their neighbours.

Earlier, we touched on the issue of education, which is important, both for fireworks users and for pet or livestock owners. They are not the outright solution but there are things that pet owners can do to reduce the very real distress their pets can experience. There is excellent advice provided by the Royal Society for the Prevention of Cruelty to Animals and the Kennel Club, intended to help owners to reduce their pets' stress, and it can be found on those organisations' websites.

There are a number of controls on the use and misuse of fireworks. Antisocial behaviour, such as the throwing of fireworks, is covered by the Explosives Act 1875, which prohibits fireworks from being thrown in or on to public places. Some hon. Members asked whether the powers that I am drawing attention to actually work. Earlier this year, a man in Kirkwall was sentenced to six months in prison after admitting setting off fireworks in a culpable and reckless manner in the town centre. So these powers are available and they are used.

There are a number of agencies that have responsibility for enforcing those rules, including the police, trading standards, and the Health and Safety Executive. Of course, any injury caused by fireworks can be a tragedy, but thankfully the number of people admitted to hospital because of fireworks is quite stable. I think that the hon. Member for Sheffield, Brightside and Hillsborough said that fireworks accidents are on the rise, but my statistics show that the number of people admitted to hospital with firework injuries remains at a stable and relatively low level. NHS statistics show that the total number of people admitted to hospital because of firework injuries remained below 200 a year from 2007-08 to 2016-17. Of course, that is still too many injuries, and we want to do more to bring that number down, but the figures are relatively stable. The number of accident and emergency attendances in England in 2016-17 due to

[*Andrew Griffiths*]

“firework injury” was 5,340. Again, that has remained pretty stable as a proportion of all A&E attendances between 2013-14 and 2016-17.

The safety of UK consumers is our highest priority, and we recognise the particular impact that fireworks can have. We believe that, at the moment, we have a balance between people’s concerns about fireworks, and the legitimate interests of those who wish to enjoy celebrating with fireworks and of those employed in the firework industry. However, we recognise that more can and must be done.

I will share with hon. Members here today the news that one of the first things I did when I became the Minister with responsibility for consumer protection was to announce on 21 January the creation of the Office for Product Safety and Standards. This is a new body that will receive some £12 million a year in central Government funding to ensure that we have access to information nationally and to support local authorities in their work. The new office will work with key stakeholders and enforcing authorities to review the guidance materials available on the safe and responsible use of fireworks. It will also provide an intelligence-handling function to improve the information we have. It will also examine the individual safety of particular fireworks and of other products on sale.

There was some suggestion about cuts in relation to trading standards bodies. I will just draw the attention of the House to the fact that the Department for Business, Energy and Industrial Strategy gives some £15 million a year to local authorities to support the work they do through trading standards, but in addition we will have this new £12 million-a-year body to provide extra resource to local authorities.

Jim Fitzpatrick: I am very grateful to the Minister for giving way. I hope that he will forgive me if I was perhaps a little disappointed when, after 13 minutes of his speech, I thought that he was announcing no change, but then he came out with the reminder that he has set up this new body. Will he facilitate a meeting between interested parliamentary colleagues and the senior officials now staffing this new body, so that we can have a face-to-face discussion with them about the concerns that exist across the country about fireworks?

Andrew Griffiths: I absolutely commit to doing that. As I said, the new body was announced just a few days ago. We have to recruit people to staff it properly and move it forward, but I would be very happy to make that commitment and to attend that meeting as well.

A number of colleagues raised the issue of collecting data on the misuse of fireworks. Clearly, this new body will look at evidence-based policy making, so it will look at the evidence, chase down and identify where the risks are, and—where necessary—come forward with suggestions and advice to Government.

Patricia Gibson: Can the Minister assure me and many other Members in the Chamber today that this new body will consider the fact that, as long as fireworks

are pretty freely available to anybody over the age of 18, and despite the powers and the enforcing authorities that he has said will take action against the irresponsible misuse of fireworks, prosecutions will be extremely difficult, because of the nature of the crime? As we have heard today, quite literally the evidence goes up in smoke, people scatter and there is no evidence left to prosecute anybody. Is that something that the new body he is talking about will examine?

Andrew Griffiths: I am delighted to say to the hon. Lady that the new body will have the power to make recommendations to Government, so if it believes there are issues in relation to the sale and regulation of a particular item—be that a tumble dryer or a firework—it will have that power to make recommendations about those issues to Government, and it will be for Ministers to respond to such recommendations.

I will just add something in relation to the collection of information concerning antisocial behaviour. Of course, collection of such data would be a decision for the Home Office to make. I am sure that Ministers within the Home Office will look at this debate; I will make sure that the concerns that right hon. and hon. Members have expressed today are drawn to their attention. Clearly, however, it is a decision for the Home Office as to which data it chooses to collect or not collect.

In closing, I again thank everybody who has taken part in this debate today. Clearly, the safety of our constituents remains at the forefront of all our minds, and as the Minister with responsibility for consumer protection, I am absolutely clear that we have to do all we can to protect our constituents, who are the people we are here to represent. I look forward to working with colleagues on this issue in the future, and I thank you, Mr Hanson, for your time.

6.48 pm

Susan Elan Jones: We have had a very good and thorough debate, and it is not every day that one gets a Minister making their debut here in Westminster Hall. We will make it especially memorable for him, because we will hold him to account on what he has said about that new body. More action needs to be taken; that is undoubtedly true and has been said by Members from right across the political spectrum.

We also need proper statistics. The talk about “evidence-based” stuff is fantastic, but that has got to mean proper, concrete statistics. There should be a public consultation; we need people’s views out in the open.

Finally, I put on record again my thanks to the creators of the petition, everyone who signed it and everyone in our constituencies, right across the country, who cares as passionately as we do about this very important issue.

Question put and agreed to.

Resolved,

That this House has considered e-petition 201947 relating to fireworks.

6.49 pm

Sitting adjourned.

Written Statement

Monday 29 January 2018

TRANSPORT

Automated and Electric Vehicles Bill: Governments Amendments and EVEL

**The Parliamentary Under-Secretary of State for
Transport (Jesse Norman):** I am today placing in the
Library of the House the Department's analysis on the

application of Standing Order 83L in respect of the
Government amendments tabled for Commons Report
stage for the Automated and Electric Vehicles Bill.

It is also available online at: [http://www.parliament.uk/
writtenstatements](http://www.parliament.uk/writtenstatements).

[HCWS430]

Petition

Monday 29 January 2018

OBSERVATIONS

HEALTH AND SOCIAL CARE

Corby Urgent Care Centre

The petition of residents of the United Kingdom,

Declares that the Corby Urgent Care Centre should receive proper funding.

The petitioners therefore request that the House of Commons urges the Government to compel Corby Clinical Commissioning Group to provide adequate funding to allow the Corby Urgent Care Centre to continue running.

And the petitioners remain, etc.—[Presented by Tom Pursglove, *Official Report*, 14 September 2017; Vol. 628, c. 1083.]

[P002059]

Observations from the Minister of State, Department of Health and Social Care (Stephen Barclay):

The provision and reconfiguration of services is a matter for the local NHS. NHS Corby Clinical Commissioning Group has provided assurance that any proposals for changes to services people currently received will be subject to full public consultation in due course.

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PETITION

Monday 29 January 2018

	<i>Col. No.</i>
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Written Answers to Questions [The written answers can now be found at <http://www.parliament.uk/writtenanswers>]
